



Derby City Council

Equality impact assessment form

Children and Young People's Directorate

School Organisation and Provision

Proposed Closure of Castle Nursery School

10 March 2015

Derby... *Achieving*

Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

Contact for help

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The form

We use the term 'policy' as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

What's the name of the policy you are assessing?

Proposal to close Castle Nursery School

The assessment team

Team leader's name and job title – Gurmail Nizzer, Head of School
Organisation and Provision

Other team members

Name	Job title	Organisation	Area of expertise
Heather Ryder-Carrington	Childcare and Families Information Team Manager	Derby City Council	Sufficiency of Early Years Childcare
Helen Zwart	Project Development Officer	Derby City Council	Project Development

We requested input from members of the Council's Diversity Forums, but nobody came forward to be part of the team.

Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.

The Council is committed to delivering and funding services that evidence value for money. However, the current cost per place at Castle Nursery is significantly higher than that of the other nursery schools in the city. The Council is proposing to close Castle Nursery School due to very high operating costs and low numbers of pupils for the last eight years.

The proposal links to the corporate objective that all people in Derby City will enjoy achieving their learning potential for a brighter future.

2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?

The School Organisation and Provision team will deliver the work relating to the proposal. This will be in line with the Department for Education's School Organisation Guidance.

3 Who are the main customers, users, partners, employees or groups affected by this proposal?

The main groups affected by the proposal are children and parents/carers/grandparents of children at the nursery, and staff at the nursery.

Step 2 – collecting information and assessing impact

- 4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**

We carried out an initial, non-statutory consultation from 26 November 2014 until 12 January 2015. We consulted with parents, staff, trade unions, MPs and ward members. The consultation document was available on the Your City, Your Say section of the Council's website for members of the public to view and respond. We also held consultation meetings at the nursery for staff, trade unions and parents. We checked whether any parents or staff needed an interpreter at the consultation meetings. We also offered the consultation documents in other formats, but nobody requested them.

Should there be a decision to close Castle Nursery, there are eight members of staff at the nursery who could be at risk of redundancy. The required consultation procedures are being followed, including communication and consultation with the staff and trade unions. A Group Consultation meeting has taken place, as required, to advise members of staff of the process and to answer queries. If a decision is taken to close the nursery, there will also be individual meetings with staff. We will arrange for any reasonable adjustments to be made in order to enable members of staff or their companions to attend the meetings. If a decision is taken to close the nursery, staff will have access to redeployment.

We received 63 responses to the consultation. All of them were against the proposal. We also received three petitions against the closure of the nursery with a total of 2,014 signatures. However, a large number of the signatories came from outside Derby. The results of the consultation were reported to Council Cabinet on 18 February 2015 and Cabinet recommended that the proposal to close the nursery should move to the next stage, which is statutory consultation. A summary of consultation responses is available with the Cabinet report which can be accessed by using the following link:

[Consultation Responses - Cabinet Report 18 February 2015](#)

Many of the responses focus on the high quality of education received at the nursery, particularly for children with Special Educational Needs (SEN). The Local Authority (LA) acknowledges that the education and care provided by Castle Nursery to all children is outstanding. The nursery does not provide any specifically designated provision for children with Special Educational Needs. It is important to note that all nurseries in Derby City have children with SEN and, similar to Castle Nursery, it is not necessary to have an enhanced resource provision to provide this. The quality of the provision for SEN children across nursery schools in the City is good, and often outstanding. In view of this, the provision across the city for those children in need of an enhanced placement due to SEN is not in need of expansion.

It is important to note that if Castle Nursery is considered to be strategically and / or financially unviable, the proposed timing for any closure will ensure the level of impact on children is kept to a minimum. The Council's Childcare and Families Information Team will provide an individual childcare brokerage service for any parents affected and provide early support with sourcing alternative early year's provision for their children.

The consultation responses also referred to the new housing currently being built close to the nursery on the Castleward development. The Castleward development is underway, but it is being implemented on a phased basis and timescales for completing the whole development are not yet fixed. A new primary school is required as part of the second phase of the development, but timescales for this phase are currently under review. The housing development is in a relatively early stage, and due to the timescales required to design and construct a primary school, the delivery of a new school could be up to 3 years away. When it is built it will be fully accessible for disabled children. There are sufficient nursery places available in the area to provide for children moving into the Castleward development before the primary school opens. In view of Castle Nursery's low pupil numbers, difficult budget position and concerns over value for money, it would be very difficult to keep the nursery open until the provision at the new primary school is available.

The statutory consultation is taking place from 3 March to 31 March 2015. We have published a brief notice in the Derby Telegraph and a copy of the notice is on display at Castle Nursery School. We have also put details of the consultation on the Your City, Your Say website and written to parents to tell them about the consultation.

5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure

Equality groups	What do you already know?	No impact	Positive impact	Negative impact	Not sure
Age	The nursery serves families with young children.			Minimal	
Disability	The nursery does not provide any designated provision for children with Special Educational Needs. However, from the consultation responses there were indications that the nursery offered a high standard of education for these children, but so do other nurseries. The school only has partial access for disabled children.	x			
Gender reassignment - trans		x			
Marriage and civil partnership		x			
Pregnancy and maternity	The nursery does not offer places for babies. It provides places for 3 and 4 year olds.	x			
Race	There are a small number of minority ethnic parents / carers. All parents	x			

	will be offered support to find alternative provision.				
Religion or belief or none		x			
Sex		x			
Sexual Orientation		x			
Families and people on low income	The nursery does serve some families who are on a low income			Minimal	

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

6 From the information you have collected, how are you going to lesson any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

The nursery serves families with young children, some of whom are on a low income. There are only 24 children currently accessing a 3 and 4 year old funded place at the nursery. 18 of these children are due to transfer to school in September 2015, so the number of children who will need to find an alternative funded place is very low. Funded places are available at maintained provision within a mile of Castle Nursery School at Rosehill Infant, St Chad's CE Infant and St James' CE Infant Schools. The majority of families accessing a place at Castle Nursery do not live in the Arboretum and Normanton wards closest to the nursery, but live across the city. There are funded places available at maintained, private and voluntary providers across the city.

The Childcare and Families Information Team will provide an individual childcare brokerage service for any parents affected by the proposals and will provide early support with sourcing alternative early year's funded provision for their children.

In the longer term, a new primary school is due to be built in the area as part of the Castleward housing development, which will serve families who live in the area close to Castle Nursery School. The development is still at an early stage and it will be at least three years before the new school opens. In view of Castle Nursery's low pupil numbers, difficult budget position and concerns over value for money, it would be very difficult to keep the nursery open until the nursery provision at the new primary school is available.

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1	No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2	Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3	Continue the policy despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the

		justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

Outcome 3	
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Why did you come to this decision?

<p>The assessment shows that there is minimal negative impact on a very small number of families. We also need to consider the concerns over low pupil numbers, difficult budget position and value for money.</p>
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If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

Step 4 – equality action plan – setting targets and monitoring

8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to

monitor the equality impact of the proposals, once they have been implemented.

Equality action plan – setting targets and monitoring

What are we going to do to advance equality?	How are we going to do it?	When will we do it?	What difference will this make?	Lead officer	Monitoring arrangements
CFIT will offer individual brokerage service to source alternative childcare provision for parents	<ul style="list-style-type: none"> CFIT will write individually to all parents who this impacts on offering the brokerage service. Leaflets on the brokerage service will be made available in the nursery promoting the service and these will be made accessible on request for those who need them – such as in larger print or in a particular language and they will be made accessible for Deaf parents too if required. 	From 27/4/2015	Parents will be supported to source alternative early year's provision allowing plenty of time to do this so the transition into the new provision is made as easy as possible for the child / family.	CFIT/HRC	Records will be maintained held on where alternative provision has been accessed.
Provide help and support for employees facing redundancy if the nursery closes	<ul style="list-style-type: none"> Our HR section will organise a range of help for employees in a redundancy situation such as information 	As soon as possible	The support available will help employees to secure new jobs	Human Resources	

	<p>sessions from Jobcentre Plus on job search advice, funds for retraining, signposting to websites for help on self employment. Interview skills training courses are available as well as our Care First Service to offer emotional support by confidential help and advice and telephone and face to face counselling for a period of three months post city council employment. Free money advice sessions are also being held</p>				
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Make sure you include these actions in your Directorate service business plans.