

Section 4

Equality

Analysis Toolkit

The Future of Glenburn Sports College:

Skelmersdale, West Lancashire

For Decision Making Items

November 2011

What is the Purpose of the Equality Decision-Making Analysis?

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance - [EHRC - New public sector equality duty guidance](#)

Document 2 "Equality Analysis and the Equality Duty: Guidance for Public Authorities" may also be used for reference as necessary.

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

AskEquality@lancashire.gov.uk

Specific advice on completing the Equality Analysis is available from your Directorate contact in the Equality and Cohesion Team or from Jeanette Binns

Jeanette.binns@lancashire.gov.uk

Name/Nature of the Decision

The proposed closure of Glenburn Sports College

What in summary is the proposal being considered?

Cabinet Member for Children, Young People and Schools is the Decision Maker in respect of a proposal made by Lancashire County Council to close Glenburn Sports College with effect from 31 August 2016. The proposal has been brought under procedures established by The Education and Inspections Act 2006 and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 which require full consultation prior to taking a final decision. The proposal to close the school was made due to concerns about the future educational and financial viability of the school, and falling pupil numbers.

Is the decision 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? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The proposal, if approved, will directly affect the children currently on roll in year groups Y7 to Y9 who will need to secure places at alternative schools / education provision. As at the pupil count date in the Spring term 2015, there were 188 pupils on roll in these year groups. Lancashire County Council will assist pupils in securing alternative school places and will provide assistance with transport to alternative provision for any children that are eligible under the authority's current transport policy. There is the guaranteed offer of a place at the nearest alternative secondary school, Lathom High School, for those pupils that want one. In addition, the County Council has waived the rule that pupils must be attending their nearest school for assistance with transport for those pupils that want a place at Lathom High School. The proposal, if approved, could also impact on those who may wish

their children to attend Glenburn Sports College in the future. 58 children have been offered a place to start at the school in September 2015 (49 of these are first preference applications) and if there is a final decision to close the school the parents of these children will need to be allocated an alternative school place.

Could the decision 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

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

Yes

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

The school provides for mixed gender pupils aged 11 to 16. There were 328 pupils on roll in January 2015, of which 188 will be directly affected by the proposal, if implemented, as they are in year groups 7 to 9 and will be displaced to alternative provision. The remaining 140 pupils are in year group 10 and 11 and will be able to remain at Glenburn Sports College until they complete their 11 – 16 education.

The Ofsted Inspection Report dated March 2014 stated that most pupils are of White British heritage and speak English as their first language

(86.3% were White British heritage in January 2015). There is a relatively high proportion of children on roll with special educational needs and disability (SEND). At the time of the Ofsted inspection the proportion of children supported by 'school action' was reported a 'much higher' than average whilst the proportion of children supported by 'school action plus' or with a statement of special education need was reported as 'average'.

In January 2015, 3.3% of pupils on roll at Glenburn Sports College had a statement of special education need and 11.6% had been identified as having special education needs but not requiring a statement. As at the same date, in the year groups directly affected by the proposal (year groups 7 to 9) there were 5 children with a statement of special education need and 27 pupils identified as having special education needs but not requiring a statement. If the proposal is approved these pupils will need to access education provision elsewhere.

Question 2 – Engagement/Consultation

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

Full consultation has taken place in accordance with DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers' published in January 2014 which included consultation with children during stage 1 of the process.

The result of the stage 1 consultation was reported to Cabinet Member for Children, Young People and Schools on 12 February 2015 and the result of the consultation at representation stage is included in the report to Cabinet Member for Children, Young People and Schools dated 19 May 2015.

A total of 246 responses plus 1 petition were received to the stage 1 consultation and 16 responses were received during the representation stage. The vast majority of respondents objected to the proposal. Just less than half of the respondents in both stage 1 consultation and the representation stage were from parents of pupils attending Glenburn Sports College or wanting to attend in the future.

Question 3 – Analysing Impact

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?
- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which

participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?

- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

Any funding for the support of pupils with SEND will transfer to receiving schools and parents/ carers will be able to express a preference for alternative provision which accords with their child's needs.

Officers from the Inclusion and Disability Support Service have been working with Glenburn Sports College to identify possible alternative school places for those children with special education needs (both statemented and non-statemented). Officers consider that all of the pupils will be able to transfer to other mainstream schools and none will require a place at a special school.

The neighbouring schools all have higher educational standards, as assessed by Ofsted, than Glenburn Sports College, which will facilitate improved educational attainment for current and future pupils in the area.

All pupils will be assessed for eligibility with transport assistance if the closure proposal is approved, and once they have been allocated a place at an alternative school. Assistance with transport must be provided where secondary school age children live more than three miles from their nearest suitable school (two miles for children from low income families). Because the proposal includes a guaranteed offer of a place at Lathom High School for those Glenburn pupils that want one, the proposal waived the condition around attendance at the nearest suitable school for transport assistance. Therefore any child who obtains a place at Lathom High School and meets the statutory travel distances outlined above will receive transport assistance regardless of whether Lathom High School is their nearest suitable school.

Assistance with transport must also be provided where walking routes are not suitable for children accompanied by an adult, regardless of distance from home to school. The Home to Mainstream School Transport Policy 2014/15 provides specific detail on the assessment of routes for suitability purposes. The pupils attending Lathom High School do not receive transport assistance on the basis of unsuitable walking routes. From the 219 pupils that were on roll in year groups 7 to 9 at Glenburn Sports College in the autumn term 2014, at least 78 would receive transport assistance on the basis of statutory distances (possibly more as information in relation to all low income criteria was not known at the time of doing the exercise).

Skelmersdale new town was developed with a view to facilitating sustainable transport around traffic free corridors. There are paved and lit footpaths, bridges and subways in many areas that allows individuals to walk or cycle without needing to come into contact with traffic. For those children that prefer to use a bus to arrive at school and are not entitled to free transport, the local authority will ensure that there is sufficient capacity on contracted services to transport children to their alternative schools, once all the destinations are known. It is acknowledged that for some families the closure of Glenburn Sports College will place an additional strain on the family budget - particularly for those with no statutory entitlement to travel and who consider that public transport is their only option for getting to and from school.

Question 4 –Combined/Cumulative Effect

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

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect

of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

No

Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

No – the original proposal will be continued in the interests of securing higher education standards for current and future pupils in the area.

Question 6 - Mitigation

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

If the closure proposal is approved the local authority will assist parents to make preferences for alternative schools and assess their eligibility for assistance with school transport.

Question 7 – Balancing the Proposal/Countervailing Factors

At this point you need to weigh 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 your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

The proposal has been made in accordance with by The Education and Inspections Act 2006; The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and DfE guidance 'School Organisation: Maintained Schools: Guidance for proposers and decision makers'. The cabinet member reports dated 23 October 2014, 12 February 2015 and 19 May 2015 provide full reasons for the proposal; details of the local authority's powers and responsibilities around school place commissioning and the provision of high quality school provision for pupils; and the benefits to pupils in attending alternative schools with higher educational standards as judged by Ofsted and as evidenced by GCSE examination results. DfE guidance states that:

- proposals to close a school and replace it with provision in a more successful and popular school should normally be approved, subject to the evidence provided; and
- there is a presumption that closure proposals (for schools causing concern) should be approved subject to checking that there are sufficient accessible places of an acceptable standard available to accommodate displaced pupils and to meet foreseeable future demand for places in the area.

The proposal meets both criteria and secures higher quality education

provision for young people both now and in the future.

Question 8 – Final Proposal

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

To close Glenburn Sports College with effect from 31 August 2016. The main groups affected are pupils and families of pupils currently attending the school.

Question 9 – Review and Monitoring Arrangements

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

Once a decision has been taken to close the school the authority is legally obliged to implement the proposal. Children's attainment at alternative schools will be monitored.

Equality Analysis Prepared By Lynn Mappin

Position/Role

Equality Analysis Endorsed by Line Manager and/or Chief Officer

Decision Signed Off By

Cabinet Member/Chief Officer or SMT Member

Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Directorate's contact in the Equality and Cohesion Team.

Directorate contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

Karen.beaumont@lancashire.gov.uk

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

Jeanette.binns@lancashire.gov.uk

Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited

Saulo Cwerner – Equality & Cohesion Manager

Saulo.cwerner@lancashire.gov.uk

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

Pam.smith@lancashire.gov.uk

Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you