

Kent County Council
Equality Analysis/ Impact Assessment (EqIA)

Directorate/ Service: Children Young People and Education

Name of decision, policy, procedure, project or service: Commissioning Plan for Education Provision in Kent 2020-24

Responsible Owner/ Senior Officer: David Adams (AEO South)

Version: 1

Author: Lee Round

Pathway of Equality Analysis: CYPECC

Summary and recommendations of equality analysis/impact assessment.

- **Context**

The Commission Plan for Education Provision in Kent is an annual publication that provides an overarching framework for determining when and where education provision may be needed in the future.

- **Aims and Objectives**

The aim of the Plan is to:

- Provide an overarching framework for determining when and where education provision may be needed in the future. To this end it sets out the forecast number of children and young people in Kent and breaks this down to smaller geographical areas (districts and planning groups within these) to show where there may be a need for more or fewer places.
- Set out the principles which will be used to consider and evaluate individual proposals which might come forward (be commissioned) to address any identified shortage or surplus of places in a locality.

- **Summary of equality impact**

In respect of an equality impact assessment, we believe that this would be carried out at two levels. First, in respect of the Commissioning Plan itself, the assessment is whether the commissioning principles and guidelines may have an impact (either positive or negative) on any protected groups and if so what action, if any, should be taken to amend the Plan or to mitigate the negative impacts. The second, a more detailed analysis of the impacts on any protected group arising from individual education consultation proposals.

This Equality Impact Assessment deals solely with the first of these two levels, namely the principles and guidelines of the Commissioning Plan for Education Provision.

The EqIA will focus on the overarching principles and the planning guidelines for commissioning school places in the County as these will guide future provision and are the areas to be consulted.

Updated 02/01/2020

Adverse Equality Impact Rating Low

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning The Commissioning Plan for Education Provision in Kent 2020-24. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed:



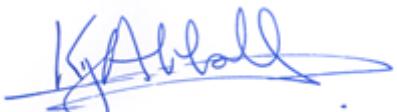
Name: David Adams

Job Title: Area Education Officer (South)

Date: 12-12-19

DMT Member

Signed:


DMT Member

Signed:

Name: Keith Abbott

Job Title: Director Education, Planning and Access

Date: 12-12-19

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

1. We will always put the needs of the learners first.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				High positive impact for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				This approach means that we will aim to meet the educational needs of all pupils including the most vulnerable learners*. The needs of protected groups will be considered in any consultation through an EqIA specific to that consultation.
Race				
Religion and Belief				
Sexual Orientation				These assumptions will be tested as part individual school consultation processes.
Pregnancy and Maternity				
Marriage and Civil Partnerships				
Carer's Responsibilities				

*The most vulnerable learners in this context included those entitled to Pupil Premium funding, who are looked after or are classified as SEN.

2. Every child has access to a local good or outstanding school, which is appropriate to their needs.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				
Race				
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				
Marriage and Civil Partnerships				
Carer's Responsibilities				

3. All education provision in Kent should be financially efficient and viable.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				Positive for all children. A school remaining viable is critical to the quality of education it can provide and is fundamental to providing the range of choice we aspire to for our communities.
Race				
Religion and Belief				
Sexual Orientation				We recognise that in areas of high surplus capacity actions taken to reduce surplus may impact on parental choice. Actions may also have an impact on disabled pupils or parents/carers if they have to incur the costs of travelling further for a school place. This may also impact on pupils with SEN who may have to travel further to access appropriate provision. The impact will need to be tested in the specific EqIA for an individual consultation.
Pregnancy and Maternity				
Marriage and Civil Partnerships				
Carer's Responsibilities				

4: We will aim to meet the needs and aspirations of parents and the local community.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				The KCP identifies gaps in provision for Early Years through to Post 16 including provision for pupils classed as disabled due to their special educational needs.
Race				
Religion and Belief				
Sexual Orientation				The views of parents and the local community will be captured and considered at every opportunity during a consultation. This will include capturing opinion by recording and transcribing public meetings, ensuring consultation information is spread widely in the consultation area and encouraging emailed as well as posted responses.
Pregnancy and Maternity				
Marriage and Civil Partnerships				
Carer's Responsibilities				We will ensure that all our consultations are made accessible, from the venues in which we hold meeting to the options provided for responding to a given consultation.

5. We will aim to promote parental preference

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities.'
Disability				
Sex				
Gender identity/ Transgender				Responding parental preferences in respect of school choice and diversity means that provision will respond to a range of needs within a community. However, the Local Authority is mindful that the expansion of a popular school could make other schools in the area less viable. Particularly when a school is rated as Requires Improvement or Inadequate. These schools may well have a higher percentage of pupils from disadvantaged families, pupils with SEND needs or who have English as an Additional Language. For each consultation a separate EqIA will be completed to assess and understand the equality implications and opportunities.
Race				
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				
Marriage and Civil Partnerships				
Carer's Responsibilities				Analysis of admissions data will be undertaken in districts where we do not achieve our preference targets to identify if any protected group disproportionately affected. If this is the case actions will be put in place to redress the situation. These assumptions will be tested as part individual school consultation processes.

6. We recognise perceptions may differ as to benefits and detrimental impacts of proposals. We aim to ensure our consultation processes capture the voice of all communities. To be supported, proposals must demonstrate overall benefit to the community.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				
Race				Views within a consultation will be captured and considered at every opportunity. This will include capturing opinion by recording and transcribing public meetings, ensuring consultation information is spread widely in the consultation area and encouraging emailed as well as posted responses.
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				We will ensure that all our consultations are made accessible, from the venues in which we hold meeting to the options provided for responding to a given consultation.
Marriage and Civil Partnerships				
Carer's Responsibilities				

7. The needs of Children in Care and those with SEN will be given priority in any commissioning decision.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			High/Medium/Low Positive Impact Evidence
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'. Positive for children with SEN and disabilities. Looked after children will be able to access educational provision across the County including Unaccompanied Asylum Seeking Children. Consultation will seek to elicit views in relation to this priority. These assumptions will be tested as part individual school consultation processes.
Disability				
Sex				
Gender identity/ Transgender				
Race				
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				
Marriage and Civil Partnerships				
Carer's Responsibilities				

8. We will give priority to organisational changes within schools that create environments better able to meet the needs of vulnerable children including those who have SEN and disabilities, come from minority ethnic communities and/or from low income families.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				KCC policy is to expand schools that are rated Good or Outstanding. These schools are reducing the gaps in achievement between the groups with protected characteristics and all other pupils.
Sex				
Gender identity/ Transgender				
Race				
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				Therefore, this is a positive for children with SEN and disabilities and those from minority communities and/or from low income families.
Marriage and Civil Partnerships				These assumptions will be tested through individual consultations.
Carer's Responsibilities				

9. We will ensure we make the most efficient use of resources.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				The impact on all groups particularly those with protected characteristics will be evaluated when resourcing decisions are made.
Race				
Religion and Belief				We understand that the cheapest commissioning option may not always make the most efficient use of our resources. The use of resources must have a positive impact on protected groups.
Sexual Orientation				
Pregnancy and Maternity				
Marriage and Civil Partnerships				These assumptions will be tested through consultation.
Carer's Responsibilities				

- 10. Any educational provision facing challenges in difficult times will be supported and challenged to recover in an efficient and timely manner, but where sufficient progress is not so achieved, we will seek to commission alternative provision or another provider.**

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				Children have one opportunity to receive a good education. Acting to ensure they receive this and do not languish in inadequate provision is essential
Race				
Religion and Belief				
Sexual Orientation				Statistically higher numbers of pupils in with English as an Additional Language (EAL), those who receive SEND support and disadvantaged pupils can be found in "Requires Improvement/Inadequate" schools than those that are "Good/Outstanding".
Pregnancy and Maternity				
Marriage and Civil Partnerships				If alternative provision is commissioned this could have a disproportionate impact on EAL, SEND and disadvantaged pupils in the short term.
Carer's Responsibilities				These assumptions will be tested through consultation.

11. If a provision is considered or found to be inadequate by Ofsted, the Local Authority will seek to commission alternative provision where the Local Authority and the local community believe this to be the quickest route to provide high quality provision.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				Children have one opportunity to receive a good education. Acting to ensure they receive this and do not languish in inadequate provision is essential
Race				
Religion and Belief				
Sexual Orientation				Statistically higher numbers of pupils in with English as an Additional Language (EAL), those who receive SEND support and disadvantaged pupils can be found in "Requires Improvement/Inadequate" schools than those that are "Good/Outstanding".
Pregnancy and Maternity				
Marriage and Civil Partnerships				If alternative provision is commissioned this could have a disproportionate impact on EAL, SEND and Disadvantaged pupils in the short term.
Carer's Responsibilities				These assumptions will be tested through consultation.

12. In areas of high housing growth, we will actively seek developer contributions to fund or part fund new and additional provision.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				Positive for all children.
Race				
Religion and Belief				It can be reasonably assumed that lower income families will access social housing and therefore some or the most disadvantaged pupils will be resident in areas of high housing growth. Through the consultation process, we will review the education provision in the locality to ensure that it is accessible to all including the most disadvantaged pupils.
Sexual Orientation				
Pregnancy and Maternity				
Marriage and Civil Partnerships				These assumptions will be tested through consultation.
Carer's Responsibilities				

13. In areas of high surplus capacity, we will take action to reduce such surplus.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				Areas of high surplus are spread around the county. The surplus can change significantly from one planning group to the next. We recognise that in areas of high surplus capacity actions taken to reduce surplus may impact on parental choice. Actions may also have an impact on disadvantaged families if they have to incur the costs of travelling further for a school place or pupils SEN pupils who may have to travel further to access appropriate provision.
Race				
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				If the reduction of surplus numbers has to be considered via the reduction of Published Admissions Numbers or a school closure, a careful assessment of the impact on all protected characteristic groups will, be undertaken.
Marriage and Civil Partnerships				
Carer's Responsibilities				Further equality impact assessments specific to those consultations will be undertaken at that point.

14. Planning Guidelines – Primary:

- The curriculum is generally delivered in key stage specific classes. Therefore, for curriculum viability schools should be able to operate at least 4 classes.
- We will actively look at federation opportunities for small primary schools.
- Where possible, planned Published Admission Numbers (PANs) will be multiples of 30 (where this is not possible, multiples of 15 will be preferred).
- We believe all through primary schools deliver better continuity of learning as the model for Primary phase education in Kent. When the opportunity arises, we will either amalgamate separate infant and junior schools into a single primary school or federate the schools. However, we will have regard to existing local arrangements and seek to avoid leaving existing schools without links on which they have previously depended.
- All present primary school provision is co-educational, and we anticipate that future arrangements will conform to this pattern.
- Over time we have concluded that 2FE provision (420 places) is preferred in terms of the efficient deployment of resources.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				Overall positive for all children as the quality of provision is of primary concern. The planning guideline may be more difficult to comply with by minority groups, for example to promote a school with a religious characteristic, hence the guidance is "should" rather than "must". Consideration of the merits of the individual proposal, against the broad range of principles and guidelines, and our equalities duties would be made at the time.
Race				
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				
Marriage and				

Civil Partnerships				These assumptions will be tested as part individual school consultation processes.
Carer's Responsibilities				

15. Planning Guidelines – Secondary:

- All schools must be able to offer a broad and balanced curriculum and progression pathways for 14-19 year olds either alone or via robust partnership arrangements.
- PANs for secondary schools will not normally be less than 120 or greater than 360. PANs for secondary schools will normally be multiples of 30.
- Over time we have concluded that the ideal size for the efficient deployment of resources is between 6FE and 8FE.
- Proposals for additional secondary places need to demonstrate a balance between selective and non-selective school places.
- We will encourage the formation of all-aged schools (primary through to secondary) where this is in the interests of the local community.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				Positive for all children.
Race				
Religion and Belief				Overall positive for all children as the quality of provision is of primary concern.
Sexual Orientation				
Pregnancy and Maternity				The planning guideline may be more difficult to comply with by some groups, such as faith groups, hence the guidance is "will not normally" rather than "must".
Marriage and Civil Partnerships				
Carer's				Therefore, we will consider the merits of the individual proposal, against the broad range of principles and guidelines, and our Public Sector Equality Duty will be made at the time.

Responsibilities				There are a number of single sex secondary schools in Kent, predominantly selective schools. The need to ensure sufficient provision exists for both boys and girls will be part of a specific commissioning decision in areas where this is relevant. Where we are proposing to make changes at single sex secondary schools the issues relating to sex/gender will need to be taken into account.
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16. Planning Guidelines - Special Educational Needs:

- We aim, over time, to build capacity in mainstream settings, by broadening the skills and special arrangements that can be made within this sector to ensure compliance with the relevant duties under SEN and disability legislation.
- We will aim to commission specialist provision in any new Primary or secondary school. This could either be through the inclusion of a Special Resourced Provision (SRP) or a satellite provision linked to a local special school.
- For children and young people where mainstream provision is not appropriate, we seek to make provision through Kent Special schools. For young people aged 16–19 provision may be at school or college. For young people aged 19–25 provision is likely to be college based.
- We recognise the need for children and young people to live within their local community where possible and we seek to provide them with day places unless residential provision is needed for care or health reasons. In such cases agreement to joint placement and support will be sought from the relevant KCC teams or the Health Service.
- We aim to reduce the need for children to be transported to schools far away from their local communities.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				
Race				
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				
Marriage and				

Civil Partnerships				
Carer's Responsibilities				

17. Planning Guidelines - Expansion of Popular Schools and New Provision

- We support diversity in the range of education provision available to our children and young people. We recognise that new providers are entering the market, and that parents and communities are able to make free school applications.
- We also recognise that popular schools may wish to expand or be under pressure from the local community to do so.
- As the Strategic Commissioner of Education Provision, we welcome proposals from existing schools and new providers that address the needs identified in this Plan, which include new provision to meet increased demand, and new provision to address concerns about quality.
- In order for us to support any such proposal, they must meet an identified need and adhere to the planning principles and guidelines set out above.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Positive for all communities in Kent and supports the delivery of the Local Authority's 'Vision and Priorities for Improvement'.
Disability				
Sex				
Gender identity/ Transgender				Overall these guidelines are positive. Increasing access to high quality education provision benefits all and increases parental choice.
Race				
Religion and Belief				
Sexual Orientation				Any negative impact on neighbouring schools, and therefore children's education, would be considered as part of the evaluation of individual proposals.
Pregnancy and Maternity				
Marriage and Civil Partnerships				This would include the impact on groups with protected characteristics.
Carer's Responsibilities				These assumptions will be tested as part individual school consultation processes.

Planning guidelines – Support of Small Schools

Kent County Council and its partners, in particular the dioceses, will ensure that:

- support is given to small schools seeking to collaborate, federate or join appropriate multi-academy trusts
- All relevant local authority plans, and policies explicitly address the needs of small schools;
- All services provided or brokered through the council take account of the needs of small schools in terms of the services offered and pricing;
- The allocation of revenue and capital funding takes into account the needs of small schools.
- They will work closely with both diocesan boards of education to ensure that the distinctive character and ethos of small church of England schools is protected and maintained in future collaborative arrangements.

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				
Disability				
Sex				
Gender identity/ Transgender				
Race				
Religion and Belief				
Sexual Orientation				
Pregnancy and Maternity				
Marriage and Civil Partnerships				
Carer's				

Responsibilities				faith or no faith. Positive for all groups, as supporting our small schools to stay open will ensure that there is local provision for our rural communities. Thus, reducing the need to travel distances for primary education.
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David Adams
Area Education Officer (South Kent)

Part 2

Equality Analysis /Impact Assessment

Protected groups

Not known at this point

Information and Data used to carry out your assessment

Pupil forecasts from Management Information.

Housing forecasts from District Core/Local plans or their variants

Who have you involved consulted and engaged?

District and borough councils, schools, KCC members and the wider public will have the opportunity to comment on the plan prior to the adoption of the KCP by KCC Cabinet committee in January 2020.

Analysis

To be commented on after the consultation period.

Adverse Impact,

Any Adverse impact will be commented on and mitigation put in place if required after the consultation.

Positive Impact:

The over-arching nature of the Commissioning Plan for Education Provision 2020-24 means that the equalities impact assessment is also at a strategic, rather than specific level. In broad terms the Plan focuses on the positive impacts for all children and young people, particularly the most vulnerable pupils and those with SEND. It will provide a vehicle through which individuals and groups can make their voices heard regarding both current education provision and future proposals. An equality impact assessment will be completed as part of each individual consultation process that follows on from the commissioning plan. This assessment indicates that in line with our legal duties, the principles and planning guidelines, and thus commissioning decisions, there should be no impact on characteristics identified in the sections above.

JUDGEMENT

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken

Internal Action Required YES

See action plan

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
ALL	Although no adverse impacts have been identified, this is a strategic plan which will affect all children and young people in Kent as such it will need to be consulted on in order to ensure that any adverse impacts which may not have been identified by KCC are raised by protected groups.	Consultation	No change	D Adams	Consultation complete by 10 January 2020	Any significant changes to the cost of implementing commission proposals will be brought to the attention of Cabinet

Have the actions been included in your business/ service plan?

Yes