

Due Regard Statement

Please use this statement to evidence how 'due regard to' the three aims of the public sector equality duty has been made (section 149 of the Equality Act 2010) during the development of the 'policy'.¹

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the ACT;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic

Name of the 'policy':	<i>Establishment of a new 75 place special school for children aged 11-16 yrs with Social Emotional and Mental Health (SEMH) needs</i>
Person(s) responsible for completing this statement	<i>Nathan Roe, Education Planning Manager, Universal Commissioning Team (Education)</i>
Briefly describe the activity being considered including aims and expected outcomes	<i>To establish a new special school for children and young people who live in Gloucestershire with SEMH needs. The school will be established through the free school presumption competition process, and a purpose built new school delivered, to admit children and young people during the academic year 2021/22.</i>

¹ For 'policy': any new and existing policy, strategy, services, functions, work programme, project, practice and activity. This includes decisions about budgets, procurement, commissioning or de-commissioning services, service design and implementation.

Documenting use of sufficient information

Please document below the data and information sources that you have used to understand the needs, participation and experiences of each protected group. Evidence must be gathered as the policy is developed and used to inform decisions.

Service user data

Service user data is an important source of evidence and should be collated as part of routine monitoring of in- house or external services. If service user data is not available record 'not known' and use the action plan to identify what improvement actions will be used to gather data going forward.

Service user diversity reports are available on our website and give an indication of service user participation across commissioning areas, for example adult residential services and youth services. It does not include participation data at individual service level.

Needs analysis

Gloucestershire population demographics data is available to understand the representation of different protected groups across the county and help with needs analysis. Data like this may also be also useful for benchmarking to identify under or over representation of a service by any of the protected groups. For example, a service is open to all residents and from monitoring you know that 2% of service users are disabled: However, demographic data indicate that 16.7% of Gloucestershire residents report having a disability or long term limiting illness. This finding can be used to explore if there are barriers to participation by residents with disabilities and how this can be addressed as part of the development of your 'policy'.

Data gaps

You may find that you have more information about some of the protected groups for example, gender, age, disability and less about others, for example, sexual orientation and religion and/or belief. If data is not available and you intend to start collating data about a protected characteristic please use the action plan to outline how this data will be collated. You can find equality monitoring guidance on our website including an equality monitoring template.

If you have no plans to start collating data about a protected characteristic please state the rational why.

Service information (if applicable) or Needs analysis (if applicable)

<p>Who is responsible for delivering the service?</p>	<p><i>Gloucestershire County Council's Universal Commissioning Team (Education) will manage the process of identifying the accommodation required, securing the site, securing a sponsor to run the school and ensuring that that the school is set to open within the agreed timescales.</i></p> <p><i>An Architect/contractor will be appointed to design and build the school. An approved Academy Trust will manage the process of setting the school up in time e.g. recruiting staff, deigning the curriculum etc.</i></p>
<p>Service user data/Needs analysis information</p> <p><i>The school will cater for children and young people with SEMH needs in the 11-16 year age range. An EHCP is required in order to attend the school, but many children with an EHCP in recognition of SEMH needs will have their needs met without placement in a special school. Of the total number of children with an EHCP in recognition of their SEMH needs 210 attend special schools. 0.9% of children in Gloucestershire within the 11-16 age range have an EHCP in recognition of their SEMH needs.</i></p>	
<p>Age</p>	<p><i>This is a school for boys and girls aged 11 – 16 years.</i></p>
<p>Disability</p>	<p><i>All children and young people registered will have an Education Health and Care Plan (EHCP) as a result of their significant, complex and long term special educational needs. Some children with an EHCP also have a disability, but not all children with EHCPs have a disability. We do not yet know the identities of the children who will attend this school.</i></p>
<p>Sex</p>	<p><i>More boys than girls tend to have EHCPs (approximately 74% are boys) and similarly there are more boys than girls with EHCPs whose primary need is SEMH (approximately 83% are boys)</i></p> <p><i>The school will be registered for both boys and girls but there are usually fewer girls in special schools of this type. There are two special schools of this type in Gloucestershire and girls account for only 8% of the children registered at these schools. We do not yet know the identities of the children who will attend this new school.</i></p>
<p>Race (including Gypsy & Traveller)</p>	<p><i>We do not yet know the identities of the children who will attend the new school. There will be no restriction to children and young people accessing this school provision on the grounds of their race.</i></p>

Gender reassignment	<i>There will be no restriction to children and young people undergoing gender reassignment accessing this school provision on the grounds that they are undergoing gender reassignment.</i>
Marriage & civil partnership	<i>Not applicable to the service users</i>
Pregnancy & maternity	<i>We do not yet know the identities of the children who will attend the new school. There will be no restriction to children and young people accessing this school provision on the grounds of pregnancy and maternity</i>
Religion or Belief	<i>We do not yet know the identities of the children who will attend the new school. There will be no restriction to children and young people accessing this school provision on the grounds of their religion. The school is not to be designated as a faith school.</i>
Sexual Orientation	<i>We do not yet know the identities of the children who will attend the new school. There will be no restriction to children and young people accessing this school provision on the grounds of sexual orientation</i>

Other information

Workforce data

Please document details of GCC staff only if they will be affected by the proposed activity. This could include GCC staff transferring under TUPE to a new service provider, relocating, employment at risk. **GCC Workforce diversity reports** are available on our website.

If the proposed activity does not affect GCC staff, please state 'Not affected below'.

Total number of GCC staff affected	<i>Not affected</i>
---	---------------------

Consultation and engagement

List all types of consultation that has taken place during the development of this activity. Include on-line consultations, events, meetings with stakeholders, community events, employee consultation exercises etc.

Service users	<ul style="list-style-type: none">• consultation on Gloucestershire's Draft SEND Commissioning 2019-24• planned engagement events prior to submission of planning application
Workforce	<ul style="list-style-type: none">• consultation on Gloucestershire's Draft SEND Commissioning 2019-24• planned engagement events prior to submission of planning application
Partners	<ul style="list-style-type: none">• consultation on Gloucestershire's Draft SEND Commissioning 2019-24• planned engagement events prior to submission of planning application

External providers of services	<ul style="list-style-type: none"> • consultation on Gloucestershire’s Draft SEND Commissioning 2019-24 • planned engagement events prior to submission of planning application
--------------------------------	---

Equality analysis: Summary of what the evidence shows and how has it been used

This section will allow you to outline how the evidence has been used to show ‘due regard’ to the three aims of the general equality duty. It is important that this consideration is thorough and based on sufficient information. Consideration should be relevant and proportionate.

- Eliminate discrimination
- Advance equality of opportunity
- Promote good relations..

Protected group	Challenge or opportunity considered and what we did
Age(A)	<i>An analysis of the trends and levels of demand show that it is the age range 11-16 yrs where there is a shortage of provision for children and young people with SEMH needs. The provision of a new purpose built facility will afford a significant opportunity to deliver bespoke enhanced support to meet the needs of all pupils across the 11-16 age range.</i>
Disability (D)	<i>In the specification for the new school, which prospective academy trusts will use to structure their applications, we have prompted the applications to explain how they will meet additional needs (beyond SEMH) that may fall within the definition of a disability such as a physical impairment. In the design and build of the school, due consideration will be given to the needs of users with a disability(ies).</i>
Sex (S)	<i>We understand that schools of this type sometimes find it difficult to envisage how they will meet the needs of girls. In the planning of the building we are factoring in practical and vocational opportunities that would appeal to a broad range of people including those typically, but not exclusively, more popular with girls.</i>

Race (including Gypsy & Traveller)(R)	<i>No particular ethnic or cultural minority is over-represented in the numbers of services users for this type of provision nor are there any identified restrictions in terms of them being able to access such.</i>
Gender reassignment(GR)	<i>In the specification for the new school, which prospective academy trusts will use to structure their applications, we have prompted the applications to explain how they will meet additional of learners who identify as having non-binary gender identity</i>
Marriage & civil partnership (MCP)	
Pregnancy & maternity (PM)	
Religion and/or Belief (RAOB)	<i>As part of their funding agreement with the ESFA the academy will be expected to promote modern British values which includes mutual respect for and tolerance of those with different faiths and beliefs and for those without faith.</i>
Sexual Orientation(SO)	

Strengthening actions: Planning for further improvements

Please outline here what actions are required for further improvements to address challenges or opportunities, for example:

- Arrangements for continued/new engagement with stakeholders, staff, service users
- Plans to close data gaps across any of the protected characteristics through reviewed contract management arrangements
- Identify other plans already underway to address the challenges or opportunities identified in this statement
- Share findings with partner organisations.

If none, state 'none' below.

Action Plan

Action	Who is accountable	Time frame
Consultation with stakeholders about proposals for new school	Gareth Vine	November 2019
Ensure that engagement and consultation events are made accessible for all	Gareth Vine	Throughout the duration of the project
Procure appropriate design and construction team to construct and deliver new school	Gareth Vine	October 2019
Ensure that the specification meets the needs of those with protected characteristics	Gareth Vine	Throughout the duration of the project


Monitoring and Review

Please indicate what processes/actions will be put in place to keep this 'activity' under review. For example will progress be monitored/ reported to a board, scrutiny committee, project board etc


This project will be kept under review by the Head of Commissioning for Learning

Sign off and Scrutiny

By signing this statement off as complete you are confirming that 'you' have examined sufficient information across all the protected groups and used that information to show due regard to the three aims of the general duty. This has informed the development of the activity

Senior level sign off: 	Date: 1 Sep 2019
--	----------------------------

I am in agreement that sufficient information and analysis has been used to inform the development of this 'activity' and that any proposed improvement actions are appropriate and I confirm that I as the decision maker have been able to show due regard to the needs set out in section 149 of the Equality Act 2010.

Name of relevant Portfolio Holder/Cabinet Member: Cllr Patrick Molyneux	
Signed by Portfolio Holder/Cabinet Member: 	Date: 30.9.2019

Publication

If this statement accompanies cabinet paper it will be published as part of the cabinet report publication process. Statements accompanying cabinet reports are also published on our website. If this statement is not to be submitted with a cabinet paper please maintain a copy for your own records that can be retrieved for internal review and also in case of future challenge.