

# Impact Assessment



Assessment of: Establishment of a new Special School in Okehampton for children with Social, Emotional and Mental Health needs and Autistic Spectrum Disorder.

Service: Planning, Transportation and Environment

Head of Service: Dave Black

Version / date of sign off by Head of Service: 30 September 2020

Assessment carried out by (job title): Christine McNeil, School Organisation (Policy) Manager

## 1. Description of project / service / activity / policy under review

A new special school in Okehampton is proposed for children with social, emotional and mental health needs (SEMH) and autistic spectrum disorder (ASD) for primary and secondary aged pupils. The new school will provide 80-100 places to meet the growing demand for places.

## 2. Reason for change / review

In Devon, there is a high number of Children and Young People whose Special Educational Need (SEN) is Social Emotional and Mental Health (SEMH) and there is a pressure on places across the County resulting in the need to commission the independent sector. There are limited facilities for SEND children in this area of Devon which means children currently have a long journey to school which is detrimental to their education and wellbeing.

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

Without the provision of a new special school there will be increased use of the independent sector with associated costs and risk and will not address the shortfall of special school places near to where children live. Capacity in neighbouring authorities remains under pressure. Children and young people will continue to have to travel long distances to access their statutory education. Opportunities to expand existing schools to support students with SEMH have been broadly exhausted. Officers continue to explore other potential school sites but they cannot be brought forward in a timely manner. Other potential sites may not be unlocked for many years and there is expected to be a further need to bring forward additional Special School provision in the medium term.

## 4. People affected and their diversity profile

The provision will be for primary and secondary aged children and young people with SEMH/ASD as their primary need as defined on their Education and Health Care Plan (EHCP).

## 5. Stakeholders, their interest and potential impacts

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, all Devon schools, District Councils, Department for Education, Parish Councils, MPs, etc. .

## 6. Research used to inform this assessment

In planning and commissioning Special Educational Needs and Disability (SEND) provision, the proposal is in line with Devon's Local Offer to ensure that children and young people with SEND should have the expectation to be part of their local community. Our multi-agency approach has a strong focus on improving outcomes for children and young people with SEND as well as involving them and their families in developing provision. The proposal is also in line with the policies and procedures contained within the Education Infrastructure Plan 2016-2033 (revised), the Strategic Review of Special Needs Places and the statutory responsibilities related to the strategic planning of pupil places and school organisation procedures: the Education and Inspections Act 2006 and the Education Act 2011 and DfE The Free School Presumption, November 2019 Guidance.

## 7. Description of consultation process and outcomes

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 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. Following receipt of applications, all stakeholders have the opportunity to review summaries of the bids and submit representations during a formal consultation period. An initial consultation stage has already been carried out to help inform the school specification with positive responses received.

## 8. Equality analysis

### 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.

The process for the selection of an appropriate proposer will ensure the Council exercises its Public Sector Equality Duty. In addition, prospective proposers will need to commit to Devon's policies and practices and be required to comply with relevant policies on Admissions, Transport and Special Educational Needs. An impact assessment has been completed and is required to be provided to the Secretary of State to meet his duties under Section 9 of the Academies Act 2010 and under Section 149 of the Equality Act 2010.

The proposal is in line with the policies set out in the Education Infrastructure Plan in supporting 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.

We will ensure through our statutory processes that the views of parents, pupils, communities and stakeholders are considered and dealt with in order that informed decisions can be made.

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
<p>All residents (include generic equality provisions)</p>		<p>Securing the sufficiency of SEND 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>The change in provision is in line with Devon's Local Offer, the Strategic Review of Special Needs Places and the Education Infrastructure Plan to ensure value for money, the most effective use of resources and future pattern of service delivery</p>
<p>Age</p>	<p>The school will provide places for primary and secondary aged pupils.</p>	

Characteristics	Potential or actual issues for this group.  [Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a> ]	In what way will you: <ul style="list-style-type: none"> <li>eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim? Are you complying with the <a href="#">DCC Equality Policy</a> ?
Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people	The school will provide for children and young people with social, emotional and mental health needs and autistic spectrum disorder.	All schools have a duty of care to promote the education of children and young people with special educational needs and disabilities.
Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion and belief	Neutral.	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
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)	The school will be for boys and girls.	

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the <a href="#">Diversity Guide</a> and <a href="#">See RED</a>]</p>	<p>In what way will you:</p> <ul style="list-style-type: none"> <li>• eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary.</li> <li>• advance equality (to meet needs/ensure access, encourage participation, make adjustments for disabled people, 'close gaps'), if possible.</li> <li>• foster good relations between groups (tackled prejudice and promoted understanding), if relevant?</li> </ul> <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the <a href="#">DCC Equality Policy</a>?</p>
<p>Sexual orientation and marriage/civil partnership</p>	<p>n/a</p>	<p>n/a</p>
<p>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</p>		<p>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.</p>



## 9. Human rights considerations:

The Human Rights Act 1998 requires (amongst other things) that every public authority must act in a manner which is compatible with the European Convention on Human Rights. The establishment of a new school in this location will enable fair access to education provision for pupils with special educational needs.

## 10. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

The proposals will take into account the requirements and health and wellbeing of its community and will give pupils the opportunity to attend local sustainable provision, supporting parents and pupils within and closer to their local community, without having to travel long distances to access services. Providers will be asked to demonstrate a commitment to Personal, Social, Health and Economic education aligned to the three core areas of health and wellbeing, relationships and living in the wider world (e.g. economic wellbeing and being a responsible citizen).

## 11. Environmental analysis

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 mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	X
Environmental Impact Assessment	
Strategic Environmental Assessment	

	<b>Describe any actual or potential negative consequences. (Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).</b>
Reduce, reuse, recycle and compost:	Neutral	The Resource & 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 wildlife:	Neutral	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 landscape:	Neutral	New schools and changes to school buildings will take account of the impact that will affect the landscape to ensure that any adverse impacts are mitigated.
Conserve and enhance Devon's cultural and historic heritage:	Neutral	No discernible impact
Minimise greenhouse gas emissions:	Neutral	Will be in line with the Resource & Energy Strategy used for the Authority's corporate buildings.

Minimise pollution (including air, land, water, light and noise):		<p>Devon supports the principle of local schools for local children for community and environmental reasons. This proposal will reduce our reliance on school transport and the need for unnecessary journeys.</p> <p>Sustainable travel and transport modes will be promoted including a School Travel Plan.</p>
Contribute to reducing water consumption:	Neutral	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):	Neutral	No discernible impact
Other (please state below):		

## 12. Economic analysis

	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:	Positive	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:	Development of the site as a school would, to an extent, itself support employment opportunities for local people through direct and indirect employment opportunities.	See above.
Impact on local business:	n.a.	No discernible impact.

## 13. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

The combined impacts are seen to be positive with improved and sustainable provision for pupils. 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.

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.

## 14. 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. The development of the site as a school will promote and improve the social wellbeing of the area. In addition, development as a school will generate jobs, during the construction and operational phases, and will thus contribute to an improvement of the economic well-being of the area.

## 15. How will impacts and actions be monitored?

Three competitive processes have been held under the current legislation and two primary schools and one special needs provision have been successfully opened. 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.