

Impact and Equalities Impact Assessment

Assessment of: Proposal to establish a new Special Free School in Ivybridge, South West Devon.

Date: April 2023

1. Description of Project and Background

This Impact Assessment is a working live document which will be updated throughout project delivery.

The Department for Education (DfE) approved, under the Wave 2 Special Education Needs Free School programme, the delivery of a 120 place special free school for learners aged 7-16 years of age with high functioning autism. The submission bid was originally proposed for Plymouth Local Authority but this was extended to Devon County Council on the condition that DCC was able to secure a suitable site at nil cost to the Department and that the school would serve learners from both Devon and Plymouth with it being located as close to the border with Plymouth LA as practicable.

The free school programme will be centrally administered and funded by the DfE but Devon County Council needs to provide the school site.

Funding has been identified in the DCC Medium Term Capital Programme to purchase a site.

Following an extensive land search by South West Norse, a suitable site was identified at Rutt Lane, Ivybridge. The 2.08 ha site is to the south of the B3213 on the eastern edge of Ivybridge Town. Outline planning permission was secured for the school in January 2023.

Further to lengthy negotiations with the Landowners through South West Norse, a site value has been agreed and approval for additional funding is required. funded from the unallocated High Needs Block SEND Capital allocations approved within the Medium Term Capital Programme.

If the site is purchased the DfE will design and construct the new school. Subject to the Secretary of State entering into a Funding Agreement, the

earliest opening date for the new school is September 2025. Once the school is built, Devon County Council will have control of commissioning the new places. The Secretary of State has previously agreed that the school will be established and run by the Special Partnership Trust [Special Partnership Trust - Home](#)

2. Reason for proposed change

Devon, in line with other Local Authorities, has experienced a significant rise in the number of children requiring statutory plans. This has resulted in an over-reliance on the non-maintained and independent sector and pressures on the High Needs Budget. The overarching Devon plan is to reduce the long term reliance on the independent sector. This project forms part of the High Needs Block Safety Valve work to reduce the budget deficit.

3. Aims / objectives, limitations and options going forwards (summary)

The proposal will support the delivery of the following key priorities:

- All children and young people with SEND are in appropriate educational placements receiving at least a good quality of education, with health and social care support as needed, to achieve their potential;
- Children and young people with SEND are well prepared for the next stage of their education, employment or training and their adult lives;
- Children, wherever possible, are educated in their local communities with their peers;
- Identification, assessment, and support are timely and appropriate to the level and type of need, offering equity for across the county.
- The Local Area fulfils its statutory duties in relation to Education Health and Care Plans.
- Parents and carers of children with SEND report that their children receive the support their children and young people to which they are entitled.

4. People affected, diversity profile and analysis of needs

The 2017-18 SEND Strategic Review identified the shortfall of special school places in Devon with significant pressure on places. This has driven an

over reliance on the independent sector. This proposal will support our sufficiency duty; financial stability; and where possible keep students learning in their local communities.

Since the SEND Strategic Review, Devon has delivered an ambitious programme to increase special school places including 4 new schools and expansions, the former in areas where Children and Young People were previously having to travel long distances to access provision, mainly in Exeter. Despite this investment and plans to deliver additional places in the next two years, Devon's expanded special school estate is forecast to be full due to the rising number of children with plans. This is now being mitigated by management action but there remains the need to disinvest significantly from the independent sector in the medium term.

The number of learners in Devon requiring a statutory plan, after mitigation identified in the High Needs Block Safety Valve and SEND Improvement work, is expected to rise from 7,300 to 9,200 between 2021 and 2026, a 26% increase. The largest primary needs across the County are SEMH, which is forecast to increase by 31%. Autism and Speech, Language and Communication are both expected to rise by 20% over the same period. Current projections identify there will be nearly 1,000 learners in independent school placements at the end of the 2022-23 academic year, nearly 40% of these having a Social, Emotional and Mental Health primary need, the highest numbers being in KS2 – KS4. Learners with an Autism primary need make up over 25% of the independent school cohort and Speech, Language and Communication the next highest at 10%, again with the bulk at KS2 - KS4.

The proposed free school will offer 120 full time equivalent co-educational places for boys and girls aged 7-16 with high functioning autism.

5. Stakeholders, their interest and potential impacts

The proposed new special school will be a Free School run by the Special Partnership Trust who the Secretary of State for Education approved as the successful sponsor to establish and run the new school. Pupils aged 7 to 16 years of age with an Education, Health and Care Plan and with high functioning autism who require a specialist school placement would be placed at the school. This proposal will help ensure that children and young people requiring a specialist school placement can have their educational needs met closer to home and within state maintained provision whenever possible. This will reduce reliance on the independent sector and mean that more learners can be educated closer to home, within their community, thus avoiding long journey times to school which can be distressing and disrupt family life. This should increase children and young people's opportunities for social engagement and closer links to their local community. The proposed new Free School will have a direct positive impact on children and their families.

Existing state maintained special schools would not be adversely affected as all Devon special schools are at or near capacity and are forecast to

remain full as the LA continue to disinvest from the independent sector.

6. Additional research used to inform this assessment

The DfE suite of statutory guidance on establishing a free school via the Department's centrally delivered route: [Opening a free school or maths school - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/opening-a-free-school-or-maths-school) will be followed.

Additional legislation considered in bringing forward this proposal:

Town and Country Planning Act 1990

The Plymouth and South West Devon Joint Local Plan adopted March 2019

Academies Act 2010

7. Description of consultation process and outcomes

An outline planning application (2084/22/OPA) for the new free school was submitted June 2022 and required a 21 day consultation period. The application was granted consent for the provision of a Special School including new two storey teaching block with associated hard and soft landscaping in January 2023.

The successful sponsor, the Special Partnership Trust, will be required to carry out a Section 10 consultation, under the Academies Act 2010, to consult stakeholders on whether they should enter into a Funding Agreement for the new school with the Secretary of State. This consultation gives the local community and other stakeholders the opportunity to learn more about the successful proposer's plans, ethos and vision for the new school and to share their views.

8. Equality analysis

Giving Due Regard to Equality and Human Rights

All statutory requirements will be met and all stakeholders consulted in accordance with DfE statutory guidance and legislation.

The proposal is in line with the policies set out in Devon County Council's Education Infrastructure Plan to 2033 to support sustainable, high quality provision that maximises accessibility, meets local needs and recognises the needs generated by planned development in specific localities, tackles inequalities for vulnerable pupils but also recognises the needs of a changing population, employment and growth opportunities.

Admissions will be managed in accordance with the Childrens and Families Act 2014 and the Special educational needs and disability regulations 2014.

Characteristics	Potential or actual issues for this group.	<p>How will the project / service / policy / activity:</p> <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (meet needs / ensure access, encourage participation, make adjustments for disabled people, 'close gaps'). foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p>
All residents (include generic equality provisions)	Impact to children and young people, parents/carers and the community of Ivybridge	<p>Positive impact on learners and their parents/carers with high functioning autism enabling children and young people to be educated closer to home, reducing journey times and educated within the state funded sector.</p> <p>There will be an increase in traffic to and from the school site, which may affect residents. A School Travel Plan will be published to encourage sustainable travel so far as possible. Home to School transport will be provided by DCC in accordance with the home to school transport policy; buses and coaches are cleaner than cars on a per passenger basis.</p>
Age	7-16 years of age	Non applicable. The provisions on age discrimination do not apply.
Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people	The school will be designed in consideration of the Equality Act 2010.	Positive. The project will be designed in consideration of the Equality Act 2010 and guidance provided in BS 8300, taking into consideration the diverse needs of all building users with the aim of ensuring equal access for all, where practical. All schools have duties under the Equality Act 2010 towards individual disabled children and young people and must make reasonable adjustments to prevent them being put at a substantial disadvantage.
Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion and belief	The new school will be for children and parents of all faiths, belief (including lack of religion or belief), race and ethnicity.	Positive. The new special free school will impact positively on children with high functioning autism regardless of race, culture, ethnicity, nationality, religion or beliefs. Admission to the school will be in accord with the Special Educational Needs Code of Practice and the responsible body will not discriminate in the arrangements it makes for deciding who is offered

Characteristics	Potential or actual issues for this group.	How will the project / service / policy / activity: <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (meet needs / ensure access, encourage participation, make adjustments for disabled people, 'close gaps'). foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p>
		<p>admission as a pupil.</p> <p>Schools have wider duties to prevent discrimination, to promote equality of opportunity, tolerance and foster good relations.</p>
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)	Non applicable.	Positive. The commission of the new special free school will impact equally upon all children with high functioning autism. The new Free School will be co-educational with the expectation it is opened with all genders established in the school.
Sexual orientation and marriage/civil partnership	Neutral.	Neutral. All schools are required to have equalities policies and address issues on sexual orientation openly and positively. Marriage and Civil Partnerships: non applicable.
Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban	Devon County Council's Education Infrastructure Plan supports sustainable, high quality provision that maximises accessibility, meets local needs and recognises the needs generated by planned development in specific localities, tackles inequalities for vulnerable pupils but also recognises the	This proposal will provide increased provision for learners with an EHCP. DCC has made a commitment to delivering increased SEN provision to meet increasing demand and reduce its reliance on the independent special school sector.

Characteristics	Potential or actual issues for this group.	<p>How will the project / service / policy / activity:</p> <ul style="list-style-type: none"> • eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. • advance equality (meet needs / ensure access, encourage participation, make adjustments for disabled people, 'close gaps'). • foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p>
	<p>needs of a changing population, employment and growth opportunities . It supports local schools for local children thus minimising the reliance on school transport and environmental impact.</p>	

9. Human rights considerations

Devon County Council has a statutory duty to provide sufficient education places. This proposal will have a positive impact on learners and their families, supporting more children to attend a school closer to their local community, reducing long journey times to school which can result in distress and disruption to family life.

10. Environmental analysis

Outline planning consent has been granted for the new school. The development application was accompanied by an ecology survey which has found no adverse impact on protected species and which contains recommendations to mitigate the impact during construction and achieve a biodiversity net gain within the site. The biodiversity net gain will be achieved by the retention and enhancement of existing habitats supplemented by additional planning and the incorporation of features that will encourage increased biodiversity into the design.

A carbon reduction statement was submitted as part of the outline planning application that demonstrates that the detailed design and layout will be heavily influenced by a drive towards reducing energy load, maximising controlled natural heating, cooling, lighting and reducing the heat loss area. Provision of renewable energy sources will be reviewed to minimise energy loss with full details submitted at Reserved Matters stage.

The school will be subject to a further Reserved Matters planning application and will be required to meet the validation requirements of the Planning Authority.

A School Travel Plan will be agreed setting out how the school will promote safer, active and sustainable travel to and from school with the aim of reducing traffic congestion and parking outside of school so far as is possible. The location of the railway station may provide staff with the benefit from additional public transport provision in order to travel to work.

11. Economic analysis

	Describe any actual or potential negative consequences.	Describe any actual or potential neutral or positive outcomes.
Impact on knowledge and skills:	No discernible impact.	
Impact on employment levels:	The development of the site and the operation of the new special free school will create jobs in the local area requiring various levels of qualifications and skills.	The school will create new employment opportunities for teachers, support staff and ancillary staff.
Impact on local business:	A school site has secured outline consent.	The additional employment generated from the proposed school will support and have a positive impact on the existing town centre.

12. Describe linkages or conflicts between social, environmental and economic impacts (Combined Impacts) and how will the economic, social and environmental well-being of the relevant area be improved through what is being proposed?

This proposal will provide additional special need places. The increase in places is in line with the County Council's financial strategy to reduce reliance on independent school places. It will mean that learners can be educated closer to home, within their community, thus avoiding long journey times which can impact on learners' education and quality of life. The construction and operation of the school will bring wider economic benefits to the community through increased employment opportunities. Environmental impacts will be considered and any adverse impacts mitigated as far as is possible through the planning process. A School Travel Plan will also be agreed to minimise the impact on the local community of traffic congestion and parking at school drop-off/pick up times once the school is operational. The combined overall impacts are seen to be positive.