



# Equality Analysis Toolkit

The Future of Baines School's Post 16 Provision

March 2018

## **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.

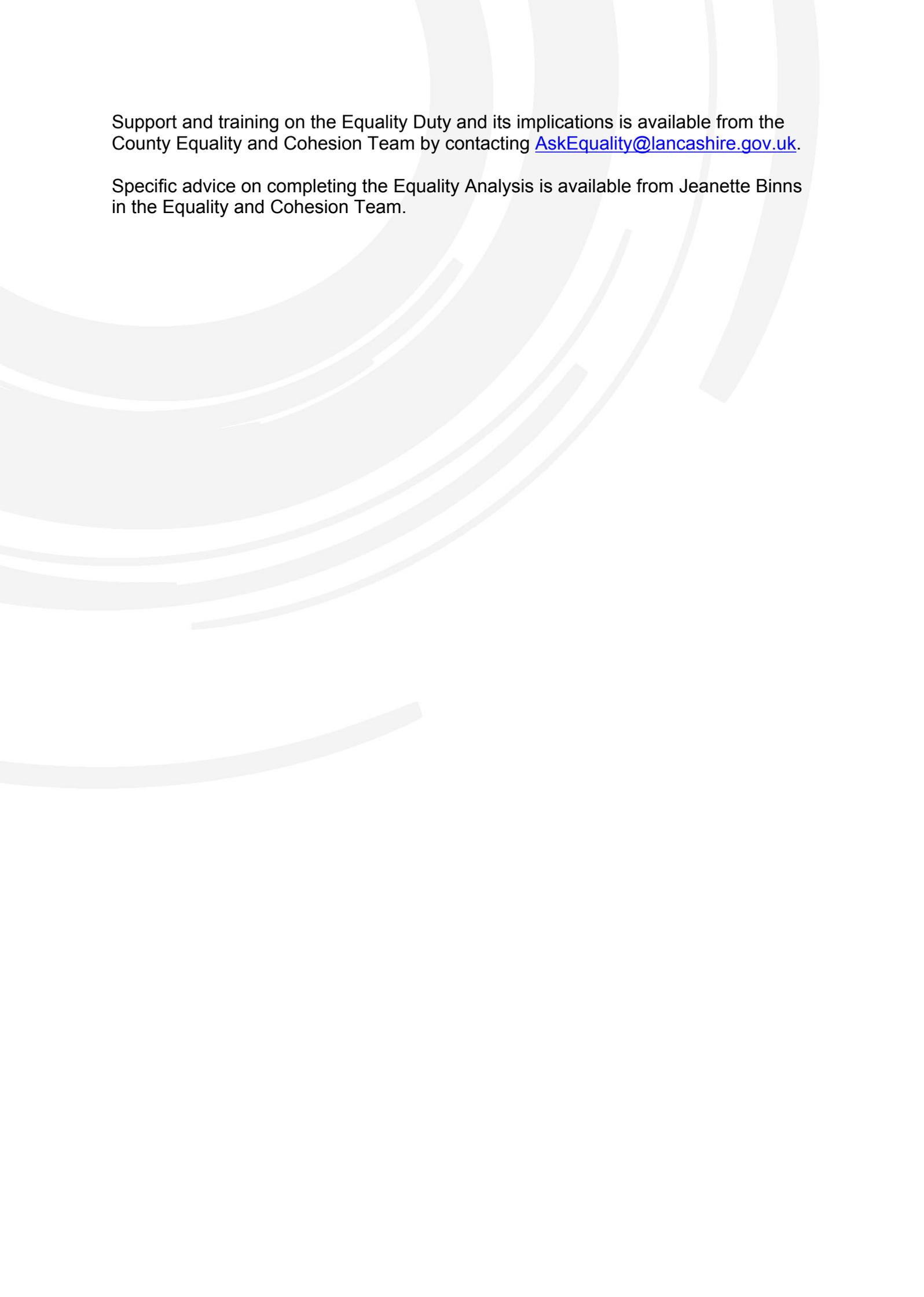
It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common 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](#). The supporting document, Equality Information and the Equality Duty: A guide 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 Jeanette Binns in the Equality and Cohesion Team.

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

Proposal to discontinue the post 16 sixth form provision at Baines School by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2019.

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

Under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, as the school is voluntary aided, the Governing Body of the school is the proposer and the local authority is the decision-maker for this type of significant change and the school is required to carry out a statutory consultation process. The proposal to lower the age range of the school is based on concerns about the long term financial viability of the whole school. The governing body believe that this proposal will make a significant contribution to the financial recovery of the school, which would otherwise have to be addressed solely through the 11-16 element of the school.

If the proposal is approved, the school would not enrol any students to the sixth form in September 2018. This would mean that there would only be year 13 students in the sixth form and these would be the students who are currently in year 12. This will allow them to complete their study programme at the school, without having to move to an alternative provider partway through their course.

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, is likely to impact mainly on young people from the Wyre area. Based on the students accessing the sixth form at Baines School in the 2016/17 academic year, 77% of students were from Lancashire and 23% were from Blackpool. Of the students from Lancashire, 92.5% were from Wyre and 7.5% were from Fylde. Any potential impact is only expected to be minimal as the number of students accessing the sixth form are reducing and no concerns or issues were raised during the representation period by anyone from an ethnic background that we are aware of.

There are no specific concerns in relation to an adverse impact on BME students. Based on the 2016/17 academic year data, 1.1% of students were from an Asian background, 2.3% were from an 'other' background and 2.3% were from a mixed background. This amounted to five students. Young people from a BME background who are resident in the Wyre district accessed six school sixth forms and seven FE providers in the 2016/17 academic year, including those highlighted as alternative providers in this report. These young people followed provision from 12 sector subject areas, showing that there are a wide range of alternative options already being accessed by students from a BME background.

Due to low group sizes and reducing student numbers in the sixth form, it is likely that the school will need to make some staffing reductions. If the decision is taken to close the sixth form, this will lead to a greater reduction in staffing as a result.

**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. The proposal is focused on provision for young people aged 16-18 years old.

The latest full year data available for the sixth form provision delivered by Baines School is for the 2016/17 academic year. This shows the following information in terms of student characteristics:

- 87 students accessing the sixth form provision at Baines School.  
Of which:
  - 48% were female and 52% were male
  - 94.3% were from a White background, 1.1% from an Asian background, 2.3% from a mixed background and the remaining 2.3% were from an ethnic background defined as 'other'
  - No students were classed as having high needs or had a learning difficulty assessment or an Education, Health and Care Plan (EHCP). The school has confirmed that there were three students in the sixth form during the 2016/17 academic year who had a disability

In addition to the above, there are no students in the sixth form at present who have an EHCP. There are currently three students in the sixth form with a disability.

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.

On 7 December 2017, the school published a Statutory Notice to consult on the proposal to discontinue its post 16 sixth form provision by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2019. As can be seen from this, the proposal will have a potential impact on 16-18 year olds who wish to continue in education or training.

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Of which:
  - 48% were female and 52% were male
  - 94.3% were from a White background, 1.1% from an Asian background, 2.3% from a mixed background and the remaining 2.3% were from an ethnic background defined as 'other'
  - No students were classed as having high needs or had a learning difficulty assessment or an Education, Health and Care Plan (EHCP). The school has confirmed that there were three students in the sixth form during the 2016/17 academic year who had a disability

As can be seen from this information, there were only slightly more male students than females in 2016/17. This equates to three more male students.

In addition to the above, there are no students in the sixth form at present who have an EHCP. There are currently three students in the sixth form with a disability.

Whilst the data shows that no students in the sixth form had a learning difficulty assessment or an EHCP, the school must be aware that any such students wishing to access post 16 provision in the future will need to have a clear agreed transition plan in place to ensure a successful and sustained progression to another post 16 provider.

From reviewing this data, it can be seen that of all the young people from the school's main catchment area of Wyre, 87.4% access post 16 provision at the alternative local providers outlined in this report. Only 3.0% access post 16 provision at Baines School. The remaining young people accessed provision at 23 other post 16 providers.

## **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.

The statutory representation period took place from 7 December 2017 to 19 January 2018, which is longer than the minimum four week period suggested within DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers' published in April 2016, to account for the Christmas holiday period. This consisted of a statutory public notice being issued in the local newspaper and copies of the public notice being displayed on the school gates, in the school reception and also in local libraries and in the reception of Wyre Borough Council's main office. The public notice and proposal document were also available on the school's website. People were also able to contact the local authority for a copy of these documents but no such requests were received.

The school notified a wide range of stakeholders and partners about the consultation, including local Councillors and MPs, local feeder schools, union representatives, parents and carers and staff. The school also held three meetings to allow parents and other interested parties to ask questions about the proposal. In total, nine people attended these meetings. Of these nine people, there were six parents, representing four students, two former pupils and one former member of staff. In addition to the meetings, phone calls or meetings took place with three additional families.

Five responses were received during the representation period. Four of these

objected to the proposal and one supported it. The response in support of the proposal made reference to the depth of information made available in the proposal and the reasoning behind the decision. The objections were based on five issues, which were as follows:

- The availability of alternative post 16 providers;
- The overall performance of the school;
- The nature of the consultation process;
- The management and governance of the school; and
- The future increase in cohort size and amount of house building in the area.

### **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.

If this proposal is approved, the sixth form provision at Baines School will be discontinued, through the lowering of the age range from 11-18 years old to 11-16 years old. This will mean that any young people wishing to participate in post 16 education or training will need to access an alternative provider, where they will have access to a wider curriculum choice than was available at Baines School. Further to

this, the school is currently running courses with very small group sizes and this may not be the best learning environment for some young people. In 2017/18, the sixth form has 14 classes with only one or two students. With the number of students accessing the sixth form reducing, the curriculum on offer in 2018/19 would be reduced.

On the first day of the representation period, the school held an assembly for these young people currently in Year 11 to inform them of the proposal, to allow time for questions and to explain the process. The school also held two meetings on 13 December 2017 and one of these was for parents of Year 11 pupils. Only nine people in total attended these meetings. Six of these were parents, representing four students, two were former pupils and one was a former member of staff. In addition to these meetings, the school also had three parental phone calls or meetings with three other families. If the decision is taken to permanently lower the age range of the school from 11-18 years to 11-16 years, the school will work with all pupils in the remaining part of the school to provide them with high quality, impartial advice and guidance on the different options available to them once they leave school, in line with their statutory duty.

There are currently two pupils in Year 11 who have an EHCP and neither have expressed an interest in attending the sixth form at the school. One is planning to progress to Blackpool Sixth Form College and one is planning to progress to Blackpool and Fylde College. There are currently eight pupils in Year 11 who have a disability and the school has confirmed that they do not expect these pupils to be disadvantaged should their sixth form provision close.

The closest alternative post 16 providers measured by a car journey from Baines School are:

Blackpool Sixth Form College	1.9 miles
St Mary's Catholic Academy	2.4 miles
Blackpool and Fylde College	4.2 miles

In addition, Cardinal Newman College is the third most popular choice of provider for young people from Wyre and this is 17.5 miles from Baines School, measured by a car journey.

With regard to OfSTED ratings, the three colleges mentioned above are 'Outstanding' and the school sixth form is 'Good'.

If approved, it is not expected that the implementation of this proposal will have an adverse impact on any particular groups as there is high quality alternative provision available locally within a reasonable travelling distance. It should be noted that the distances quoted above are from the school's site rather than where young people actually live. Therefore, these distances will vary depending on where young people live.

Whilst the information above makes reference to car journeys, it is acknowledged that young people accessing post 16 provision are more likely to be travelling by bus. With this in mind, using information from [www.traveline.info](http://www.traveline.info) and using the bus stop

outside of Baines School as the start and end point, a summary of the journeys to the alternative providers listed above is as follows:

- Blackpool Sixth Form College – taking the number 2 and 2C buses, a journey to/from the college takes approximately 30 minutes. The buses run every half hour throughout the day
- St Mary's Catholic Academy – taking the number 2 bus, a journey to/from this school will take approximately 20 minutes. The buses run every half hour throughout the day
- Blackpool and Fylde College – taking the number 2 and number 9 buses, a journey to/from the college takes approximately an hour. The number 2 bus runs every half hour and the number 9 bus runs every 12 minutes throughout the day
- Cardinal Newman College – in terms of train travel, there is currently a bus replacement service between Preston and Blackpool whilst the train line is being upgraded so there is no train timetable available at the time of writing this assessment. The bus replacement service between Poulton-le-Fylde and Preston takes approximately 45 minutes. It takes approximately 15 minutes to walk to the college from Preston train station. In terms of a bus journey, the number 77 from Garstang Road East takes approximately 55 minutes to arrive at Preston bus station and then it is a 10 minute walk to the college. The return journey takes just over an hour to arrive at Hardhorn Road

Should young people experience an increase in travel costs which may prevent them from participating, they may be eligible to access financial support through the 16-19 Bursary Fund, which colleges and school sixth forms receive from the Education and Skills Funding Agency.

In addition to the above, due to low group sizes and reducing student numbers in the sixth form, it is likely that the school will need to make some staffing reductions. Should the decision be made to close the sixth form, this will lead to a greater reduction in staffing as a result.

#### **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.

None anticipated

### **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 has not been changed or amended.

### **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.

Mitigations against the potential adverse effects of the decision being taken to permanently lowering the age range at the school are as follows:

- Should young people experience an increase in travel costs which may prevent them from participating, they may be eligible to access financial support through the 16-19 Bursary Fund, which colleges and school sixth forms receive from the Education and Skills Funding Agency;
- Students who are currently in Year 12 will be able to complete their study programme at the school during the 2018/19 academic year so that they do not have to move to an alternative provider partway through their course; and
- The school will work with all pupils in the school to provide them with high quality, impartial advice and guidance on the different options available to them once they leave school, in line with their statutory duty.

### **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 proposal produced by the school at the start of the representation period and also the Cabinet report dated 8 March 2018 provide full reasons for the proposal and the possible impact, should this be approved. In summary, the proposal is based on concerns about the long term financial viability of the whole school and is linked to the reducing number of students in the sixth form.

Local authorities have a statutory duty to secure sufficient and suitable education and training provision to meet the reasonable needs of all young people in their area. From producing this assessment, the local authority is satisfied that, if approved, there will be a very minimal impact on young people. This is based primarily on the fact that the school's sixth form does not tend to be the first choice for most of its applicants and the low and reducing number of young people accessing the sixth form.

However, the 16-18 year old cohort in Wyre is projected to increase by 11.89% from 2018 to 2028, which amounts to 416 young people. In addition to this, Wyre Borough Council's Local Plan outlines a need to build more houses in the district up to 2031. It is expected that the district council is planning to build just under 3,000 homes in the next five years, with further developments taking place after that. The projected population increase and new housing will result in more 16-18 year old young people in the district requiring a suitable education or training place. Whilst Baines School is the only school sixth form in the district, it can be seen from this report that there are other providers in the local area within a reasonable travelling distance. However, as the 16-18 year old population grows, the local authority may be faced with an issue in the future in relation to there being sufficient and suitable post 16 education and training places available in the area.

### **Question 8 – Final Proposal**

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

The proposal is to discontinue the post 16 sixth form provision at Baines School by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2019. The particular group affected by this are 16-18 year olds who may have wished to access post 16 provision at the school in the future.

### **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 permanently lower the school's age range from

11-18 years to 11-16 years, with effect from 31 August 2019, the authority is legally obliged to implement the proposal.

Equality Analysis Prepared By: Sarah Hirst

Position/Role: Skills and Employability Lead

Equality Analysis Endorsed by Line Manager and/or Chief Officer: Ajay Sethi, Head of Learning and Skills

Decision Signed Off By: Ajay Sethi; Cabinet Member for Children, Young People and Schools

Cabinet Member/Chief Officer or SMT Member: Ajay Sethi; 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

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Contact for Children & Young Peoples Directorate

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

Thank you