

Equality Impact Assessment (EIA):

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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:	10 th February 2015	Date:	10 th February 2015

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?	Y	
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 Y	

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	<p>Clearly set out the proposal and what is the intended outcome?</p>	<p>The Council has a statutory duty to manage the supply of school places within Torbay; currently within the Council's Capital Plan there is a commitment of £3m for 2 primary expansion projects; St Margarets (£2m) and Roselands (£1m), which were both to start in 2016. However, current projections show that the birth rate is levelling and as a result there is not such an immediate need to provide any further additional primary places in Paignton and Torquay.</p> <p>A more pressing issue is the problematic site of Torbay School. The school currently occupies a split site with the main school being on Torbay Road, Paignton and its alternative provision being sited at Hillside, Torquay. The main school in Paignton is keen to relocate for several reasons; the existing site is cramped and has limited outdoor space, the school is also completely surrounded by residential housing.</p> <p>In view of this, the proposal is to reallocate the £3m earmarked in the Capital Programme for expansion, to facilitate the relocation of the Torbay School providing a long term solution for Torbay School.</p> <p>The intended outcome of these proposals is that:</p> <ul style="list-style-type: none"> • Torbay School relocates to purpose built premises with appropriate facilities for its vulnerable pupils September 2017; • the vacated site in central Paignton could then be used to provide a new primary school as demand is expected to rise again from 2018
2.	<p>Who is intended to benefit / who will be affected?</p>	<p>These proposals will benefit:</p> <ul style="list-style-type: none"> • Young persons aged 11-16 with behaviour, emotional and social difficulties (BESD) as the new site will give them a better school environment with better facilities • The staff and governors at the existing school site; they will also benefit from a better school environment which will offer better facilities • Families moving into central Paignton; as they will have access to a more convenient Primary School, currently surplus places tend to be in schools on the outskirts of town or families commute to schools in Torquay • The Council through a more effective use of funding; the Council will utilise the existing school premises in Paignton as a primary school whilst using capital to fund new purpose built BESD premises for Torbay School.

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.	Have you considered the available evidence?	<p>BESD is an umbrella term to describe a range of complex and chronic difficulties experienced by some children. These children can often demonstrate the following:</p> <ul style="list-style-type: none"> • Being withdrawn or isolated • Displaying a disruptive & disturbing nature • Hyperactive and lacking concentration • Immature social skills • Changing behaviour <p>Guidance issued by the DfE states that 'connection to and use of outdoor space is essential for pupils who have SEN and disability. A variety of different types of space are needed in and around the school for the outdoor classroom, sensory stimulation, sheltered or covered play, and social and recreational use.'</p> <p>In fact for a school with pupils with BESD, the DfE recommends that a larger space for PE and sport should be available due to the higher activity needs of the pupils and the benefits which may be gained from sport activities in promoting the development of teamwork and social skills. In the Building Bulletin 77 it states that a secondary BESD school should have at least one hard court 1000-1400m² and one grass court 4698-6016m².</p> <p>At its present site, in Paignton, Torbay School is land locked with a small amount of outdoor space. It has a hard play area of 652m² and additional hard surface area of 845m²: it has no grass courts.</p> <ul style="list-style-type: none"> • Relocating the school would give Torbay Council the opportunity to address the shortfalls in the existing accommodation and site <p>As stated in paragraph 1 above, projections show that primary pupil numbers are stabilising in the short term;</p>

No	Question	Details									
		<p>however, long term with the expected level of housing completion in the area, the Council is expecting numbers to rise again. The proposal for a new one form of entry primary school in Paignton in 2018 would provide sufficient capacity to meet that demand. The table below provides the latest pupil projections for Paignton:</p>									
		Academic Year	Current Planned Admission Number	Age 4+	Age 5+	Age 6+	Age 7+	Age 8+	Age 9+	Age 10+	Total
		2014-15 <i>act.</i>	507	458	494	474	465	471	478	463	3303
		2015-16	507	505	475	504	480	463	478	480	3385
		2016-17	507	470	523	485	510	477	470	481	3416
		2017-18	507	497	487	533	491	507	485	472	3473
		2018-19	507	483	515	497	540	488	515	487	3525
		2019-20	507	490	501	525	503	536	496	517	3568
		Source: LA November 2014 Projections									
		<p>Sites for a new primary school in Paignton are limited. This particular option provides a good, central location plus it has the infrastructure and buildings for a new school already there, so minimal additional resource would be needed. It is also expected that a new school in this location could attract back those local pupils who currently attend schools on the border with Torquay; the effect would be to free up much needed capacity within Torquay for expected long term demand.</p>									
		<p>This proposal, therefore, has the potential to support and address raising demand in the two towns in the long term.</p>									
		<ul style="list-style-type: none"> • The proposal will ensure that the Council fulfils its statutory duty to provide sufficient capacity to meet long term demand 									

No	Question	Details
4.	How will you consult on the proposal?	<p>A consultation paper was sent to those parties potentially affected by these proposals – the staff, governors and parents/carers of all pupils currently attending Torbay School. The consultation paper outlined the proposal, the reasons behind it and the process which would follow. It included a response form for the consultees to complete and return by the closing date. A copy of the consultation paper is attached as Appendix 2.</p> <p>This decision by the Council is the first stage in the process. The relocation of a school is a prescribed change and as such must follow a statutory process as prescribed by the Secretary of State. Part of this process involves the publication of notices and the opportunity for interested parties to write in either supporting or opposing the proposals; any responses received will be used to inform the Council's final decision on whether to proceed or not.</p>
5.	Outline the key findings	<p>In total 159 consultation papers were sent out by the school and at the close of the consultation 8 responses had been received back. A summary of the consultation responses received is attached to the Consultation Paper in Appendix 2. Out of the responses received 100% were in support of the proposals; none were against it.</p> <p>The comments given for supporting the proposal were:</p> <ul style="list-style-type: none"> • The school does need more outdoor space • Current site is inadequate • Growing demand for alternative provision...current site unsuitable for extension <p>Comments were also made about the need for future consultation over the site and development of the new school; Torbay Council is already in discussions with the school about possible sites and would ensure they were engaged in the planning stage.</p>
6.	What amendments may be required as a result of the consultation?	<p>In view of the fact that all of the responses received to date were in support of the proposal, there are no changes proposed at this stage of the process.</p> <p>As stated above further consultation will need to be undertaken at a later stage in line with the statutory requirements. At which point there will be a further opportunity for interested parties to comment and inform the decision making process before a final decision is made.</p>

Positive and negative equality impacts

No	Question	Details
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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	Providing a new primary school in central Paignton will benefit: <ul style="list-style-type: none"> • families moving into the area • families who currently have to travel outside of the area to school Relocating Torbay School will benefit: <ul style="list-style-type: none"> • existing & future pupils with new & better facilities • staff at the school 	Dependent on this proposal being accepted, moving Torbay School to a new location could potentially impact on residents that may live in the surrounding area(s) , <i>Mitigating actions will include looking for a bigger site , looking for an area that may not be surrounded or in such close proximity to residential dwellings; steps will also be taken in the new school's design to mitigate any possible issues</i> Relocation could create transport issues for some families, <i>Mitigating actions will include Torbay Council & the school proactively working with families to find solutions to any arising issues</i>	No neutral impact
	People with caring Responsibilities	Providing a new primary school in central Paignton will benefit: <ul style="list-style-type: none"> • families moving into the area • families who currently have to travel outside of the area to school Relocating Torbay School will benefit: <ul style="list-style-type: none"> • existing & future pupils with 	Relocation could create transport issues for some families, <i>Mitigating actions will include Torbay Council & the school proactively working with families to find solutions to any arising issues</i>	No neutral impact

No	Question	Details	
	People with a disability	<p>new & better facilities</p> <p>Any new premises built for Torbay School will be DDA compliant</p> <p>The new school would be purpose built in line with the latest recommendations and guidance to meet the needs of the pupils it serves</p>	<p>No negative impact</p> <p>No neutral impact</p>
	Women or men	No differential impact	
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	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	
8.	Cumulative Impacts – Council wide	No cumulative impacts – Council wide	

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

Section 3: Mitigating action

No	Action	Details
9.	Summarise any negative impacts and how these will be managed?	The negative impacts that have been identified through the EIA are linked to the proposed relocation of Torbay School. The consultation identified what it considered to be the main negative impact for interested parties, i.e. transport, but until a site is located and individual cases examined it is difficult to say how the impact will be managed; the fact is that at the time of the proposed move (September 2017) the situation of the pupils and staff at the school could have changed. Torbay Council and the school will work closely with each family at the time of the relocation to minimise the impact of the relocation, and further consultation will need to be undertaken once further detailed proposals are established as part of the statutory process. This statutory process will also ensure that the proposals, in line with the Council's duty, do not adversely impact on any disadvantaged groups.

Section 4: Monitoring

No	Action	Details
10.	Outline plans to monitor the actual impact of your proposals	To manage the impact of these proposals Torbay Council will work closely with Torbay School during the relocation process; actions to be taken will include: <ul style="list-style-type: none"> • the involvement of interested parties in the identification of the site • the engagement of interested parties in the planning of the new school • the facilitation of one to one discussions between families and the school over any specific issues, including transport Torbay Council would also monitor the impact of these proposals by: <ul style="list-style-type: none"> • regularly reviewing its pupil projections against current capacity • monthly budget monitoring and checks on the capital spend; reporting back to members

		<ul style="list-style-type: none"> • appointing a competent and specialised project team to oversee the new build • keeping interested parties informed through regular updates
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No	Action	Outcome	Tick ✓	Reasons/justification for recommended action
11.	State a recommended course of action	<i>Outcome 1: No major change required</i>	✓	No major change to the proposal is required as no negative comments have been received and whilst negative impacts have been identified so have actions to mitigate them. The proposals aim is to enhance provision currently on offer to its service users; all responses received have been in support of the proposal.
		<i>Outcome 2: Adjustments to remove barriers</i>		
		<i>Outcome 3: Continue with proposal</i>		
		<i>Outcome 4: Stop and rethink</i>		