

Impact Assessment

Version 2015

Assessment of:	New Schools Procedure (as prescribed by Section 9 of the Academies Act 2010 and Section 149 of the Equality Act 2010, to assess potential impact of any new school on existing educational provision in the area and on any groups with protected characteristics and report to the Regional Schools Commissioner)
Service:	Planning, Transportation and Environment

Head of Service:	Dave Black
Date of sign off by Head Of Service/version:	6.6.17
Assessment carried out by (incl. job title):	Christine McNeil, School Organisation (Policy) Manager

Section 1 - Background

Description:	The Education and Inspections Act 2006 and the Education Act 2011 brought in new procedures for establishing new schools requiring a competitive process and as a result Devon County Council established procedures to run school competitions. Local Authorities are required to seek proposals to establish Academy/Free School in
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	the first instance where they identify a need for a new school. They may assess proposals and can indicate a preference but the decision on the new proposer will be made by the Regional Schools Commissioner on behalf of the Secretary of State
Reason for change and options appraisal:	Government changes to the pattern of school provision and changes to Devon County Council's procedures for seeking new proposers

Section 2 - Key impacts and recommendations

Social/equality impacts:	<p>There has been significant change to school provision over the past few years with the Local Authority's role changing to that of commissioner. There are new providers entering the system with the introduction of academies, free schools and a new process for new school sponsors. In addition, significant housing development is planned in Devon with two new towns at Cranbrook in East Devon and Sherford in the South Hams together with a number of urban areas seeing a large growth in development and some rural areas seeing a decline in pupil numbers. The Local Authority has responsibility for ensuring that every child has fair access to all schools, promoting a diverse supply of strong schools and the highest standards of teaching, including early years, post 16 and those with special educational needs. It also supports local schools for local children in terms of environmental and economic impact whilst supporting our rural communities. Our Education Infrastructure Plan 2016-2031 identifies our future infrastructure and the need to seek proposers for all new schools through structured procedures which will give parents more choice with the education landscape becoming more diverse. The procedures will include:</p> <ul style="list-style-type: none"> - Establishing the type of provision required in conjunction with the Department for Education - Consulting with all those impacted by the proposals and all groups interested in establishing a new school - Providing sponsors with details of requirements and inviting applications - Assessing proposals, including interviews where appropriate with prospective sponsors and submitting
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	<p>assessments to the Department for Education.</p> <p>With approximately 80,000 new homes being built in Devon over the next 15-20 years there will be a number of new schools coming forward. We will continue to monitor and review the demographic changes to our population and in relation to emerging Local Plans.</p>
Environmental impacts:	<p>The Education Infrastructure Plan supports the delivery of energy efficiency measures and renewable energy solutions across the education estate and we will continue to encourage and support new and existing schools to look at long term investment in renewable energy schemes to mitigate the impact of increasing energy costs. Expansion of popular and successful schools does have an impact on the distance parents will travel to the chosen school for their children, particularly in a large rural County. DCC will continue to promote sustainable patterns of provision and travel by promoting high quality provision which is within reasonable travelling distance for a child or young person, enabling pupils to be able to walk to school.</p>
Economic impacts:	<p>As the schools estate changes with a diverse range of providers entering the region through new schools, free schools, studio schools etc. there will be opportunities for creating new employment at both primary and secondary level. With up to 80,000 new homes in the region to 2031 there are likely to be over 20 new primary schools with expansion of secondary and additional early years provision. As the urban areas grow there will be distinct challenges faced by rural schools. The Local Authority will continue to work with all schools to ensure that the pattern of provision meets the needs of its communities.</p> <p>For all new schools LAs will be required to meet start up costs and this will have a significant impact on the Dedicated Schools Grant. The position has been debated in SFG and DEF which have agreed that a funding formula will be applied, which will continue to be monitored.</p>
Other impacts (partner agencies, services, DCC policies, possible 'unintended	<p>Where rural schools are seeing a decline in population, urban schools are seeing a growth in pupil numbers. We will support our policy of local schools for local children in order to reduce travel and environmental impact.</p>

consequences’):	
How will impacts and actions be monitored?	Two competitive processes have been held under the new legislation and during this time practices and procedures have changed but a number of lessons have been learned through the process, including the need to keep communities fully informed, being robust in assessment and ensuring local needs are met whilst recognising that new providers will enhance choice for a changing population. We will continue to monitor our procedures following each new school procedure to ensure best practice. We will continue to monitor how pupil places can be commissioned to meet the needs of a growing community and changes in Government legislation

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	All communities in Devon and consultation will involve all DCC Members, The Phase Associations, Special Heads Association, Devon Association of Governors, Schools Organisation Capital and Admissions Committee, Exeter Diocese, Roman Catholic Diocese, communities, District Councils, Parish Councils, MPs, etc.
Diversity profile and needs assessment of affected people:	The procedures will encourage new providers into Devon to support a range of models of provision and promoting diversity and options for pupils and parents.
Other stakeholders:	Local Planning Authorities and housing developers and their role in supporting the future pattern of education provision National Government with a vision of our education provision and support for future investment in Devon schools
Consultation process:	School Organisation statutory procedures for consultation with all stakeholders, parents, pupils, staff and communities.

Research and information used:	Detailed research in planning new schools is required including housing, transport, population estimates and projections, live births and ethnicity with a demographic modelling tool to derive likely household and housing profiles consistent with the population's age-sex composition. NHS data and an assessment of births and location of pre-school children, pupil migration, local pupil forecasts compared to Planned Admission Numbers and net capacities of schools is also essential in the planning and investment of school places.
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Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	Describe any actual or potential negative consequences (e.g. disadvantage or community tensions) for the groups listed. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes for the groups listed. (Consider how to advance equality/reduce inequalities as far as possible).
All residents (in general):	The County has a number of very small schools with fewer than 50 pupils and a high percentage of primary schools are classed as rural schools in the County. The scale of future housing development in these areas is low and rural isolation has been highlighted when a rural school closes and the impact particularly where the school has been the hub for its community. In contrast to this, some urban areas will see high inward migration and changes in population structure where new development is planned. The impact of a new school where there is a growth in population due to development and/or migration will be monitored and evaluated against the impact on all schools within its area.	<p>Securing the sufficiency of school places in our area with good quality school places, acting as champion for all parents and families and supporting participation in education, employment or training</p> <p>New school providers entering the system in the future will bring choice and diversity to the education estate together with employment opportunities as the population continues to change.</p> <p>All schools have a duty of care to promote the education of children and young people with special educational needs and disabilities.</p> <p>The Education Act 2002 requires all schools to promote the spiritual, moral, cultural, mental and physical development of its pupils and to challenge opinions or behaviours that are contrary to these values</p>
Age (from young to old):		
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:		
Culture/ethnicity: nationality, skin colour, religion and belief:		
Sex, gender and gender identity (including Transgender &		

pregnancy/maternity):		Within our role of championing all our children, Devon County Council is committed to improving the life-chances of all Devon's children, young people and especially the most vulnerable.
Sexual orientation:		
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.		
Human rights considerations:		

Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).

	Strategic Environmental Assessment under European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”.
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	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce waste, and send less waste to landfill:		The Waste Education Strategy for Devon Schools supports the education of children in the long term strategy to achieving a more sustainable future with increasing emphasis on waste minimisation, resource management and greater awareness of the issues surrounding consumerism, and is a priority for Devon Authorities.
Conserve and enhance biodiversity (the variety of living species):		New schools will be required to promote energy efficiency measures and renewable energy solutions to reduce the carbon footprint.
Safeguard the distinctive characteristics, features and special qualities of Devon’s		New schools and changes to school buildings will take account of the impact that will affect the landscape to

landscape:		ensure that any adverse effects are mitigated.
Conserve and enhance the quality and character of our built environment and public spaces:		No discernible impact
Conserve and enhance Devon's cultural and historic heritage:		No discernible impact
Minimise greenhouse gas emissions:		Will be in line with the Energy Strategy used for the Authority's corporate buildings.
Minimise pollution (including air, land, water, light and noise):		Devon supports the principle of local schools for local children for community and environmental reasons. Sustainable travel and transport modes will be promoted
Contribute to reducing water consumption:		In accordance with The Waste Education Strategy for Devon Schools
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		No discernible impact

Other (please state below):		
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Section 4c - Economic impacts

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:		80,000+ new homes are proposed in Devon to 2033, which will create opportunities for new employment within existing schools, new free schools proposed together with increased education and training for work qualifications for 14-19 year olds and a framework for apprenticeships
Impact on employment levels:		As above
Impact on local business:		The increase in the number of new schools that will provide good quality provision, the need for high quality early years provision for the most vulnerable two year olds and sufficient provision that opens all year round for working families with 3 and 4 year olds, a proposed boost

		in apprenticeships together with the Government's plan to deliver educational excellence everywhere will provide opportunities for businesses to meet the needs of a growing and changing population in Devon.
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Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	Devon has a high proportion of primary schools classified as rural schools together with a lack of development and affordable housing in some areas. We will continue to work closely with our partners/communities to champion the interests of parents and pupils and ensure high standards and sustainable patterns of education provision are maintained.
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Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	The Local Authority has a statutory duty to secure sufficient educational provision in its area, to act as champions for all parents and families and support the most vulnerable children and will continue to work in partnership to ensure that all pupils are able to attend a good or outstanding school.
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