

SCHOOL ORGANISATION COMMITTEE OF CABINET

AGENDA

Meeting to be held in Civic Centre (Committee Room No. 1) on
Thursday 16 May 2019 at 2.00pm

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Proposed Re-organisation of Sunderland City Council's Pupil Referral Unit Provision	1
	Report of the Executive Director of Neighbourhoods (copy attached).	

Elaine Waugh
Assistant Director of Law and Governance

Civic Centre
SUNDERLAND

8 May 2019

For further information and assistance, please contact:

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**SCHOOL ORGANISATION COMMITTEE OF CABINET MEETING
– 16 MAY 2019**

EXECUTIVE SUMMARY SHEET – PART I

Title of Report: Proposed Re-Organisation of Sunderland City Council's Pupil Referral Unit Provision

Author(s): Executive Director of Neighbourhoods

Purpose of Report: The purpose of this report is to request a decision on the proposals to re-organise Sunderland City Council's Pupil Referral Unit Provision (PRU) and to increase the number of commissioned places to be delivered at the re-organised PRU.

Description of Decision: Cabinet is asked to:

Note the responses to the pre-publication consultation and the responses received during the statutory representation period on the PRU re-organisation proposals

Consider the three related statutory proposals which are:

- 1) To discontinue (close) the Key Stage 1 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS and the Key Stage 4 Pupil Referral Unit, Pallion Centre, Waverley Terrace, Sunderland, SR4 6TA with effect from 31.08.19;
- 2) To alter the lower and upper age limit of the Key Stage 2/3 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS from 7 – 14 years old to 4 – 16 years old with effect from 01.09.19; and
- 3) To enlarge / increase the capacity of the Key Stage 2/3 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS by increasing the number of available places from 78 to 172 with effect from 01.09.19.

Under the provisions of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 the Authority may approve published proposals with or without modification, or may reject them. The Committee is requested to approve the three related proposals.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

This proposal will result in the following:

- Formalise management arrangements already informally operated across Key Stage 2, 3 and 4 provisions

- Facilitate increased sharing of resources, management efficiencies and shared practice between Key Stage 1 provision and Key Stage 2,3 and 4 provisions
- Facilitate the strengthening of existing Governing Body arrangements, with representation and expertise to be offered across all key stages
- Facilitate the establishment of a new PRU management structure, offering consistent leadership across all key stages
- Facilitate greater cross key stage working with increased interaction, where appropriate, between children attending PRU provisions from within the separate key stages
- Lead to greater facilitation of transition between key stages for the minority of pupils who remain in PRU provision for extended periods of time
- Provide consistency between PRU delivery and proposed accommodation strategy, given the requirement to establish a new permanent delivery site for Key Stage 1 full and part time PRU provision.

Alternative options to be considered and recommended to be rejected:

Retain existing organisation and management structures. However, it is considered that this will restrain efficiencies, shared practices and opportunities for joint commissioning and increased performance across all key stages that would result from the proposed re-organisation.

Impacts analysed;

Equality Privacy Sustainability Crime and Disorder

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? Yes

Is it included in the 28 day Notice of Decisions? Yes

PROPOSED RE-ORGANISATION OF SUNDERLAND CITY COUNCIL'S PUPIL REFERRAL UNIT PROVISION**REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS****1. Purpose of the Report**

- 1.1 The purpose of this report is to request a decision on the proposal to re-organise Sunderland City Council's Pupil Referral Unit Provision (PRU) and to increase the number of commissioned places to be delivered at the re-organised PRU.

2. Description of Decision

- 2.1 Cabinet is asked to:

Note the responses to the pre-publication consultation and the responses received during the statutory representation period on the PRU re-organisation proposals

Consider the three related statutory proposals which are:

- 1) To discontinue (close) the Key Stage 1 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS and the Key Stage 4 Pupil Referral Unit, Pallion Centre, Waverley Terrace, Sunderland, SR4 6TA with effect from 31.08.19;
- 2) To alter the lower and upper age limit of the Key Stage 2/3 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS from 7 – 14 years old to 4 – 16 years old with effect from 01.09.19; and
- 3) To enlarge / increase the capacity of the Key Stage 2/3 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS by increasing the number of available places from 78 to 172 with effect from 01.09.19.

Under the provisions of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 the Authority may approve published proposals with or without modification or may reject them. The Committee is requested to approve the three related proposals.

3. Current Position

- 3.1 Sunderland's Pupil Referral Unit provision is currently organised as three separate provisions. They are;

- Key Stage 1 (Full time and Part Time) – age range 4- 7
- Key Stage 2 and 3 – age range 7 - 14
- Key Stage 4 – age range 14 -16

- 3.2 Key Stage 1 (KS1) full time and part time provision was previously delivered from rented accommodation at Farringdon Primary Academy (Full time) and Valley Road Academy (Part Time). In 2018, following discussions with both academies, the decision was taken to relocate the provision to an alternative site in the City. In the absence of a more suitable alternative the decision was made to temporarily accommodate the entire Key Stage 1 Provision at the Tudor Grove Centre.

- 3.3 Key Stage 2 (KS2) and Key Stage 3 (KS3) PRU provision is also currently delivered at the Tudor Grove Centre.
- 3.4 Key Stage 4 (KS4) PRU provision is delivered from the Pallion Centre. The Pallion Centre was refurbished in 2013 to accommodate the PRU provision.
- 3.5 In October 2018 Cabinet agreed a proposal to refurbish the former New Bridge School at Springwell Dene. Key Stage 1, 2 and 3 PRU provision will be delivered from the re-furbished site from September 2019. Capital costs associated with the refurbishment are estimated at £1.4m.
- 3.6 In March 2019 Cabinet agreed to the sale of the Tudor Grove site to the North East Autistic Society, with the capital receipt generated through the sale of the Tudor Grove site allocated towards refurbishment costs at the Springwell Dene site.
- 3.7 Organisationally KS1 PRU operates as an individual provision reporting to its own Management Committee. The KS1 Management Committee is responsible for governance arrangements related to the provision.
- 3.8 While KS2 and 3 and the KS4 provision are identified as two separate provisions, they report to a single KS2 and 3 and KS4 Management Committee. The KS2 and 3 and KS4 Management Committee is responsible for governance arrangements related to the provision.
- 3.9 Places at the PRU are allocated on a commissioned basis with placements subject to approval by a local placement panel. Funding for placements is provided by the DfE through the High Needs Block.

4. Current Position

Consultation

- 4.1 In October 2018 Cabinet approved a proposal to commence the School Organisation processes required to re-organise the City's three PRU provisions into one single school.
- 4.2 A pre-publication consultation exercise took place between 25th January 2019 and 25th March 2019. The pre-publication consultation contained the Council's proposal to amalgamate the City's PRU provision. The legislation does not contain a single proposal of 'amalgamation'. Instead in this instance it is necessary to;
- Discontinue Sunderland's Key Stage 1 Pupil Referral Unit's registration from 31 August 2019;
 - Discontinue Sunderland's Key Stage 4 Pupil Referral Unit's registration from 31 August 2019
 - Alter Sunderland's Key Stage 2/3 PRU age range from 7-14 to 4-16, from 1 September 2019;
 - Increase the Capacity of the Key Stage 2/3 PRU provision from 78 commissioned places to 172 places.

4.3 Consultation was carried out with the following groups

- Parents of pupils attending the PRU
- Current staff
- Local schools and nurseries
- Trade Union Representatives

In total the Council received seven responses. All supported the Council's proposals. Responses are collated as Appendix 1 of this report.

5.4 The Council published notification of statutory proposals for the re-organisation of Sunderland's Pupil Referral Unity Provision and the associated proposed increase in capacity of the re-organised PRU on 27 March 2019. The four-week statutory notice period ended 24 April 2019. Statutory notices were published in the following places:

- Sunderland City Council's website
- The Link School (PRU) website
- The Sunderland Echo

Notices were also displayed at the entrances of all buildings used by the current PRU provisions.

5.5 In addition to the publication of notices the following groups were consulted with as part of this process:

- Parents of pupils attending the PRU provision
- Current staff
- Unions
- Local members
- The local Church of England diocese
- The local Roman Catholic diocese and
- The Secretary of State for Education.

5.6 The notice of statutory proposals was also provided to all schools in the City. The Council did not receive any responses to the notices. The full statutory proposals document is attached at Appendix 2

6.0 Next Steps

6.1 An Interim Management Committee was established to support the facilitation of the proposals contained within this paper. The Management Committee has now established a leadership structure for the re-organised PRU provision. Should these proposals be approved recruitment to that leadership structure will commence immediately.

6.2 Capital works at the Springwell Dene School site are programmed to be complete week commencing 8th July. Extended closure of the Key Stage 1, 2 and 3 PRU provisions has been agreed to facilitate the schools' move to the new site.

5. Reasons for the Decision

5.1 The proposal will result in the following benefits:

- Formalise management arrangements already informally operated across Key Stage 2, 3 and 4 provisions
- Facilitate increased sharing of resources, management efficiencies and shared practice between Key Stage 1 provision and Key Stage 2,3 and 4 provisions
- Facilitate the strengthening of existing Governing Body arrangements, with representation and expertise to be offered across all key stages
- Facilitate the establishment of a new PRU management structure, offering consistent leadership across all key stages
- Facilitate greater cross key stage working with increased interaction, where appropriate, between children attending PRU provisions from within the separate key stages
- Lead to greater facilitation of transition between key stages for the minority of pupils who remain in PRU provision for extended periods of time
- Provide consistency between PRU delivery and proposed accommodation strategy, given the requirement to establish a new permanent delivery site for Key Stage 1 full and part time PRU provision.

6. Alternative Options

- 6.1 Retain existing organisation and management structures. However, it is considered that this will restrain efficiencies, shared practices and opportunities for joint commissioning and increased performance across all key stages that would result from the proposed re-organisation. It is also noted that the Council has not received any objections from consultees to the proposals contained within this paper. Therefore, no alternative options are to be submitted for consideration at this committee.

7. Impact Analysis

Equalities – Proposals contained within this document have been subject to staff and union consultation. All decisions have been undertaken in a fair, equitable and transparent manner, and will not affect those groups who have protected characteristics under the general equality duty. The Equalities Assessment is attached as Appendix 3.

Sustainability – This project will ensure the continuation of PRU provision in the city. It will result in appropriate provision continuing, with enhancement, for those who require it and will provide a long-term solution to the current KS1 PRU accommodation shortfall.

8. Other Relevant Considerations / Consultations

- 8.1 **Co-operative values** – At Annual Council in May 2015, it was resolved that the following statement be included in the Constitution to reflect the values of the “Co-operative Council”.

“Sunderland City Council is a co-operative council and in being so will act ethically in all its actions while adhering to and actively promoting its co-operative values of self-help, self-responsibility, democracy, equality, equity and solidarity. These values will underpin its decision making and actions.”

8.2 Financial implications

Whilst revenue savings are not yet quantified it is anticipated that the re-organised PRU will realise savings through rationalisation of external procurement (including Service Level Agreements) and premises costs.

Restructure of the PRUs senior leadership team will remove one of the two current headteacher posts and associated salary. However, it will also result in the creation of a Head of School post which will limit the immediate overall savings.

Increase of commissioned pupil numbers at the re-organised PRU will result in an increase in overall pupil funding.

Capital costs associated with the amalgamation and relocation to the Springwell Dene site have been estimated at £1.425m and it is included in the current approved capital programme.

8.3 Legal Implications

Throughout the process, from informal consultation to the publication of the statutory proposals, the Council has complied with the requirements of the applicable legislation (the Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013) and has also adhered to the Department for Education's Statutory Guidance – Opening and Closing Maintained Schools, November 2018 and [Making Significant Changes \('Prescribed Alterations'\) to Maintained Schools, October 2018](#).

The Springwell Dene School site is located within two miles of the existing PRU delivery site, the Tudor Grove Centre. As a result, under the legislation there is no requirement to conduct a statutory consultation process to re-locate the provisions currently delivered at Tudor Grove.

9. Appendices

Appendix 1 – Pre-Publication Consultation Outcomes
Appendix 2 – Statutory Proposals
Appendix 3 – Equalities Assessment

10. Background Papers

[Cabinet - October 2018: proposed refurbishment of the former Springwell Dene School and relocation of the Link School \(Pupil Referral Units\) from the Tudor Grove Centre to the refurbished buildings](#)

Report Settings Summary

Event	Pupil Referral Unit Provision
Total Responses	7
Total Respondents	1
Questions	<i>Custom selection (see Table Of Contents)</i>
Filter	<i>(none)</i>
Pivot	<i>(none)</i>
Document Name	Draft Report - 14 March 2019
Created on	2019-03-14 13:00:34
Created by	Victoria Moseley

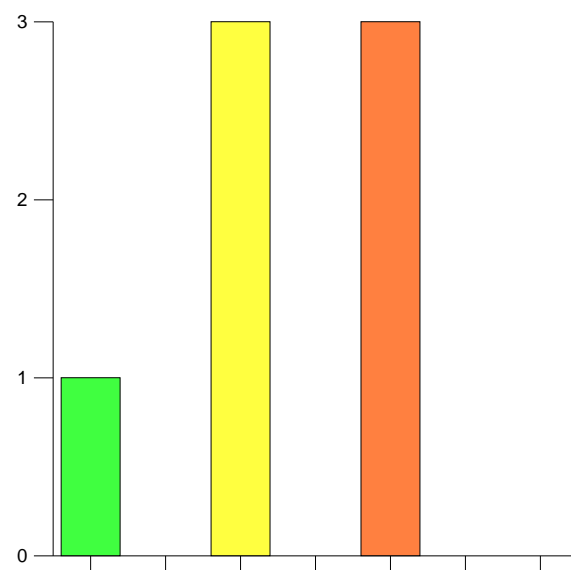
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Question 1

Question responses: 7 (100.00%)

Are you responding to this consultation as a;



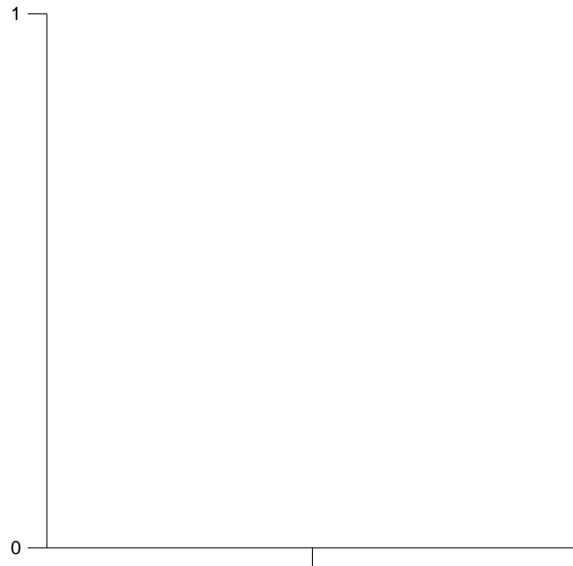
	% Total	% Answer	Count
Parent/ Carer	14.29%	14.29%	1
Pupil	0.00%	0.00%	0
Headteacher	42.86%	42.86%	3
Governer	0.00%	0.00%	0
Member of school staff	42.86%	42.86%	3
Resident	0.00%	0.00%	0
Other	0.00%	0.00%	0
Total	100.00%	100.00%	7

Question 1 - Other

Question 1 - Other

Question responses: **0 (0.00%)**

Other, please tell us here



	% Total	% Answer	Count
<input type="checkbox"/> [Responses]	0.00%	0%	0
<input type="checkbox"/> [No Response]	100.00%	--	7
Total	100.00%	0%	7

There is no data to display for this question

Info on options

Please tell us if you agree with the following proposals.

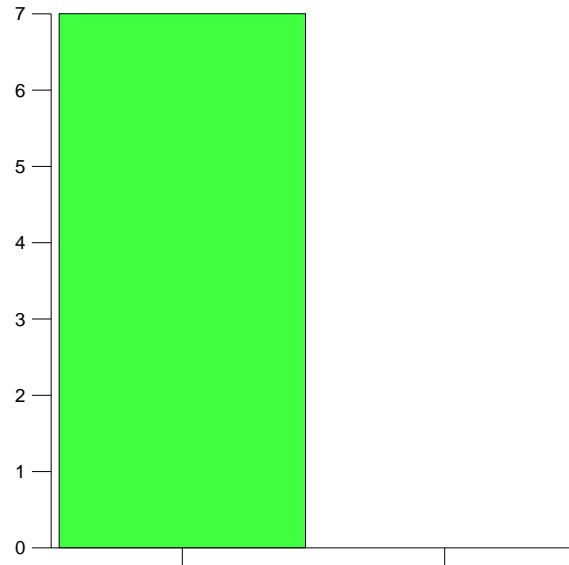
There is no data to display for this question

Question 2

Question 2

Question responses: 7 (100.00%)

Discontinue Sunderland's Key Stage 1 Pupil Referral Unit's registration from 31 August 2019.

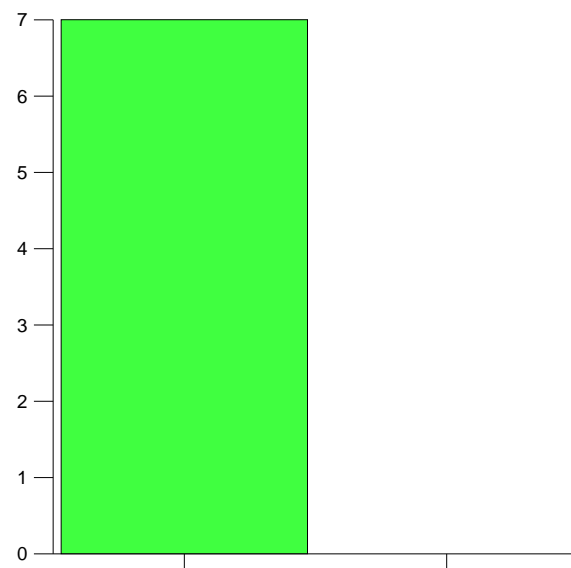


	% Total	% Answer	Count
Agree	100.00%	100.00%	7
Disagree	0.00%	0.00%	0
Total	100.00%	100.00%	7

Question 3

Question responses: 7 (100.00%)

Discontinue Sunderland's Key Stage 4 Pupil Referral Unit's registration from 31 August 2019.



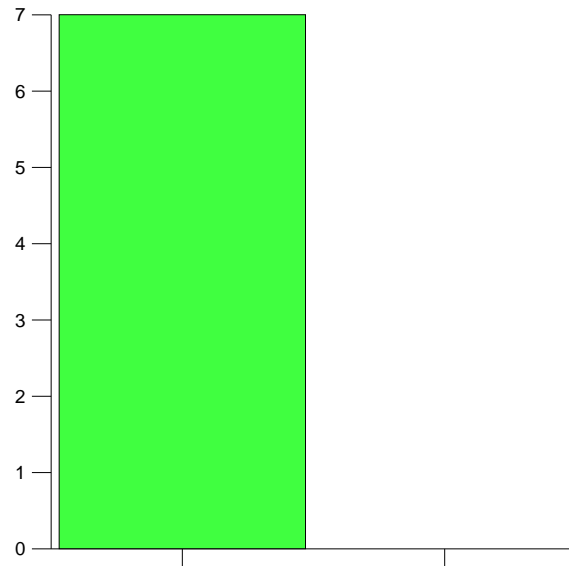
	% Total	% Answer	Count
■ Agree	100.00%	100.00%	7
■ Disagree	0.00%	0.00%	0
Total	100.00%	100.00%	7

Question 4

Question 4

Question responses: 7 (100.00%)

Alter Sunderland's Key Stage 2/3 PRU age range from 7-14 to 3-16, from 1 September 2019.

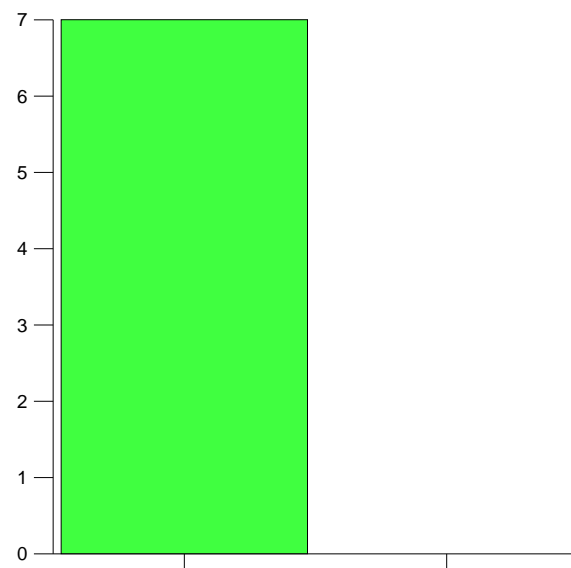


	% Total	% Answer	Count
Agree	100.00%	100.00%	7
Disagree	0.00%	0.00%	0
Total	100.00%	100.00%	7

Question 5

Question responses: **7 (100.00%)**

Increase the Capacity of the Key Stage 2/3 PRU provision from 78 commissioned places to 172.



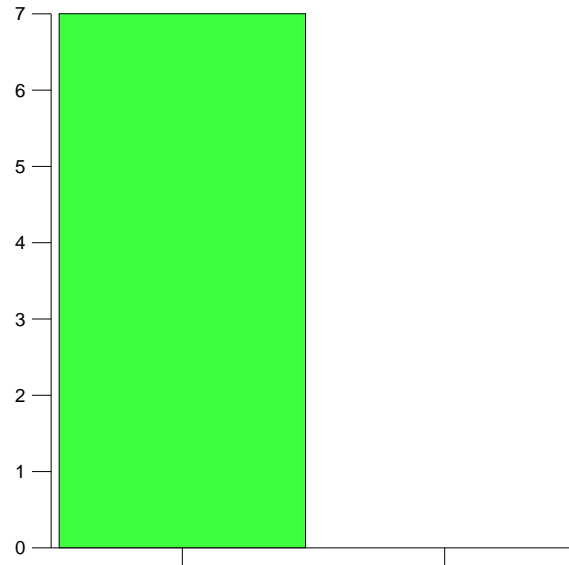
	% Total	% Answer	Count
<input checked="" type="checkbox"/> Agree	100.00%	100.00%	7
<input type="checkbox"/> Disagree	0.00%	0.00%	0
Total	100.00%	100.00%	7

Question 6

Question 6

Question responses: 7 (100.00%)

Overall, do you agree with the Council's proposal to amalgamate Sunderland's three Pupil Referral Units as a single school?

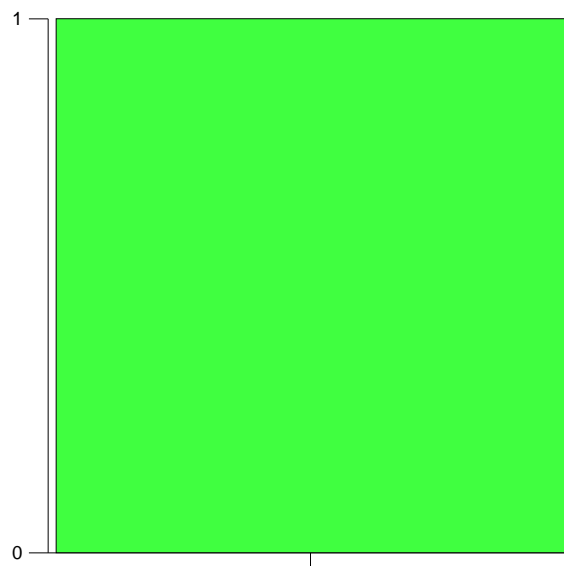


	% Total	% Answer	Count
■ Agree	100.00%	100.00%	7
■ Disagree	0.00%	0.00%	0
Total	100.00%	100.00%	7

Question 7

Question responses: 1 (14.29%)

If you disagree with any element of the Council's proposal to amalgamate Sunderland's three Pupil Referral Units as a single school or have any further comments/views on this proposal please tell us here?



	% Total	% Answer	Count
<input checked="" type="checkbox"/> [Responses]	14.29%	100.00%	1
<input type="checkbox"/> [No Response]	85.71%	--	6
Total	100.00%	100.00%	7

ID	Consultation Point	Consultee	Agent	Answer	Date	Version	Status	Type
6				More spaces are needed for this provision the waiting lists are long now. If this helps children get the much needed provision I'm all for the provision!	28/01/19 20:09	0.1	Submitted	web

THE COUNCIL OF THE CITY OF SUNDERLAND

**NOTIFICATION OF STATUTORY PROPOSALS FOR THE REORGANISATION OF
SUNDERLAND'S PUPIL REFERRAL UNIT PROVISION**

Local Authority Proposals and Contact Details

The reorganisation of Sunderland City Council's Pupil Referral Unit provision entails three related statutory proposals as set out below.

1. DISCONTINUANCE

Notice is hereby given in accordance with Section 15 of the Education and Inspections Act 2006, that it is the intention of Sunderland City Council, Civic Centre, Burdon Road, Sunderland, SR2 7DN to discontinue (close) the following schools:

- **Key Stage 1 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS** with effect from 31 August 2019.
- **Key Stage 4 Pupil Referral Unit, Pallion Centre, Waverley Terrace, Sunderland, SR4 6TA** with effect from 31 August 2019.

2. ALTERATION OF THE LOWER AND UPPER AGE LIMIT

Related to the first proposal, notice is hereby given in accordance with Section 19 of the Education and Inspections Act 2006, that Sunderland City Council, Civic Centre, Burdon Road, Sunderland, SR2 7DN intends to make a prescribed alteration by permanently altering the age range of the following school:

Key Stage 2/3 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS with effect from 1 September 2019. The current age range for this provision is 7 – 14 years old. The proposed age range for this provision will be 4 – 16.

3. ENLARGEMENT / INCREASE IN CAPACITY

Related to the first and second proposals, notice is hereby given in accordance with Section 19 of the Education and Inspections Act 2006, that it is the intention of Sunderland City Council, Civic Centre, Burdon Road, Sunderland, SR2 7DN to make a prescribed alteration to the **Key Stage 2/3 Pupil Referral Unit, Tudor Grove Centre, Portland Road, Sunderland, SR3 1SS** by increasing the number of available places from 78 places to 172 places with effect from 1 September 2019.

The Key Stage 1 Pupil Referral Unit, Key Stage 2/3 Pupil Referral Unit and Key Stage 4 Pupil Referral Unit are all community schools maintained by Sunderland City Council.

For the purposes of this proposal document, the proposal to discontinue (close) the Key Stage 1 Pupil Referral Unit and the Key Stage 4 Pupil Referral Unit and the proposal to change the age range and enlarge/increase the capacity of the Key Stage 2/3 Pupil Referral Unit shall be referred to as 'the amalgamation of the City's Pupil Referral Unit (PRU) provision'.

For the purposes of providing further information, subject to the determination of the above proposals, the Council also intends to relocate the provision currently identified as the Key Stage 1 Pupil Referral Unit and the Key Stage 2/3 Pupil Referral Unit from the current delivery location at the Tudor Grove Centre to the refurbished Springwell Dene School, Swindon Road, Springwell, SR3 4EE. The decision to relocate the provision is not subject to a statutory proposal process (a statutory proposal is only required for transfers to a new site where the new site is more than two miles from the existing site). The provision currently identified as the Key Stage 4 Pupil Referral Unit will not move location.

The closure of the Key Stage 1 PRU and the Key Stage 4 PRU will lead to the displacement of the pupils on roll and any surplus capacity within those schools. From 1 September 2019 it is proposed that the displaced provision is delivered from the Key Stage 2/3 PRU. To maintain the capacity currently in place across Key Stage 1- 4 would entail increasing the capacity of the Key Stage 2/3 PRU from 78 places to 142 places. However, given increased demand for PRU places, with the total provision currently oversubscribed, it is proposed that this capacity is increased further to a total of 172 places from 1 September 2019. This represents a 94-place increase from the current Key Stage 2/3 capacity and a 30 place capacity increase in the current combined capacity of the Key Stage 1, 2/3 and 4 Pupil referral Units.

Implementation.

- The Key Stage 1 Pupil Referral Unit is proposed to close with effect from 31 August 2019.
- The Key Stage 4 Pupil Referral Unit is proposed to close with effect from 31 August 2019.
- The Key Stage 2/3 Pupil Referral Unit is proposed to implement a change to its age range with effect from 1 September 2019.
- The Key Stage 2/3 Pupil Referral Unit is proposed to implement a change to its capacity with effect from 1 September 2019

Reason for Closure (Key Stage 1 and 4 PRU) and Objectives of Altering Age Range and Enlarging / Increasing Capacity (Key Stage 2/3 PRU)

The closure of the Key Stage 1 and 4 Pupil Referral Units and the change to the lower and upper age limits and the enlargement / increase in capacity of the remaining Pupil Referral Unit are proposed to allow for the amalgamation of the PRU provision across Key Stages 1 to 4, which will be managed by a single Management Committee.

The proposal will result in the following benefits:

- Formalise management arrangements already informally operated across Key Stage 2, 3 and 4 provisions (both Key Stage 2/3 and Key Stage 4 PRUs report to a single Management Committee);
- Facilitate increased sharing of resources, management efficiencies and shared practice between Key Stage 1 provision and Key Stage 2,3 and 4 provisions;
- Facilitate the strengthening of existing Management Committee arrangements, with representation and expertise to be offered across all key stages;
- Facilitate the establishment of a new PRU management structure, offering consistent leadership across all key stages;
- Facilitate greater cross key stage working with increased interaction, where appropriate, between children attending PRU provisions from within the separate key stages;
- Lead to greater facilitation of transition between key stages for the minority of pupils who remain in PRU provision for extended periods of time;
- Provide consistency between PRU delivery and proposed accommodation strategy, given the existing requirement to establish a new permanent delivery site for Key Stage 1 full and part time PRU provision; and
- Ensure the long-term sustainability, through shared commissioning and resources, of all elements of the City's PRU provision.

Effect on other Schools, Academies and Educational Institutions in the Area

The proposal to amalgamate the City's PRU provision is anticipated to have positive implications for other schools, academies and educational institutions in the area.

- Pupils on roll at mainstream schools who take up placements within the PRU provision will have access to resources and provision that is consistent with their substantive mainstream placements while out of school.
- Greater resource for PRU attendees will lead to a higher quality and more varied educational delivery which may facilitate more efficient transition for pupils who are to be re-integrated into their substantive mainstream school places post placement.
- Key Stage 4 pupils will have the opportunity to access the increased academic resources at either the Pallion Centre or Springwell Dene School site (depending on educational requirements).
- Schools, academies and the Council will no longer deal with multiple bodies when commissioning places. Primary Schools currently commission from two separate bodies with differing educational delivery and management practices for children aged 5-7 and 8 – 11.
- The sustainability of the Key Stage 1 PRU will be safeguarded. This ensures that this resource will be available in future years to support schools seeking to commission from this service.

Project Costs

While not part of this statutory process, the proposal to amalgamate the City's PRU provision is linked to the intention to refurbish the former Springwell Dene School site as a single delivery site for the City's key stage 1, 2 and 3 PRU provision. It is proposed that the development of and move to the former Springwell Dene School site is completed at a date consistent with the statutory proposals contained within this consultation document.

The £1.4m refurbishment of the former Springwell Dene School will include rehabilitation of all classrooms and teaching support areas, rehabilitation and development of external teaching and social areas, rehabilitation of on-site sports pitches and the delivery of a new ICT infrastructure and associated equipment.

Pupil Numbers and Admissions

Given the nature of PRU provision the number of pupils on roll is subject to fluctuation across the academic year. The numbers below are as of 11/03/19.

Key Stage 1

Number	22
Age Range	4-7 years
Boys	19
Girls	3
SEN	21 School support plus 1 EHCP

Key Stage 2/3

Number	21	41
Age Range	7 - 11 years	11 – 13
Boys	19	30
Girls	2	11
Pupil Premium	11	27
SEN	21	22

Key Stage 4

Number	89
Age Range	14 - 16
Boys	75
Girls	14
Pupil Premium	54
SEN	57

Displaced Pupils

As set out above, the two Pupil Referral Unit closures are part of an amalgamation of the City's PRU provision. The amalgamation, together with the refurbishment of the Springwell Dene site, will have the result that:

- Pupils who have remained in commissioned Key Stage 1 or Key Stage 2/3 provision or who are anticipated to remain in commissioned provision but who will transition from Key Stage 1 provision to Key Stage 2/3 provision will continue to access provision under the amalgamated 4-16 Pupil Referral Unit (the current Key Stage 2/3 school registration). Provision will be delivered from the former Springwell Dene School site from September 2019.
- Pupils who have remained in commissioned Key Stage 4 provision or who are anticipated to remain in commissioned provision but who will transition from Key Stage 3 provision to Key Stage 4 provision will continue to access provision under the amalgamated 4-16 Pupil Referral Unit (the current Key Stage 2/3 school

registration). Provision will continue to be delivered from the Link School, Pallion Centre.

Impact on the Community

The move to amalgamate the City's PRU provision will not impact on the community. The PRU is a citywide resource. Therefore, amalgamating and moving part of the provision will not result in mainstream places being removed from a community.

Balance of Denominational Provision

There would be no impact on the balance of denominational provision as the City's PRU provision does not have a religious character.

Rural Primary Schools

Sunderland's PRU provision does not fall within the categorisation of a rural primary as set out in Section 15 of the Education and Inspections Act 2006. Furthermore, the school is not listed on the DfE's List of Designated Rural Primary Schools 2018.

Maintained Nursery Schools

Not applicable - There is no nursery implication within this proposal.

Sixth Form Provision

Not applicable - There is no provision for students aged 16 to 19.

Special Educational Provision

Given this proposal relates to Alternative Provision (AP), provision for pupils with special educational needs (SEN) is in place and will continue to be provided within the City's amalgamated PRU provision.

Travel

There would be no anticipated significant increase in car use as a result of these proposals. For information (as the change in site is not part of these statutory proposals) the Springwell Dene site is 0.7 miles from the Tudor Grove Centre where the Key Stage 1 and 2/3 provision is currently based.

Consultation

An informal (pre-publication) consultation upon the proposals took place during the following dates:

- 25th January 2019 to 8th March 2019

Consultees recommended in the relevant statutory guidance were consulted via a Consultation

Document that was made widely available on the Council's website and PRU websites. Consultees included parents, staff, pupils, local schools and academies, early-years providers, the local Councillors, staff representatives (unions) and the local parent carer forum.

Submission of Objections and Comments on Proposals

A copy of this proposal can be viewed on the Sunderland City Council website at

<https://www.sunderland.gov.uk/article/13038/School-organisation-consultations>

It can also be requested via:

E-mail: alan.rowan@sunderland.gov.uk

Telephone: 0191 5611372

Post: Retained Education Functions Lead, Civic Centre, Burdon Road, Sunderland, SR2 7DN.

Within four weeks of the Publication Date below, any person may object to or make comments on the proposals by sending their written representations:

By e-mail to :-

schoolorganisation@sunderland.gov.uk

Or by post to :-

Alan Rowan

Retained Education Functions Lead

Civic Centre

Burdon Road

Sunderland

SR2 7DN

Signed : Patrick Melia,
Chief Executive,
Sunderland City Council.

Publication Date: 27th March 2019

COMBINED EQUALITY ANALYSIS TEMPLATE AND GUIDANCE

Overview

This document contains both the [Equality Analysis Template](#) (section A) and accompanying [Equality Analysis Guidance](#) (section B).

All of our work decisions, policies and service delivery should be informed by Equality Analysis (EA) in order to comply with the [Equality Act 2010](#) and [Public Sector Equality Duty](#). Begin this during the early stages of your work to allow considerations to inform the work, revise options and ensure decisions are taken with the full understanding of the potential impacts.

Use the EA to think about how your work can be used to reduce discrimination, promote equal opportunities and foster good relations across all sections of the city's communities. The circumstances may be challenging, but your EA won't stop your work. It can however minimise negative impacts and maximise positive impacts.

The quality of [the data and intelligence informing your work is crucial](#) to being able to produce a robust EA. This information should show how people will be affected by your work and, wherever possible, be broken down according to the [nine protected characteristics](#). Where you don't have any or much intelligence and data, part of the EA process is to gather it.

Although the EA template focuses on the protected characteristics, you also need to think about other groups that could be affected, for instance people in deprived neighbourhoods, people that are socially isolated etc.

Equality Analysis Template

Part 1: Explain the decision, policy or change to service you are making, as well as what prompted it, who'll be affected by it etc. List the data and intelligence you're using to inform your decision and, importantly, explain how this information influenced your decision making. Essentially you're setting out what you're going to do, any changes, the rationale for it and supporting evidence.

Part 2: Summarise your analysis and interpretation of the data and intelligence according to the protected characteristics. What will the impact be on the people of Sunderland based on their, disability, gender etc.? Will there be a positive or negative impact or perhaps a neutral impact with no apparent harmful or less favourable effects. You must explain in each box the impact and what has caused it.

Part 3: Describe your next steps. Are you going to proceed with your intended course of action? You have four options:

- 1) Proceed with no major changes, with any small changes explained in the action plan at the end of the template
- 2) Continue despite negative implications - because these are proportionate and cannot be avoided or mitigated, with the overall outcome important and overwhelmingly positive
- 3) Adjust the proposal – there are some negative outcomes but you've identified actions to mitigate these - explain these in the action plan; or
- 4) Do not proceed – you've identified major problems with serious impacts that cannot be avoided.

Finally, prepare your action plan outlining any changes and mitigating actions you're taking to ensure maximum positive equality impact and minimum negative impact. You may need to review the impact of any changes in the future. If you're preparing a first draft of your EA you can use this section to list what needs to be done to take the EA forward e.g. gather further data, undertake consultations etc.

Section A - EQUALITY ANALYSIS TEMPLATE

You must complete this in conjunction with reading Equality Analysis Guidance

Name of Policy/Decision/Project/Activity:

PROPOSED RE-ORGANISATION OF SUNDERLAND CITY COUNCIL'S PUPIL REFERRAL UNIT PROVISION

Date:07/05/2019

Version Number:1

Equality Analysis completed by:

Name: Alan Rowan

Job title: Retained Education Functions Lead

Responsible Officer or Group:

Name: Fiona Brown

Job title: Executive Director of Neighbourhoods

Is the Activity:

New/Proposed ()

Changing/Being Reviewed (x)

Other ()

Part 1. Purpose and Scope

Purpose

In this section outline briefly:

- what the policy, decision or activity is and what the intended outcomes/benefits are (linked to the Corporate Outcomes Framework)
- over what period of time the outcomes will be achieved
- why it needs to be implemented or revised
- what populations are affected by the proposal
- who is expected to benefit and how, i.e. young people, older people, carers, BME groups, ward areas/communities, etc
- whether there are any overlaps with regional, sub-regional, national priorities.

[Further Guidance](#)

Sunderland City Council has proposed to re-organise Sunderland City Council's Pupil Referral Unit Provision (PRU) and to increase the number of commissioned places to be delivered at the re-organised PRU.

It is proposed that this outcome is implemented for 1st September 2019

The proposal will result in the following benefits:

- Formalise management arrangements already informally operated across Key Stage 2, 3 and 4 provisions
- Facilitate increased sharing of resources, management efficiencies and shared practice between Key Stage 1 provision and Key Stage 2,3 and 4 provisions
- Facilitate the strengthening of existing Governing Body arrangements, with representation and expertise to be offered across all key stages
- Facilitate the establishment of a new PRU management structure, offering consistent leadership across all key stages
- Facilitate greater cross key stage working with increased interaction, where appropriate, between children attending PRU provisions from within the separate key stages
- Lead to greater facilitation of transition between key stages for the minority of pupils who remain in PRU provision for extended periods of time
- Provide consistency between PRU delivery and proposed accommodation strategy, given the requirement to establish a new permanent delivery site for Key Stage 1 full and part time PRU provision.

This proposal will benefit all current and future pupils accessing PRU provision in the city

Intelligence and Analysis

Please describe:

- What sources of information have been used to inform this assessment/analysis (this should include but is not limited to consultations, resident/service user feedback and statistical data and intelligence)

- **What the information is telling you** – this should be broken down by each of the protected characteristics or other identified groups which could be disadvantaged. Each of the aims of the equality act should be considered in relation to each of the protected characteristics.

[Further Guidance](#)

The combination of PRU provision will not result in immediate changes to delivery, with the core staffing structure to operate within the new amalgamated PRU provision. Therefore, there will not be an impact from an equality perspective on any pupil currently accessing provision.

The amalgamation of the PRU will result in the relocation of the existing Key Stage 1,2 and 3 PRU provision to a refurbished site at Springwell Dene School. This site is within 2 miles of the current Tudor Grove Centre Site. Those accessing provision that are eligible for transport support will continue to do so.

Gaps in intelligence and information

Having analysed the information available to you:

- are there any gaps in intelligence or areas where understanding needs to be improved? Please describe what these are and what actions you intend to take to obtain/improve the information. These actions should be covered in the action plan.
- are there any groups who should be expected to benefit who do not? Please describe why not and whether you will amend the decision to change this outcome. This should also be covered in the action plan.

[Further Guidance](#)

Intelligence used focuses on the current cohort. No gaps in intelligence have been identified within this project

It should be noted that while rigour is applied to the trend and projection data used to identify future needs there are uncontrollable factors which may impact on long term future demand. These factors include any future decrease in the local birthrate, failure to fully deliver the City's housing strategy, reduction in overall migration and a long term reduction in the diagnosis rate of autistic children. This will be monitored as part of the overall pupil place planning process.

Additional Impacts

The policy or action may also have an impact on other groups or individuals which are not covered by statutory requirements. Please outline any additional individuals or groups which have not already been covered. This could include socio-economic groups, voluntary and community sector, carers or specific communities which face additional challenges (such as former coal mining areas or areas of high deprivation)

[Further Guidance](#)

The impact on existing local education institutions was evaluated as part of the development of the expression of interest submitted as part of the Local Authority Commissioned Free School programme. Identified outcomes are as follows

The lack of PRU specialist provision in the area has an indirect impact on mainstream settings and academies with schools in the city increasingly taking on students who would under normal circumstances would access a place in a PRU setting, at increasing cost to the academies. The Council has attempted to mitigate though the creation of additional PRU places as part of this proposal



Part 2. Analysis of Impact on People

In this section you must **review the intelligence described above and summarise the intended and potential impact of the policy, decision or activity** on the people of Sunderland. This includes specific consideration of the impact on individuals, groups with protected characteristics and communities of interest within the city. Please briefly outline any positive, neutral or negative impacts on the specific groups below. Please note that any negative impacts should have a corresponding action in the action plan in the page below.

In this assessment it is important to remember the **Council is required to give due regard to:**

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Each of these aims must be summarised in turn in relation to the groups outlined below.

[Further Guidance](#)

Characteristic	List of Impacts		
	Positive	Neutral	Negative
Age	<p>Increased range of PRU provision in the city for 4 – 16 year olds</p> <p>Increased access to improved facilities for Key Stage 1,2 and 3 aged children attending PRU provision</p>		
Disability	<p>Increased placements for PRU pupils with Education, Health and Care Plans</p> <p>Effective transition arrangements for young people accessing PRU provision between Key Stage 1 and Key Stage 2</p>		
Gender/Sex			
Marriage & Civil Partnership			

Pregnancy and maternity			
Race/Ethnicity			
Religion/belief			
Sexual Orientation			
Gender identity			

Please add any additional groups mentioned in the “additional impacts” section above.

Part 3. Response to Analysis, Action Plan and Monitoring

In this section please outline what actions you propose to take to minimise the negative, and maximise the positive, impacts that have been identified through the analysis. By considering and implementing these actions the policy or action can be refined to make sure that the greatest benefits are achieved for the people of Sunderland. The performance monitoring process should also be set out to explain how ongoing progress is going to be followed to make sure that the aims are met.

From the analysis four broad approaches can be taken, (No major change; continue with the policy/action despite negative implications; adjust the policy/decision/action; or stop the policy/action). Please indicate, using the list below, which is proposed.

- No Major Change ()
- Continue Despite Negative Implications ()
- Adjust the Policy/Decision/Project/Activity (X)
- Stop ()

Action Plan

[Further Guidance](#)

ACTION	WHO	WHEN	MONITORING ARRANGEMENTS
Long term reduction in PRU waiting lists – staggered to mitigate budgetary impact on impacted academies	Together for Children (Children’s Services Trust arrangements)	Post new Free School opening	Vulnerable Learners Lead for Together for Children to monitor through commissioning mechanisms.
Short term lack of capacity to meet existing needs from PRU pupils requiring a specialist curriculum – Continue to provide support to mainstream schools and academies	Together for Children/ Council	Current – 2019/20	Vulnerable Learners Lead for Together for Children to monitor through commissioning mechanisms.

Section B - EQUALITY ANALYSIS GUIDANCE - Assessing impacts on people

Version 4: July 2015

Introduction

We want to make sure our services meet the needs of all our residents and that nobody is excluded by the decisions we make. Therefore we must actively consider the different needs and lifestyles of people within the city when we are delivering services, creating policies, making changes and making decisions. This makes good business sense because it makes services more effective and efficient. It also helps us to meet equality law by refining our services and proposals to prevent unintended negative impacts on particular groups. **Considering equality ensures decisions taken, policies implemented and services provided best meet the needs of *all* Sunderland's residents, now and in the future.** Ultimately it results in better decision-making and stronger outcomes.

This guide reflects the advice of the Equality and Human Rights Commission and explains how you can ensure you are adequately considering equality so that you can meet the requirements of the Equality Act 2010 and Public Sector Equality Duty. The guide explains:

1. Legal requirements
2. Assessing relevance
3. Equality Analysis
4. Maximising benefits and reducing the risk of legal challenge
5. How to carry out Equality Analysis
6. Appendix 1: Further information and considerations in relation to protected characteristics

It is relevant to officers who carry out work relating to:

- Decision making
- Policy and strategy development
- Gathering and / or analysing information
- Business planning
- Procurement/Commissioning
- Human Resources
- Grant-making
- Governance
- Scrutiny

PART 1 – Legal Requirements

The **Equality Act 2010 bans unfair treatment** and **promotes equal opportunities** in the workplace and in wider society. It protects everyone from unfair treatment through covering **nine key protected characteristics**:

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

Protected characteristics are explained in more detail later in this guide. They are the grounds on which discrimination is unlawful. The Act defines discrimination as:

- **Direct discrimination:** when someone is treated less favourably than another person because of a protected characteristic. This includes discrimination by association or perception (i.e. because someone is linked with someone with the characteristic or they are wrongly presumed to have the characteristic)
- **Indirect discrimination:** when there is a rule, a policy or even a practice that applies to everyone but which particularly disadvantages people who share a particular protected characteristic.
- **Harassment:** This includes behaviour that might make people feel humiliated or degraded, even if it is not directed at someone. (E.g. if someone overhears racist or homophobic language)
- **Victimisation:** Treating someone badly because they have, for example, made or supported a complaint about discrimination

The Act also places the **Public Sector Equality Duty** on Local Authorities and other public bodies. The Duty requires public authorities, in the exercise of their functions, to have **‘due regard’**, (consciously think about) the three aims of the Duty:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and those who do not share it.

The Equality Act explains that having **due regard** for advancing equality involves:

- 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 their participation is disproportionately low.

This encourages public bodies to **understand how different people will be affected by their activities** so that policies and services are appropriate and accessible to all and meet different people's needs. This can **support and open up people's opportunities**, and help deliver **policies and services that are efficient and effective**. This means that **consideration of equality issues must, by law, influence the decisions reached by public bodies**.

Although the legislation does not state how the duty must be met, public authorities must have an adequate evidence base to demonstrate that they have gathered and considered adequate intelligence to allow them to pay 'due regard' to the aims of the Public Sector Equality Duty. In a large organisation like Sunderland City Council it is important that we can do this in a standardised and systematic way that would provide evidence to defend any potential legal challenge. **The way we do this in Sunderland City Council is through Equality Analysis.**

When should you consider Equality?

Much of the Council's activity can have an impact on equality. Remember that this is about maximising the positive potential as well as minimising the negative. Analysis of the equality impact of your work should be an integral part of the decision-making process and a core service-improvement tool and should be carried out on:

- Policy and strategy development,
- Practices or activities,
- Decisions (including financial decisions regarding withdrawal of funding) and implementing decisions,
- Implementing policy developed by other organisations (e.g. Government departments),
- Service planning, assessments and reviews,
- To inform procurement and commissioning exercises.

However, it is important to consider the relevance of equality to your work before spending time carrying out any analysis of the equality impacts. It is highly likely that anything effecting service to people or that can affect future access or standards will be relevant. Examples may include changes to service delivery such as reduction, withdrawal or new ways of delivering. In some cases it may be immediately apparent that equality is less relevant (e.g. where it does not affect service delivery or employees). However in some cases it may need some further consideration to determine whether it is relevant.

Consider the following questions to help you determine whether it is necessary to complete an Equality Analysis. This is not intended to be an exhaustive list but it will help you to determine the equality relevance of what you are doing. It is likely that if you answer 'yes' to any of the following questions, you will need to analyse the equality impacts:

- Does the policy affect service users, employees or the wider community?
Even if the policy affects a small number of people, consideration needs to be given to the level of impact. A large impact on a small number of people can sometimes be more significant than a smaller impact on many people.
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, significantly affecting how functions are delivered?
- Will the policy have a significant impact on how other organisations operate in terms of equality?
- Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?
- Does the policy relate to an area with known inequalities?

- Does the policy relate to any equality objectives? This can include having an key impact on any of the city transformational priorities: Economy, Health and Well-Being, Education and Skills.

If you decide that a policy is not relevant to equality, you should be confident of your reasons for this. The fact that 'no information is available' is not adequate to justify a decision that a policy is not relevant to equality. Recording your reasons why a policy is not relevant will help you to increase transparency, encourage engagement and may assist in demonstrating compliance with the general equality duty. To aid with transparency Equality Analysis must be available to decision makers and therefore will usually be published as part of the cabinet papers.

PART 3 – Equality Analysis

Everyone has a complex mix of protected and other characteristics which influence how they experience services and life more generally. Therefore they are impacted differently by what we do and what we change. We must **identify where we can improve what we do, or what we are planning, to mitigate any negative impact, maximise the positive outcomes and do more to advance equality of opportunity and promote good relations** between different groups of people. Equality Analysis is Sunderland Council's way of doing this. Regular completion of Equality Analysis will also help us to build a picture of the cumulative impacts of different decisions.

In addition to meeting the legal requirements, fully considering equality issues will help:

- evaluate and identify the likely impact of proposed changes on different parts of the community, different groups of service users or employees of the council,
- improve customer service and access through improved understanding and getting things right first time,
- manage demand through better customer service and by identifying and tackling issues early to stop them escalating,
- deliver efficient and effective services,
- improve satisfaction with Council services by providing excellent customer service,
- motivate the workforce,
- aid decision making,
- integrate equality and diversity considerations into the everyday business of the Council and aid service planning,
- improve the reputation of the Council as one which listens to all of its communities.

In addition to the advantages outlined above the Equality Analysis will also **provide a paper- trail of considerations to** create a record so that of adjustments made and how a conclusion was reached. This provides crucial information to decision-makers as they make choices on behalf of Sunderland. The Equality Analysis must be presented with any decision papers to **ensure decision makers have full information when making a decision. This is particularly important to comply with the law.** This becomes more crucial at a time when difficult decisions on the use of resources and future service delivery need to be made because we must be able to demonstrate the decision making was lawful if challenged.

PART 4 – Maximising Benefits and Reducing the Risk of Legal Challenge

Good intelligence makes a good Equality Analysis

Intelligence is about using data and information more effectively to improve decision making and lead to better outcomes. It is a result of the collation and analysis of a number of sources of information. All that we do should be intelligence led to ensure we are maximising efficiency, improving outcomes and making sound decisions. Therefore, equality information and understanding should be an element of this way of working.

To carry out successful equality analysis, requires:

- The views of a range of officers involved in service delivery who have a good understanding of the service
- The views of existing, potential and non- service users, from all backgrounds
- Population data
- Research intelligence
- Consideration of the equality impacts based on the data
- Development of ways to minimise the negative impacts and maximise potential benefits.

The collation, processing and analysis of the information is needed to develop a fuller picture of the potential groups of people who will be affected and how the proposals will impact on them. It will show which groups and individuals are particularly vulnerable to changes due to their reliance or heavy-use of a service, or where there is under-representation in the profile of users which could be increased. By considering these factors, investigating potential barriers and collating information where it is not already available, outcomes for all people in Sunderland will be improved. **A failure to gather relevant data and information, and analyse it to consider the equality impact, could lead to costly legal challenges for failing to comply with the Public Sector Equality Duty.**

Good timing makes good Equality Analysis

Equality analysis begins **as soon as possible**, either before policy development starts or at the early stages of projects and review. When fully integrated into developing proposals and undertaken early in the process **equality analysis allows options to be revised to take account of the findings and decisions taken with full understanding of the potential impacts**. The gathering of information that is part of undertaking the analysis will also help to inform refinements to the aims, objectives or scope of the project. **The analysis is an on-going process not a one-off event**. It should develop alongside a piece of work and be a core part of data analysis and research.

Although completion of the template is important, this should be a by-product of an on-going process that results in an **action plan** to address gaps in knowledge, develop responses to the negative impacts and set out the performance management approach to monitor implementation and outcomes and a refined way forward

Case law demonstrates that it is not sufficient to carry out analysis at the end of the policy development process because:

- it may still be discriminatory or have adverse effects on particular groups
- opportunity to advance equality may be missed
- it is unlikely that you will be able to demonstrate you had due regard when the decisions were being made and may be left open to legal action.

The Risk of legal Challenge

There are a number of challenges to public sector decisions that have been made using the Public Sector Equality Duty, or other relevant legislation that preceded the duty. It is important to remember that even if the decision has been made appropriately, if the required process has not been followed, then the decision making itself can be challenged. In essence the issues tend to relate to:

- Failure to start equality considerations early enough
- Failure to gather adequate information (including consultation)
- Failing to provide enough detail during consultation and engagement for the participants to make a rounded and intelligent response
- Failure to adequately analyse information gathered
- Failure to present information to decision-makers
- Failure to draw decision-makers attention to their equality duty

There are a number of cases where councils have been found to have breached the law and some cases where councils have been able defended their actions. More information about individual cases can be found on the Equality and Diversity Forum website

<http://www.edf.org.uk/blog/?p=17719>

PART 5 - How to carry out Equality Analysis

This equality analysis guidance and the associated template is designed to stimulate discussion by the team leading on developing proposals for decisions, new or revised policies and strategies or reviewing service delivery options. It does not seek to provide a checklist questions or categories to be 'ticked-off', but it is designed to ensure existing knowledge within the service, customer and service-user feedback, data and intelligence and consultation are **analysed to identify the potential impacts** on individuals and groups of individuals with particular characteristics. **Where this knowledge is not available, part of the process must be to gather it.** This guidance is designed to provide additional support and direction by highlighting some key questions for consideration. These questions should not be seen as exhaustive, they are not a series of questions to work through but rather a starting point to stimulate discussion. When undertaking the process, it is envisaged that additional questions will be considered and alternative perspectives added.

The next section provides a step-by-step guide to completing the template. It is broken down by section and provides some additional information about the sort of questions and broader areas that might be addressed. It is important to recognise that **the person making the decision or advising the decision maker needs to undertake the analysis.** This is a core part of policy-making.

If advice, support or peer challenge of your Equality Analysis is required please contact Kirsty McNally, Associate Policy Lead for Equalities and Communities in Office of the Chief Executive: kirsty.mcnally@sunderland.gov.uk; Tel: 0191 561 7961.

1. Purpose and Scope

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This section of the assessment covers the broad rationale and intentions of the activity. It sets the **context and aims** of the proposal and any specific target audience. It is also where the sources of intelligence and information that have been used should be outlined.

- **Purpose** – Outline the decision to be made, policy to be developed or nature of the service. Think about the aims of the Duty and which protected characteristics it is most relevant to. Consider why it is being undertaken or proposed and why it is necessary, what the intended outcomes or benefits are and over what period the actions will be implemented and the outcomes have an impact. Also describe who or where the target for the intervention or decision is. This could be a specific group of people or organisations or a location such as a neighbourhood, individual ward, community or area of the city as well as the city as a whole. The impacts could also be wider than Sunderland and link to activities in other authorities. If this is a service review, you must state the 'as is' and 'to be' so that the changes are transparent.

•

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- **Information, analysis and intelligence** – Outline which sources of information and intelligence and have been used to inform the assessment and **provide a description of what the intelligence is telling you** about each of the protected characteristics or any other group which may be disadvantaged as a result of the decision. In this assessment it is important to remember the Council is required to give due regard to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Each of these aims must be considered in turn in relation to the protected characteristics (refer to appendix 1). The more detailed the description, the better your understanding will be of the issues.

It is important that you have appropriate and reliable information to analyse because understanding the impact on different groups is a key step in identifying whether a policy, service or activity might unlawfully discriminate. This will also help to identify any gaps in data. You should collate and analyse information to give you as much intelligence relating to each of the protected characteristics as possible. Information can be found from a wide range of sources <http://www.sunderland.gov.uk/index.aspx?articleid=5745>. Information may include, but is not limited to:

- the Census and other statistical data to help you identify the numbers of people with different characteristics (available through the ONS and NOMIS) <http://www.sunderland.gov.uk/index.aspx?articleid=3331>
- knowledge of employees and partners
- the results of consultation and engagement with the public and the voluntary and community sector
- feedback, including comments, praise and complaints from customers, service-users and Councillors
- qualitative and quantitative research
- existing local service-reviews and planning reports
- research and examples from national, regional and local sources
- Joint Strategic Needs Assessments <http://www.sunderland.gov.uk/index.aspx?articleid=6789>
- Comparisons with other authorities or services
- Recommendations from inspectors and / or peer reviews

The analysis you need will be dependent on what your topic. However, the following are often useful questions to ask yourself (there will be others):

- Who wants, needs and uses the service? Does this differ for different groups?
- Who does not use the service? What are the barriers?
- Is the service easy to access for everyone? (This can include communications methods)
- Do outcomes, experiences or satisfaction differ between people with different protected characteristics?
 - What are the key findings of any engagement you have undertaken? Can this be broken down by protected characteristics? If not, how will you ensure you understand the impact on all groups?

- Could any one particular group experience poorer quality of life or increased isolation due to this work?
- If there is a greater impact on one group is that consistent with the policy, commissioning or service aims?
- If the activity has negative impacts on one group, what action can be taken to mitigate it?
- Is any part of the policy, service or activity unlawful under the Equality Act 2010? (Could it lead to discrimination, indirect discrimination, harassment or victimisation, or does it fail to make an adjustment for disabled people?)
- Will the activity deliver practical benefits for particular groups?
- Are there any missed opportunities to advance equality of opportunity and foster good relations?
- Does anything else need to change to enable this policy, service or activity to be effective?

You must be able to evidence your conclusions. For example, if you conclude that the activity will generally benefit all service users without any evidence to support this conclusion, it may make it difficult to demonstrate compliance with the Duty.

Gaps in intelligence

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In some cases there won't be enough data and information to analyse to lead to intelligence on all of the protected characteristics (data is often more sparse in relation to religion and belief, sexual orientation, marriage and civil partnership and gender identity and reassignment). In this section you should highlight where this is the case and consider whether efforts are needed to fill the gaps. This could be through focused consultation or specific research/engagement activity. If this is not possible in the short-term, consider how you can increase your understanding in the short-term before undertaking more robust research in the longer-term. It is vital that considerations are based on evidence, not assumptions. Any proposed action to mitigate knowledge gaps should be included in the action plan.

Analysis of data and information may also highlight which groups of people are not benefiting from the decision in the way that was anticipated. You should describe in this section which groups these are, and whether you will amend the proposed decision to ensure that the outcomes for the groups in question are positive one. This should also be reflected in the action plan.

Additional benefits/Other individuals or groups impacted on

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Although not a statutory requirement in the Equality Act 2010 or Public Sector Equality Duty, there are a number of priorities for Sunderland which mean that wider equality considerations will need to be made if we are to meet the Council's objectives as well as its legal duties. There is recognition that some groups typically face more difficulties in accessing opportunities in life. Examples can include:

- People who have low incomes (specifically relevant when considering access to services and employment due to travel and child-care costs. There may be cumulative impacts of cost increases on large families)

- People who are physically isolated due to access to transport, cost of transport, locations, health or disability.
- People without access to a car or regular public transport (this can often be more relevant for women and disabled people)
- Ex-offenders
- Ex-armed forces
- Homeless people who may not have access to a home address or land-line
- Those without access to (and ability to use) technology for example internet/computers

You should consider and note how you can **maximise the positive impact and minimise the negative impact** on the City's Transformational Priorities for all of these groups, in addition to the protected characteristics. Some areas for consideration could be:

Economy

- Will the work support economic independence and help people out of poverty?
- Is there potential to create employment, particularly for groups who find it harder to access employment, or particular types of employment?
- Will your work have a negative impact on people with low incomes, and therefore make them further excluded?
- Could the work create or remove barriers to using the city centre? (e.g. making it more age-friendly)
- Could it negatively or positively affect businesses?
- Could there be a positive impact on housing choice?
- Could it have a positive impact on transport and connecting people to work, business and facilities?
- Will it reduce demand on the public sector? Will this be for all groups?
- Can it create diversity of events? Will these meet differing needs?

Education and Skills

- Is there potential to increase/share skills or training opportunities? Could this be focussed on particular groups? (E.g. Not in Employment, Education or Training - NEET)
- Could the voluntary sector be positively used to build skills for particular groups?
- Could traineeship or apprentice opportunities be created?

Health and Well-being

- Is there a way to reducing loneliness and isolation?
- Is it possible to build community relationships?

- How can active lifestyles be promoted to all groups?
- Could it encourage better and more flexible employers that will see people participating and staying in work because they are healthy?
- Can it support ways to help people ageing well and demanding less of the social care system because they are healthier

2. Summary of Impact on People

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The summary table is where the key findings from the analysis and interpretation of the data and information should be summarised. This must cover any expected or potential impacts for people within each protected characteristic. This must outline how the proposals will impact on an individual or group's ability to live a full, active and engaged life, or whether they disadvantage or further disadvantage individuals or groups with specific characteristics. As this provides a summary list of the impacts it is important that any conclusions are based on information which is clearly referenced. **It must be easy to see what data and information has been used to reach a decision or justify a statement, and it must be transparent for the public to scrutinise.**

The analysis should be approached with an awareness of the different ways in which practices, policies or decisions can disadvantage people.

- A **negative impact** can include direct discrimination, failure to make reasonable adjustments and unintended adverse impact (where people enjoy fewer opportunities experience barriers when seeking to access a service or unfair or negative treatment).
- A **neutral impact** would be if there were no noticeable harmful or less favourable effects. Remember that the same impact can have different significance for different groups. For example a universal service may be withdrawn but have a greater impact on disabled people because they are less able to access the alternatives. Where possible, consider whether a neutral impact can be made positive.
- A **positive impact** is where both intended and incidental positive impacts should be recorded.

The summary table is broken-down by the protected characteristics as outlined in the Equality Act 2010, this ensures that active consideration is given to each characteristic in the analysis, and provides space to list what the impacts are and whether they are positive, neutral or negative for that specific group. Each of the aims of the Equality Duty must be considered for each group.

Action Plan and Monitoring

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Although the legislation does not stop you from making difficult decisions it must be noted that where equality considerations are significant, these would not be outweighed by financial decisions. The decision and rationale must be clear and transparent.

Broadly this can take the form of one of four options:

- **No major change:** The intelligence highlights no major concerns for any protected groups. Small changes to improve the outcomes may still be appropriate, and should be in the action plan, but they are not significant enough to change the approach.

- **Continue despite negative implications** – Although the analysis does suggest negative outcomes for one or more specific groups, they are relatively proportionate and cannot be avoided or mitigated. The overall outcome of the proposal or decision is also considered crucial or overwhelmingly positive. A clear rationale should be reflected in the equality analysis to demonstrate the considerations should the decision be challenged.
- **Adjust the policy/action/decision** – The analysis highlights one or more significant negative outcome in relation to one or more protected characteristics; however a single or a number of actions can be taken to adjust the proposal to reduce, prevent or mitigate negative outcomes whilst still achieving the overall objective. The action or actions should be outlined in the action plan.
- **Stop** - The analysis highlights one or more major problems with the proposal which has a serious impact on individuals with protected characteristics and which cannot be avoided. Therefore the policy or decision must be stopped from going any further. Retain the document with the analysis of your findings and your interpretation.

Your analysis should be comprehensive enough to inform discussions about how relatively small changes could be made to reduce or stop adverse impacts or unlawful conduct. This includes discrimination, harassment, victimisation or a failure to make reasonable adjustments for disabled people. The changes should be things that can easily be altered without the need for significant resources, such as altering a process, changing an application form, updating information. If bigger changes are needed these should also be included in the action plan so that formal agreement can be obtained to carry them out and for the resources needed to make the changes. Also consider whether there are adjustments that can be made to maximise the positive impacts.

When considering whether there is mitigating action which could be taken, consideration should be given to:

- Are there different ways of delivering the service?
- Could the service be promoted better with groups who are under-represented in the service?
- Could procedures be altered to make it easier for customers to access and use services?
- Could application forms and methods of requesting a service be altered to make them easier for the public?

Action Plan

From these discussions you should develop an action plan to address the problems with the proposal, detailing who will be responsible for completing the task and when it will be completed by. In most cases this will be before the decision, change or policy takes effect.

The action plan must demonstrate:

- Action – what is to be achieved?
- Who – who will be responsible for completing it?

- When – when will the action be completed?
- Monitoring Arrangements - how will success be measured?

The action plan will form the basis for the activities that will be undertaken going forward. In some cases some of the actions may need to be carried out by people in other teams or even a different organisation. The progress with the action plan and expected outcomes needs to be monitored to make sure they are completed and have the intended impact. To do this performance measures need to be set out next to each action. These performance measures need to be specific, measurable, achievable, relevant and timely. **As a minimum there should be an action to monitor and review.**

What happens next?

In order to support decision-making and transparency details of this assessment should be available for publishing. The duty to give due consideration includes making sure that equality analysis is shared with decision-makers so they can make informed decisions.

The completed equality analysis should be a **core part of the decision-making process** and as such should be **shared with those responsible for making the decision relating to the project**. As such, the **fully completed** equality analysis should accompany **all** Cabinet reports as part of the printed papers. It is not sufficient to provide a summary or for the document to be provided as a link. In addition, all equality analysis – whether being presented at Cabinet or otherwise – should be published on SharePoint, with the relevant document, i.e. policy, strategy, etc. appended within the document. <http://citypoint/equalityanalysis/default.aspx>. This supports transparency and the sharing of information and best practice within the Council. By building this library of information and analysis, better understanding and improved decision making about equality issues can be reached across the Council. Equality Analysis will be loaded from SharePoint onto our website to help meet our Public Sector Equality Duty.

Further Information and Contacts

Further information on the Equality Act 2010 and the Public Sector Equality Duty can be found online from the Equality and Human Rights Commission and the Equalities Office.

http://www.equalities.gov.uk/equality_bill.aspx

<http://equalityhumanrights.com/legal-and-policy/equality-act/>

<http://equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/>

The following sections provide further information about the protected characteristics, and highlight some of the issues that may stimulate questions. Whilst considering these it is important not to stereotype individuals or groups. Individuals can also face challenges posed by more than one protected characteristic, which should also be considered during the analysis.

Protected Characteristics

Age – The type of service required and the way in which services are accessed varies by age. When considering age it is important to consider the impact on all age groups, but younger and older people often experience age-related inequality the most. It is also important to remember that in within older and younger groups there can be wide variations.

Sunderland aspires to be an all Age Friendly City which is barrier-free, designed for diversity, and is inclusive and cohesive - a city of choice for all generations. Age Friendly environments allow people to age well by staying active, connected and positively contributing to the economic, social, and cultural life in their community long into their old age. Age Friendly cities design and adapt their natural and built environment for residents of all ages and different capacities – accessible and safe road and transport infrastructure, barrier-free access to buildings and houses, and public seating and sanitary facilities, among others. Tools for information dissemination are adapted to cater to the capabilities and resources of all residents. Age Friendly cities can prevent and delay age-related illnesses through the provision of community support and health care services, enabling older people to maintain their health and independence for as long as possible. These support services benefit younger generations too.

This is a lifecourse approach that promotes positive ageing, however, in doing so it must also encourage people to take more control over their lives and to access opportunities to achieve an improved quality of life.

Age can broadly be broken into four categories:

- The First Age is characterised by dependence and education.
- The Second Age is characterised by maturity, independence and familial and social responsibility, broadly cover those in their 20s to retirement.
- The Third Age refers to people with good health and independence but lesser work responsibilities, this often includes those who have recently retired.
- The Fourth Age includes a graded increase in dependency which can be referred to as a Transitional Age, 70/80 age group and Older People (80+ age group). Within and across these groups there will be additional age-related impacts. For example those who are newly or

recently retired will face different impacts to those of the same age who are still working or more vulnerable older people. For this reason precise age-banded distinctions are unhelpful as individual's aging process varies greatly.

Some key considerations relating to age include:

- Is communication age-appropriate, for example tailored or in a specific format?
- Is parent/carer/advocate involvement necessary and been considered?
- Does, or can, the action improve trust and relationships between age groups?
- Are there any age-related disability or health concerns to be considered?
- Is access by different age groups impacted by changed hours of access? Would they feel safe attending alone?
- Will all age groups have access to the service, and could this be significantly reduced due to a lack of own income?
- Is a venue and environment physically accessible and age friendly e.g. with a buggy, public transport or walking/cycling?

Disability – Disability is a wide-ranging characteristic and the needs of different people with disabilities will be highly varied. It is therefore crucial to consider the specific impacts on people with different disabilities, and differing severities of disability. Conditions covered under the Equality Act can also change in severity over time and services must respond to an individual's changing needs. A person is considered to have a disability if he or she has, or has had, 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. It includes recurring and progressive conditions and certain illnesses and conditions such as cancer and HIV. Disability can cover a range of mobility difficulties, lower manual dexterity or other physical disabilities, hearing impairments, visual impairments, learning disabilities, mental health conditions, communication difficulties, long-term health conditions of illness.

Some key considerations relating to disability include:

- Have 'reasonable adjustments' been made in accordance with the duty? This may mean changing the way services are delivered, providing extra equipment and / or the removal of barriers.
- Could any changes result in increased isolation for disabled people?
- Is the policy likely to affect people who have low incomes? It is important to recognise that disabled people often already face economic exclusion and so this could affect them more.
- Are the facilities to be used physically accessible to everyone? This includes both getting to and around a location and access to facilities within a location.
- Is information accessible? This may be affected by the media used, the format and how it is delivered?
- For some people stressful or new situations are particularly harmful. Will people who suffer from stress or anxiety be put off using the service or attending?

Sex - Sex equality relates to the impact on men and women and boys and girls. Analysis shows that men and women access different services and in different ways, and often take different roles in society. It is also important to recognise that there are some people whose biology differs from current cultural assumptions about what makes up 'male' and 'female'. These people are sometimes referred to as intersex. We need to ensure that someone isn't excluded from service provision or employment because they are taking on a traditional gender role:

Some key considerations for sex include:

- Are there any physical implications for the way a service is delivered? Think about whether there are likely to be any differences in the way a man and a woman might interact with the service.
- Could parenting or caring responsibilities impact on access or use of the service? Single parents can also face additional challenges.
- Is provision made for expectant or new mothers (breastfeeding, health and safety, rest and changing rooms)?
- Does access rely on having a car? In one car households this can disadvantage a stay at home partner.

Marriage and Civil Partnership – Unlike other protected characteristics, the duty relating to marriage and civil partnership refers only to eliminating unlawful discrimination, harassment, victimisation and other prohibited conduct. This means ensuring that if a service or benefit applies to some people because they are married, civil partners must enjoy the same rights of access and fair treatment. Often simply recognising the increasingly wide range of relationships people have and respecting these will ensure that services are fair and respectful.

Some key considerations relating to marriage and civil partnership include:

- Does the service have anything specifically relating to marriage? If so, does this also cover civil partnerships?
- Does terminology reflect the wide range of relationships in society?

Pregnancy and Maternity – During a pregnancy and whilst caring for babies additional challenges and needs can lead to discrimination if these are not met, such as responses to breastfeeding, requests for maternity leave and flexible working patterns following the birth of child. In general this will affect women. However, you may also want to consider how flexibility can also support all types of parents (e.g. fathers, adopters.)

Race/Ethnicity – refers to people defined by their colour, nationality (including citizenship), ethnic or national origins. In general this refers to people who do not identify as White British. It also covers Travellers and Gypsies, asylum seekers and refugees.

Some key considerations relating to race and ethnicity:

- Has culture been taken into consideration? Different cultures can interact in very different ways. This can influence face-to-face interaction (e.g. courtesy - handshaking, eye-contact, the presence of members of the opposite sex, diet, naming systems) as well as styles and timing of provision or access and the way information is shared or access promoted.
- Will any groups experience increased isolation or low trust and confidence because of previous negative experiences? A reluctance to access a service or raise concerns can be due to poor previous experiences with authorities either in the UK or abroad or a lack of appropriate service provision.
- Will anyone experience increased isolation due to a lack of support mechanisms? For example exclusion from community life or not having family nearby.
- Will those with a nomadic lifestyle be disadvantaged? Does provision require an 'address' or 'postcode'?
- Will those with language difficulties be disadvantaged? This could be further impacted by issues related to age.
- Do you understand enough about the roles different people play in different societies to understand impacts?

Religion and Belief – Religious or philosophical beliefs, including a lack of belief, affect life choices and influence what approaches will be appropriate to communicating or providing a service. This includes some more widely known about religions such as Christianity, Islam, Sikhism etc but also belief systems such as Humanism, or a lack of faith such as Atheism.

Some key considerations relating to religion and belief include:

- Is the terminology used correct or could it be insensitive?
- Will access to services be limited by religious obligations, such as attendance at formal worship services?
- If food is relevant, will appropriate diets be catered for, for example halal and kosher, vegetarian and vegan options? Different options should be kept separate and clearly labelled.
- Will uniforms provided or dress required allow religious dress codes to be met?
- Will access to places of worship or meeting be unduly affected by closures or restrictions, particularly relating to transport?

Sexual Orientation – A person's sexual orientation is usually defined as an attraction toward the same sex (lesbian/gay men and women/homosexual), the opposite sex (heterosexual) or to both sexes (bisexual). This is often shortened to Lesbian, Gay and Bisexual (LGB). Sexual orientation is one of the areas we tend to have less data on and so it can be more important to engage with LGB people to understand differing needs. Often barriers arise for LGB people when there is an assumption of heterosexuality. It may need to be made explicit that a service is accessible or it may need to be delivered differently to reflect family structures and relationships and maintain appropriate privacy.

Some key considerations relating to sexual orientation include:

- Are different types of relationships reflected? For example is language inclusive and not based upon an assumption partners are of the opposite sex.
- Is privacy maintained? Some lesbian, gay or bi-sexual people are not 'out' and arrangements, wherever possible, should not compromise privacy.
- Will take up be lower due to previous negative experiences?
- Can services be delivered in a way that does not assume nor require identity of sexual orientation?

Gender Reassignment – Gender reassignment covers those who intend to, are in the process of, or who have undergone gender reassignment (changing the biological sex they were born with) and who have or do experience gender dysphoria (where someone feels distressed because the body they were born with, or the sex they were assigned at birth, is not the same as their gender identity).

Trans is an umbrella term for people whose identity differs from what is typically associated with the sex they were assigned at birth. People under the trans umbrella may describe themselves using one or more of a wide variety of terms – including transgender. Non-binary is a term for people whose gender identities do not fit into the gender binary of male or female. A non-binary person might consider themselves to be neither male nor female, or to be in some sense both male and female, or to be sometimes male and sometimes female. People who identify as non-binary will sometimes prefer to refer to themselves using pronouns which are not gendered, for example 'they' or 'ze'. Ensure issues of gender identity are not confused with issues of sexual orientation.

Some key considerations for gender reassignment include:

- Do facilities such as changing areas provide privacy and allow for discretion? Is physical contact handled sensitively?
- Do processes and facilities ensure sensitivity and privacy if someone is under-going gender re-assignment?
- Does provision take into consideration personal safety and fear of crime? Fear of crime and victimisation can be high amongst transgendered people.
- Is single-sex provision necessary because combined provision would not be effective? For example in accommodation or support for victims of domestic violence.

Multiple Protected Characteristics – It is important to remember that most people have a number of the characteristics outlined above. This may mean that the barriers or issues they face are different or are multiple. For example, a lesbian, gay or bisexual person in their 20's may have a very different experience in relation to their sexual orientation to someone in their 60's or 70's because of the change in societal attitudes over time. There could be different issues again as a person ages further and long term health issues or disabilities may occur. For example, a carer not only needs to be sensitive to a person's health and personal needs, but also may need an understanding of personal

relationships, faith, culture and so on. Another example of the impact of multiple characteristics would be to consider the experiences of males and females in different cultural contexts and whether these may be different.