

# Impact Assessment

Version 2015

<b>Assessment of:</b>	The Education Infrastructure Plan 2016-2033 (revised), including Strategic Pupil Place Planning and School Organisation
<b>Service:</b>	Planning, Transportation and Environment

<b>Head of Service:</b>	Dave Black
<b>Date of sign off by Head Of Service/version:</b>	
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## Section 1 - Background

<b>Description:</b>	Policies and Procedures contained within the Education Infrastructure Plan 2016-2033 (revised) and the statutory responsibilities related to the strategic planning of pupil places and school organisation procedures.
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Reason for change and options appraisal:	<p>Revision to the Education Infrastructure Plan taking into account Government changes to the pattern of school provision as contained within the Education and Adoption Act 2016, the Children’s and Families Act 2014 and the White Paper “Educational Excellence Everywhere”, March 2016 and including Devon’s revised methodology for calculating Section 106 requirements contained within the Town and Country Act 1990.</p> <p>The Educational Infrastructure Plan sets out the vision to 2033 for educational provision and our statutory responsibilities in relation to Pupil Place Planning, School Organisation and capital investment in our education infrastructure, and gives:</p> <ul style="list-style-type: none"> <li>• Parents an understanding how services will be available to suit their needs;</li> <li>• Schools an understanding how decisions are reached in respect of pupil planning, estate maintenance processes (where applicable) and capital investment and where they fit into the decision making process.</li> <li>• Local Planning Authorities and housing developers an understanding of their role in supporting the future pattern of education provision.</li> <li>• The wider community an understanding how education provision will be delivered to support the development of Devon over the next 20 years.</li> <li>• National Government an evidence base that supports future investment in all Devon’s schools, in particular support to those pupils requiring special needs.</li> </ul> <p>The Plan also sets out our core responsibilities and statutory duties to ensure the sufficiency of school places in our area as follows :</p> <ul style="list-style-type: none"> <li>- use of Government grant funding to secure sufficient educational provision (including early years and childcare) in our area to meet the needs of our children, parents and communities</li> <li>- ensuring all children can go to a good or outstanding school or early years provider</li> <li>- supporting the most vulnerable children including those in care, at risk of social exclusion and those who have specific educational needs.</li> </ul>
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- promotes local schools for local children and supports environment and community sustainability
- Strengthens our response to Free School applications insofar as support from capital programmes and monies secured through planning gain;
- Explains the broader issues around school closures including challenges of securing leadership, falling rolls and financial imbalance all of which impact educational performance. The overarching presumption against closure remains;
- Provide greater clarity for SEN Infrastructure Planning.

School Organisation establishes the process for statutory changes to any of the 266 maintained schools in Devon in relation to pupil place planning. The changes include: new schools, closure of schools and prescribed alterations to schools. For community, voluntary, foundation and foundation and community special schools the Local Authority is the decision maker. Governing bodies are able to propose smaller expansions. The Department for Education revised guidance on the statutory procedures that need to be followed highlights that additional good quality school places can be provided quickly where needed. For new schools the Local Authority must seek proposals to establish free schools under the free school presumption and if this does not result in a suitable free school a statutory competition can be held with the consent of the Secretary of State. The decision on free schools lies with the Secretary of State through the Office of the Regional Schools Commissioner.

The relevant Acts and Policies are:

The White Paper “Educational Excellence Everywhere”

Education and Adoption Act 2016

The Children and Families Bill 2014

The Education Act 2011

The Academies Act 2010

Education and Inspections Act 2006

The School Organisation (Establishment and Discontinuance of Schools (England) Regulations 2007

The School Organisation and Governance (Amendments) (England) Regulations 2007 and Amendment 2009

The School Organisation (Prescribed Alterations to Maintained Schools) England Regulations 2013

The Education Act 2005  
School Standards and Framework Act 1998 as amended by the Education Act 2002  
The Childcare Act 2006  
Apprenticeships, Skills, Children and Learning Act 2009  
Learning and Skills Act 2000  
Education Act 1996  
The Equality Act 2010  
Town & Country Planning Act 1990, 2A, Section 106  
Sex Discrimination Act 1975  
Race Relations Act 1976, Amendment 2000  
Disability discrimination Acts 1995 and 2005  
Human Rights Act 1998  
School Staffing (England) Regulations 2009, Amendment 2015  
School Land and Property: Protection, Transfer and Disposal (Section 77 School Standards and Framework Act 1998)  
School Premises (England) Regulations 2012

There has been significant change to school provision over the past few years with the Local Authority's role changing but its statutory duty remains to ensure the sufficiency of school places in its area, championing high standards in all schools, supporting the most vulnerable children and acting as champions for all parents and families. New providers have entered the system with the introduction of academies, free schools and a process for new school sponsors. The system will continue to change with proposals for a more autonomous school-led system and the Government reaffirming its continued determination to see all schools become academies. In addition, significant housing development is planned in Devon and two new towns at Cranbrook in East Devon and Sherford in the South Hams are being established, together with a number of urban areas seeing a large growth in development and some rural areas seeing a decline in pupil numbers. Devon County Council supports local schools for local children in terms of environmental and economic impact whilst supporting our rural communities. There is a presumption against closure but the educational sustainability of any small school must be demonstrated. The policies adopted set out the principles of involvement of all stakeholders in this

process and will ensure that as criteria change there will be regular updating of information. This will be achieved by:

- the involvement of all stakeholders
- strategically planning and commissioning of school places for the future and clear guidance on the role of the Local Authority
- securing additional funding for increasing capacity at schools as a result of housing development
- partnership and working together to promote the best outcomes for children and young people
- ensuring the needs of vulnerable pupils are met
- consultation with all schools affected by any proposals
- championing the role of parents and young people
- ensuring that consultations are aimed at the heart of the community and accessible for all
- providing sufficient information, advice and guidance from appropriate officers or signposting at an early stage

## Section 2 - Key impacts and recommendations

Social/equality impacts:	<p>The 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 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> <p>Positive impacts of the policies recognise the valuable contribution made by all stakeholders, working in close partnership, the changing and diverse needs of all communities and commitment to ensuring inclusive participation and consultation.</p> <p>Our consultation methods include:</p> <ul style="list-style-type: none"><li>• Demographic information of local areas and communities</li><li>• Information designed in easy to read formats</li><li>• All information documents in Plain English</li><li>• Availability of information in other formats, as required</li><li>• Using the DCC/RNIB websites to ensure standards conform</li><li>• Encouraging participation of young people</li><li>• Use of venues accessible to all, including access, hearing loop etc.</li><li>• Where Information Surgeries are held relevant officers will attend to ensure one-to-one participation and to give advice and guidance</li><li>• Engagement of All Schools, Local Learning Communities and Local Members</li><li>• Involvement of the Youth Parliament and Schools Councils</li><li>• Feedback in the form of newsletters and regular update of the consultation website</li></ul>
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	<ul style="list-style-type: none"> <li>• Feedback on-line form for easy response</li> <li>• Use of other forms of social media, where appropriate.</li> </ul> <p>Practices and policies will be reviewed as Government guidelines change.</p> <p>Negative impacts include controversial decisions e.g. closure of schools, which will impact on the choice and needs of pupils, parents and communities. Enlargements which may impact on parking and additional traffic to the area.</p> <p>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 without delay and are reported to Cabinet. Academies have greater freedoms and are free from Local Authority control. We would support fair and open consultations on changes within these schools.</p>
Environmental impacts:	<p>The Education Infrastructure Plan supports positive impacts including the need to address serious health and safety building related defects; the delivery of energy efficiency measures and renewable energy solutions across the education estate; encouragement and support to schools to look at long term investment in renewable energy schemes to mitigate the impact of increasing energy costs; minimising our reliance on school transport and the need for unnecessary journeys and ensuring that pupils are able to attend their local school.</p> <p>Reduced capital funding and possible delays in delivering all the required maintenance and improvements in schools has negative impact. Transport and impact on the environment can be a challenge in some of the very rural areas of the County. We will continue to explore alternatives, transport implications, impact on the local community, future place planning and financial viability and promote sustainable patterns of provision and travel.</p>
Economic impacts:	<p>As the schools estate changes with a diverse range of providers entering the region through new schools, free schools, etc. the positive impact will bring opportunities for creating new employment at both primary and secondary level, private early years providers together with increased education and training for work qualifications for 14-19 year olds and a framework for apprenticeships. With up to 80,000 new homes in</p>

	<p>the region to 2033 there are likely to be over 20 new primary schools with expansion of secondary, additional early years and new training opportunities for a diverse and expanding population.</p> <p>In some rural areas there is a decline in pupil numbers and over the past few years there have been school closures. There is a presumption against closure unless there are clear educational reasons and the financial position of the school means standards cannot be maintained. We will work with our partners to seek extensive alternatives including partnerships, scope for an extended school, transport implications, impact on the local community, future place planning, early years provision, standards, forecast of future pupil numbers, access to community services and financial viability.</p>
<p>Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):</p>	<p>To meet the needs of a more autonomous education system and the change in the Local Authority's role we will continue to work in partnership. We will support our policy of local schools for local children in order to reduce travel and environmental impact and we will work closely with the Office of the Regional Schools Commissioner to consider how places can be commissioned to meet the needs of a growing and diverse community.</p> <p>The policies and procedures contained within the Education Infrastructure Plan are relevant to:</p> <ul style="list-style-type: none"> <li>- the main priorities contained within Better Together: Devon County Council's vision document which presents a set of desired outcomes for Devon and proposes a new partnership with citizens and communities</li> <li>- Education and Learning Strategy contained within Championing All Our Children</li> <li>- safeguarding responsibilities, working with partners and communities and addressing wider issues including social deprivation, child poverty, radicalisation and extremism.</li> </ul>
<p>How will impacts and actions be monitored?</p>	<p>The Plan will be monitored against forecast data, including NHS data and an assessment of births and location of pre-school children, pupil migration, local pupil forecasts compared to Planned Admission Numbers, net capacities of schools, demographic modelling on estimates of future population change, including fertility, mortality and migration assumptions, historical data and planning permissions for future housing development together with new/free schools approved by the Department for Education. This will</p>

	<p>be undertaken through regular Pupil Place Planning meetings and particularly following the completion of the Admissions consultation procedures on an annual basis.</p> <p>The education landscape continues to change and together with the introduction of the Community Infrastructure Levy, changes to the National Planning Policy Framework, impact of the White Paper “Educational Excellence Everywhere” and a growing and changing population in Devon will prove challenging for the future. Our policy on Section 106 Developer Contributions has and will continue to be reviewed to reflect changing policies and revised costs. We will work with our partners to ensure that there are sufficient places for the number of children in a school's designated area as basic need whilst supporting choice and diversity for parents and pupils. There is the possibility that some parents and pupils will not receive the school of their preference or that a school, due to its location, will not support additional capacity or funding may not be available. We will continue to monitor the position through our regular assessment of data and in discussion with our partners and stakeholders.</p>
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### **Section 3 - Profile and views of stakeholders and people directly affected**

<p>People affected:</p>	<p>The first edition of the Education Infrastructure Plan was written in consultation with relevant stakeholders and their views and expectations have been incorporated within the Plan. Consultation was undertaken with DCC Members, Devon Education Forum, Devon Association of Secondary Heads, Devon Association of Primary Heads, Special Heads Association of Devon, Devon Association of Governors, Scrutiny Committee, School Organisation Capital and Admissions Committee, Exeter Diocese and Roman Catholic Diocese. The above continue to be kept informed on changes in legislation and the revision of the Education Infrastructure Plan has incorporated these current changes.</p> <p>Statutory consultations on changes to schools will gather information on the impact on all those affected</p>
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	by any changes and will be evidenced within the decision making process.
Diversity profile and needs assessment of affected people:	All parents and pupils and will have an understanding of the range of education offers available to suit their needs; All Schools, Colleges, Special Schools, Pupil Referral Units, Hospital School, Secure Unit in Devon and will have an understanding of pupil place planning, estate maintenance and capital investment The wider community on how education provision will be delivered.
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:	The relevant stakeholders will continue to be consulted and informed on related policies and procedures through the current revision of the Education Infrastructure Plan, School Organisation statutory procedures and changes in Government policies.
Research and information used:	In preparation of the document Devon's County Council's statistical information has been used, including age and characteristics, employment, deprivation, education attainment, 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.

# 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.

<b>Characteristics</b>	<b>Describe any actual or potential negative consequences (e.g. disadvantage or community tensions) for the groups listed.</b>  <b>(Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes for the groups listed.</b>  <b>(Consider how to advance equality/reduce inequalities as far as possible).</b>
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All residents (in general):		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
Age (from young to old):	<p>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.</p> <p>In contrast to this, some urban areas will see high inward migration and changes in population structure where new development is planned.</p>	<p>The Plan has a presumption against closure and extensive alternatives will be sought before making a decision on the future of a rural school including equality of educational opportunity and impact on the local community. It is recognised that there are a number of rural schools that are popular and give choice for parents.</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>
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	The planning of places for pupils with special educational needs is particularly challenging as information related to previous cohorts does not show any specific trends in numbers, needs or geographical area.	<p>The forecasting of special school need and associated planning of places is ongoing. Additional places will be required and we are planning on the basis that 1.5% of the school population will require a specialist place. We will continue to develop and refine our projections and our joint commissioning strategies in order to secure inclusive provision for all pupils to be able to achieve to the best of their ability.</p> <p>All schools have a duty of care to promote the education</p>

Culture/ethnicity: nationality, skin colour, religion and belief:		of children and young people with special educational needs and disabilities.
Sex, gender and gender identity (including Transgender & pregnancy/maternity):		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.
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.		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.
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".

	<b>Describe any actual or potential negative consequences.</b> <b>(Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes.</b> <b>(Consider how to improve as far as possible).</b>
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):		The Plan supports the delivery of energy efficiency measures and renewable energy solutions across the education estate and to reduce the carbon footprint of the estate.
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	-	New schools and changes to school buildings will take account of the impact that will affect the landscape to 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):		

#### Section 4c - Economic impacts

	<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>
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.

#### **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. There is a presumption against the closure of schools but over the past few years it has been necessary to close some small rural schools in the best interests of the educational provision in the area. 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.