

Equality Impact Assessment (EIA): Amalgamation of Torbay Pupil Referral Unit and Torbay School

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Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Executive Lead / Head Sign off:

Executive Lead(s)	Ken Pritchard	Executive Head:	Richard Williams
Date:	7th November 2014	Date:	7th November 2014

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would. Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?		N
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y Y	N

APPENDIX 6

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the proposal and what is the intended outcome?	<p>The proposal being put forward by the Local Authority (LA) is to bring the Pupil Referral Unit (PRU) under the leadership and governance of Torbay School – a special school for secondary aged children with behavioural, emotional and social difficulties (BESD).</p> <p>The LA has a statutory duty to ensure that appropriate school provision is made for all children with special and alternative needs and to ensure that provision is kept under review. Overall demand for specialist places for primary and secondary age children with behavioural, emotional and social difficulties (BESD) is rising so it became a priority to review the current arrangements for children with these needs and maximise opportunities for enhancing and improving that provision.</p> <p>In 2013 the LA established alternative provision for primary aged children at Chestnut and placed the leadership and governance for this provision under Mayfield Special School.</p> <p>The LA also considered options for developing a high quality alternative provision for secondary aged children and as part of this process appointed the Headteacher of Torbay School as the Executive Headteacher of the PRU. This brought the two provisions in closer alignment and since then the LA has been working closely with the Headteacher to develop the provision.</p> <p>However, currently the PRU remains a standalone provision under the responsibility of the LA; it is governed by a management committee that is independent of Torbay School whilst the Torbay School is governed by its governing body. This means that the Headteacher of Torbay School is therefore not only accountable to his governing body but also the management committee of the PRU. Both organisations have individual budgets and neither the school governors or the management committee have a clear understanding of the needs of the other provision.</p> <p>By bringing the PRU under the governance of the Torbay School the LA believes both provisions would benefit financially and strategically. By consolidating provision under a single provider would enable them:</p> <ul style="list-style-type: none"> • To share teaching resources • To share BESD expertise • To plan more effectively a continuum of provision for vulnerable secondary aged young people • To reduce the pressures and conflicts for the Headteacher • To provide opportunities for staff to work in both settings providing more job security & scope for

APPENDIX 6

No	Question	Details
		<p>progression</p> <ul style="list-style-type: none"> • To facilitate the further development of a consolidated high quality provision • To realise cost efficiencies through shared support services such as admin <p>The intended outcome is that:</p> <ul style="list-style-type: none"> • The governance and management of the PRU will come under Torbay School • That Torbay School continues to offer 60 places for children with BESD at its site on Torquay Road Paignton and become a split school site offering 74 places for non-statement children that have BESD at the sites currently being used by the PRU • The provision will continue to offer sixth day provision for excluded pupils in line with the LA's duty
2.	<p>Who is intended to benefit / who will be affected?</p>	<p>It will benefit:</p> <ul style="list-style-type: none"> • Young persons aged 11-16 with BESD as it will give them access to a wide range of provision under the one provider • Young persons aged 11-16 currently attending the PRU as it will bring the provision under the management of a school and pupils will benefit from shared expertise from this BESD special school • Staff at the existing provisions through the sharing of resources and expertise plus the increase in job security and opportunities for progression • The Headteacher through having one body to answer to thereby reducing possible areas of contention

Section 2: Equalities, consultation and engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **equalities, consultation and engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, consultation and engagement

No	Question	Details
3.	<p>Have you considered the available evidence?</p>	<p>In 2013 the LA established a unit for primary aged children with behavioural needs under the management and leadership of Mayfield Special School. Linked to this was the change in age range of Torbay School so that it</p>

APPENDIX 6

No	Question	Details																					
		<p>only admitted secondary aged young people. These changes enabled Torbay School to offer more, much needed, secondary places and to focus its resources on that age group. These changes have been successfully implemented. The LA is now keen to build on this and develop its alternative provision for secondary aged pupils.</p> <p>The existing PRU delivers to the secondary age group many of whom have been excluded from school due to their challenging behaviour. So there is a correlation between the type of provision that is on offer at the PRU and that on offer at Torbay School; both have young people of a similar age with similar behavioural needs. And there is clearly an established need for the provision and it has steadily risen over the past years as the table below indicates:</p> <table border="1" data-bbox="790 579 1693 858"> <thead> <tr> <th>Year</th> <th>Spring Census PRU Number on Roll</th> <th>Number excluded from other schools</th> </tr> </thead> <tbody> <tr> <td>2009</td> <td>41</td> <td>28</td> </tr> <tr> <td>2010</td> <td>42</td> <td>27</td> </tr> <tr> <td>2011</td> <td>47</td> <td>30</td> </tr> <tr> <td>2012</td> <td>48</td> <td>28</td> </tr> <tr> <td>2013</td> <td>52</td> <td>35</td> </tr> <tr> <td>2014</td> <td>53</td> <td>37</td> </tr> </tbody> </table> <p>The proposals here will have no impact on the quantity or type of provision offer. There are currently 74 places on offer at the PRU there will be 74 alternative provision places on offer under Torbay School. There are currently 60 places on offer at the Torbay School site and these will remain. The objective of these proposed changes are to make more effectively use of the LAs available resources to better serve the needs of these vulnerable young people.</p> <p>Another LA which has taken a similar strategy in amalgamating their PRU with a special school is Neath Port Talbot Council. As stated in their Cabinet Report, 'to develop the potential for pupils at Bryncoch PRU to further benefit from the schools, expertise and facilities available at the special school, it is proposed to transfer management responsibility for these pupils to the governing body of the newly established special school'. This proposal was approved by their Cabinet on 30th July and will be implemented on 1st January 2015.</p>	Year	Spring Census PRU Number on Roll	Number excluded from other schools	2009	41	28	2010	42	27	2011	47	30	2012	48	28	2013	52	35	2014	53	37
Year	Spring Census PRU Number on Roll	Number excluded from other schools																					
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APPENDIX 6

No	Question	Details
4.	How have you consulted on the proposal?	<p>As part of the statutory decision making process the LA has carried out two consultations to engage and get feedback from the school, families and communities affected by these proposals. This included a written consultation paper which was sent to the families of those attending the 2 provisions, to the Headteachers of schools within Torbay, neighbouring LAs, the local diocesan offices and local Councillors. The consultation paper outlined the proposals being put forward, their objective and the process for implementing them. The consultation ran from 15th September 2014 until 13th October 2014.</p> <p>The second opportunity for interested parties to register their support or objection was during the representation period which followed the publication of the proposals in the local newspaper and on the Council website. This covered a 4 week period from the date of publication on the 23rd October 2014 until the 20th November 2014.</p>
5.	Outline the key findings	<p>In total only 5 responses were received by the close of the written consultation, this equates to a 2.6% response rate. Of those responses 100% were in favour of the proposals. A copy of the consultation paper and results are attached to the Full Council report.</p> <p>As all the responses received were in support the LA has not made any changes to its proposals. However, there was a comment made by one of the consultees regarding the importance of keeping parents and carers informed and aware of what these changes mean to them. The LA has taken this on board and can confirm that it will be working closely with the school to ensure that there is a smooth transition on implementation day, that all parties are kept informed and that any arising issues are addressed. An Implementation Plan has been developed and is attached to the Council Report.</p> <p>Copies of the notices that were published, the full proposal and the responses received are attached to the Council report. The Council did not receive any representations during the 4 week period so; therefore, no changes have been made to the proposals as a result of this exercise.</p>
6.	What amendments may be required as a result of the consultation?	<p>As all the responses received have been in support of the proposal the LA will not be making any changes to the proposal outlined in paragraph 1 above.</p>

APPENDIX 6
Positive and negative equality impacts

No	Question	Details		
7.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	<p>By bringing the PRU under the governance of the Torbay School the LA believes that both provisions and pupils would benefit. By consolidating provision under a single provider would enable:</p> <ul style="list-style-type: none"> • Stability of provision • To give young people access to a wider range of provision under one provider • Existing and future pupils will benefit from shared experience & expertise 	<ul style="list-style-type: none"> • No negative impact 	<ul style="list-style-type: none"> • There would be no impact on those children already attending the provisions
	People with caring Responsibilities	<p>By bringing the PRU under the governance of the Torbay School the LA believes that both provisions and pupils would benefit. By consolidating provision under a single provider would enable:</p> <ul style="list-style-type: none"> • Stability of provision • To give young people access to a wider range of provision under one provider • Pupils will benefit from shared experience & expertise 	<ul style="list-style-type: none"> • No negative impact 	<ul style="list-style-type: none"> • No neutral impact
	People with a disability	<ul style="list-style-type: none"> • The proposal is in line with the Council's objective of prioritising vulnerable children and children with 	<ul style="list-style-type: none"> • No negative impact 	<ul style="list-style-type: none"> • No neutral impact

APPENDIX 6

No	Question	Details	
		special educational needs • By developing this provision the LA is helping to ensure that all children have an equal opportunity to achieve & succeed	
	Women or men		• No differential impact
	People who are black or from a minority ethnic background (BME)		• No differential impact
	Religion or belief (including lack of belief)		• No differential impact
	People who are lesbian, gay or bisexual		• No differential impact
	People who are transgendered		• No differential impact
	People who are in a marriage or civil partnership		• No differential impact
	Women who are pregnant / on maternity leave		• No differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)		• No differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)		• No differential impact

APPENDIX 6

No	Question	Details
8.	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No cumulative impacts – Council wide
8b	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No cumulative impacts – Other public services

Section 3: Mitigating action

No	Action	Details
9.	Summarise any negative impacts and how these will be managed?	No negative impacts have been identified during the consultation or this process.

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	The LA will work closely with Torbay School to ensure that it has everything it needs to deliver an effective provision. An Implementation Plan has been prepared by the Headteacher and is attached to the Council Report. This plan will be reviewed and monitored by the Headteacher.

Section 5: Recommended course of action

No	Action	Outcome	Tick ✓	Reasons/justification for recommended action
11.	State a recommended course of action	Outcome 1: No major change required	✓	No major change to the proposal is required as no negative comments have been received and no negative impacts identified. The proposal does not present any significant changes to the service currently on offer to its users.
		Outcome 2: Adjustments to remove barriers		
		Outcome 3: Continue with proposal		
		Outcome 4: Stop and rethink		