

Section 4

# Equality

# Analysis Toolkit

The Expansion of Trinity CE/Methodist Primary School:

Buckshaw Village, Chorley

For Decision Making Items

July 2015

## **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](mailto: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](mailto:Jeanette.binns@lancashire.gov.uk)

## **Name/Nature of the Decision**

The proposed expansion of Trinity CE/Methodist Primary School to increase the number of pupils admitted in each reception year from 60 to 90 and the capacity of the school from 420 to 630 from 1<sup>st</sup> September 2016.

## **What in summary is the proposal being considered?**

The Cabinet Member for Children, Young People and Schools is the Decision Maker in respect of a proposal made by Lancashire County Council to expand Trinity CE/Methodist Primary School with effect from 1st September 2016. The proposal has been brought under procedures established by The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 which state that although there is not a prescribed 'pre-publication' consultation period, there is a strong expectation on the Local Authority to consult interested parties. The Local Authority conducted a full consultation prior to taking a final decision. The proposal to expand the school was made due to the recent growth of births in the local area, coupled with the effects of significant housing developments. The number of school places currently available will not be enough to meet increased demand as the children reach school age.

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 current pupils on roll at Trinity CE/Methodist Primary School due to the enlargement of the school and the school operating on a split site. The school leadership team will organise the school over the two sites as it sees fit and is committed to ensure minimum impact for the pupils.

The proposal, if approved, could also impact on those who wish to send their children to Trinity CE/Methodist Primary School in the future. The proposed expansion of the school will enable future pupils to gain places in the local area where they live. It will increase the likelihood of pupils gaining admission at the same school as their siblings.

**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
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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 opened as a one form entry school with 210 pupils in 2010. The intention was to increase it to a two form entry school of 420 as houses were built and occupied creating a need for more places. This happened and the school was permanently expanded in September 2012, by introducing an additional 30 pupils in reception each year.

The school provides for mixed gender pupils aged 4 to 11. The school is a voluntary aided faith school: Church of England/Methodist. The Diocese have been involved in the process throughout to ensure the religious character of the school has been maintained as the demand in the area for education in accordance with the tenets of the religious denomination was identified as a local need. The school will retain the name Trinity Church of England/Methodist Primary School.

There were 338 pupils on roll in January 2015. There have been 60 pupils in each reception year since it expanded in 2012. The following table gives the position in

the Euxton primary schools for projected intake into reception:

	Projected intake		
Reception Places	2015	2016	2017
220	267	267	254

The table above shows a sustained need for additional places in the Euxton area, which includes the Buckshaw Village development. The need is for an additional 47 places in 2015. Trinity CE/Methodist Primary School has had a temporary expansion approved to deal with the increased intake from 2015 for one year only, while the consultation on the permanent expansion takes place. This will increase the intake from 60 to 90 places for one year only. Another school in Euxton has also had a temporary expansion approved for one year only to deal with the intake for September 2015, while they consult on the permanent expansion of it. There is an additional 47 places for 2016 and for 34 places in 2017, based upon live births in the area. However, planned housing in the area has the potential to generate an approximate yield of an additional 6 pupils per year group over the next 5 years.

In order that additional permanent places could be provided it was necessary to secure additional land to increase the overall site size of the school. Only by doing so would it be possible to proceed with permanent expansion and maintain the recommended area of playing fields as outlined by the Department for Education.

A site (locally referred to as 'Group One' on Buckshaw Village) is secured via a Section 106 Agreement for the provision of additional primary school places. It is proposed that the existing school in the village, Trinity CE/Methodist Primary School, is expanded onto this additional site, to enable the school to permanently increase its intake to 3 Forms of Entry.

The School Census 2015 shows 89% of the pupils at the school are of White British heritage. This is higher than the national average for primary school pupils which is 75%. The proportion of pupils from minority ethnic backgrounds is 11% which is lower than the national average (25%). Of these the highest number within the ethnic groups is 'white other' with 10 pupils.

The 2015 school census shows 9.5% of the school's population are disabled or have special educational need. This is below average compared to the national average for primary schools which is 16.6%.

## 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)

In Summer 2014, the School Planning Team distributed a questionnaire to every household in Buckshaw Village to gain an understanding of how many children of pre-school age live on Buckshaw village to enable the team to accurately assess future need for primary school places.

Following this a full consultation has taken place as suggested within DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers' published in January 2014 which included consultation with children.

The results of the consultation were reported to the Cabinet Member for Children, Young People and Schools on 19 May 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 11 August 2015.

A total of 39 responses were received to the informal consultation stage and 21 written representations and 1 petition (detailed in Appendix 'E' of the cabinet report) were received during the representation stage. The majority of respondents objected to the proposal. Most of the respondents were current or future parents of pupils at the school.

The objectors issues raised were divided into the following themes: Consultation Process, Admission and Leadership, Split Site, Traffic, and Alternative Suggestions.

Objections did not include any significant equality issues. Eleven respondents did feel that Buckshaw Village requires a non-faith community school to allow competition between the schools. However, this was not phrased in terms of religious or belief needs. Moreover, the issue of commissioning new provision was outside the scope of the consultation. On the other hand, local demand for faith school-based education was identified during the consultation.

### **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.

The new site is easily accessible to the community that the current school serves and is within walking distance of the existing school site.

On completion, the school's governing body has decided that the new site will be used to accommodate the school's Foundation Stage and KS1 classes and the existing site to accommodate KS2 classes.

There will not be movement of pupils between sites on a daily or weekly basis – though there may be occasions during the school year where it is felt important the school have an opportunity to be together as a whole school e.g. Worship at Christmas or Easter or for Sports Day and therefore some movement will happen but this will, by necessity be limited.

There will be a need to share resources in order to facilitate the sense of belonging to a whole school community. It is hoped (in fact the children raised this as a requirement in their consultation), that the school will have an indoor space on the new site large enough to accommodate the whole school. The school has the capacity to share playing fields at the existing site for whole school events. The school will also ensure children in Year 2 are sufficiently used to the existing building

for an effective transfer into Year 3.

The additional site could impact parents with a child already at the school on the original site, who also need to take another child to the new site. The leadership team would arrange staggered start times to minimise impact on parents with children at both sites. They will also arrange 'walking buses' from both sites so that parents can drop off children at one site, and then the child would go on the 'walking bus' to the other site, if the parent so wished.

The leadership team would arrange events so that they don't clash with each other causing parents to not be able to attend both if they have children on both sites e.g. Parents evening will not be at the same time on two different sites.

Any funding for the support of pupils with SEND will remain with the school. There are currently no existing pupils with disabilities that are transported to school by taxi which the local authority has arranged and funded.

#### **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 additional quality school places for 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.

The Diocese have been involved in the process throughout to ensure the religious character of the school has been maintained as the demand in the area for education in accordance with the tenets of the religious denomination was identified as a local need.

In order to facilitate the sense of belonging to a whole school community the school will share resources across both sites. The school has the capacity to share playing fields at the existing site for whole school events. There may be occasions during the school year where it is felt important the school have an opportunity to be together as a whole school e.g. Worship at Christmas or Easter or for Sports Day

The school will also ensure children in Year 2 are sufficiently used to the existing building for an effective transfer into Year 3.

### **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 (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and DfE guidance 'School Organisation: Maintained Schools: Guidance for proposers and decision makers'. The cabinet member reports dated 12 January 2015, 19 May 2015 and 11 August 2015 provide full reasons for the proposal and details of the local authority's powers and responsibilities around school place commissioning and the provision of high quality school provision for pupils.

Local authorities have a duty to ensure the sufficiency of school places. Without the expansion of this school, there would be insufficient school places in the local area. Parents of prospective pupils would therefore, have to send their children outside of the village where they live.

The proposal meets 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?

The proposed expansion of Trinity CE/Methodist Primary School to increase the number of pupils admitted in each reception year from 60 to 90 and the capacity of the school from 420 to 630 from 1<sup>st</sup> September 2016. The main groups affected are pupils that currently attend the school and potential future pupils.

### **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 expand the school the authority is legally obliged to implement the proposal.

Equality Analysis Prepared By: Steph Rhodes

Position/Role: School Planning Principal

Equality Analysis Endorsed by Line Manager and/or Chief Officer: Matthew Tidmarsh

Decision Signed Off By: Matthew Tomlinson, Cabinet Member for Children, Young People and Schools.

Cabinet Member/Chief Officer or SMT Member Matthew Tomlinson, Cabinet Member for Children, Young People and Schools.

**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](mailto:Karen.beaumont@lancashire.gov.uk)

Contact for Adult & Community Services Directorate

Jeanette Binns – Equality & Cohesion Manager

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

Saulo Cwerner – Equality & Cohesion Manager

[Saulo.cwerner@lancashire.gov.uk](mailto:Saulo.cwerner@lancashire.gov.uk)

Contact for Children & Young Peoples Directorate

Pam Smith – Equality & Cohesion Manager

[Pam.smith@lancashire.gov.uk](mailto:Pam.smith@lancashire.gov.uk)

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

Thank you