

Equality Impact Assessment

Context

1. under s.149 of the Equality Act 2010, when making decisions, Essex County Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - gender and sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. The EqIA will be published at:
<http://cmis.essexcc.gov.uk/essexcmis5/BusinessManager.aspx>
8. All **Cabinet Member Actions, Chief Officer Actions, Key Decisions** and **Cabinet Reports must be** accompanied by an EqIA.
9. For further information, refer to the EqIA guidance for staff.
10. For advice, contact:
Shammi Jalota shammi.jalota@essex.gov.uk
Head of Equality and Diversity
Corporate Law & Assurance
Tel 0330 134592 or 07740 901114



Section 1: Identifying details

Your function, service area and team: SEND Transformation Team

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Fox and Hawthorn free schools, Fox Crescent, Chelmsford. Authority sought to enter into contract for construction and related services.

Officer completing the EqlA: Ralph Holloway Tel: 03330 322691 Email: ralph.holloway@essex.gov.uk

Date of completing the assessment: 14.1.19

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? New project
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>This proposal is driven by the Council's statutory obligation to provide a school place for each child residing in Essex whose parents/guardians request one. In addition, it meets the County Council's corporate objectives to: deliver the best possible educational outcomes for children attending schools within its administrative border; improve public health and wellbeing across Essex and, safeguard vulnerable people of all ages.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>The provision of new special Free School places by the Beckmead and Seax Multi Academy Trusts (MAT) will provide much needed places for children with complex needs on the autistic spectrum and for children with Social, Emotional and Mental health issues.</p> <p>As this project is formed of 2 free schools the DfE will provide a capital grant to cover the cost of construction.</p> <p>The DfE will also provide a sum to pay for the project management of the new schools by ECC.</p> <p>By undertaking the management of the project, ECC officers believe the new school is more likely to be delivered on time and within the available capital budget. Local management of the project will ensure that questions and issues can be addressed speedily by the ECC project team working closely with the MAT.</p>
2.3	Does or will the policy or decision affect:



	<ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>It is the intention of ECC to commission all of the places at the new Free School. Some of the children who will be allocated a place at the new school may otherwise have to travel a considerable distance to access specialist provision. It is anticipated that these additional places will reduce the Council's current reliance on expensive independent placements.</p> <p>The building works will be procured by ECC using the DfE Construction Framework.</p> <p>The new school will meet the statutory requirements of the Education (School Premises) Regulations 1999.</p> <p>As public buildings, schools are required to provide full accessibility in order to obtain Building Control signoff, before it can be used as a school. ECC produces a set of employer's requirements which add further interpretation to ensure this is achieved from the early stages of design. Prior to planning permission application Building Control approval is sought to offer earlier compliance confirmation. Therefore any works to the building will be fully compliant with the legislation. This builds in a future-proofing dimension to our buildings, ensuring they are accessible for disabled users.</p> <p>Will the policy or decision influence how organisations operate? No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>The capital to build the new Free Schools is being provided by the DfE by way of a capital grant to ECC. The detail of how the capital payments are staged is contained in the body of the report.</p> <p>ECC is making land available to the DfE and the MAT for the construction of the school.</p> <p>Once the number of places to be funded has been decided, the funding for those places, (at a rate of £10,000 per place) will be deducted from the high needs allocation of the local authority by DfE. The place funding will then be paid as general annual grant to the free school by DfE.</p> <p>ECC will pay top up funding per place through a formal funding agreement.</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>Corporate Plan 2013-2018</p> <ul style="list-style-type: none"> • Enabling every individual to achieve their ambitions by supporting a world-class education and skills offer in the county. • Helping Essex residents achieve their full potential through learning.



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Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified? The following applied at the last school census:</p> <ul style="list-style-type: none">• 15% of the Essex school population has some sort of special need.• 3.4% of the child population currently has an Education, Health and Care Plan (this is now closer to 3.9%).• 2.1% of the child population has a plan and is educated in mainstream schools, including specialist SEN units in mainstream schools• 1.3% of the child population is educated in a special school. <p>This is the current position and these percentages are subject to fluctuation, the trend has been upwards in recent years.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>As Fox and Hawthorn are special Free Schools it is the responsibility of the MAT to undertake consultation on the addition of school places and the character and ethos of the new school. The MAT has engaged with parents and students in existing special schools on this project.</p> <p>Further consultation will be held with the community as part of the planning process, regarding the detailed design of the proposed building works.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>For Free Schools it is the MAT which undertakes consultation and they have done so already and plan to engage further with students and families as the work progresses.</p>

¹ Data sources within EEC. Refer to Essex Insight:
<http://www.essexinsight.org.uk/mainmenu.aspx?cookieCheck=true>
with links to JSNA and 2011 Census.



Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive, for children aged between 3 and 19 years-old.	H
Disability	High	L
Gender	Neutral	L
Gender reassignment	Neutral	L
Marriage/civil partnership	Neutral	L
Pregnancy/maternity	Neutral	L
Race	Neutral	L
Religion/belief	Neutral	L
Sexual orientation	Neutral	L
Cross-cutting themes		
Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Socio-economic	Neutral	L
Environmental, eg housing, transport links/rural isolation	Positive. The new school places will enable children with ASD, SEMH and complex learning needs to access specialist provision within their community thus reducing transport time to school.	M



Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.



Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.



Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Clare Kershaw

Date:

Signature of person completing the EqlA: Angela St John

Date: 14/01/19

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

