

## Appendix 15 - Full Equality Impact Assessment (EQIA)

An EQIA Screening has identified that this proposal/policy/project requires a full EQIA. This means there is a risk of significant adverse impact on service users/ residents including 'vulnerable groups' and/or and those from certain protected characteristics. An EQIA shows how you have and intend to ensure equalities issues are taken into account in:

1. making key decisions e.g. there are 3 cost saving proposals and you need to agree one
2. implementing an agreed decision e.g. you have agreed the proposals and need take on board the needs of those affected and reduce any negative impact where possible
3. reviewing the outcome of the decision e.g. reviewing the actual impact on people and whether it was successful in achieving savings

This document is a way of recording processes and is a key part of our obligation to show 'due regard'. The document can be updated and shared with decision makers throughout the project to inform which approaches/ ideas etc. are taken forward, how it is implemented and to review its success.

**Please append all related:**

- **EQIA screenings**
- **Full Equality Impact Assessment (EQIA)**
- **Equality Impact Assessment Quality Assurance Checklist**
- **Proposals- budget/ practice/ policy**

| <b>Officers Involved in completing screening</b>                                |                             |
|---|-----------------------------|
| Officer completing Equality Impact Assessment:                                  | Judith Westcott             |
| Head of Service or Operational Director authorising Equality Impact Assessment: | Ian Gibbons and Helen Jones |
| Date Equality Impact Assessment completed:                                      | 11 May 2019                 |

| <b>1. Proposal being Assessed</b> |   |
|-----------------------------------|---|
| Title of Budget Option/ Report:   | Special Schools development programme   |
| Service Area and Directorate:     | Children's Commissioning, Commissioning |

|  |   |
|--|---|
| Budget Option:   |   |
| Budget Reference:                                      |   |
| Date proposal to be considered at Cabinet (if known):  | 22 May 2019   |
| Is this a new proposal?                                | This is a presentation of a proposal that has been developed over the last three years and has had previous equalities impact assessment (November 2017 and November 2018)  |
| If linked to previous years give details:              | Cabinet November 2017, cabinet Report 2018  |
| On whom will the policy / decision impact?             | <input checked="" type="checkbox"/> Service users<br><input checked="" type="checkbox"/> Staff<br><input checked="" type="checkbox"/> Other public-sector organisations<br><input checked="" type="checkbox"/> Voluntary / community groups / trade unions<br><input type="checkbox"/> Others (none)  |
| Brief description of policy / decision to be screened: | <p>Following the agreed consultation between January and March 2019 the Cabinet will be asked to:</p> <p>The recommendation is made that the Cabinet:</p> <p>Having completed pre-publication consultation it is recommended that the Cabinet:</p> <ul style="list-style-type: none"> <li>• Approves the establishment of a new maintained special school with a single leadership team for the existing St Nicholas, Rowdeford and Larkrise schools as soon as possible and no later than 1 September 2021</li> <li>• Approves the closure of St Nicholas, Rowdeford and Larkrise school as a related proposal on the 31 August 2021</li> <li>• Approves expansion on the existing Rowdeford site to accommodate up to 400 pupils as part of the new special school by September 2023</li> <li>• Notes that, in the event of Cabinet approving the proposals that a final decision by Cabinet would be required following representations.</li> <li>• Authorises the Executive Director of Children's Services, after consultation with the Cabinet member for Children, Education and Skills, the Director of Legal, Electoral and Registration Services and Chief Finance Officer/Section 151 Officer to take all necessary steps to implement Cabinets decision.</li> </ul> |

That this is achieved by:

- Subject to consent of the Secretary of State, approving the issue of a statutory notice and 4-week representation period on the proposal to discontinue St Nicholas, Larkrise and Rowdeford as three separate Special Schools with effect from no later than the 31 August 2021. The notice also to refer to the opening of one new special school from September 2021 under the Opening and Closing Maintained Schools Guidance November 2018
- Approving that the Council would present a proposal to the School's Adjudicator to open a new maintained special school, subject to conclusions of the representation process.
- Approving the use of the statutory processes, (under the 'Making Significant Changes (Prescribed Alterations) to Maintained Schools' Guidance November 2018, to transfer to the Rowdeford site the provision at St Nicholas and Larkrise. This statutory process would take place no later than 12 months before the opening of the new provision. This would result in the closure of the St Nicholas and Larkrise sites at an appropriate time after the new provision is built
- Approving that the new school will have primary, secondary and Post 16 provision on the Rowdeford site (early years not to be included due to sufficiency)
- Noting and approving the proposal for a parallel programme of work to create a cross county approach to Post 16 special education and transition to independent living.

## 2. Reasoning behind the Proposal

Please see the papers that were presented to cabinet link:

<http://moderngov.wiltshire.council/documents/g11670/Public%20reports%20pack%2027th-Nov-2018%2009.30%20Cabinet.pdf?T=10>

The linked documents describe the reasoning and information which was used to put forward proposals on the 27<sup>th</sup> of November 2018 and the current 22 of May 2019 to cabinet following three years of debate, deliberation and consultation. There have been three stages of consultation leading to this point

- In November 2017, wide consultation was taken forward with stakeholders about the role, significance and quality of SEND services, with a specific focus on the role of special schools.
- In the summer of 2018 a further consultation was taken forward with stakeholders in schools (parent/carers, staff and governors) as well as an online consultation looking specifically at the qualities of schools that were important going forward.
- In January/March 2019 specific consultation was taken forward on a pre-statutory phase for opening a new school and closing the three current schools.

This third phase included an extended period of time following a challenge through judicial review which is was felt was best responded to by changing the third phase from statutory to pre-statutory consultation. This decision was made to:

- Improve the relationship with parent/carers who were particularly concerned about the proposals and had submitted the legal challenge
- Minimise the costs for both the Local Authority and the parent/carer group
- Ensure that officer time was focused on developing the project as oppose to legal processes

The second consultation suggested that the majority of respondents (71%) felt that all three schools should be kept open despite the inherent challenges to quality, space and finance. This did not agree with the assessment of the council which unanimously agreed in cabinet of the 27<sup>th</sup> of November that there was compelling information and reasoning to support specific consultation on closing all three schools and opening one new larger school that could offer the very best in resources, quality, financial efficacy and furthermore outreach to the wider population of children and young people with SEND.

This created two areas of significant risk:

- Reputational damage - Where the council decides not in favour of the consultation responses there is the possibility of reputation damage where the public identifies that the council is not listening to their views.
- Legal challenge – Where stakeholders believe that there is sufficient evidence to show that the council:
  - Has not reached a reasonable decision from the information available
  - Has not used the appropriate information
  - Has not followed procedure appropriately

Please see the November 2018 EIA for further details.

This current EIA is now considering the impact of the decisions, as opposed to consultation on proposals, the impacts are more directly in the community that Wilshire Council serves. Key areas of concerns are identified below.

In the third consultation in 2019 the balance of opinion has changed with 45% supporting the proposal and 55% against. Over 2400 online respondents and 145 face to face engagements took place during the first half of the consultation. In the second half of this consultation 94 face to face engagements took place with 27 emails and 66 online responses. In this part of the consultation consultees were encouraged not to repeat comments made in January - February, but to use this time to present new approaches and to understand the appraisal process. The issues raised are explored in the cabinet report of March 2019 and should be seen as part of this EIA. Key issues are summarised below.

### Results from the screening

Specify which protected characteristics (and groups within) were identified in the screening as at risk of adverse impact

| Age   | Disability  | Race   | Religion or belief   | Gender   |
|---|---|--|--|--|
| Children and young people are within scope of the proposal from birth to age 25, but specifically school age children/ young people | The proposals will impact on all children and young people with SEND who are educated or will be in a special school in the north of the county and their families. Approximately 12.5% of children have an EHCP or have a SEN Support plan | Services and schools, and access to services and schools are not restricted to or by race and ethnicity. | Services and schools and access to services and schools are not restricted to or by religion or belief | Services and schools and access to services and schools are not restricted by gender   |
| Maternity or pregnancy  | Transgender   | Sexual Orientation   | Marriage or Civil Partnership  | Socio-economics/ at risk groups  |
| There is no direct relationship to maternity or pregnancy. However, any decisions made about staff will need to take into account   | Neutral impact  | Neutral impact   | Neutral impact   | There is a higher incidence of SEND amongst children and young people who are in receipt of free school meals therefore both the benefits and risks will impact on this group. |

|  |  |  |  |  |
|--|--|--|--|--|
| appropriate guidance regarding staff currently pregnant or on maternity leave. |  |  |  | The role of parent/carer is for many parent/carers a stressful one and the decision may increase pressures on families with children with SEND |
|--|--|--|--|--|

### 3. Making Informed Decisions – Useful Data

The data is given in the cabinet reports and the scrutiny task groups reports.

#### Data Gathering - Summary

If not clearly identified above briefly summarise how different groups will be affected by the proposal(s)

| Profile:   | Are any groups disproportionately impacted by the changes (who, how and why):  |
|--|--|
| Age profile:<br>See Appendix 16 for further detail.        | Are any age groups disproportionately impacted by the changes (who, how and why):<br>Age groups are not disproportionately impacted, but this a proposal which is focused on children and young people.  |
| Disability profile:<br>See Appendix 16 for further detail. | <p>Are disabled people or those with certain disabilities disproportionately impacted by the changes (how and why):</p> <p>This proposal is focused on children/young people with SEND and the plans are designed to improve school provision and wellbeing for children/young people in special and mainstream schools.</p> <p>However as noted above we recognise that there are potential negative impacts for some children</p> <p>Key concerns are:</p> <ul style="list-style-type: none"> <li>• Some children will have a longer journey.</li> <li>• Some children/young people with significant medical needs may be at risk on a longer journey – Conversations were had with the SEND transport team, the transport team and Virgin Care to assess risk. Their responses are presented and assessed in the March 2019 report.</li> <li>• That choice will be reduced</li> </ul> <p>Currently pupils have a choice of:</p> |

|                             |   |
|-----------------------------|---|
|                             | <ul style="list-style-type: none"> <li>• Being part of a mainstream school</li> <li>• Attending a resource base or Enhanced Learning provision in mainstream school (Wiltshire has significantly more resource base provision than other counties and is currently increasing local provision through this approach)</li> <li>• Attending a special school</li> </ul> <p>Special schools and resource bases offer support for different SEND designations. With Schools for children/young people with ASD, SEMH, complex needs and MLD. Many counties no longer have special school provision for students with MLD and Wiltshire will be retaining this provision.</p> <p>The combined one site school would offer comprehensive choice and by having a wide range of skilled staff on one site would be able to offer significant variety and differentiation for each pupil. The multi-site option would offer variety of locations, but less diversity of specialist support and curriculum as it would not be possible to replicate all provision on all sites within the space and budget available.</p> <p>The site at Rowdeford offers a wide ranging rural location for a school with large playing fields and access to outdoor learning. The Larkrise and St Nicholas sites currently have limited outdoor space, but are in town locations giving quicker access to shops and other town based facilities.</p> <p>Significant concerns have been raised about transport both in terms of length of journey and how far away some parents are from their children while they are at school if the one site option is taken forward. In terms of equalities impact it should be noted that currently those children living in the eastern and middle regions in Wiltshire already travel significant distances to school. 45 pupils currently travel over an hour to school.</p> <p>The proposed one site model (one site at Rowdeford) and the multi-site option ( a site at Rowdeford for primary and secondary, a site at Larkrise and St Nicholas for primary) have both been looked at to create a model where no child/young person travels more that the guidance proposes for primary and secondary pupils. Both options will cost more than current travel, the one site 430k more, the multi-site 765k more.</p> |
| Race profile:               | <p>Are any ethnic groups disproportionately impacted by the changes (how and why):<br/>Ethnic groups are not disproportionately impacted</p>  |
| Religion or belief profile: | <p>Are any faith groups disproportionately impacted by the changes (how and why):<br/>Faith groups are not disproportionately impacted</p>  |
| Gender profile:             | <p>Are male/female residents disproportionately impacted by the changes (how and why):</p>  |

|  |  |
|--|--|
|  | There are no specific impacts related to gender  |
| Maternity or pregnancy:  | Are pregnant women or breastfeeding mothers disproportionately impacted by the changes (how and why):<br>There should be stronger links with maternal health services through the centre of excellence   |
| Transgender profile:   | Are transgender residents disproportionately impacted by the changes (how and why):<br>Transgender residents are not disproportionately impacted   |
| Sexual Orientation profile:  | Are heterosexual/ gay/ lesbian/ bisexual residents disproportionately impacted by the changes (how and why):<br>Heterosexual/ gay/ lesbian/ bisexual residents are not disproportionately impacted   |
| Marriage or Civil Partnership:   | Are people who are married or who have entered into a civil partnership disproportionately impacted by the changes (how and why):<br>People who are married or who have entered into a civil partnership are not disproportionately impacted   |
| Socio-economics/ at risk groups profile:   | Are any groups disproportionately impacted by the changes (how and why):<br>Those on minimal wages and lower income may be affected where the travel time is costlier. It is also acknowledged that families with children with SEND may need one or both of the parent/carers to not engage in fulltime work in order to support and care for their child. Thus, any changes should take into account the additional financial strain and impact on the wellbeing of the families.  |
| Multiple characteristics: (e.g. males with a learning disability)<br>See Appendix 16 for further detail. | Are there any groups which may be impacted in a cumulative way due to multiple protected characteristics?<br>Children with disabilities are a key focus of the proposed Special School project.<br><br>Please see the attached excel sheet for appreciation of how the socio-economic, disability and age characteristic may interact.<br>A detailed review of the impact on those with protected characteristics has been taken from the perspective of a senior executive in the local authority, an external consultant and the lead of WPCC, a key parent representation group in Wiltshire. |



## 4. Making Informed Decisions – Stakeholder Consultation/Engagement

Views from Stakeholder Consultation/ Engagement:

### The Consultation Methodology

Following the issue of the notice Wiltshire Council, in partnership with Wiltshire Parent Carer Council (WPCC) began consultation. This included:

- Meetings run by Wiltshire council for:
  - Parent/carers with children/young people attending the three schools in each of the schools
  - Staff and governors of the three schools
  - The Voice and Influence Team offered the three schools support to enable pupils to give their views as part of the consultation (this was taken up by Rowdeford)
- An Online survey (See Appendix 2) accompanied by:
  - The Proposal document
  - The Vision document
  - A video of Cllr Mayes in conversation with Stuart Hall from WPCC discussing key issues within the proposals
- Surgeries run by WPCC for parent/carers across the county including parent/carers of younger children currently attending district specialist centres (Nursery settings for children with Special Educational Needs and Disabilities – SEND)
- An email address where all longer comments and concerns could be sent
- Officers meeting with representatives of the Friends of Larkrise and St Nicholas
- Additional meeting for parents in Melksham
- An opportunity for parents to see Exeter House school to envisage what a new school might look like

Links to the online documentation and consultation options were shared with<sup>1</sup>:

- All neighbouring Local Authorities
- Local Authorities other than Wiltshire maintaining or funding children's EHCPs who attend one of the special schools
- Local Area boards and parish councils
- The Voluntary Sector Forum
- Provider stakeholders e.g. Virgin Care and Oxford Health,
- Wiltshire Parent Carer Council (WPCC)
- All parents/carers of children/young people with an EHCP

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<sup>1</sup> These are the main consultees, wider engagements were also included

- All Wiltshire schools via Right Choice and via direct email
- Special schools in neighbouring counties
- District Specialist Centres and the Portage Service
- All registered early years and childcare provision in Wiltshire
- Wiltshire ambulance and air ambulance services
- Hospitals (RUH, SFT, GWH)
- Post 16 education providers

The consultation was held over a 7½ weeks. A summary of the meetings is below:

| Meeting hosted by | Where                            | Audience                           | When   | Time      |
|-------------------|----------------------------------|------------------------------------|--------|-----------|
| Council officers  | St Nicolas                       | Staff and governors                | 21 Jan | 1530-1700 |
| Council officers  | St Nicolas                       | Parents and carers                 | 21 Jan | 1700-1800 |
| Council officers  | St Nicolas                       | Staff and governors                | 12 Feb | 1700-1845 |
| Council officers  | St Nicolas                       | Parents and carers                 | 12 Feb | 1845-1945 |
| Council officers  | Larkrise                         | Staff and governors                | 07 Feb | 1530-1700 |
| Council officers  | Larkrise                         | Parents and carers                 | 07 Feb | 1500-1800 |
| Council officers  | Rowdeford                        | Staff and governors                | 26 Feb | 1600-1700 |
| Council officers  | Rowdeford                        | Parents and carers                 | 26 Feb | 1700-1830 |
| WPCC              | Chippenham                       | District Specialist Centre         | 25 Feb |           |
| WPCC              | Devizes                          | District Specialist Centre         | 25 Feb |           |
| WPCC              | Salisbury                        | District Specialist Centre         | 25 Feb |           |
| WPCC              | Grasmere House, Salisbury        | Parents and carers                 | 15 Jan | 1030-1230 |
| WPCC              | Springfield Campus, Corsham      | Parents and carers                 | 18 Jan | 1030-1230 |
| WPCC              | Beverbrook Sport Facility, Calne | Parents and carers                 | 28 Feb | 1200-1400 |
| Council officers  | Trowbridge                       | Friends of Larkrise and St Nicolas | 12 Feb | 1100-1200 |
| Council officers  | Melksham Town Hall               | Parents and carers                 | 25 Feb | 1100-1230 |

There were high levels of engagement online with 2,400 responses:

| About you  | Total | In Support | Not in support | In Support | Not in support |
|--|-------|------------|----------------|------------|----------------|
| A Wiltshire resident   | 1444  | 609        | 835            | 42%        | 58%            |
| A parent carer of a child or young person with a SEND                                  | 752   | 316        | 436            | 42%        | 58%            |
| A relative or friend of a child/young person with SEND                                 | 605   | 196        | 409            | 32%        | 68%            |
| A parent carer of a child/young person currently in one of Wiltshire's Special schools | 342   | 139        | 203            | 41%        | 59%            |
| A professional with an interest in special school provision                            | 554   | 251        | 303            | 45%        | 55%            |
| Someone representing an organisation with an interest in special school provision      | 102   | 65         | 37             | 64%        | 36%            |

The range of people representing an organisation with an interest included:

- Jacob's Ladder
- Larkrise School
- Parent Governors
- Wiltshire Portage
- Neptune Aquatic Solutions
- Colerne CE Primary School
- School Governor Rowdeford
- Sheldon School
- Wiltshire parent/carer support group
- Rowdeford School
- Magna Learning Partnership
- Exeter House School
- Pewsey Primary School
- Studley Green Primary School
- St Nicholas School
- Chippenham Senior PHAB Club
- No to special school closure
- S6C
- Taxis
- Cobra
- Parents
- Devizes Lions Club
- Virgin Care
- Wiltshire Connect
- Chippenham Town Council
- HCC
- An ex-student of Rowdeford School
- Clubs that used the facilities in holidays for young children/ adults with disabilities
- Parent of a SEN professional
- Rowdeford Governor
- Rowdeford Charity Trust (Registered No 1088605)
- HM Forces
- Parents' group
- Wiltshire Music Centre
- Canon's House
- PDA/ Autistic/ anxiety support groups nationwide

Wiltshire Council ran consultation meetings in each school with separate sessions for staff and governors and parents/carers. At the request of St Nicholas, extra meetings were held at the school. In response to the Friends of Larkrise and St Nicolas who expressed concerns about parents not being able to access evening sessions in the schools, an additional session was held at Melksham. The attendance to all meetings is below<sup>2</sup>:

|                    | St Nicholas | Rowdeford | Larkrise | Additional session in Melksham | Total |
|--------------------|-------------|-----------|----------|--------------------------------|-------|
| Parent/carers      | 16          | 24        | 14       | 3                              | 57    |
| Staff              | 26          | 23        | 16       | 0                              | 65    |
| Governors/Trustees | 7           | 5         | 4        | 1                              | 17    |
| Total              | 49          | 52        | 34       | 4                              | 139   |

The consultation meetings led by WPCCC were attended by 31 parent/carers as detailed below:

|               | Calne | Corsham | Salisbury | Total |
|---------------|-------|---------|-----------|-------|
| Parent/carers | 16    | 11      | 4         | 31    |

There were also emails from:

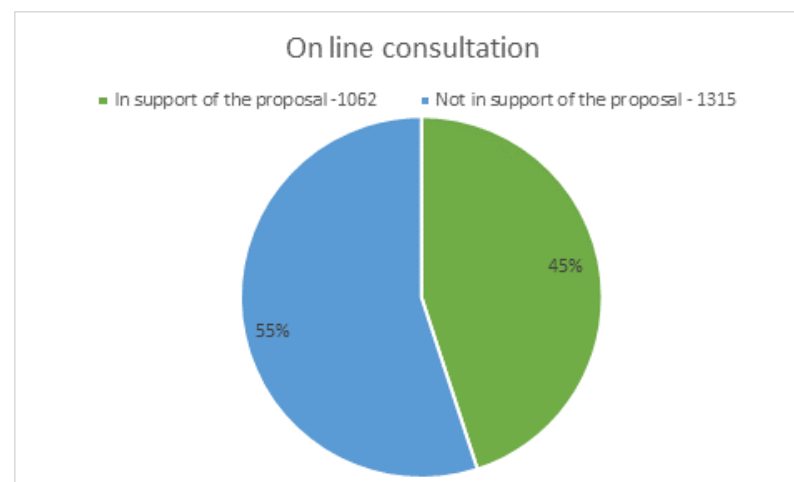
- Schools and Governors (34)
- Parent/Carers (47)
- Dr Murrison MP
- Other Local Authorities (1)
- Friends of schools (2)
- Town and Parish (Councils (3) Chippenham, Westbury and St Paul, Malmesbury Without)
- Professional organisations (3) including
  - Wiltshire Clinical Commissioning Group (CCG)
  - Virgin Care
  - Wiltshire Music Centre

<sup>2</sup> Please note that a number of parent carers attended multiple sessions (they are counted twice here).

## Analysis of the On-line Consultation

A report on the on-line consultation results is attached as Appendix 2. In summary, 45% supported the proposals and 55% did not:

In the consultation respondents were asked to indicate the three main reasons that they were for or against the proposals. The table below identifies their responses in rank order:



| In support |      |   | Not in Support |      |  |
|------------|------|---|----------------|------|--|
| 19%        | 518  | The proposal is about giving the best provision for children and young people with SEND | 22%            | 804  | Increased travel time                          |
| 17%        | 465  | Having a rural location but close to a town with good community links                   | 21%            | 767  | The disruption to pupils who will have to move |
| 14%        | 387  | The idea that a Centre of Excellence will be created                                    | 20%            | 711  | Closure of existing schools                    |
| 14%        | 382  | The proposal would provide improved facilities  | 13%            | 462  | Concern about the size of the new school       |
| 13%        | 348  | Other reason  | 12%            | 427  | Being too remote                               |
| 12%        | 317  | There would be access to therapies all at one site                                      | 9%             | 342  | Worries about inclusion                        |
| 10%        | 279  | Keeping the best of the schools   | 3%             | 104  | Other  |
|            | 2696 |   |                | 3617 |  |

The on-line survey allowed respondents to make short comments. There were 344 comments in support of the proposal (the majority would appear to be existing Rowdeford school supporters) and only 103 comments against.

In the second half of the third phase of consultation, the following face to face sessions were hosted by council officers during the extended pre-publication consultation period:

| Where                          | Number of attendees | When    | Time            |
|--------------------------------|---------------------|---------|-----------------|
| Hardenhuish School, Chippenham | 16                  | 5 April | 10:30-12:00noon |
| County Hall, Trowbridge        | 52                  | 2 May   | 6:30-8:30pm     |
| Devizes Sports Club            | 26                  | 3 May   | 11:00-12:30pm   |
| <b>Total</b>                   | <b>94</b>           |         |                 |

These sessions were open meetings for anyone interested in the special educational needs provision (specifically in the north). The slides used are



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attached here.

In addition to these, an information morning was held by Wiltshire Council for the south at the Diocesan Education Centre in Wilton on 1 May. A total of 32 individuals attended this session, representing parent and carers, a primary school, an independent school, Wiltshire Parent Carer Council, a councillor and Salisbury City Council.

The consultation will be managed through four stages as below.

### Views of Service Users and Other Stakeholders - Summary

Consultation replies from the consultation in the summer and the January /February 2019 consultation are available on the cabinet link above. All transcripts and notes of meetings, emails, letters are part of the appendices and presented to cabinet members.

Key areas of debate, concern and comment which might impact on protected characteristics included whether:

- One school was the right approach

- Leading to reduction in choice
- Segregating children/young people with SEND
- Depriving other communities of inclusive engagement with children/young people with SEND
- A decision based on cost
- Creating a 'super' school
- Travel times and routes become excessively long
- Medical and health support would be insufficient to meet need and increased risk
- Post 16 education should only happen away from the school
- The proposal led to a lack of community engagement in the wrong location
- Coproduction was not really being outworked
- The Centre of Excellence was just a name and would not really change practice
- Transition planning would be adequate
- The status of the new school should be a new academy or a maintained school and whether it should involve closing and opening a school or enlarging one school
- Early Years was required at the school
- There were issues with staffing, recruitment and retention, particularly in relation to
  - Travel and recruitment
  - The academy or maintained status
  - Fair access to jobs
  - Staff leaving because of disruption and whether there would be jobs for everyone
- The costs were enough and the build plans actually workable
- The admissions plan was appropriate
- The curriculum was wide enough to meet need

For the purposes of the EIA the protected characteristics are assessed in Appendix 16. This document assesses risk by three parties:

- A LA officer developing the programme

- The independent view of an external consultant with 20 years of experience of developing school projects
- A representative of WPCC

In addition, an option appraisal has been taken forward based on the 4 criteria below looking at the alternate approaches generated through the third phase of the consultation. This is in Appendix 14.

- Sufficiency - the creation of additional places
- Quality –the proposals lead to increased quality (partnerships, physical space, engagement, education)
- Outcomes for pupils – the proposals lead to better outcomes for pupils (health, wellbeing, educational/vocational goals, preparation for adulthood and independent living)
- Financial efficacy – the proposals enable needs to be met within the available funds.

## 5. Overall Impact

The impact assessment suggests that mitigating actions can reduce, but not eliminate risk. This is a very complex project and it is challenging to put across all the reasoning and balance of issues that the Council has reviewed to arrive at the proposed option. There are over 3500 pupils with an EHCP and many more on SEN support in mainstream schools. It is essential that the plan supports both the individual and majority needs.

The assessment of issues and of protected characteristics suggests that overall the one school proposal can have a significant positive impact for children and young people with SEND both in the school and supported through the Centre of Excellence in terms of:

- Wellbeing
- Increased availability of choice (within the school)
- Progress
- Attainment
- Health
- Community opportunities,
- Inclusion and integration

However, it is recognised that some students:

- Will have longer journeys (although more will have shorter journeys)
- May experience a level of disruption as they move from the old to new schools
- May have worries during the development of the project about what school will be like in the future.



For some parents:

- This may be seen as a loss of support – the school is often seen as extended family – causing anxiety and increased stress and worry
- This will/may incur additional travel costs
- Require time and commitment by officers to build relationships and engagement, particularly where consultees see the outcome as not their preferred option.

It is hoped this will be mitigated by:

- Many opportunities for engagement in the development of the school and centres of excellence
- Good transition plans and investment in support for children, staff and families
- Better access to health care professionals
- Increased support and networking with families via the schools, WPCC and SEND team
- Greater diversity and choice within the one school curriculum as this will be a large school
- Well-arranged transport and transport plans
- Good planning, coproduction and communication throughout the progress of the project
- Taking forward the plan more rapidly than first envisaged by transferring the schools into one school at the soonest possible opportunity – thus:
  - Reducing anxiety for staff about roles and jobs
  - Beginning the work around the Centre of Excellence as soon as possible e.g. shared training, strategy and intention
  - Creating shared approaches to significant matters like admissions and also back room functions such as photocopying contracts etc.
- Taking forward the statutory processes around the buildings and locations of schools on the original timetable in 2023
- Building the new provision in a way that offers certain groups of pupils to potentially move in early and create phased transition
- Applying to the Secretary of State to set the new school up as a maintained school offering greater flexibility around transition.

## 6. EQIA Outcome

**No change – continue to implementation**

The policy is robust and evidence shows no potential for discrimination and all opportunities to advance equality have been taken.

**Adjust the policy and continue with implementation**

Adjust to remove identified adverse effects and missed opportunities to promote equalities and achievement of outcomes

**Stop and remove**

Remove or change the policy if the EQIA identifies actual or potential unlawful discrimination.


## 7. Mitigating Action Plan

| Action  | Anticipated Outcome   | Lead        | Deadline  | Actual Outcome  | Comments   |
|---|---|-------------|-----------|---|--|
| Consultation events as described above  | Views will be heard and families engaged in the aspiration of the project. That those who continue to disagree will feel that they have had the opportunity to express their views. | Helen Jones | 1 March   | There has been a wide-ranging consultation, with additional sessions. Transcripts have been recorded and included in the report appendices. | There is still some scepticism that the Council will pay attention to views expressed. |
| Advice and support from internal and external legal teams   | There is a court hearing on the 15 <sup>th</sup> of March which will identify if the decision timetable needs to be altered   | Helen Jones | 26 March  | Decision to extend consultation to improve engagement with families engaged in the court case   |  |
| On-going communication  | Stakeholders feel well informed even if they disagree   | Sue Ellison | On going  |   |  |
| Renew the Equalities Impact Assessment for the cabinet paper in May 2019 and regularly update as decisions are made and developed | We continue to be aware of the risks and impacts on vulnerable groups   | Helen Jones | 12 May    |   |  |
| Continue to follow guidance on opening and closing schools and making changes to maintained schools                               | The process is legally compliant  | Helen Jones | On-going  |   |  |
| A full project plan will be drawn up  | Risk management and mitigation of negative impacts will be built into the plan  | Helen Jones | July 2019 |   |  |

## 8. Next Steps

|   |  |
|---|--|
| Are there plans to provide feedback to the groups or people that have been consulted in preparing for this assessment?            | There is a full communication plan and information will be fed back to all groups consulted following the cabinet report of the 22 May 2019                                  |
| How is it proposed that the Mitigating Actions Plan will be monitored?  | The Director of Commissioning will hold oversight and will be reporting to Corporate Directors, Cabinet Members and engaging with members of the Scrutiny Group.             |
| Has the assessment been included with Cabinet papers?   | Assessment will be included with all relevant papers   |
| Has a review date been identified to revisit this assessment to consider if there has been a significant change in circumstances? | Yes. Following the cabinet report on the 22 May 2019, a full decision needs to be communicated to the Secretary of State. A further report will come to Cabinet in July 2019 |

## Officers Involved in Completing Screening

|  |   |
|--|---|
| Officer completing Equality Impact Assessment            | Judith Westcott   |
| Date submitted   | 12.5.2019   |
| Head of Service or Operational Director sign off         | I agree with the content and outcome of this Equality Impact Assessment             |
| Date approved by Head of Service or Operational Director |  |

## Impact Assessment

| Criteria   | 4 is high negative impact,<br>0 is low negative impact | Likelihood | Impact | Combined score | Residual Likelihood | Residual Impact | Residual Combined Score |
|--|--|------------|--------|----------------|---------------------|-----------------|-------------------------|
| <b>Legal challenge</b> to the Authority under the Public Sector Equality Duty. There is a legal challenge through judicial review and it is accepted that this is likely to continue even though all effort has been made to abide by and fulfil the legal requirements of the process, mitigate risk and not take forward discriminatory acts.      |  | 4          | 4      | 16             | 4                   | 4               | 16                      |
| <b>Financial costs/implications</b><br>There is a risk assessment of the possible cost implications of the build (made available to cabinet). Three scenarios have been presented identify low, medium and high risk and the possible financial implications.  |  | 3          | 2      | 6              | 3                   | 2               | 6                       |
| <b>People impacts</b><br>These have been widely considered in the report and the EIA   |  | 3          | 3      | 9              | 1                   | 1               | 1                       |
| <b>Reputational damage</b><br>It is acknowledged that it has been hard to manage some of the public messages around this project. A full communication plan has been in place and significant mitigating action has been made to ensure that the public are aware of the LA's commitment to a working with parent/carers and sharing their thinking. |  | 3          | 3      | 9              | 3                   | 3               | 9                       |
| <b>Average combined score</b>  |  |            |        | 10             |                     |                 | 8                       |

The Equality Impact Assessment embraces three reviews with different scoring mechanisms. Overarchingly, the Special School programme is not perceived to discriminate against those with protected characteristics. There are areas for consideration in respect of discrimination but these are not perceived to be overtly discriminatory when seen in the round. The council is cognisant of areas for improvement and has robust plans in place to address areas where more can be done.