



Equality Analysis Toolkit

The proposed closure of Hendon Brook Short
Stay School

For Decision Making Items

Appendix 'C'

March 2020

Question 1 - What is the nature of and are the key components of the proposal being presented?

Proposal to close Hendon Brook Short Stay School, with implementation on 31 August 2020.

Under The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, the local authority is both the proposer and the decision-maker for this type of proposal and can carry out a full consultation process before a decision on the closure of a pupil referral unit is made.

Lancashire County Council (LCC) initiated the process in relation to the proposed closure of Hendon Brook Short Stay School. The process began on 13 June 2019, when Cabinet approved a stage 1 consultation be undertaken on the proposed closure of the school due to low educational standards and the failure to identify a sponsor to convert the school to an academy.

Question 2 - Scope of the Proposal

Is the proposal likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected?

This decision would impact on the pupils at Hendon Brook School, where there are 11 pupils on roll in March 2020. This is mitigated by the fact that all of these pupils are already being educated off-site, at other educational establishments and seven of the eleven are in Year 6 and would have to move schools by 1 September in any case. Families concerned will be provided with support to find new school placements.

LCC provides assistance with transport to alternative provision for any children that are eligible under the authority's current transport policy.

The proposal affects education provision in East Lancashire, because it would result in the closure of the area's primary pupil referral unit. However, this unit is being replaced by a mix of different solutions to alternative provision which should better meet pupils' needs.

Question 3 – Protected Characteristics Potentially Affected

Could the proposal have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity

- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

And what information is available about these groups in the County's population or as service users/customers?

No disproportionate adverse impact is anticipated as a result of this proposal. In terms of protected characteristics potentially affected, the pupils affected are white male and female of primary school age, with English as a first language. Most pupils have previously been on schools' SEN registers and several are in the process of assessment for an education, health and care plan (EHCP), mainly for SEMH needs. These pupils are likely to have long term needs, which would be classified as disabilities. All of these pupils are currently being taught on the sites of two special schools, with the anticipation that most will be allocated special school places should their needs require this.

A very small number of staff will also be affected. They have not provided any information about their protected characteristics. Staff affected are white, male and female.

Question 4 – Engagement/Consultation

How have people/groups been involved in or engaged with in developing this proposal?

There is a defined process in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 which can be followed before making a decision on the closure of a pupil referral unit. This is supplemented by further guidance on the process published by the Department for Education.

The process consists of two consultation stages. The stage 1 consultation ran from 9 September to 18 October 2019 and was for the recommended minimum period of six weeks during term time and all relevant parties were consulted. For the stage 1 consultation when the future of the school was being considered, a booklet was produced by the local authority which set out the key factors and information related to the proposal. This booklet included a questionnaire which sought views on the proposal from interested parties and stakeholders. The questionnaire was also made available online and this could be accessed via the local authority's website. The school also arranged for copies of the booklet to be distributed to all parents, carers, staff and governors of the school. Additional copies were also placed in the school's reception. The local authority also ensured that copies of the booklet were made available in prominent locations, such as Pendle Borough Council.

The stage 1 consultation questionnaire asked respondents whether they agreed or disagreed with the proposal to close the school. There were only seven responses, 6 strongly disagreed and 1 disagreed.

During the stage 1 consultation period, a consultation event was held at the school between 3pm and 8pm on 25 September 2019 for parents, staff, governors and any other interested parties to ask questions and make comments on the proposal. At the event, Eight individuals attended the event. These comprised two members of staff, one parent, one governor, and representatives of four local schools. Local authority staff in attendance were as follows: School Improvement Senior Adviser, Senior Adviser for the Monitoring and Intervention Team, Human Resources Services Manager (Schools), Schools' Financial Adviser, and Senior Manager for Alternative Provision.

At the event, all attendees were broadly against the proposal. As in the responses to the questionnaire, the main concern was the loss of the facility for alternative provision and the lack of information about how future needs might be met. For those at the event, it was explained that alternative provision for those pupils who might need it would be secured by the Commissioner for Alternative Provision and special schools and inclusion hubs were developing their ability to support primary schools in continuing to develop their provision for pupils who needed additional support.

The local authority then published a stage 2 statutory notice and an accompanying proposal document on 31 January 2020, the first day of the stage 3 representation period. These documents were available on the LCC website and were widely circulated to interested parties, such as Pendle Borough Council, Lancashire County Councillors for the districts of East Lancashire, the Regional Schools Commissioner and Ofsted. The school also made arrangements to share this information with parents, carers, staff and governors, to display the statutory notice and to include these documents on their website.

No responses were received during the representation period.

Question 5 – Analysing Impact

Could this proposal potentially disadvantage particular groups sharing protected characteristics and if so which groups and in what way? This pays particular attention to the general aims of the Public Sector Equality Duty:

- To eliminate unlawful discrimination, harassment or victimisation because of protected characteristics;
- To advance equality of opportunity for those who share protected characteristics;

- To encourage people who share a relevant protected characteristic to participate in public life;
- To contribute to fostering good relations between those who share a relevant protected characteristic and those who do not/community cohesion;

It could potentially affect pupils with long term special educational needs, but the work completed since these pupils moved to the sites of special schools has actually ensured that their future needs have been met more quickly than might otherwise have been the case.

Question 6 – Combined/Cumulative Effect

Could the effects of this proposal combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

This is a stand-alone proposal and is not reliant on the outcome or implementation of another proposal. The local authority's opinion is that this proposal is not related to any other proposals that have been, are, or are about to be published.

Question 7 – Identifying Initial Results of Your Analysis

As a result of the analysis has the original proposal been changed/amended, if so please describe.

No changes or amendments have been made to the original proposal as a result of the consultation outcomes.

Question 8 - Mitigation

Will any steps be taken to mitigate/reduce any potential adverse effects of the proposal?

If the decision is taken to close, the local authority will work with the school to ensure that there is a smooth transition for the pupils moving schools. Several pupils have already been found new school places and this process is ongoing. The local authority also has processes in place to assist staff affected by the closure decision, should it be taken, which would assist them in securing alternative posts or retraining if desired.

Question 9 – Balancing the Proposal/Countervailing Factors

This weighs up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of the analysis.

A considerable amount of work has taken place to secure a better standard of education, which has resulted in all pupils now being educated off-site in preparation for moves to future destinations. Were the proposal not to go ahead, these pupils and their families would face the further disruption of a move back to the Hendon Brook site. The majority of staff have moved to other roles, so a major re-opening of the school would necessitate a difficult recruitment process.

In addition, were the school not to close the Minister of State (via the Regional Schools' Commissioner) would insist on the academy order being reactivated, which would result in a further period of uncertainty, similar to the two years before this proposal was initiated.

Question 10 – Final Proposal

In summary, what is the final proposal and which groups may be affected and how?

The proposal is to close Hendon Brook Short Stay School, with effect from 31 August 2020. At the end of the 2019/20 academic year, there will be eleven pupils, or less, at the school, and most of these pupils have already been found places for September 2020.

Question 11 – Review and Monitoring Arrangements

What arrangements will be put in place to review and monitor the effects of this proposal?

Once a decision has been taken to close the school, the local authority is obliged to implement the proposal. Through the school improvement advisory service, the local authority will ask in general terms whether the pupils have settled into their new schools and whether they are making good progress. It is expected that the Headteacher of the receiving school will track the pupil's progress.

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Decision Signed Off By: Councillor Phillippa Williamson

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