

## Equality Impact Analysis

This equality impact analysis establishes the likely effects both positive and negative and potential unintended consequences that decisions, policies, projects and practices can have on people at risk of discrimination, harassment and victimisation. The analysis considers documentary evidence, data and information from stakeholder engagement/consultation to manage risk and to understand the actual or potential effect of activity, including both positive and adverse impacts, on those affected by the activity being considered.

To support completion of this analysis tool, please refer to the equality impact analysis guidance.

### Section 1 – Analysis Details (Page 5 of the guidance document)

<b>Name of Policy/Project/Decision</b>	Delivery of a new Secondary Special School – Land proposal to Department for Education (DfE) & Oak Learning Partnership
<b>Lead Officer (SRO or Assistant Director/Director)</b>	Stephen Holden
<b>Department/Team</b>	Children & Young People
<b>Proposed Implementation Date</b>	25.09.2024-Cabinet Date
<b>Author of the EqIA</b>	Rachael Stirk
<b>Date of the EqIA</b>	17.06.24

### 1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?

The Department for Education (DfE) is working collaboratively with Bury to establish a new school that fits within the local authority's strategic vision for children and young people with special educational needs and disabilities (SEND) in the borough. This opportunity is intended to identify and meet untapped demand for a special free school as a supplement to Bury Council's existing resources.

Consequently, the Council is committed to delivering a new special school, working in collaboration with the DfE and the chosen sponsor, Oak Learning Partnership.

The proposed new school will greatly enhance Social Emotional Mental Health (SEMH) provision in the borough and increase the overall range and type of provision that is available to support the successful education of children and young people in Bury. In addition, it will provide support for children in mainstream schools in Bury who may be experiencing SEMH difficulties.

Local authorities no longer have the statutory power to establish new schools. All new schools must be established as a Free School. Only a limited number of Free Schools are supported and can only proceed if approved by the DfE. Once approval is granted, the DfE is then responsible for ensuring the school is delivered, determining the sponsor of the school, developing and delivering the project to construct the school building, and determining when the school can open. The scheme will be funded through the DfE Free Schools Programme, with the Council being required to make a modest Capital contribution towards site remediation costs.

In response to the growing demand for specialist school places the Council submitted an application to the DfE in 2022 for a 60 place secondary special school. The application for this second special free school was pre-approved in principle under the safety valve agreement.

The new school will have two main purposes:

1. To provide specialist Social Emotional and Mental Health (SEMH) facilities for children who are struggling with the mainstream environment on a full time, part time or fixed/short term intervention basis.
2. Act as a centre of excellence and support for the local communities and schools and possibly the wider sub region providing:

- a. Staff training and development by Social Emotional and Mental Health (SEMH) specialists to help Children and Young people remain in mainstream education.
- b. A base for multi-disciplinary outreach services supporting schools, colleges, parents and employers to improve children's outcomes.

**The new free school is intended for children who:**

1. Have an Education Health and Care Plan (EHCP) which identifies Social Emotional Mental Health (SEMH) as the primary need and who currently attend mainstream schools or alternative provision, who are struggling with the setting and for whom an academic environment away from mainstream would be most appropriate – these should be long term or permanent placements, the duration being dependent on their age, level of development, support and environmental needs.
2. Currently attend Independent Non-Maintained schools due to the lack of provision within the borough (addressing this would increase parental choice).

In accordance with the delivery of the Free Schools Programme, the DfE requires the Council to provide the land and cover infrastructure costs. In addition to identifying the site for the new school, the Council is required to enter into a long lease to enable Oak Learning Partnership to have use of that site for the purpose of the school. The agreement between the Council and DfE must set out the clear boundaries of the site to be included on the lease. To provide security and clarity to the DfE throughout the feasibility process, the Council is proposing to grant a long leasehold to the DfE on a peppercorn rent.

A site has been identified at Redvales playing field, at the junction of Manchester Road and Radcliffe Road. Surveys of the site have been undertaken, including the recently completed Phase 2 ground investigation, of which the DfE is currently awaiting results. The DfE is working closely with Oak Learning Partnership to develop the school's requirements through the development of School Specific Brief (SSB), Schedule of Accommodation and corresponding Adjacency Diagrams. This will allow for the preferred Control Option to be developed which will conclude the feasibility study.

It is anticipated that this school will become available in 2026/27.

A link to the Cabinet report is included here: [Delivery of a new SEMH Secondary Special School – Land proposal to Department for Education \(DfE\) & Oak Learning Partnership](#)

## Section 2 – Impact Assessment (Pages 6 to 10 of the guidance document)

### 2.1 Who could the proposed policy/project/decision likely have an impact on?

Employees: **Yes**

Community/Residents: **Yes**

Third parties such as suppliers, providers and voluntary organisations: **Yes**

If the answer to all three questions is 'no' there is no need to continue with this analysis.

### 2.2 Evidence to support the analysis. Include documentary evidence, data and stakeholder information/consultation

The Project Safety Valve (PSV) agreement between the Council and Department for Education (DfE) sets out the requirement for new specialist educational provision, including new Resourced Provision and new Free Special Schools.

The agreement has been subject to consideration by Cabinet and the Children & Young People's Scrutiny Committee and is subject to governance provided by the PSV Delivery Board and Schools Capital Board. The development of new specialist provision seeks to ensure access to a high quality continuum of provision, enabling the majority of children and young people with additional needs to access local provision, with appropriate capacity and resources to meet need.

In common with many other local authorities Bury has seen an increasing number of children and young people presenting with Special Educational Needs and Disabilities (SEND) requiring support within a special school setting.

Historically, Bury has been served by two Special schools, Millwood Primary Special School and Elms Bank High School.

The Local Authority has a statutory duty to constantly review the specialist provision available for children and young people with SEND, whilst also ensuring that there are sufficient specialist places available to meet the needs of the growing SEND population.

The Council has embarked on a SEND transformation programme and one of the key objectives is to reduce the number of out of borough placements by expanding in borough specialist provision, targeted at the right areas of need.

The Council's strategy for responding to the growth in demand for places seeks to ensure access to a high-quality continuum of provision, enabling the majority of children and young people with additional needs to access local provision, with appropriate capacity and resources to meet need. This continuum will comprise:

- Inclusive mainstream schools, ensuring that the majority of children and young people can be supported in their local mainstream school.
- Mainstream schools with Specialist Resourced Provision, where those children and young people whose needs can be met in a mainstream setting, but with additional support, have access to local provision.
- Special schools, building additional capacity to enable a local solution to be available to the majority of children and young people who require a special school place.

In respect of the additional special school capacity, this is to be achieved through the provision of two new Secondary Special Schools, and a Primary Special School funded through the DfE special free school programme, along with the expansion of Millwood Primary Special School.

The first of these new Special Schools, Brookhaven, opened in February 2024, located on Parr Lane, Unsworth. This is the second of the new Secondary Special Schools.

**Data:**

Bury Council is facing shifting demographic pressures, with falling rolls in primary schools, whilst continuing to see growth in demand for secondary school places. Coupled to this is the disproportionate demand for specialist provision, which has continued to grow year on year across both primary and secondary phases. Historically, Bury has limited Special School capacity in the form of one primary special school and one secondary special school. The local area will benefit from a new Special Free

School, opened by Shaw Education Trust in February 2024. Planned and potential housing development will begin to mitigate the falling rolls, and potentially increase the demand for specialist provision still further.

The overall lack of special school provision across both the Primary and Secondary sectors means that our existing special schools cater for pupils with an increasing range of needs, including those who present with Social Emotional and Mental Health (SEMH) needs. This puts significant pressure on the existing special school places and also increases the demand for Independent Non-Maintained Out of Borough (OOB) places. We know that over the past few years the lack of maintained special school places has resulted in large cohorts of pupils with identified Social Emotional Mental Health needs in Independent Non-Maintained Out of Borough provision, many now at Secondary level but whose placements began in Primary. Whilst it is hoped that there will be some Children and Young people, currently educated out of borough in the independent sector, who could return to their community this might not be appropriate for all. However, the new school would have the benefit of avoiding the need for children to have to leave the borough due to the lack of specialist provision, and appropriate early intervention and support.

The school will be designed and staffed to accommodate the age profile and a flexible range of interventions. Staff will be multi-skilled able to work in both classroom and outreach situations.

**The new school would fit into the continuum of provision which supports:**

- Meeting the needs of pupils with Social Emotional and Mental Health (SEMH) within local school settings,
- Transition into specialist provision where needs cannot be met in mainstream schools, and
- Re-integration back into local mainstream settings following a period of time in specialist provision.
- The new school is primarily aimed at meeting the needs of Children and Young people with the most complex Social Emotional and Mental Health (SEMH) needs which require a permanent specialist placement.

**The feeder schools for the new school would be:**

- i. Any primary school where a child with Social Emotional and Mental Health (SEMH) needs is transitioning from year 6 to year 7. Transition in Bury is not in isolation and is planned with the primary inclusion leads who support and ensure that it is managed carefully to meet individual pupil need.
- ii. Also, Bury Council will place Children and Young People with an Education Health and Care plan (EHCP) from mainstream secondary schools following a placement breakdown, and where it is felt that a permanent specialist placement is the best option to meet the needs of the student.
- iii. Any pupil placed in independent non-maintained provision outside of the borough would be prioritised for return and re-integration into Bury, where this was appropriate for the pupil. The Free School would ensure that there were

local quality services available as part of Bury’s local offer, reducing the need for placement in independent specialist provision out of borough.

**Arrangements for transition**

As pupils will have an Education Health Care (EHC) Plan, transition will be managed through a transition review or interim review of the EHC Plan (unless an annual review was co-incidentally due); this would be supported by the SEN Team.

**i. Area of SEN Provided For**

The Children and Young People admitted to this school will require extensive therapeutic intervention to deal with their Social Emotional and Mental Health (SEMH) needs. The expectation is that all pupils will have an Education Health Care (EHC) Plan which identifies SEMH as the primary area of need. We expect there to be a large degree of co-existence with other Special Educational Needs and Disabilities (SEND) needs, especially Autistic Spectrum Condition, Attention Deficit Hyperactivity Disorder, Oppositional Defiance Disorder and Disruptive Mood Dysregulation Disorder.

As a result, we expect these pupils to present with issues such as:

- Low self-esteem and shame linked to failure in mainstream setting
- Significantly delayed social communication skills
- Significantly delayed speech and language development
- Insecure attachment to adults
- Low resilience and vulnerability to exploitation
- Emotional abuse and neglect
- Physical abuse and exploitation
- Inappropriate behaviours consistent with attempts to express and seek help for all the above.

Consequently, most pupils will join the school after unsuccessfully transitioning to mainstream education and the bulk of consultations for admission will probably be received in Years 8 and 9. We expect the leadership team to work with the local authority and mainstream schools to identify pupils at risk of placement breakdown earlier and clarify the referral pathways so that more pupils are identified in Year 7 and in primary to avoid drifting into unsuitable settings.

We would not encourage placements as late as Year 10 except in exceptional circumstances as it is difficult for the therapeutic approach to achieve the type of progression we are looking for in a short time scale.

We anticipate an entry profile and class organisation along the following lines:

Year Group	No of Students	No of Classes
Year 7	6	1

Year 8	9	1
Year 9	15	2
Year 10	15	2
Year 11	15	2
<b>Total</b>	<b>60</b>	<b>8</b>

In the first year of operation, we anticipate:

<b>Year Group</b>	<b>No of Students</b>	<b>No of Classes</b>
Year 7	6	1
Year 8	8	1
Year 9	8	1
Year 10	8	1
<b>Total</b>	<b>30</b>	<b>4</b>

The increase in capacity responds to the Specialist Sufficiency Strategy that recognises the increasing demands within the local population for special school places.

This scheme sits alongside other projects which include the provision of three new Special schools, and also additional Resourced Provision units linked to mainstream schools. All of this is designed to ensure a continuum of high quality provision to meet the needs of the local population.

**Stakeholder information/consultation:**



The scheme forms part of a wider Specialist Sufficiency Strategy that has been the subject of extensive consultation with a wide range of stakeholders.

The strategy forms part of the PSV management plan which is overseen by the PSV Board which brings together key stakeholders.

### **Other services in support**

There is investment going into services through the Bury Local Transformation Plan 'Let's Do It'. This has been co-produced by Bury Council and Bury CCG with investment going into:

- i. Healthy Young Minds HYM school link worker
- ii. Healthy Young Minds Crisis Care Planning Support Team (four rapid response teams across the North West footprint) form part of the Inclusion Social Emotional and Mental Health Partnership offer
- iii. School Nurses supporting early identification, consultation and support for mental health
- iv. For social care, the ambition with Bury's Early Help Transformation model is to provide assessment, early identification and care planning through a multi-agency team approach to support pupils in education settings.

### **2.3 Consider the following questions in terms of who the policy/project/decision could potentially have an impact on. Detail these in the impact assessment table (2.4) and the potential impact this could have.**

- Could the proposal prevent the promotion of equality of opportunity or good relations between different equality groups? No
- Could the proposal create barriers to accessing a service or obtaining employment because of a protected characteristic? No
- Could the proposal affect the usage or experience of a service because of a protected characteristic? No
- Could a protected characteristic be disproportionately advantaged or disadvantaged by the proposal? No
- Could the proposal make it more or less likely that a protected characteristic will be at risk of harassment or victimisation? No
- Could the proposal affect public attitudes towards a protected characteristic (e.g. by increasing or reducing their presence in the community)? No
- Could the proposal prevent or limit a protected characteristic contributing to the democratic running of the council? No

<b>2.4 Characteristic</b>	<b>Potential Impacts</b>	<b>Evidence (from 2.2) to demonstrate this impact</b>	<b>Mitigations to reduce negative impact</b>	<b>Impact level with mitigations Positive, Neutral, Negative</b>
<b>Age</b>	The new school will cater for pupils aged 11-16.	Creation of additional local capacity for students with SEND	N/A	Positive
<b>Disability</b>	Accessibility to the building to facilities, and to learning	Scheme design	During the design development of the scheme there will be a focus on accessibility and ensuring the space is welcoming and accessible to all.	Positive
<b>Gender Reassignment</b>	There is no change that will impact	N/A	N/A	Neutral
<b>Marriage and Civil Partnership</b>	There is no change that will impact	N/A	N/A	Neutral
<b>Race</b>	There is no change that will impact	N/A	N/A	Neutral
<b>Religion and Belief</b>	There is no change that will impact	N/A	N/A	Neutral
<b>Sex</b>	There is no change that will impact	N/A	N/A	Neutral

<b>Sexual Orientation</b>	There is no change that will impact	N/A	N/A	Neutral
<b>Carers</b>	There is no change that will impact	N/A	N/A	Neutral
<b>Looked After Children and Care Leavers</b>	There is no change that will impact	N/A	N/A	Neutral
<b>Socio-economically vulnerable</b>	There is no change that will impact	N/A	N/A	Neutral
<b>Veterans</b>	There is no change that will impact	N/A	N/A	Neutral

**Actions required to mitigate/reduce/eliminate negative impacts or to complete the analysis**

<b>2.5 Characteristics</b>	<b>Action</b>	<b>Action Owner</b>	<b>Completion Date</b>
N/A			

**Section 3 - Impact Risk**

Establish the level of risk to people and organisations arising from identified impacts, with additional actions completed to mitigate/reduce/eliminate negative impacts.

3.1 Identifying risk level (Pages 10 - 12 of the guidance document)

Impact x Likelihood = Score			Likelihood			
			1	2	3	4
			Unlikely	Possible	Likely	Very likely
Impact	4	Very High	4	8	12	16
	3	High	3	6	9	12
	2	Medium	2	4	6	8
	1	Low	1	2	3	4
	0	Positive / No impact	0	0	0	0

<b>Risk Level</b>	<b>No Risk = 0</b>	<b>Low Risk = 1 - 4</b>	<b>Medium Risk = 5 – 7</b>	<b>High Risk = 8 - 16</b>
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<b>3.2 Level of risk identified</b>	
<b>3.3 Reasons for risk level calculation</b>	Low Risk-0 No risk as positive impact.

**Section 4 - Analysis Decision** (Page 11 of the guidance document)

<b>4.1 Analysis Decision</b>	<b>X</b>	<b>Reasons for This Decision</b>
There is no negative impact therefore the activity will proceed	X	There are no negative impacts from the activity
There are low impacts or risks identified which can be mitigated or managed to reduce the risks and activity will proceed		

There are medium to high risks identified which cannot be mitigated following careful and thorough consideration. The activity will proceed with caution and this risk recorded on the risk register, ensuring continual review		
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**Section 5 – Sign Off and Revisions** (Page 11 of the guidance document)

5.1 Sign Off	Name	Date	Comments
<b>Lead Officer/SRO/Project Manager</b>	Paul Cooke	24/06/24	
<b>Responsible Asst. Director/Director</b>	Stephen Holden	24/06/24	
<b>EDI</b>	L. Cawley	24/06/24	

**EqIA Revision Log**

5.2 Revision Date	Revision By	Revision Details