



# Equality Impact Assessment

Lancaster North SEMH Free School

Assessment of: Establishment of a new special school in Lancaster for children with Social, Emotional and Mental Health needs.

Head of Service: Dr Sally Richardson

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Assessment carried out by: Inclusion Policy & Practice Development Officer

**1. What is the nature of and are the key components of the proposal being presented?**

The proposal relates to a new co-educational special school in Lancaster to meet the needs of children with social, emotional and mental health needs (SEMH) for primary aged children. The new school will provide up to 54 places to meet the increasing demand for special school places in Lancashire.

**2. Reason for the proposal**

The county council has a statutory duty to ensure that there are sufficient special school places for children in Lancashire. Where a local authority has identified a shortfall in capacity the county council will work with schools, trusts and partners, including district and borough councils, the Department for Education and where appropriate diocesan bodies to expand existing schools and/or to open new free schools, as necessary.

This new school is required to mitigate the impact of the increase in the number of education, health and care plans in Lancashire and the increasing demand for special school places.

There are no maintained primary special schools for children with social, emotional and mental health needs in the Lancaster/Morecambe area of Lancashire or in Fylde and Wyre and children currently have a long journey to school which is detrimental to their education and wellbeing.

### **3. Aims/objectives, limitations and options (summary)**

Without the provision of a new special school there will be increased use of the independent sector with associated costs and risk and will not address the shortfall of special school places near to where children live. Children will continue to have to travel long distances to access their statutory education.

### **4. People affected and their diversity profile**

The provision will be for primary aged children with social, emotional and mental health needs (SEMH) as their primary need as defined in their Education, Health and Care Plan (EHCP).

### **5. Stakeholders, interest and potential impact.**

Consultation will involve communities in Lancaster, POWAR, Lancashire Parent Carer Forum chair, Governing bodies, proprietors and principals of a range of school age educational providers, District Councils, Members of Parliament, Diocesan/Church Authorities, The Regional Schools Commissioner, etc.

### **6. Research used to inform this assessment.**

This proposal is an element of the SEND Sufficiency Strategy 2019 to 2024. Final approval for this strategy was provided by Cabinet in October 2020 following a public consultation during the summer of that year. This proposal

is also in line with the authority's statutory responsibilities related to the strategic planning of pupil places and the school organisation procedures: the Education and Inspections Act 2006 and the Education Act 2011 and DfE The Free School Presumption, November 2019 Guidance

## **7. Consultation process and outcomes**

The Education and Inspections Act 2006 and the Education Act 2011 brought in new procedures for establishing new schools requiring a competitive process and as a result Lancashire County Council established procedures to run school competitions. Local Authorities are required to seek proposals to establish Academy/Free School in the first instance where they identify a need for a new school. They may assess proposals and can indicate a preference but the decision on the new proposer will be made by the Regional Schools Commissioner on behalf of the Secretary of State. Following receipt of applications, all stakeholders have the opportunity to review summaries of the bids and submit representations during a formal consultation period. An initial consultation stage has already been carried out to help inform the school specification with positive responses.

## **8. Equality analysis**

Giving Due Regard to Equality and Human Rights The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations. Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief. This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).
- The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:
  - o Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
  - o Proportionate (negative impacts are proportionate to the aims of the policy decision)
  - o Fair
  - o Necessary
  - o Reasonable, and
  - o Those affected have been adequately consulted.

The process for the selection of an appropriate proposer will ensure the Council exercises its Public Sector Equality Duty. In addition, prospective proposers will need to commit to Lancashire’s policies and practices and be required to comply with relevant policies on Admissions, Transport and Special Educational Needs. An impact assessment has been completed and is required to be provided to the Secretary of State to meet his duties under Section 9 of the Academies Act 2010 and under Section 149 of the Equality Act 2010.

The proposal is in line with the policies set out in the Education Infrastructure Plan in supporting sustainable, high quality provision that maximises accessibility, meets local needs and recognises the needs generated by planned development in specific localities, tackles inequalities for vulnerable pupils but also recognises the needs of a changing population, employment and growth opportunities.

We will ensure through our statutory processes that the views of parents, pupils, communities and stakeholders are considered and dealt with in order that informed decisions can be made.

**9. Protected Characteristics Potentially Affected**

Characteristics	Potential or actual issues for this group.	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, ‘close gaps’), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant? In what way do you consider any negative consequences</li> </ul>
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		to be reasonable and proportionate in order to achieve a legitimate aim? Are you complying with the DCC Equality Policy?
All residents		<p>Securing the sufficiency of good quality SEND school places in Lancaster, acting as champion for all parents and families and supporting participation in education, employment and/or training.</p> <p>This will bring choice and diversity to the education in Lancaster together with employment opportunities.</p> <p>The change is in line with Lancashire's sufficiency strategy and will ensure best use of the public purse, most effective use of resources and service delivery.</p>
Age	The school will provide places for primary aged pupils.	
Disability	The school will provide for children with social emotional and mental health needs	All schools have a duty of care to promote the education of children with special educational needs and disabilities.
Culture and ethnicity: nationality/national origin, ethnic	Neutral	The Education Act 2002 requires all schools to promote the spiritual, moral, cultural, mental and physical

origin/race, skin colour, religion and belief		development of its pupils and to challenge opinions or behaviours that are contrary to these values
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)	The school will be co-educational	
Sexual orientation and marriage/civil partnership	Not applicable	
Other relevant socio-economic factors such as family size/single people/lone parents,		Within our role of championing all our children, Lancashire County Council is committed to improving the life-chances of all Lancashire's children and young people, especially the most vulnerable.



income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban		
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### **10. The Human rights considerations:**

The Human Rights Act 1998 requires that every public authority must act in a manner which is compatible with the European Convention on Human Rights. The establishment of a new school in this location will enable fair access to education provision for pupils with special educational needs.

### **11.Supporting independence, wellbeing and resilience.**

Give consideration to the groups listed above and how they may have different needs: The proposals will take into account the requirements and health and wellbeing of its community and will give pupils the opportunity to attend local sustainable provision, supporting parents and pupils within and closer to their local community, without having to travel long distances to access services. Providers will be asked to demonstrate a commitment to Personal, Social, Health and Economic education aligned to the three core areas of health and wellbeing, relationships and living in the wider world (e.g. economic wellbeing and being a responsible citizen).

## 12. Environmental analysis.

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties:

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce, reuse, recycle and compost	Neutral	The Resource & Waste Education Strategy for Lancashire Schools supports the education of children in the long term strategy to achieving a more sustainable future with increasing emphasis on waste minimisation, resource management and greater awareness of the issues surrounding consumerism, and is a priority for Lancashire Authority.
Conserve and enhance wildlife	Neutral	New schools will be required to promote energy efficiency measures and renewable energy solutions to reduce the carbon footprint.
Safeguard the distinctive characteristics, features	Neutral	New schools and changes to school buildings will take account of the impact that will affect the landscape to ensure that any adverse impacts are mitigated.

and special qualities of Lancashire's landscape		
Conserve and enhance Lancashire's cultural and historic heritage: Neutral No discernible impact	Neutral	No discernible impact
Minimise greenhouse gas emissions	Neutral	Will be in line with the Resource & Energy Strategy used for the Authority's corporate buildings.
Minimise pollution (including air, land, water, light and noise):		Lancashire supports the principle of local schools for local children for community and environmental reasons. This proposal will reduce our reliance on school transport and the need for unnecessary journeys. Sustainable travel and transport modes will be promoted including a School Travel Plan.
Contribute to reducing water consumption:	Neutral	In accordance with The Waste Education Strategy for Lancashire Schools
Ensure resilience to the future effects of climate change:	Neutral	No discernible impact

### 13. Economic analysis

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:	Positive	The new free school proposed will create opportunities for new employment.
Impact on employment levels:	Development of the site would, to an extent, itself support employment opportunities for local people through direct and indirect employment opportunities.	See above
Impact on local business:	Not applicable	No discernible impact.

### 14. Combined impacts between social, environmental and economic impacts:

The proposed free school will impact positively through improved and sustainable provision for Lancashire children. The local authority will be required to meet the start up costs and this will have a significant impact on the Dedicated Schools Grant.

Lancashire continues to work closely with its partners and communities to champion the interests of parents, children and young people to ensure high standards of education provision are provided.

**15. How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?**

The Local Authority has a statutory duty to secure sufficient educational provision in its area, to act as champions for all parents and families and support the most vulnerable children and will continue to work in partnership to ensure that all pupils are able to attend a good or outstanding school. The development of the site as a school will promote and improve the social wellbeing of the area. In addition, development as a school will generate jobs, during the construction and operational phases, and will thus contribute to an improvement of the economic well-being of the

**16. How will impacts and actions be monitored?**

Procedures will continue to be monitored and revised as appropriate to ensure best practice.