

Overview

Legal obligations under Section 149 of the Equality Act 2010: The Public Sector Equality duty

- As a public authority we must have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
 - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.

Proposal Summary Information

Choose From:	Project	Title:	Update on the School Expansion Programme and Site Acquisitions: Includes expansion details of Dormers Wells Infant School	Is it HR Related?	
				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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Corporate Purpose	Cabinet Report Decision	EA relates to	Project/scheme/initiative	If other please specify:
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1. What is the Initiative looking to achieve?

Background

The significant increase in births between 2002/03 and 2010/11 has meant continued pressure on Ealing primary schools. The expansion of primary school places in Ealing began in 2008 with more than half of all schools either permanently expanding or having taken one or more bulge classes to date. The current expansion programme will have provided 36.5 forms of entry (FE) by 2017. Most of these have been provided through the expansion of existing schools but this also includes the creation of new Free Schools in the borough.

In total (including 2.5FE in bulge classes) we will provide 4,800 reception places in September 2015, compared to the 2008 baseline of 3,769 places. This is to meet the demand generated by 5,843 live births for the cohort of children who reached reception age in September 2015. The rising birth rate has been the key factor influencing the increase in demand for places in Ealing, with a 31% rise in births over the eight year period between 2002/03 and 2010/11. The September 2015 intake (born in 2010/11) appears to represent the peak in births and births in the borough dropped back to 5,466 in 2013/14 (the September 2018 intake).

Birth increases in the Southall area, where Dormers Wells Infant School is situated, has come in later in comparison to other parts of the borough with a 25% increase in births between 2008/09 and 2011/12.

The policy deals with the expansion of primary school places; primary age children are 4-11 years old. Children are of statutory school age the term after their 5th birthday, when they are required by law to be in education.

Dormers Wells Infant School, a Foundation School, made a local governing body decision to increase their published admission number (PAN) from 105 to 120 (4FE) in 2011. At the time the school managed the increase of 45 school places (15 per year group) in its existing accommodation. Now the increased PAN has been fully implemented across all infant year groups, building work is required to provide much needed additional teaching and learning space.

This EAA accompanies a Cabinet Report going to Cabinet on the 15th September 2015 seeking authority to progress a proposal which aims at providing sufficient teaching and learning areas to accommodate the increase in pupils.

2. Which protected groups who will be affected¹:

Parents of current pupils at the school (including in the nursery), parents of future pupils at the school and local residents will be affected so potentially all of the protected groups will be affected.

¹ AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP

Assessment of the Potential Effect on People with the Protected Characteristics

Characteristic: AGE	Does Your Proposal:		
Description: A person of a particular age or being within an age group	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	The policy deals with the expansion of primary school places and in this instance infant school places; infant age children are 4-7 years old. Children are of statutory school age the term after their 5th birthday, when they are required by law to be in education. Expansion of primary places where there is increased demand means that more local children will have the opportunity to attend the school.		No negative effect on persons due to their age has been identified. It is important to ensure that when building works take place at schools, disruption is minimised and the council ensure they work with companies with experience of working with schools in order to ensure this.

Characteristic: DISABILITY	Does Your Proposal:		
Description: A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities ²	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	Expansion of the school will ensure improved accessibility for those with physical disabilities, in line with the latest guidance which is considered a positive impact.		No negative impact identified.

² Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

Assessment of the Potential Effect on People with the Protected Characteristics

Characteristic: GENDER REASSIGNMENT	Does Your Proposal:		
Description: This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	Neutral impact. Persons who are undergoing gender reassignment or consider themselves to be trans, transgender and transsexual may have children at or work at the school.		Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.

Characteristic: RACE	Does Your Proposal:		
Description: A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	The school is a mixed foundation school and admits children based on admissions criteria fully compliant with the admissions code and does not discriminate based on race so the impact is considered neutral. The proposals will meet the statutory duty on schools to promote community cohesion and the school would build on and further develop the current approach to community cohesion including building on the strong partnership with parents.		No negative impact identified.

Characteristic: RELIGION & BELIEF	Does Your Proposal:		
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Assessment of the Potential Effect on People with the Protected Characteristics

<p>Description: Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.</p>	<p>Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</p>	<p>Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p>	<p>Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>	
	<p>For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:</p>		<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>	
	<p>Description:</p>		<p>Description:</p>	
	<p>The school is a mixed foundation school and does not admit pupils according to their religious beliefs so neutral impact identified.</p>		<p>Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.</p>	

<p>Characteristic: SEX</p>	<p>Does Your Proposal:</p>			
<p>Description: Someone being a man or a woman</p>	<p>Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</p>	<p>Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p>	<p>Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>	
	<p>For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:</p>		<p>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</p>	
	<p>Describe the effect:</p>		<p>Describe the action:</p>	
	<p>The school is a mixed gender foundation school and admits children based on admissions criteria fully compliant with the admissions code and does not discriminate based on gender. The admissions arrangements for all schools must comply with the School Admissions Code and the Schools Adjudicator has recently reviewed the Council's admissions arrangements.</p>		<p>Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.</p>	

<p>Characteristic: SEXUAL ORIENTATION</p>	<p>Does Your Proposal:</p>		
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Assessment of the Potential Effect on People with the Protected Characteristics

Description: A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes.	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Description:		Description:
	No differential impact on people based on sexual orientation so neutral impact identified.		Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken.

Characteristic: PREGNANCY & MATERNITY	Does Your Proposal:		
Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;	Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;	Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
	For the three duties above, consider whether the impact is positive, negative, a combination of both, or neutral:		Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:		Describe the action:
	Potential negative impact of not expanding schools in that when there are insufficient school places available in an area parents/ carers may have to travel further to schools and in some cases take children within the same family to different schools. Potential negative impact of parents who are pregnant or in maternity being in this situation when there is a lack of school places. Potential negative impact if unsuitable		Policy for expansion of schools reflects the need to expand schools in areas where birth rates have increased, so that children have the opportunity to attend school near to their homes and any disruption regarding having children within the same family attending different schools is minimised.

Assessment of the Potential Effect on People with the Protected Characteristics

	accommodation is in place for the expanded school.	
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Characteristic: MARRIAGE & CIVIL PARTNERSHIP	Does Your Proposal:	
Description: Marriage: A union between a man and a woman. Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.	Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; Yes <input type="checkbox"/> No <input type="checkbox"/>	
	For the duty above, consider whether the impact is positive, negative, a combination of both, or neutral:	Alternatives and mitigating actions which have been considered in order to reduce negative effect:
	Describe the effect:	Describe the action:
	No differential impact on people based on marriage and civil partnership so neutral impact identified.	Ensure that school policy continues to ensure that people with protected characteristics are considered and fair policies developed. Ensure regular review of policies is undertaken..

4. Human Rights	4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child? Yes <input type="checkbox"/> No <input type="checkbox"/>	
	For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities web page.	
Describe the effect and any mitigating action you have considered.	The proposal links to article 28 (right to education) as defined by the UN Convention on the Rights of the Child, that "all children have the right to a primary education". The proposal to expand primary school places seeks to ensure that children are able to be offered school places near to where they live, within their local communities.	

5. Information	5a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.	
	Reports to Cabinet on need to increase school places in primary schools (particularly the reports of April 2008, December 2008, April 2009, September 2009, January 2010, July 2010, December 2010, January 2011, July 2011, September 2011, December 2011, January 2012, March 2012,	

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July 2012, January 2013, March 2013, June 2013, April 2014) are available on the Council's website at the following address:
<http://ealing.cmis.uk.com/ealing/Committees.aspx>

5b. What has your analysis of the information shown. Is there evidence of lawful/unlawful discrimination?

The information shows that there is a need to expand primary provision in the borough to meet rising population needs, if this is not done then there would be insufficient school places available. There would not be direct discrimination because of this as the admissions and SEN codes of practice promote fairness but, for example, if a parent/ carer applied for a school place late then their child would be less likely to secure a school place near to their home. This information also demonstrates that where the expansion of a school is necessary, so is ensuring sufficient teaching and learning space to accommodate the rise in pupils. No negative impact identified.

Looking Ahead

6. Action Planning	Actions (Include any actions you plan to take to reduce any negative effect on your proposal in addition to other key project milestones)	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Include contact email and telephone number)
	It is recommended Cabinet award authority for the allocation of funds for the proposal, authority to invite and evaluate tenders, submit a planning application and award the contract should suitable tenders be received and are in line with the Councils Contract Procedure Rules.	Procurement progressed and building works commence on site	Cabinet consider and give authority to progress. Procurement process commences	November 2015	Gary Redhead gredhead@ealing.gov.uk 020 8825 5773
	Building works complete	Suitable accommodation in place	Additional pupils accommodated	Autumn 2016	Gary Redhead gredhead@ealing.gov.uk 020 8825 5773

7. Have the above actions been incorporated into your service/business plan or dedicated project plan? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If no, how will you measure the effect of your decision/policy/project/service on an ongoing basis? What ongoing outcomes are you intending to monitor? •	Date for post implementation review

