

Equality Impact Assessment (EIA)

This document demonstrates how the council is meeting its duties under the Equality Act 2010, by giving due regard to the requirement to: eliminate discrimination; advance equality of opportunity; and promote good relations.

1. Background

Directorate	Children's Services
Service area	Education
Title of the activity being assessed i.e. the strategy, plan, policy or service	Establishment and construction of a new 200 place special school for children and young people (aged 4-16) with Moderate and Additional Learning Difficulties (MALD)
Brief outline of the proposal(s)	<p>An analysis of demand for special school places indicates the need to create further school places of this type.</p> <p>Creating greater capacity within the county will reduce the need to make placements out of area and in the independent and non-maintained sector, which are often at considerable cost.</p> <p>Recent stakeholder engagement shows that there continues to be support for further developing local provision as an alternative to making placements out of area and in the independent non-maintained sector and, specifically, strong support for establishing a new special school of this type.</p> <p>Under Section 6A of the Education and Inspections Act 2006 (the 'free school presumption') where a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to establish an academy.</p>
Who is affected by the proposals?	<p>Service users Workforce</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> <input type="checkbox"/> </p> <p>Other: residents close to the proposed site at Wheatridge East.</p>

Decision to be taken and decision maker

That cabinet:

1. Approves the establishment of a new 200 place special school for children aged 4-16 with moderate and additional learning difficulties and delegates authority to the Executive Director of Children's Services, in consultation with the Cabinet Member for Education Skills and Bus Transport, to:

(i). conduct a free school presumption competition process to identify a suitable Academy Trust to sponsor such school;

(ii). recommend to the Secretary of State, following conclusion of that competition process, the Council's findings from its assessment of prospective sponsors in order to enable her to decide upon the most suitable Academy Trust proposer to take forward the new free school.

2. Approves the land owned by GCC at Wheatridge East as the land on which to establish and construct the new school

3. Approves the allocation of £16.500 million to the approved Children & Families Capital Programme for the new Special School funded from the £14.000 million unallocated High Needs Provision Capital Grant and £2.500 million unallocated Basic Need Grant.

4. Delegates authority to the Assistant Director of Asset Management and Property Services, in consultation with the Cabinet Member for Education Skills and Bus Transport and the Deputy Leader/Cabinet Member for Finance and Change, to:

a) conduct a mini-competition process under the Contractor Partnering Framework Agreement: Major Construction Works 2019 for the purpose of awarding

	<p>i. a preconstruction design agreement and</p> <p>i.ii. subject to planning approval, a contract for construction works relating to the establishment of the new special school.</p> <p>b) Use a mini competition process through the Contractor Partnering Framework Agreement: Major Construction Works 2019 to determine the Council's preferred contractor(s).</p> <p>c) Upon conclusion of the mini competition, to enter into the preconstruction design contract and, subject to planning approval, a contract for the construction works with the preferred contractor(s)</p> <p>5. Delegates authority to the Executive Director of Children's Services, in consultation with the Assistant Director of Asset Management and Property Services, to undertake all ancillary matters to enable the establishment of the new special school.</p>
	Nathan Roe Education Planning Manager, Gloucestershire County Council
Date of this assessment	28 April 2023 Revised 12 May 2023

1. Information Gathering

Briefly outline your approach to consultation and engagement, together with details of any other information and data sources you have utilised:

Research, Consultation and Engagement	
Service users	In October 2022 we engaged with key stakeholders around the proposal to increase the number of special school places available and the establishment of a new school (or schools) for
Workforce	
Partners	

Other	<p>children and young people with Moderate and Additional Learning Difficulties. It is important to note that plans were not sufficiently developed at that stage to include the proposed location of the school other than that it would be close to one of the urban localities of Gloucester and Cheltenham and within easy reach of other parts of the county.</p> <p>We sent details of our proposal to:</p> <ul style="list-style-type: none"> • All schools in the area • The Parent Carer Forum • Neighbouring Local Authorities <p>Alongside this we provided a link to an online survey and the opportunity to attend an online briefing presentation event (held on 14th October 2022) to provide the opportunity to learn more and to ask questions of LA officers.</p> <p>The online survey was completed by 51 people and respondents can be broken down as follows:</p> <ul style="list-style-type: none"> • 50.98% of respondents identified themselves as staff members of local schools • 19.61% of respondents identified themselves as parents • 1.96% of respondents identified themselves as members of the public (which does not mean that may not have also fitted in to either of the other two groups) • 27.45% of respondents chose not to select a category that best described their interest. <p>Feedback from the engagement was overwhelmingly positive in favour of increasing the number of special school places available locally, and the following themes were identified as areas of concern and noted by respondents:</p> <ul style="list-style-type: none"> • High demand for special school places across Gloucestershire. • Lack of available special places within the county. • Increasing transport costs due to lack of local provisions • Lack of appropriate facilities and resources in mainstream settings, negatively affecting outcomes for children, including children with MALD • The need for the school to be able to cater for a range of needs alongside learning difficulties, including autism spectrum condition, speech, language and communication needs, social, emotional and mental health needs <p>The feedback from this exercise will inform the Cabinet decision.</p>
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	Information extracted from the Capita database has been used to research pupil level data.
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3. Equality Assessment

Protected Characteristic	Service Users	Workforce
Age	<p>There is no identified negative impact. An analysis of the trends and levels of demand show that it is the age range 4-16 yrs where there is a shortage of provision for children and young people with MALD needs. The provision of a new school will afford a significant opportunity to deliver bespoke enhanced support to meet the needs of all pupils across the 4-16 age range. We will be expecting the school to have clear policies and practices in place that actively seek to avoid discrimination against pupils and staff on the basis of age (except where pupils fall outside of the age range of the school).</p>	
Disability	<p>There is no identified negative impact. The impact is positive in that the new school will increase the number of school places available, closer to home, for children with special educational needs and disabilities (SEND). In the specification for the new school, which prospective academy trusts will use to structure their applications, we have prompted the applicants to explain how they will meet additional needs (beyond MLD) that may fall within the definition of a disability such as a physical impairment. In planning the design of the school building, due consideration will be given to the needs of users with disabilities.</p>	
Sex	<p>There is no identified significant negative impact. We will be expecting the school to have clear policies and practices in place that actively seek to avoid discrimination against pupils and staff on the basis of sex. The school is open to both boys and girls.</p>	

Race	There is no identified significant negative impact. No particular ethnic or cultural group 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. We will be expecting the school to have clear policies and practices in place that actively seek to avoid discrimination against pupils and staff on the basis of race.
Gender reassignment	There is no identified significant impact. In the specification for the new school, which prospective academy trusts will use to structure their applications, we have prompted the applicants to explain how they will meet any additional needs of learners who identify as having non-binary gender identity
Marriage & civil partnership	There is no identified significant impact. We will be expecting the school to have clear policies and practices in place that actively seek to avoid discrimination against staff on the basis of marriage and civil partnership.
Pregnancy & maternity	There is no identified significant impact. We will be expecting the school to have clear policies and practices in place that actively seek to avoid discrimination against staff on the basis of pregnancy and maternity.
Religion and/or belief	There is no identified significant impact. 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.
Sexual orientation	There is no identified significant impact. We will be expecting the school to have clear policies and practices in place that actively seek to avoid discrimination against pupils and staff on the basis of sexual orientation.

4. Completed Actions

Set out how the proposed activity has already been amended following the equality assessment, to maximise the positive impact or minimise the negative impact:

Change	Reason for Change
None	NA

5. Planned Actions

Set out improvements that will be undertaken, following the equality assessment, to further maximise the positive impact or minimise the negative impact:

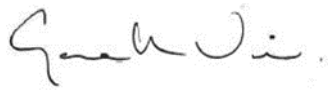
Potential impact (positive or negative)	Action	By when	Owner
	None		

6. Monitoring and review


The following processes/actions will be put in place to keep this 'activity' under review:
<p>Results of the stakeholder engagement will be considered by Cabinet Member when the decision is made on this proposal.</p> <p>This EIA will be updated at each stage of the process.</p>

7. Officer / Decision-maker Sign off

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

Signature of Senior Officer	
Name of Senior Officer	Gareth Vine, Joint Head of Education, Planning & Infrastructure.
Date	05 June 2023

Decision maker: 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.

Signature of decision maker	
Name of decision maker	Cllr Philip Robinson, Cabinet Member with responsibility for Education, Skills and Bus Transport
Date	4 July 2023

8. Publication

If this document accompanies a Cabinet report or an Individual Cabinet Member (ICM) decision report it will be published, as part of the report publication process, on the GCC website. If this statement is not to be submitted with a Cabinet report or an Individual Cabinet Member (ICM) decision report, please maintain a copy for your own records that can be retrieved for internal review and also in case of future challenge.

Appendix 1 – Service User Data

Details of service users affected by the proposed activity

Protected Characteristic	Service User Data and Information																																
<p>Age <i>percentage/profile of service user ages</i></p>	<p>As of 1 May 2023 there are 5,467 children and young people with Education Health Care Plans (EHCPs) maintained by Gloucestershire County Council. 117 of these are also children in care.</p> <table border="1"> <thead> <tr> <th>Key Stage (based on current NCY):</th> <th>No.</th> <th>%</th> </tr> </thead> <tbody> <tr> <td><i>EY (nursery years)</i></td> <td>123</td> <td>2.25%</td> </tr> <tr> <td>Early Years (NCY Reception)</td> <td>166</td> <td>3.04%</td> </tr> <tr> <td>Key Stage 1 (NCY 1, 2)</td> <td>547</td> <td>10.01%</td> </tr> <tr> <td>Key Stage 2 (NCY 3, 4, 5, 6)</td> <td>1,502</td> <td>27.47%</td> </tr> <tr> <td>Key Stage 3 (NCY 7, 8, 9)</td> <td>1,319</td> <td>24.13%</td> </tr> <tr> <td>Key Stage 4 (NCY 10, 11)</td> <td>729</td> <td>13.33%</td> </tr> <tr> <td>Key Stage 5 (NCY 12, 13)</td> <td>570</td> <td>10.43%</td> </tr> <tr> <td>Above Y13</td> <td>511</td> <td>9.35%</td> </tr> <tr> <td>Total</td> <td>5,467</td> <td></td> </tr> </tbody> </table>			Key Stage (based on current NCY):	No.	%	<i>EY (nursery years)</i>	123	2.25%	Early Years (NCY Reception)	166	3.04%	Key Stage 1 (NCY 1, 2)	547	10.01%	Key Stage 2 (NCY 3, 4, 5, 6)	1,502	27.47%	Key Stage 3 (NCY 7, 8, 9)	1,319	24.13%	Key Stage 4 (NCY 10, 11)	729	13.33%	Key Stage 5 (NCY 12, 13)	570	10.43%	Above Y13	511	9.35%	Total	5,467	
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Disability
percentage/profile
of service users
who have a
disability

All of the children who will attend the new school will have EHCPs in recognition of their significant and complex special educational needs. In some cases, their special educational needs may have such as a substantial, long-term and adverse effect on that child's ability to carry out normal day-to-day activities they may also identify as having a disability. There is no separate data held on the number of children with a declared disability in addition to their special educational needs.

The Special Educational Needs and Disability (SEND) profile of the children and young people with EHCPs maintained by Gloucestershire County Council is:

Type of need:

Primary Need (as recorded in the EHCP):	No.	%
ASD - Autistic Spectrum Disorder	1,029	18.82%
HI - Hearing Impairment	56	1.02%
MLD - Moderate Learning Difficulty	1,451	26.54%
MSI - Multi-Sensory Impairment	12	0.22%
OTH – Other	2	0.04%
PD - Physical Disability	268	4.90%
PMLD- Profound & Multiple Learn Diff	67	1.23%
SEMH - Social, Emotional and Mental Health	1,194	21.84%
SLCN - Speech Lang & Comm Needs	1,111	20.32%
SLD - Severe Learning Difficulty	143	2.62%
SPLD - Spl Learning Diff	98	1.79%
VI - Visual Impairment	36	0.66%
Total	5,467	

<p>Race <i>percentage/profile of service users who are from black and minority ethnic backgrounds</i></p>	<p>The ethnicity profile of the children and young people with EHCPs maintained by Gloucestershire County Council is:</p> <table border="1" data-bbox="488 352 1839 735"> <thead> <tr> <th>Ethnicity:</th> <th>No.</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Asian</td> <td>119</td> <td>2.18%</td> </tr> <tr> <td>Black</td> <td>83</td> <td>1.52%</td> </tr> <tr> <td>Chinese</td> <td>12</td> <td>0.22%</td> </tr> <tr> <td>Mixed</td> <td>257</td> <td>4.70%</td> </tr> <tr> <td>White British</td> <td>3,907</td> <td>71.47%</td> </tr> <tr> <td>Other White</td> <td>199</td> <td>3.64%</td> </tr> <tr> <td>Any Other Ethnic Group</td> <td>21</td> <td>0.38%</td> </tr> <tr> <td>Unclassified</td> <td>869</td> <td>15.90%</td> </tr> <tr> <td>Total</td> <td>5,467</td> <td></td> </tr> </tbody> </table>	Ethnicity:	No.	%	Asian	119	2.18%	Black	83	1.52%	Chinese	12	0.22%	Mixed	257	4.70%	White British	3,907	71.47%	Other White	199	3.64%	Any Other Ethnic Group	21	0.38%	Unclassified	869	15.90%	Total	5,467	
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<p>Marriage & civil partnership <i>percentage/profile of service users who are married or in a civil partnership</i></p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic. This would not apply given the age of the service users.</p>																														
<p>Religion and/or belief <i>percentage/profile of service users religious beliefs</i></p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic.</p>																														
<p>Gender reassignment</p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic.</p>																														

<p><i>percentage/profile of service users who have indicated they are transgender</i></p>	
<p>Pregnancy & maternity <i>percentage/profile of service users who are female and who are pregnant or on a maternity leave</i></p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic.</p>
<p>Sexual orientation <i>percentage/profile of service users who are lesbian, gay, bisexual, heterosexual</i></p>	<p>We do not hold any data regarding the number of children and young people at these settings with this protected characteristic.</p>

Appendix 2 – GCC Workforce Data

Details of Gloucestershire County Council staff affected by the proposed activity

Protected Characteristic	Total number of GCC staff affected: None
Age	Not applicable
Disability	
Sex	
Race	
Gender reassignment	
Marriage & civil partnership	
Pregnancy & maternity	
Religion and/or belief	
Sexual orientation	