

# Full Equalities Analysis Assessment

## 1. Proposal Summary Information

EAA Title	Determination of Statutory Proposals for Mandeville School at Oldfield Primary
Please describe your proposal?	<b>Scheme : The expansion of Mandeville special School to 168 students and the opening of a satellite site at Oldfield Primary school</b>
Is it HR Related?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Corporate Purpose	<b>Cabinet</b>

### 1. What is the ~~Initiative/Function/Policy/Project~~ Scheme (*pick one*) looking to achieve? Who will be affected?

The proposal under consideration is the expansion of Mandeville special School to 168 students and the opening of a satellite site at Oldfield Primary School. Cabinet is asked to consider responses to the consultation and decide whether to determine the proposal. The report sets out the decision making criteria which should be considered in line with Department for Education guidance;

The key stakeholders include parents of current pupils at the school, parents of future pupils at the school and local residents will be affected, so potentially all of the protected groups will be affected.

### 2. What will the impact of you proposal be?

The impact of the proposal is to form part of the plan to provide sufficient school places to serve the community. The school would move to having up to 168 students in total.

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### 2. Impact on Groups having a Protected Characteristic

**AGE:** *A person of a particular age or being within an age group.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

The proposal to provide sufficient primary special school places to serve the community has a positive impact on those who are of school age. If there are insufficient school places in an area then not all children of a particular age will be able to have the option of attending school as close as possible to their homes unless there is an expansion of school provision. If there are not sufficient school places in an area then there is inequality between those of the same age living in the same area as some children will be offered places further away.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

Policy for expansion of schools reflects the need to expand special schools in areas where birth rates have increased, so that children have the opportunity to attend school near to their homes.

**DISABILITY:** *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<sup>1</sup>.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

In expanding school provision, any extensions or adaptations to school buildings seek to improve access for those with physical disabilities. In expanding school provision in an area of need, the aim is that there are sufficient school places available for the whole community including those who may have a disability themselves, those whose parent/carer may have a disability or those who have caring responsibilities towards a disable person.

This proposal has a neutral effect.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

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.

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<sup>1</sup> 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.

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**GENDER REASSIGNMENT:** *This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

Neutral effect identified in terms of the above recommendations. The expansion of schools and provision of education facilities is for the benefit of the whole community, taking into account those who attend the schools, their parents/carers, their families, staff members at the schools and local residents.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

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.

**RACE:** *A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

The effect of the expansion of nursery, primary, secondary and SEN school places in response to increased demand in an area should have a positive impact in advancing equality of opportunity between persons of any race. The expansion of school places to reflect local demand aims to provide all borough residents with the possibility for them/their children to attend school near their homes regardless of their race so that children and parents have the option of being educated within their local communities.

This proposal has a neutral effect.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

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.

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**RELIGION & BELIEF:** *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.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

### Describe the Impact

The effect of the expansion of primary school places in response to increased demand in an area should have a positive impact in advancing equality of opportunity between persons of any religion or belief. The expansion of school places to reflect local demand aims to provide all borough residents with the possibility for them/their children to attend school near their homes regardless of their religion or belief so that children and parents have the option of being educated within their local communities.

This proposal has a neutral effect.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

### Describe the Mitigating Action

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.

**SEX:** *Someone being a man or a woman.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

### Describe the Impact

Mandeville School will admit children and young people with a Statement of Educational Need or with an Education, Health and Care Plan and does not differentiate based on gender so the impact is considered neutral.

This proposal has a neutral effect.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

### Describe the Mitigating Action

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.

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**SEXUAL ORIENTATION:** *A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

No differential impact on people based on sexual orientation, so neutral impact identified.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

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.

**PREGNANCY & MATERNITY:** *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.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

Positive impact of expanding schools in that when there are insufficient special school places available in an area parents/ carers may have to travel further to schools and in some cases. Avoids potential negative impact of parents who are pregnant or in maternity being in this situation when there is a lack of school places.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

Policy for expansion of schools reflects the need to expand special schools in areas where birth rates have increased, so that children have the opportunity to attend school near to their homes.

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**MARRIAGE & CIVIL PARTNERSHIP:** *Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage*  
*Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

No differential impact on people based on marriage and civil partnership so neutral impact identified.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

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..

### 3. Human Rights<sup>2</sup>

**4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?**

Yes  No

**4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?**

Yes  No

**4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?**

Yes  No

The proposal links to article 28 (right to education) as defined by the UN Convention on the Rights of a Child, that "all children have the right to a primary education". The proposal to expand school places seeks to ensure that children are able to be offered school places near to where they live, within their local communities.

<sup>2</sup> For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

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## 4. Conclusion

The proposals will not disadvantage any equality groups or sub-groups;

**4a. 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.**

Information summarized in the Cabinet report and previous update reports most recently in October 2016.

[http://ealing.cmis.uk.com/ealing/Committees/tabid/62/ctl/ViewCMIS\\_CommitteeDetails/mid/381/id/3/Default.aspx](http://ealing.cmis.uk.com/ealing/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/3/Default.aspx)

The information shows that there is a need to expand school places and, if this is not done, that there would be insufficient school places available which could potentially breach Article 28. There would not be direct discrimination because of this as the admissions code of practice ensures 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.

## 5. Action Planning: *(What are the next steps for the proposal please list i.e. what it comes into effect, when migrating actions<sup>3</sup> will take place, how you will measure impact etc.)*

Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer (Contact Details)

### Additional Comments:

No mitigating actions to be taken.

<sup>3</sup> Linked to the protected characteristics above

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### 6. Sign off: *(All EAA's must be signed off once completed)*

Completing Officer Sign Off:	Service Director Sign Off:	HR related proposal <i>(Signed off by directorate HR officer)</i>
Signed:  Name (Block Capitals): L Field Date: 15 <sup>th</sup> June 2023	Signed:  Name (Block Capitals): T Quinn Date: 15 <sup>th</sup> June 2023	Signed:  Name (Block Capitals):  Date:
For EA's relating to Cabinet decisions: received by Committee Section for publication by (date):		

### Appendix 1: *Legal obligations under Section 149 of the Equality Act 2010:*

- 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.