

**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Children, Young People and Education

Name of decision, policy, procedure, project, or service:

Chilmington Green Secondary School, Ashford

Proposal to:

- (a) Transfer developer contributions from the Chilmington Green development relating to the secondary school, amounting to £22,500,000, to the Department for Education, as and when received, if the School is delivered via the DfE 'Wave' programme;
- (b) Approve up to £3,100,000 from the Children, Young People and Education capital budget to provide the access and service infrastructure required to provide a serviced school site; and
- (c) Delegate authority to the Director for Infrastructure to take necessary actions, including but not limited to entering into necessary contracts or taking other legal actions as required to implement the decision, in consultation with the Director of Education and the General Counsel.

Responsible Owner/ Senior Officer: Lee Round, Area Schools Organisation Officer, South Kent

Version: 1

Author: Lee Round, Area Schools Organisation Officer, South Kent

Pathway of Equality Analysis: Children's Young People and education Cabinet Committee, 06 March 2021

Summary and recommendations of equality analysis/impact assessment

- **Context**

Chilmington Green is a development with consent for 5,750 new homes. A s106 agreement provides a site for a new secondary school and, over time, £22,500,000 of contributions. The Secretary of State for Education has agreed, in principle, that United Learning Trust can open a new 6FE secondary school in Ashford, on the Chilmington Green site. This is in Wave 13 of the free schools programme. The DfE expects Kent County Council to commit to pass over the £22,500,000 of developer contributions as and when it receives these from the housing developer. This arrangement supports the early delivery of the school and KCC's cash flow. A formal decision is needed to provide the DfE with surety.

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KCC will take transfer of the site for the secondary school from the developer. This will be transferred freehold to the DfE if the wave school proceeds. The site needs to meet the transfer requirements of the DfE, including having utilities provided to the curtilage of the site, access, and a safe walking route from the housing development. The requirements sit with the developer to provide these as part of the transfer requirements in the s106. However, the developer has not yet discharged these obligations. In order to support the delivery of the school, which is needed to secure KCC's duty to ensure every child can access a high-quality school place, and ensure the Wave funding is not forfeit, KCC is negotiating with the developer for it to have the option to deliver these obligations, with the developer refunding the council, with interest. The necessary works have been costed at £3,100,000.

- **Aims and Objectives**

To ensure that there are sufficient, high quality, non-selective secondary school places in Ashford for all who require a place, including those required to enable parental choice.

- **Summary of equality impact**

Adverse Equality Impact Rating Low

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning the request to:

- a) Transfer developer contributions from the Chilmington Green development relating to the secondary school, amounting to £22,500,000, to the Department for Education, as and when received, if the School is delivered via the DfE 'Wave' programme;
- b) Approve up to £3,100,000 from the Children, Young People and Education capital budget to provide the access and service infrastructure required to provide a serviced school site; and
- c) Delegate authority to the Director for Infrastructure to take necessary actions, including but not limited to entering into necessary contracts or taking other legal actions as required to implement the decision, in consultation with the Director of Education and the General Counsel.

I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed:



Name: Lee Round

Job Title: Area Schools Organisation Officer

Date: 01/02/2021

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DMT Member



Signed:

Name: David Adams

Job Title: Interim Director of Education

Date:10/02/2021

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?

| Protected Group | Please provide a brief 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 as the proposal will go some way to securing sufficient non-selective Year 7 places for pupils who require them from 2023 onwards. |
| Disability | | | | High positive impact as the proposal goes some way to securing a new school which will be fully DDA accessible. |
| Sex | | | | High positive impact as the proposal will go some way to ensuring sufficient high quality provision for boys and girls as and new school would be co-educational. |
| Gender identity/ Transgender | | | | NA |
| Race | | | | NA |
| Religion and Belief | | | | High positive impact as the Sponsor of the proposed new school has confirmed that the school will be non-denominational and will accept pupils of all faiths and those with none. The curriculum will cover all religions. |
| Sexual Orientation | | | | NA |
| Pregnancy and Maternity | | | | NA |
| Marriage and Civil Partnerships | | | | NA |
| Carer's Responsibilities | | | | NA |

Part 2

Equality Analysis /Impact Assessment

Protected groups

No negative impact on protected groups is anticipated.

Information and Data used to carry out your assessment

The information and data used to carry out the assessment is taken from school census records (October 2020) and the published data shown in the County Council's Commissioning Plan for Education Provision in Kent 2021-25 which is a five-year rolling plan that is updated annually. It sets out KCC's plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent. A copy of the plan can be viewed from this link:

https://www.kent.gov.uk/_data/assets/pdf_file/0005/104675/Commissioning-Plan-for-Education-Provision-in-Kent-2021-to-2025.pdf

Figure 1 outlines the forecast Year 7 and Years 7-11 surplus/deficit places in the Ashford Town non-selective planning group published in the current Commissioning Plan for Education Provision in Kent 2021-25. The new school at Chilmington Green would be in the planning group. It needs to be noted that the forecasts do not include pupils expected from new developments. This suggests that we will continue to require additional non-selective provision across Ashford Town throughout the Plan period which could be addressed by that opening of the school at Chilmington Green from 2023.

Figure 1: Forecast Year 7 surplus/deficit capacity if no further action is taken (KCP 2021-25)

| | 2019-20 capacity | 2019-20 (F) | 2020-21 (F) | 2021--22 (F) | 2022-23 (F) | 2023-24 (F) | 2024-25 (F) | 2025-26 (F) | 2026-27 (F) | 2026-27 capacity |
|---------------------------------------|------------------|-------------|-------------|--------------|-------------|-------------|-------------|-------------|-------------|------------------|
| Year 7 Ashford Town Non-Selective | 818 | -16 | -76 | -47 | -73 | -123 | -104 | -41 | -88 | 758 |
| Years 7-11 Ashford Town Non-Selective | 3,850 | 381 | 163 | -7 | -147 | -303 | -394 | -357 | -398 | 3,790 |

Figure 2 is the data gathered in the October 2020 school census for Ashford Town non-selective schools. It outlines the number and percentage of pupils entitled to Free School Meals (FSM), with an Education Health Care plan (EHC) and/or have Special Educational Needs (SEN) support and English as an Additional Language (EAL).

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Figure 2: October 2020 Census data for Ashford Town non-selective secondary schools.

| School | Number on Roll October 2020 | Number Eligible FSM++ | % Eligible FSM++ | Number EHC Plan | % EHC Plan | Number with SEN Support | % SEN Support | Total SEN | % Total SEN | Number EAL | % EAL |
|---|-----------------------------|-----------------------|------------------|-----------------|------------|-------------------------|---------------|-----------|-------------|------------|-------|
| John Wallis Church of England Academy, The* | 1627 | 536 | 32.9 | 50 | 3.1 | 223 | 13.7 | 273 | 16.8 | 318 | 19.5 |
| North School, The | 1146 | 250 | 21.8 | 40 | 3.5 | 77 | 6.7 | 117 | 10.2 | 163 | 14.2 |
| Towers School and Sixth Form Centre, The | 1287 | 267 | 20.7 | 22 | 1.7 | 119 | 9.2 | 141 | 11.0 | 58 | 4.5 |
| Wye School | 575 | 71 | 12.3 | 12 | 2.1 | 47 | 8.2 | 59 | 10.3 | 36 | 6.3 |

1. The John Wallis Academy is an all through school (3-18). The number on role includes nursery and primary pupils in addition to Years 11-18.
2. ++FSM is based on all pupils eligible for FSM at the time of the October census, regardless of age.
3. EAL refers to pupils whose First Language is other than "English", "Believed to be English", "Refused", "Not Obtained" or "Classification Pending".

Who have you involved consulted and engaged?

The Children's Young People and Education Cabinet Committee will be consulted on the proposal.

Should the proposal be agreed United Learning, as the appointed sponsor, will need to complete further public consultation prior to the Secretary of State for Education entering into a funding agreement.

Analysis

No impact on protected groups is noted at this point. This will be reviewed should the proposals as outlined be agreed.

Adverse Impact

NA

Positive Impact:

There will be sufficient non-selective provision in Ashford for all including those in protected groups.

JUDGEMENT

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken
- **Adjust and continue** - adjust to remove barriers or better promote equality

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- **Continue the policy** - despite potential for adverse impact or missed opportunity. Set out the justifications: there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements.
- **Stop and remove the policy** – policy shows actual or potential unlawful discrimination it must be stopped and removed or changed

Internal Action Required

YES/NO

Equality Impact Analysis/Assessment Action Plan- None note at this point

| Protected Characteristic | Issues identified | Action to be taken | Expected outcomes | Owner | Timescale | Cost implications |
|--------------------------|-------------------|--------------------|-------------------|-------|-----------|-------------------|
| | | | | | | |
| | | | | | | |
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| | | | | | | |

Have the actions been included in your business/ service plan? (If no please state how the actions will be monitored)
Yes/No

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk

If the activity will be subject to a Cabinet decision, the EqIA must be submitted to committee services along with the relevant Cabinet report. Your EqIA should also be published.

The original signed hard copy and electronic copy should be kept with your team for audit purposes.