

## EQIA Submission – ID Number

### Section A

**EQIA Title**

Service and provision redesign

**Responsible Officer**

Mark Easton - CY EQS

### Type of Activity

**Service Change**

Service Change

**Service Redesign**

Service Redesign

**Project/Programme**

No

**Commissioning/Procurement**

No

**Strategy/Policy**

No

**Details of other Service Activity**

No

### Accountability and Responsibility

**Directorate**

Children Young People and Education

**Responsible Service**

Community Learning and Skills

**Responsible Head of Service**

Jude Farrell - CY EQS

**Responsible Director**

Christine McInnes - CY EPA

### Aims and Objectives

**Background**

This Equality Impact Assessment is in response to, and in consideration of, the potential impact of the National Further Education Funding and Accountability reforms being taken forward by the Department of Education (DfE) and the Education and Skills Funding Agency (ESFA). These are a wide-ranging set of reforms which seek to improve how Central Government funding is used to reskill and upskill adults and to strengthen the accountability systems for Further Education (FE) providers. Many of the reforms will affect Kent County Council (KCC) and Community Learning and Skills (CLS) as well as other local and national providers of education and training.

CLS are KCC's internally commissioned department focussed to deliver education and training to adults and young people over 16. This includes delivering the ESFA Adult Education Budget (AEB) on behalf of KCC, to the value of £8.7m per annum. CLS's total income per annum, including ESFA income, is circa £12.5m, which is derived from different funding sources including circa £2.5m of fee income paid by learners participating in learning for leisure and pleasure courses, subsidised by

ESFA's AEB funding. CLS is not 'base funded' via KCC and therefore does not receive any funding directly from KCC income streams (capital or revenue) e.g., Government grants, council tax, fees, charges, and business rates.

CLS have circa 15000 active and enrolled learners which is 1.2% of the Kent adult population.

From the new academic year, 1st August 2024, the DfE/ESFA are changing the conditions of funding for AEB, which is to become the Adult Skills Fund (ASF). The changes to the conditions of funding will be implemented on 1st August 2024 and have necessitated KCC/CLS developing proposals for potential changes to the service offer and subsequently the infrastructure of KCC/CLS. The changes are necessary as learning for leisure and pleasure will no longer be fundable and/or be subsidised via AEB/ASF. The changes to the conditions of funding are:

- Those learners who are classified as repeat learners (learners who have attended the same type of course, completing a full level) will be expected to progress onto the next level or move into 'self-organised learning' which may be at an increased cost to the individual.
- All KCC/CLS learners participating in learning for solely for leisure and pleasure, who were previously funded/subsidised by DfE/ESFA, will no longer be as of 1st August 2024. This alteration will impact primarily those studying creative topics, languages, and fitness.
- All learning at participant level is to be categorised by a prescribed learning purpose and outcome.
- There should be a greater focus on delivering learning at the point of need (e.g. in the community).
- There are also various new requirements for data collection, which will require financial investment in Information Technology system development/software and General Data Protection Regulations, with this academic year, 23/24, being a 'change over' year, although this will not affect the service delivered by CLS to service users.

The change to the conditions of funding will negatively impact on KCC/CLS's ability to attract circa £2.5m of fee income per annum from learners participating in learning for leisure and pleasure courses. The negative impact will bring to bear increased financial pressures upon KCC/CLS. Should KCC/CLS decide to continue to provide learning for leisure and pleasure courses our provisional view is that this could only realistically be achieved through a self-funded, full cost business model, which would result in a significant price increase for learners.

Prior to the ESFA changes to funding, either financial concessions, and/or loyalty reward schemes, were available to those engaging with learning dependant on course type. From 1st August 2024 ESFA funding will not subsidise learning solely or primarily used for leisure and pleasure and, if offered, our provisional view is that these courses will have to be self-funded by course participants at full cost, with the removal of concessions and loyalty reward schemes. Loyalty schemes could not be used with accredited and partnership courses so there is no alteration in those courses. Concessions will still be available across all other streams including accredited and tailored learning.

### **Development of the proposals**

In response to the DfE/ESFA changes to the conditions of funding KCC/CLS are considering 4 potential options which have been developed to respond to:

1. The imposed funding changes
2. The current economic/financial climate
3. The environmental climate

4. Business sustainability
5. Impact on local communities and demographic of Kent.

The options are

1. Provide training and education opportunities that meet the requirements of the amended DfE/ESFA funding conditions
2. Provide training and education opportunities that meet the requirements of the amended DfE/ESFA funding conditions and a privately funded, full cost business model for learning for leisure and pleasure.
3. Discontinue all training and educational training provision funded via DfE/ESFA.
4. Do nothing.

The four options are described in more detail below.

### **Overall impacts on service users of the options**

#### Option 1 – Contractual

KCC/CLS delivery would be focussed to meet contractual obligations of the funding rules to be implemented by the ESFA on 1st August 2024 and the Local Skills Improvement Plan (LSIP) priorities around skills gaps, and local needs. No courses would be offered that do not meet the requirements of the reformed contract, as explained above (e.g. repeat learners). This Option would also see CLS expanding the offering of qualification and non-qualification courses leading towards working in Creative industries, as well as for example, language courses to support work in employers who require bi-lingual skills e.g. Border Force. Whilst learning for leisure/pleasure would not be included in the option, creative/fitness courses would be available as a vehicle to support health and wellbeing, and creative/language courses would still be included for an individual for a defined period, as they sit within ESFA funding rules.

Option 1 is the preferred option. This is on the basis that this option holds fewer financial risks for KCC long term and will also enable an undivided focus on achieving the KCC strategic aims and those outlined within the ESFA contract.

In order that Option 1 can attain a financially viable and sustainable position, an organisational redesign/ restructure would be required. The level of fee income received would be reduced to circa £800K (estimated).

It is anticipated that fewer buildings from which services are currently delivered would be required for the delivery of option 1, as this would require more courses to take place at the point of need and within localised community settings and that there would be no participation in non-funded courses. No decision has been taken by KCC against the closure of any buildings that CLS currently occupies, and this will be subject to appropriate future decision-making by KCC. Should KCC take a decision to close any of the estate CLS currently occupies a separate Equality Impact Assessment will be undertaken against each building.

Locations where more community outreach venues may be of greater benefit, and potentially mitigate against the adverse impacts of any closures on those with protected characteristics, are

being identified. Prior to use, CLS will assess each venue in relation to accessibility, safety, location and suitability as a teaching venue. CLS have identified and used 274 outreach venues, county wide, in the last two academic years; these include children's centres, schools, village halls, community centres, housing associations, cricket clubs and Gurdwaras.

#### Option 2 - Contractual plus Learner Funded Business Unit

This would be option 1 (see above), alteration of our business model to meet the terms of the new contract, but with the addition of a commercial unit in the form of Learner Funded Business Unit (LFBU). The LFBU could help replace the offer for learners whose courses are now excluded from ESFA funding. These learners would pay for their courses without recourse to concessions or discounts. It is anticipated that this would result in an initial reduction of enrolments due to an increased pricing structure.

Learners attending courses via the LFBU would be those who are willing and /or able to pay increased fees to cover the full cost of the provision. There would be no restriction on repeat learners. Estimates for fees are variable, but biggest increases would be for specialist courses requiring specialist equipment at circa 100% higher than the equivalent subsidised course rate.

CLS would deliver in each district according to identified demand and building suitability. This option would involve changing the delivery model to adhere to the changes in funding. In order that this option can approach viability, an organisational redesign/restructure would be required. It is anticipated that, as per option 1, fewer buildings from which services are currently delivered from would be required for the delivery of option 2, as this option would potentially require more courses to take place at the point of need within community settings and that there would be a reduction to participation in Full cost/self-funded courses.

Locations where more community venues may be of greater benefit, and potentially mitigate against the adverse impacts on those with protected characteristics, are being assessed. Again, any closures would be subject to further appropriate decision-making and an Equality impact Assessment.

#### Option 3 - Close CLS

Closure of KCC/CLS will necessitate one of the following options:

- a) returning the funding contracts to DfE/ESFA. This option will remove and disperse the adult & young people's learning opportunities available via KCC/CLS to alternative learning providers.
- b) KCC to commission/sub-contract delivery to external/independent providers. Should this be implemented, KCC would still retain responsibility for quality, data, compliance, and OFSTED inspections etc, as KCC would remain the legal entity responsible for ensuring the conditions of the contract are adhered to and met.

#### Impacts of Option 3:

For both a) and b) variations, there would be a delay in setting up alternative providers which would interrupt learning for all individuals with any of the protected characteristics.

The impact on all service users, irrespective of protective characteristics would be that access to existing provision currently provided through KCC would have to be resourced from an alternative provider of education and training.

It may prove difficult for learners to find suitable alternative learning opportunities. In particular, this may impact on those with disabilities or those who don't have English as a first language so may find it difficult to navigate to a new area/provision.

#### Option 4 – Do nothing:

This option would see no change to the service offer. KCC/CLS would continue with the present breadth and volume of the current service offer, including courses attended by learners who will be precluded from funding from 1st August 2024. Courses would be offered with equivalent course pricing structures and delivered from existing buildings that KCC/CLS currently occupy across Kent. From 1st August 2024 courses for learning for leisure/pleasure that were previously fundable will not be under the Department for Education's funding reforms. This is likely to result in a loss of funding of the new Adult Skills Fund contract. The resulting financial loss has been estimated to be £3.3m for the 2024/25 academic year.

#### Impacts:

In the short term, there would be no impact to any individual. In the medium term, given the lack of funding income to cover the outlay in costs, the service will become financially non-viable. The impacts are likely to be as per Option 3 as the service and KCC would be unable to sustain such significant financial loss.

#### **Equality impacts**

This EIA is intended to assess the potential impact of the options outlined above on persons with different protected characteristics. This EIA has been prepared to help us have regard to the need to: (i) eliminate discrimination; (ii) advance equality of opportunity; and (iii) foster good relations between persons who share a relevant protected characteristic and those who do not, in the exercise of our public functions. These issues are relevant considerations to be considered when we consider making a change in the way we deliver our service which may have equality implications. This EIA is also intended to evidence that these considerations have in fact been considered, and the weight given to them as part of our decision-making process.

#### **Justification**

The EqIA has identified that, overall, the biggest, and most detrimental impacts to service users, including those with protected characteristics, in the long term would be from Options 3 (close the service or sub-contract provision) and Option 4 (do nothing).

Options 1 and 2 would also give rise to impacts on those with protected characteristics, including (in summary):

- Potential reduction to the service offer, particularly in learning for leisure with mitigation provided by either the introduction of a learner-funded offer (under Option 2) and/or signposting to alternative learning providers and the promotion of self-organised learning (under Options 1 and 2).
- Potential reduced access, particularly for those who may, because of their protected characteristic (e.g. disability, age) have limited financial means. There is limited mitigation by access to funding via tailored learning.

- Older people may be more greatly affected because of their proportional representation within CLS and because they most often use classes for leisure purposes. Mitigation would be provided by either the introduction of a learner-funded offer (under Option 2) and/or signposting to alternative learning providers and the promotion of self-organised learning (under Options 1 and 2).
- Those identifying as women may be more greatly impacted, again due to the proportional representation of women among service users.

For a more detailed assessment of the negative impacts and mitigation on each of the protected characteristics, please see section C below.

KCC/CLS believes that the positive impacts of the funding changes on service users will include:

- A greater focus on demographics within local communities to deliver improvements in adult educational attainment, skills and employment rates and economy.
- Continued support of those with disabilities and requiring additional learning support.
- The forging a greater relationship and joint working with Public Health on activity to improve the health of the population.
- Supporting those in rural communities in their access to education.
- Providing opportunities for people with protected characteristics to engage with education, develop their confidence and ability to build a stronger community.
- The opportunity to increase our fully accessible venues by reviewing the existing CLS occupied estate.
- Offering more provision within local communities, thereby reducing carbon emissions and the associated health impacts, along with costs incurred by service users when travelling to venues.
- Supporting many of the most vulnerable by continuing and growing to deliver the highly successful Family Learning and Response programmes.
- Support people across all the protected characteristics by offering an improved programme to support mental health and wellbeing such as managing anxiety and stress, techniques for emotional issues, coping mechanisms for stress, CBT, assertiveness and confidence building, relaxation, and meditation.
- An inclusive vocational skills programme to enable individuals to explore prospective career avenues.

The preferred option for KCC/CLS is Option 1. While KCC acknowledges that Option 1 will have some adverse equality impacts, overall, and in summary, we consider that these are justified in light of the constraints facing KCC in terms of the policy changes introduced by the DfE and KCC's financial position. Additionally, both Options 1 and 2 will have some positive impacts on users with protected characteristics, as outlined above. While Option 2 would include additional mitigations (in the form of additional learner-funded provision), we consider that the financial risk to KCC of this option justifies our preference for Option 1. Option 4 is simply not financially viable. Likewise, Options 3 and 4 would, in our assessment, lead to worse outcomes for services users, including those with protected characteristics.

## Section B – Evidence

**Do you have data related to the protected groups of the people impacted by this activity?**

Yes, in part.
<b>It is possible to get the data in a timely and cost effective way?</b>
Yes
<b>Is there national evidence/data that you can use?</b>
No
<b>Have you consulted with stakeholders?</b>
Yes
<b>Who have you involved, consulted and engaged with?</b>
Staff will be consulted with once a decision has been taken on which option should be adopted
<b>Has there been a previous Equality Analysis (EQIA) in the last 3 years?</b>
No
<b>Do you have evidence that can help you understand the potential impact of your activity?</b>
Yes
<b>Section C – Impact</b>
<b>Who may be impacted by the activity?</b>
<b>Service Users/clients</b> Service users/clients
<b>Staff</b> Staff/Volunteers
<b>Residents/Communities/Citizens</b> Yes
<b>Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?</b>
Yes
<b>Details of Positive Impacts</b>
For <u>Service Users</u> - Please see below against individual protected characteristics and the executive Summary of the National Department for Education’s Equality Impact Assessment.  <u>Previous EqIA in relation to Adult Education Funding reforms</u> The Department for Education FE Funding and Accountability Reform undertook an Equality Impact Assessment at national level in relation to the funding reforms and the Executive Summary findings are that there would be limited real impact to learners and that for many there would be a positive benefit. A summary of their findings is: <ul style="list-style-type: none"> <li>• The DfE reforms of funding for tailored learning (referred to as non-qualification provision) are a wide-ranging set of reforms which seek to improve how funding is used to reskill and upskill adults and to strengthen the accountability systems for Further Education (FE) providers. The DfE, in their EqIA for the reforms, have not identified any impacts under limbs 1, 2, or 3 of Section 149 of the Equality Act 2010<sup>1</sup>.</li> <li>• Many of the reforms will bring benefits for learners through the stronger link between the training available to them and the employment opportunities in their local area; they will also bring benefits for providers through an improved funding model.</li> <li>• The change to remove provision purely for ‘leisure’ purposes is likely to have limited impact on learners. This is because the DfE will continue to fund provision for wider outcomes which will impact positively on learners, and thus a large proportion of the current provision is likely to continue. It is fully expected that most learners to be able to access a suitable offer and</li> </ul>

providers can still deliver courses for 'leisure' with learners paying full cost fees (although KCC is not proposing a new learner-funded offer as explained elsewhere).

- The new funding rates will support the quality of provision and help to deliver the skills the current and future economy needs, delivering a positive impact on learners by giving them the skills they need to get high value jobs. While funding rates for about 20% of individual courses will reduce, providers are free to use their funding flexibly and maintain delivery of such courses or there are other courses that learners can take which overall will attract more funding in the future.

<sup>1</sup> The limbs are defined as follows: limb 1 – The need to eliminate discrimination, harassment and victimisation (to remove or minimise disadvantages suffered by people due to their protected characteristics); limb 2 – The need to promote equality of opportunity (to take steps to meet the needs of people from protected groups where these are different from the needs of other people); limb 3 – The need to foster good relations between groups (to encourage people from protected groups to participate in public life or other activities where their participation is disproportionately low).

- The DfE therefore, anticipate an overall positive impact under limb 2 for all groups in future, and no impacts under limbs 1 and 3. They have examined historical variations in take up of individual courses between different groups and while these show that for all groups, the majority of learners were on courses seeing an increase in funding, some groups are slightly more represented than others in the courses seeing reductions. However, it is not expecting these groups to be adversely affected in reality: the mix of learners on different courses changes year to year and providers are able to use their funding flexibly in determining the amount of resource spent on individual courses and will benefit from the increased overall funding rates.
- Looking forward, it is expected impacts to be minimal, as there are likely to be other avenues for all these learners to access further education through FE colleges and grant-funded providers.

Please note: KCC/CLS does not have any legal governance or option over whether KCC/CLS accept or not central government to changes in DfE changes to education and learning policy and is contractually bound by the conditions of contract.

KCC/CLS believes that the positive impacts of the funding changes on service users will include:

- A bigger focus on demographics within local communities, and the service users therein, to deliver improvements in adult educational attainment, skills and employment rates and economy.
- Continued support of those with disabilities and requiring additional learning support.
- The forging a greater relationship and joint working with Public Health on activity to improve the health of the population.
- Supporting rural communities in their access to education.
- Providing opportunities for people with protected characteristics to develop their confidence and ability to build a stronger community.
- Offering more provision within local communities, thereby reducing carbon emissions and service user costs incurred through travel.
- Continuing to deliver the highly successful Family Learning and Response programmes which support many of the most vulnerable.



- An opportunity for service users to expand their learning and form new community links by undertaking alternative provision with local businesses, private tutors etc.
- Continue to offer Supported Learning and Independent living courses for learners generally with moderate learning difficulties, to support independent living skills e.g. cooking, gardening, travel, shopping, self-advocacy.
- Support people across all the protected characteristics by offering an improved programme to support mental health and wellbeing such as managing anxiety and stress, techniques for emotional issues, coping mechanisms for stress, CBT, assertiveness and confidence building, relaxation, and meditation.
- An inclusive vocational skills programme to enable individuals to explore prospective career avenues.

## Negative impacts and Mitigating Actions

### 19.Negative Impacts and Mitigating actions for Age

#### Are there negative impacts for age?

Yes

#### Details of negative impacts for Age

The 2022 mid year population estimates indicates that the population of Kent, by age range is: >19yrs 23.6%, 20-59yrs 49.9%; 60+yrs 26.5%.

In comparison, the percentage of learners enrolled on CLS courses, by age range, is 19yrs 1%, 20-59yrs 67%; 60+yrs 32%.

The table below shows the percentage of learners, by age range, for each sector subject area (SSA).

Percentage of CLS learners by age range in each subject area, March 2024	>16	16-18	19-24	25-59	60+	Total
1 - Health, Public Services and Care		1	5	85	9	100%
2 - Science and Mathematics	1		13	81	5	100%
3 - Agriculture, Horticulture and Animal Care			2	65	33	100%
4 - Engineering and Manufacturing Technologies			6	74	19	100%
5 - Construction, Planning and the Built Environment		12.5	12.5	75		100%
6 - Information and Communication Technology (ICT)			1	63	36	100%
7 - Retail and Commercial Enterprise			6	75	19	100%
8 - Leisure, Travel and Tourism			0.2	23	77	100%
9 - Arts, Media and Publishing			1	45	54	100%
10 - History, Philosophy and Theology				19	81	100%
12 - Languages, Literature and Culture		0	2	42	56	100%
13 - Education and Training		17	33	50		100%
14 - Preparation for Life and Work	1	11	7	76	6	100%
15 - Business, Administration and Law		16	16	54	15	100%

The courses most negatively affected by the funding changes will be those in Arts, Media and Publishing and Languages, Literature and Culture. In both of those areas, people aged 60+ make up the majority of learners.

**Option 1** – Learning for leisure/ pleasure would not be part of the service offer under option 1. The courses most frequently used for leisure and pleasure are art / craft based courses and language studies. The data above shows that learners aged 60+ make up over 50% of those enrolled so they will be the most negatively impacted by those changes. Learners wishing to undertake courses purely for learning for leisure/pleasure would need to source alternative provision or be eligible for ESFA funded tailored learning provision, which may not be available on a like-for-like basis.

We know that many of our older learners use adult learning classes for reasons including socialisation and mental health, maintaining cognitive health, maintaining manual dexterity, mobility, and fitness. These may all be negatively impacted by the proposed changes.

The cessation of these activities may incur greater travel time/distance for those who wish to participate in leisure/pleasure courses as they may have to travel further distances to access similar provision. This may impact those older learners in more rural areas where bus routes are limited or if they find public transport difficult to use.

While no formal decision to close any buildings is being taken at this stage, in the event that the CLS footprint is reduced there may be some disproportionate impacts on older people (and possibly some younger people) as a result of finding it more difficult to travel to alternative provision. This may be compounded by other factors, e.g. other protected characteristics such as age, or indeed in rural areas where public transport links are not strong. On the other hand, some provision may be delivered closer to where some individuals live as a result of greater delivery in communities.

**Option 2** – There is potential for service users to be negatively impacted through option 2 due to ESFA withdrawing funding for learning for leisure/pleasure. There are two predominant potential negative impacts, these being financial and access to provision. There is a potential for a negative impact regarding personal finance due to the revised pricing structure, which will increase the level of fees incurred for participation on self-funded courses. The level of negative impact will vary across all age categories as the level of impact is dependent on the level of disposable income available on an individual learner basis CLS do not hold any data regarding personal disposable income so are unable to quantify the percentage of existing or new learners this will impact. It is anticipated that the level of demand for learning for leisure/pleasure courses will diminish due to the increase in fees payable for participation and therefore potentially some KCC/CLS buildings will discontinue their learning for leisure/pleasure offer. The cessation of these activities may incur greater travel time/distance for those who wish to participate in leisure/pleasure courses as they may have to travel further distances to access similar provision. This may impact those older learners in more rural areas where bus routes are limited or if they find public transport difficult to use.

Should any buildings close, the impacts on those with protected characteristics may be as outlined in Option 1.

**Option 3** – Option 3, which would see the total closure of CLS, would not allow KCC/CLS for service delivery for any courses at all, including those which people would like to take for learning for leisure/pleasure. This would have a detrimental impact on learners of all ages as learning would be interrupted and it may take some time to source an alternative provision. For younger people, this may impede on their ability to gain core / vocational skills which may lead into employment or

employment progression. For older learners, the withdrawal of their learning community and activity may impact on their health and well-being.

**Option 4** - As the service offer is not proposed to change there will be no adverse/negative impact as access and availability will not alter in the short term, however any contravention of funding conditions and lack of enrolment fee income would soon mean CLS would be non-financially viable.

#### **Mitigating Actions for Age**

Options 1 – 2. The ESFA will continue to fund provision for wider outcomes through ‘tailored learning’ provision that can continue to support wider outcomes such as engaging and/or building confidence, preparation for further learning, preparation for employment, improving essential skills including English, ESOL, Maths and Digital, equipping parents/carers to support children's learning, health and well-being and finally, developing stronger communities. CLS will be offering tailored learning classes and some of these may be accessible to older learners. It is expected that most learners will be able to access a suitable offer through learners paying full cost fees, through self-organised learning groups, other existing provision and/or accessing ‘tailored learning’ provision. CLS are planning courses to start from September 2024 which could act as a trial to gauge appetite. CLS have also been researching other providers and, as an example, there are twenty alternative independent businesses that offer ceramic arts (pottery) courses across Kent and the locations of these providers are similar to those currently offered by CLS. CLS will signpost learners to other providers and avenues. As an example, in Gravesend, there is another facility offering pottery classes approximately six minutes’ walk from Gravesend AEC.

Option 3 – variant a) CLS would signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

#### **Responsible Officer for Mitigating Actions – Age**

Head of Service

#### **20. Negative impacts and Mitigating actions for Disability**

##### **Are there negative impacts for Disability?**

Yes

##### **Details of Negative Impacts for Disability**

The 2021 figures for Kent which shows that 17.9% of residents (including children) are Disabled under the Equality act. In the academic year 2023/24 to date, 15% of total learner participation declared a disability, 79% declared no disability and 6% were unknown.

Across all options, there may be some detrimental impact if provision was to cease or relocate, if any buildings were to close for example, there may be longer travel times. This may particularly impact those with disabilities who may be more likely to find transport to alternative locations more difficult to access. This may be compounded by other factors, e.g. other protected characteristics such as age, or indeed in rural areas where public transport links are not strong. It is possible that some provision may be delivered closer to where some individuals live because of greater delivery in communities.

**Option 1** – Those learners with a disability who are taking classes only for leisure/pleasure or who have completed all of the levels which we offer in that subject area, would not be funded under Option 1. Therefore, disabled learners wishing to undertake courses purely for learning for leisure/pleasure would need to identify another learning purpose to enable funding support or source alternative provision. It may prove challenging to find an alternative provision which fully meets the particular needs of an individual for example, the alternative may run at a time of day which is difficult to attend because of the impacts of that disability.

**Option 2** – The initial and most significant impact is as per Option 1. Under Option 2, CLS would offer Learner Funded courses. There is a potential for a negative impact regarding personal finance due to the revised pricing structure, which will increase the level of fees incurred for participation on learner-funded courses. This may impact on learners with disabilities, particularly those who are unable to work or have an income which enables disposable income. Those with a lower disposable income will incur a higher level of negative impact. CLS does not hold details of personal income so are unable to gauge the level of impact this may have.

**Option 3** – Option 3, which would see the total closure of CLS, would not allow KCC/CLS for service delivery for any courses at all. This would impact those with disabilities by removing a countywide avenue to education and may further exclude those with disabilities from the workplace and society.

**Option 4** – As the service offer is not proposed to change there will be no adverse/negative impact as access and availability will not alter in the short term.

#### **Mitigating actions for Disability**

Across all options: In the event that provision is relocated or ceases, mitigating activity to lessen the impact on those with disability include:

- For core skills (English / maths etc) and Independent Living, we would be sourcing venues to deliver services in community settings within the local area.
- we would explore, with the individual what alternative provision, provided by CLS or independent providers, may be suitable.
- We will also continue to offer a range of courses in an online format.

#### **Options 1 – 2**

The change in funding conditions to remove provision purely for 'leisure/pleasure' purposes is likely to have a limited impact on learners who have a disability unless they are using the CLS courses for leisure/pleasure only. Any learning that relates to core skills such as English, maths and digital skills, would continue as normal as would independent living, life skills, vocational and employment related topics.

There would also still be the opportunity to take personal development and creative courses, under one of the 7 primary purposes for learning which includes health and wellbeing and building stronger communities. It would only be courses which are being taken purely for leisure / pleasure purposes or an individual has fully completed the levels we are able to offer in a subject area where CLS could not offer a course place supported by funding.

For learners who are not eligible for funding or who don't wish to take CLS Learner Funded courses, CLS will signpost to alternative offers. This could be through self-organised learning groups, other existing provision and/or accessing 'tailored learning' provision.

Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

### Responsible Officer for Disability

Head of Service

### 21. Negative Impacts and Mitigating actions for Sex

#### Are there negative impacts for Sex

Yes

#### Details of negative impacts for Sex

The Kent 2022 mid-year figures for sex show that females make up 51.3% of the population and males 48.7%.

For the full academic year 2022/23 of total participation within CLS, female learners were more heavily represented (80%) than male (20%). In 2023/24, year to date, the figures are currently 78% female and 22% male.

The percentage of enrolments by sex, by curriculum area in 23/24 (as at 02.04.24)

Apprenticeships: Female 82%, Male 46%

CPD: Female 79%, Male 21%

CRT (creative): Female 83%, Male 17%

Family Learning: Female 88%, Male 12%

Response: Female 67%, Male 33%

Skills: Female 78%, Male 22%

Study Programmes: Female 40%, Male 60%

Workbased Training: Female 50%, Male 50%

**Option 1** – Due to the numbers of female learners studying with CLS, they will be the most impacted by the changes. Although older (aged 65+) learners show a more even split along gender lines, so the impact is likely to be more balanced as between the two genders for this group.

**Option 2** – As with option 1, the higher withdrawing funding for learning for leisure/pleasure. The impact of higher priced learner-funded courses could impact women more than men, not only because more women study with CLS but also because they may not have the same level of disposable income. There is still a gender pay gap across the UK and, because of child-rearing which may limit ability to progress a career, many women are working in the lower paid roles.

If courses cease or relocates under both Options 1 and 2, then women may be more greatly impacted than men should there be an increase in travel times. For example, if a journey to a course now took 45 minutes, then it may stop somebody from being able to take their afternoon class

because they would be unable to pick up children from school. Another example is that some women would refrain from enrolling if it meant that they are travelling late at night or in unknown areas.

**Option 3** – Option 3 would not allow KCC/CLS for service delivery for learning for leisure pleasure necessitating learner to source provision through alternative providers.

**Option 4** - As the service offer is not proposed to change there will be no adverse/negative impact as access and availability will not alter in the short term.

### **Mitigating actions for Sex**

Options 1 and 2

The increase in community-based provision will help mitigate some of the impacts of increased travel time as a result of any relocation or cessation of provision and, it may also offer an improvement to the learning experience. Learners will be signposted to other providers to enable them to source the provision which best suits their needs.

Any learning that relates to core skills such as English, maths and digital skills, would continue as normal as would independent living, life skills, vocational and employment related topics.

There would also still be the opportunity to take personal development and creative courses, under one of the 7 primary purposes for learning which includes health and wellbeing and building stronger communities. It would only be courses which are being taken purely for leisure / pleasure purposes or an individual has fully completed the levels we are able to offer in a subject area where where CLS could not offer a course place supported by funding.

To mitigate against women who are responsible for childcare / school runs, classes starting after school drop off time in the morning will also be offered.

Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

### **Responsible Officer for Sex**

Head of Service

## **22. Negative Impacts and Mitigating actions for Gender identity/transgender**

### **Are there negative impacts for Gender identity/transgender**

No

### **Negative impacts for Gender identity/transgender**

For the full academic year 2022/23, no data regarding gender identity/transgender is recorded within CLS.

The GP Patient survey has identified that younger trans and non-binary patients (aged 16 to 44) more likely to report a long-term condition, disability (including physical mobility) or illness compared with other patients of the same age. Surveys and studies with LGBT+ students have identified that, because of bullying, transphobia etc, that many trans people may also have achieved a lower outcome at school / college.

<https://www.kingsfund.org.uk/insight-and-analysis/blogs/ensuring-nhs-meets-needs-trans-people>  
Source:

<https://www.trans.ac.uk/SupportingStudents/Whatdoweknowaboutschoolexperiencesattainment/t/abid/7351/Default.aspx>

The changes to the funding rules should not, in themselves, have a particularly negative impact for Gender identity/transgender individuals unless they are using CLS courses only for leisure purposes. There are no courses offered as part of KCC/CLS offer which are specifically aimed at, or specifically relevant to gender support purposes, that will be impacted negatively by the funding changes.

The disruption to learning if CLS were to close or needing to seek another learning provider may dissuade some people from continuing their studies.

#### **Mitigating actions for Gender identity/transgender**

Options 1 & 2. The change in funding conditions to remove provision purely for 'leisure/pleasure' purposes is likely to have a limited impact on Gender identity / transgender learners. This is because the ESFA will continue to fund provision for core skills, vocational courses and CLS would be offering a wide range of tailored learning provision that will support wider outcomes including progressing to further learning and mental health. CLS would continue to provide safe, inclusive learning environments.

Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

#### **Responsible Officer for mitigating actions for Gender identity/transgender**

Head of Service

#### **23. Negative impacts and Mitigating actions for Race**

##### **Are there negative impacts for Race**

Yes

##### **Negative impacts for Race**

The 2021 census for Kent's population found people identifying as Asian was 4.4%, Black 2.6%, Mixed 2.3%, Other 1.2% and White 89.4%.

Within further education, or the full academic year 2022/23, in CLS 26.2% of total learner participation declared BME status which is above the 2020-21 England average of 23.6%\*. However, on the courses most likely to be impacted by the funding changes (noted in CLS categories as CPD and CRT), those with BME status make up 14% of learners.

*\*see associated data table showing adults in further education compared to population, 2021.*

**Option 1** – Those learners who identify as white would be the most impacted by changes affecting the courses most used for leisure / pleasure as they make up 84% of those enrolled on those courses. As identified earlier, just over half of those individuals are aged 60+. Of the 16% BME learners, at least 70% of those will not be impacted as their courses are not affected by the alteration to funding.

BME individuals make up around 16% of enrolments on the CPD and CRT category courses, which are those most impacted by the changes. As the Kent population figures show that BME people make up 10.6%, it could be said that, there may be some disproportionate impact. (compared to the population demographic of 10.6% BME in Kent).

**Option 2** – There is potential for service users to be negatively impacted through option 2 due to ESFA withdrawing funding for learning for leisure/pleasure. There are two predominant potential negative impacts, these being financial and access to provision. There is a potential for a negative impact regarding personal finance due to the revised pricing structure, which will increase the level of fees incurred for participation on self-funded courses. The level of negative impact is dependent on the level of disposable income available on an individual learner basis. Therefore, those with low disposable income will incur a higher level of negative impact. There is likely to be an interaction with the protected characteristic of race for some learners. It is anticipated that the level of demand for learning for leisure/pleasure courses will diminish due to the increase in fees payable for participation and therefore potentially some KCC/CLS buildings will discontinue their learning for leisure/pleasure offer. The cessation of these activities may incur greater travel time/distance for those who wish to participate in leisure/pleasure courses as they may have to travel further distances to access similar provision. To the extent that there is an interaction between disposable income levels and race, there may also be an effect related to race and ease of access to alternative provision.

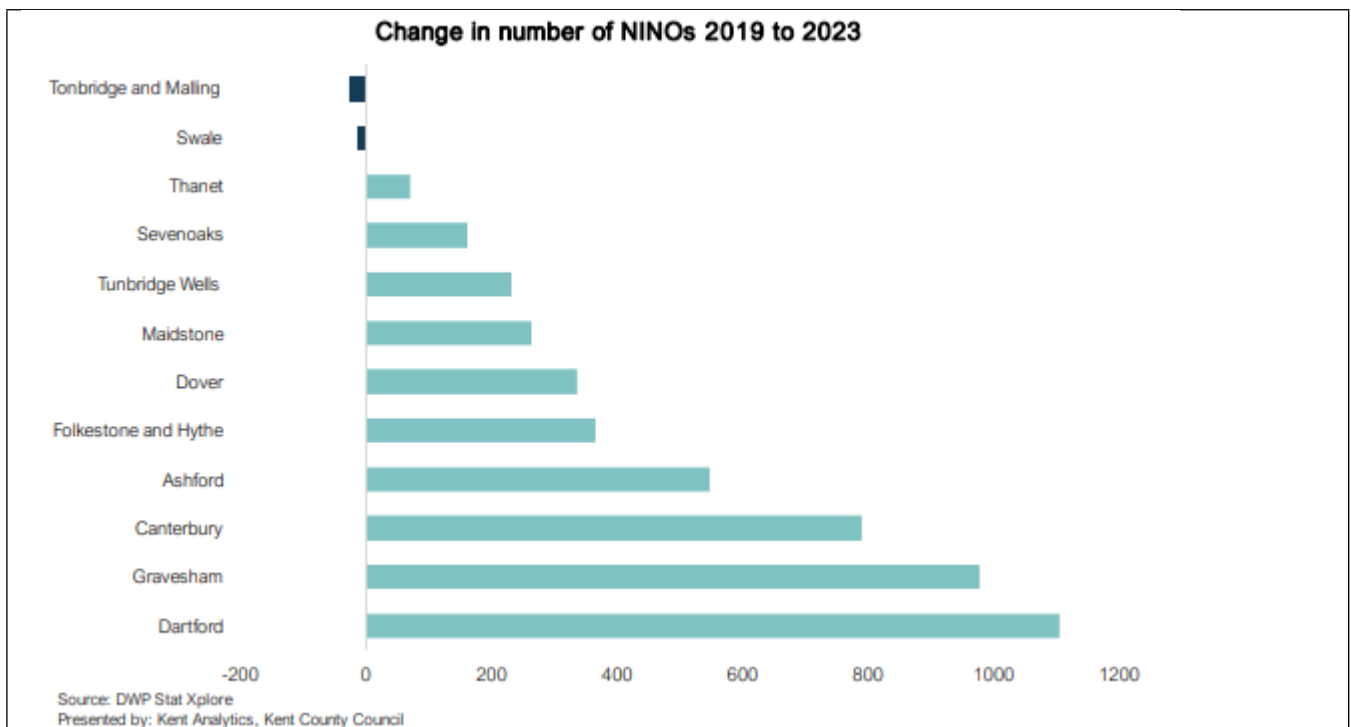
**Option 3** – The closure of CLS would have detrimental impact on all learners but for those who rely on CLS to learn to speak/improve their English and to improve their employment prospects and ability to advocate for themselves it would be catastrophic.

**Option 4** - As the service offer is not proposed to change there will be no adverse/negative impact as access and availability will not alter in the short term.

#### **Mitigating actions for Race**

The [Kent Analytics 2023 National Insurance Numbers issued \(NINo\) report](#) show that there was a 33% increase in NINo (National Insurance Number) issued compared to the previous year. The top five countries of origin for those individuals were India, Nigeria, Ukraine, Nepal and Kyrgyzstan with a notable increase in the number of people coming from Hong Kong. The locations for where the NINOs were issued, broadly matches where CLS has seen an increase in demand for subjects such as ESOL (English for Speakers of Other Languages), English and maths. CLS will continue to offer ESOL, English and maths and support those who wish to improve their core skills, offering a variety of locations for learning including in Adult Education Centres, Gateways, community venues and online.





Options 1 – 2. The change in funding conditions to remove provision purely for ‘leisure/pleasure’ purposes is likely to have a limited impact on learners who are not repeat learners. This is because the ESFA will continue to fund provision for wider outcomes through ‘tailored learning’ provision that can continue to support wider outcomes. ‘Tailored learning’ is be used in a range of ways to primarily support learners into employment and to progress to further learning, in line with the overall purpose of the Skills Fund, as well as to support the most vulnerable who rely on further education to support their personal development and access to independent living. But it can also support, as the current system does, wider outcomes for local communities such as improving health and wellbeing. It is expected that most learners will be able to access a suitable offer through learners paying full cost fees, through self-organised learning groups, other existing provision and/or accessing ‘tailored learning’ provision. As explained elsewhere, CLS will signpost service users to alternative provision where appropriate.

Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

**Responsible Officer for mitigating actions for Race**

Head of Service

**24. Negative impacts and Mitigating actions for Religion and belief**

**Are there negative impacts for Religion and belief**

No
<b>Negative impacts for Religion and belief</b>
<p>The 2021 Census showed that within Kent populace, the religious beliefs or lack thereof were: Christian 48.5%, No Religion 40.9%, Muslim 1.6%, Sikh 0.8%, Buddhist 0.6%, Other religion 0.6%, Jewish 0.1% and 5.8% 'not answered'.</p> <p>No data regarding religion and belief is recorded by CLS.</p> <p>Without CLS' own data to verify, it is assumed that the changes to funding would primarily impact those who follow a Christian belief purely because Christianity is the dominant religion in Kent and given the race and age profile of adult learners. However, the changes will not impact the person because of their beliefs and persons with any belief system will still be able to access courses and education.</p> <p>It may prove more difficult, in some community venues, to offer a quiet reflection / prayer space when required; something which we can usually offer in our adult education centre buildings.</p>
<b>Mitigating actions for Religion and belief</b>
<p>Options 1 – 2. The funding changes would not overtly alter the course type beyond the courses that are supported by the ESFA funding rules. Learners of all faiths, or none, will be able to access provision. For learners who are unable to access funding support, CLS would signpost to alternative provision which may be an alternative provider or, in the case of Option 2, a Learner-Funded course.</p> <p>CLS would continue to offer, building utilisation permitting, a quiet reflection / prayer space for learners when requested.</p> <p>While no data is collected, we are aware that many of our ESOL learners are Muslim. To ensure that we do not limit their ability to attend courses or to observe Salat-ul-Jumu'ah, we would continue to offer ESOL courses throughout the week.</p> <p>Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.</p> <p>Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.</p> <p>Option 4 – no mitigation required in the short term.</p>
<b>Responsible Officer for mitigating actions for Religion and Belief</b>
Head of Service
<b>25. Negative impacts and Mitigating actions for Sexual Orientation</b>
<b>Are there negative impacts for Sexual Orientation</b>
No
<b>Negative impacts for Sexual Orientation</b>
<p>The 2021 Census figures for the Kent populace shows that 90.6% identified as heterosexual, 1.3% as gay or lesbian, 1.1% as bisexual with 0.3% as other sexual orientation. People choosing not to answer the question amounted to 6.7%.</p>

No data regarding sexual orientation is recorded by CLS

There will be a limited impact to LGBT people as a result of the funding changes and alterations to CLS service unless a person was using CLS classes purely for leisure/pleasure or they have achieved maximum levels we offer in that subject. There are no courses offered as part of KCC/CLS offer which are specifically aimed at, or specifically relevant to LGBT+ purposes, that will be impacted negatively by the funding changes.

#### **Mitigating actions for Sexual Orientation**

Options 1 -2: CLS would continue to offer a safe, inclusive learning environment to support all learners. In the event that a specific course was no longer running, we would endeavour to signpost the learner to other provision / groups.

Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

#### **Responsible Officer for mitigating actions for Sexual Orientation**

Head of Service

#### **26. Negative impacts and Mitigating actions for Pregnancy and Maternity**

##### **Are there negative impacts for Pregnancy and Maternity**

Possibly

##### **Negative impacts for Pregnancy and Maternity**

For the full academic year 2022/23, no data regarding pregnancy and maternity is recorded by CLS.

We believe that there would be a minimal negative impact in relation to pregnancy and maternity as a result of the alterations to funding unless an individual was using adult learning classes purely for leisure/pleasure.

If a preferred location wasn't able to offer a desired course, there may be an impact on the arrangements around travel time and childcare depending on an individual's circumstances.

If the entire service were to cease, the cessation of support and education, particularly the support given by CLS' parenting courses would have a negative impact.

##### **Mitigating actions for Pregnancy and Maternity**

**Options 1 – 2** - CLS will continue to offer Family Learning and parenting courses in children's centres, schools, adult education centres and online. Likewise, CLS would offer core skills and employability related courses as well as tailored learning courses with wider outcomes.

If a learner needs to miss any classes either during or post pregnancy then class notes and home study work would be provided. If a learner needed a longer break away from their studies, then CLS would work with the individual to agree the best plan for them, for example an agreed break in learning could be arranged.

If a mother was nursing, while we do not accept babies and children into the classroom as it disrupts other learners, a quiet space to be found to enable to mother to either nurse or pump. Most of our classes last between one and three hours so most mothers find this duration to be manageable. The longer classes (3+ hours) per day, tend to be held in our adult education centres so there will always be a space for somebody to wait with a child, a quiet nursing space and if required a fridge for storing expressed breast milk.

Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

#### **Responsible Officer for mitigating actions for Pregnancy and Maternity**

Head of Service

#### **27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships**

##### **Are there negative impacts for Marriage and Civil Partnerships**

No

##### **Negative impacts for Marriage and Civil Partnerships**

CLS do not record data regarding marriage and civil partnerships.

There are no known changes or negative impacts that directly relate to marriage or civil partnerships. There is no entry requirement on any provision that requires or discriminate against marriage / civil partnership status.

Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

##### **Mitigating actions for Marriage and Civil Partnerships**

None required

#### **Responsible Officer for Marriage and Civil Partnerships**

Head of Service

#### **28. Negative impacts and Mitigating actions for Carer's responsibilities**

##### **Are there negative impacts for Carer's responsibilities**

Yes

### Negative impacts for Carer's responsibilities

For the full academic year 2022/23, no data regarding carer's responsibilities is recorded by CLS. The [Kent Adult Carers Strategy 2022-27](#) In Kent, estimates that 148,341 adults aged 16+ provide hours of unpaid care each week. In Thanet around 14% of people are carers and in Canterbury it's around 12%. It is reasonable to assume that some CLS learners are also carers. A carer's role can make paid work, study, maintaining social connections and getting involved in leisure activities difficult and sometimes almost impossible. Carers are more likely to suffer with physical, emotional, and mental health problems.

**Options 1-2:** The proposed options would impact on a carer if they were using courses purely for leisure/pleasure rather than for wellbeing or considering future career options. Likewise, if a regularly attended course doesn't run or the participants change, it could mean that a regular support network / community alters for the carer.

There may also be a negative impact if a preferred course is only available on a Learner-Funded option and the carer has restricted means to pay the fees.

Option 3: Carers would be impacted by the closure of CLS as it is an avenue of support removed. Most CLS classes, including vocational classes, are two to three hours per week in duration which, with additional travel time to a new provider, may make it difficult for carers to attend. Vocational courses in other providers like colleges may be more intense which can be harder for a carer, with all their commitments, to attend.

Option 4 – in the short term there would be no immediately obvious difference barring a false sense that nothing would change.

### Mitigating actions for Carer's responsibilities

**Options 1 and 2:** The change in funding conditions to remove provision purely for 'leisure/pleasure' purposes would likely to have a very limited impact on learners or colleagues who are carers. Core skills and employability courses would continue. The ESFA will continue to fund provision for wider outcomes through 'tailored learning' provision that would continue to support wider outcomes such as support learners into employment or health and wellbeing.

If a learner needed to miss any classes because of caring duties, then class notes and home study work would be provided. If a learner needed a longer break away from their studies, then CLS would work with the individual to agree the best plan for them, for example an agreed break in learning could be arranged.

If CLS no longer offered a course or if a course was financially out of reach for a learner, CLS would signpost to alternative providers or ways to continue learning.

Option 3 – variant a) CLS will signpost learners to alternative providers include colleges, community groups, independent businesses and schemes supported by local councils as part of the UK Shared Prosperity Funding.

Option 3 – Variant b) provision provided by third party suppliers via sub-contracted arrangements with KCC.

Option 4 – no mitigation required in the short term.

**Responsible Officer for Carer's responsibilities**

Head of Service