



Norfolk County Council

New Special Free School, Great Yarmouth, Norfolk

Equality Impact Assessment – Findings and Recommendations

September 2023

Caroline Money, School Organisation Manager

Equality impact assessments enable decision-makers to consider the impact of proposals on people with protected characteristics.

You can update an assessment at any time to inform service planning and commissioning.

For help or information please contact equalities@norfolk.gov.uk.

1. The proposal

- 1.1 Local Authorities have a statutory duty to ensure the sufficiency of school places in their area. Norfolk County Council does not have enough local specialist provision in mainstream schools and too many children and young people attend a Special School far from home to have their education needs met.
- 1.2 Norfolk County Council is proposing to establish a new special free school for children with complex needs, as part of our Local First Inclusion Programme, in Great Yarmouth, Norfolk.
- 1.3 This special free school will have 170 places at full capacity across the 3-19 age range, for those pupils who have a primary need of learning disability, ranging from moderate to severe, but principally for children who are operation within the 1st centile and under range of cognitive functioning. In addition, these pupils will also have a co-occurring secondary needs which present a significant barrier to learning and overall progress and attainment including physical disabilities, hearing, visual or multi-sensory impairments, speech and language needs, autism and social, emotional and mental health needs.
- 1.4 The new school will enable the Norfolk County Council to meet its stated ambition of “Local First” by offering a state funded school place for children in the eastern area of Norfolk, reducing both the time and cost associated with transporting children outside of Great Yarmouth.
- 1.5 The school will be the second of its type in Great Yarmouth, joining John Grant School and a fraternity of 16 state funded special schools, across Norfolk, of which 13 cater for the same categories of SEND. The school will complement the existing provision by meeting the identified short fall of places in Great Yarmouth, which increases pressure for places at existing schools, particularly John Grant, where capacity is now at its limit. It will also complement a developing picture of unit provision in the local area, particularly the planned initiation of secondary MLD bases, which will enable Norfolk County Council to better plan strategically for local placements rather than being reliant only on when and where places become available.
- 1.6 Norfolk’s SEND landscape reflects a tiered approach comprised of:
 - SEND provision available across its 650+ mainstream schools, colleges and early years providers supported by additional support, resource and funding from the LA;
 - Units / Resourced provisions across 32 primary and secondary mainstream schools, across 5 categories of need (ASD, MLD, HI, SLCN, SEMH)
 - 16 state funded special schools – 11 of which support a primary need of learning disability (with a range of co-morbid secondary needs such as PD, ASD, SLCN, SEMH, HI/VI/MSI, PMLD etc); 3 for a primary need of SEMH (with 2 schools being residential); and 2 for a primary need of ASD where pupils have generally average cognitive ability.
 - Two Alternative Provision Academies, (comprising centres dispersed across the county), delivering education to pupils who have been permanently excluded or who without it would not receive suitable, full-time education
- 1.7 In addition to the above, Norfolk has 15 independent schools and 1 independent post 16 specialist provider within its borders and a number in neighbouring local authorities where children are regularly placed; historically/currently these placements have been due to a lack of state-funded special school capacity.

- 1.8 Norfolk's Local First Inclusion programme, with associated investment from the Department for Education under its Safety Valve agreement, provides a unique opportunity to re-shape Norfolk's landscape of provision, prioritising a direction of travel which will see;
- Children's needs met locally
 - Children's needs met earlier
 - Children's needs met more holistically.
- 1.9 Following a comprehensive sufficiency analysis conducted in 2018, Norfolk County Council identified a range of gaps in local specialist provision, as well as additional challenges regarding capacity of mainstream schools to support children local to their homes and communities. In response, we invested £120m into the development of new capital ventures to address its shortfall in both unit and state funded special school provision; accompanying a broader SEND and Alternative Provision Transformation Programme centred upon increasing capacity within the mainstream sector to support more complex children.
- 1.10 The aims of this programme have been to reduce reliance on high cost independent sector provision within the context of Norfolk as an outlier in respect of % of children with EHCPs placed within independent sector, i.e. the overall % of Norfolk C&YP within special (state-funded + independent) at 47% is comparable to national, however, Norfolk's ratio of independent placements within this overall cohort is substantially higher.
- 1.11 Our over-reliance on high cost/lower quality independent sector provision is overwhelmingly the main reason behind our historic and current High Needs Block cumulative and in year deficit.
- 1.12 Norfolk's Local First Inclusion Programme, sets out the reduction in independent sector provision and the increase in state-funded special school and specialist resource as the key source of savings. Our plan sets out a reduction of independent sector places from just over 900 currently to just over 100 in six years' time.
- 1.13 Our sufficiency analysis was refreshed in 2021 to determine impact of our investment to date; three new special schools and 10 new specialist bases within mainstream schools have opened. This refreshed analysis identified an ongoing reliance on the independent sector and current gaps and needs. This also identified specific new gaps for provision for children with complex learning disabilities within the east of the county.
- 1.14 The analysis identified a 170% increase (24 – 65) in need for special school provision in the Great Yarmouth area between 2018 – 2021, which could not be absorbed from the existing school in the local area. Additionally analysis revealed a further 40 children travelling from Great Yarmouth to Cromer/Sheringham on the north Norfolk coast, in lieu of a more local special school, as well as a further 20 children travelling from Great Yarmouth to schools in Suffolk.
- 1.15 This free school will be designed and built, in line with Building Bulletin B104, which states that children with SEN require extra space. Building Bulletin's 98, 99 and 103, although aimed at mainstream environments, provide a suitable accommodation checklist to cover the standard educational entitlement.

2. Legal context

- 2.1 Public authorities are required by the Equality Act 2010 to give due regard to equality when exercising public functions¹. This is called the ‘Public Sector Equality Duty’.
- 2.2 The purpose of an equality impact assessment is to consider the potential impact of a proposed change or issue on people with protected characteristics. If the assessment identifies any detrimental impact, this enables mitigating actions to be developed.
- 2.3 It is not always possible to adopt the course of action that will best promote the interests of people with protected characteristics. However, equality assessments enable informed decisions to be made that take every opportunity to minimise disadvantage.

3. Information about the people affected by the proposal

- 3.1 This proposal will primarily impact on children and young people with complex needs in Norfolk.
- 3.2 This includes residents, service users and/or staff with a range of protected characteristics, in relation to disability, sex, gender reassignment, marital or civil partner status, pregnancy and maternity, race, religion/belief, age and sexual orientation.
- 3.3 The table below sets out the forecast total school age pupils in Norfolk from the 2022 SCAP submission. Norfolk’s overall school age population is expected to increase marginally by 0.24% between 2021 – 2028. However when those totals are broken down by age range, the picture becomes more nuanced with a reduction of children in the lower age ranges, an evening in the mid age ranges and a larger % increase in the upper age ranges (which will transpose into post 16).

Year	Sum of Y R	Sum of Y 1	Sum of Y 2	Sum of Y 3	Sum of Y 4	Sum of Y 5	Sum of Y 6	Sum of Y 7	Sum of Y 8	Sum of Y 9	Sum of Y 10	Sum of Y 11	Totals
21/22	8761	9010	9050	9043	9309	9484	9373	9060	8869	9135	8651	8235	107980
22/23	8486	8755	9046	9224	9000	9324	9486	9498	8997	8875	9090	8624	108405
23/24	8103	8557	8856	9192	9312	9134	9458	9651	9546	9070	8948	9163	108990
24/25	7867	8219	8670	9048	9320	9434	9394	9614	9751	9644	9169	9047	109177
25/26	7819	7994	8362	8871	9195	9465	9579	9409	9702	9836	9722	9258	109212
26/27	8150	7918	8080	8494	8977	9294	9567	9594	9478	9761	9913	9799	109025
27/28	8227	8226	7994	8216	8577	9053	9378	9608	9656	9525	9821	9966	108247

- 3.4 When applying the pupil cohort to those with EHCPs, initial trajectory data based on analysis of historical trends indicated the following;
 - Norfolk’s EHCP population would be projected to grow to 11,432 by 2027 and 13,033 by 2032. Population grows through the entire period of the projection but slowing from 11.9% year on year in 2022 to 1.8% by 2032;
 - Numbers of children with a primary need of ASD and SEMH would increase significantly until 2032, followed by SLCN and MLD;
 - Norfolk’s population of EHCP children in post 16 FE settings would increase dramatically to approximately 4,300 by 2032;
 - Numbers in mainstream schools would increase to around 2600 in 2026 before levelling out and slightly reducing to 2032;
 - Numbers in state funded special would increase markedly between 2020-2024 before levelling out at the 2500 range;

- Numbers in independent settings would grow to just under 1000 in 2027 before levelling out.
- 3.5 A substantial analysis of demand for special school provision based on requests for such arising from parental preference or where mainstream schools were recommending they were not able to meet children's needs within Annual Reviews, was undertaken looking at the academic years 2018-19 to 2021-22. This revealed that:
- Requests for special school places had risen by 33% over the period (780 in 2018/19 to 1038 in 2021/22)
 - For the children referred in a given academic year, Norfolk County Council was only able to secure placements in on average 70% of the cohort referred.
 - This resulted in an exponentially increasing waiting list of children needing a special school place that the Norfolk County Council was unable to provide.
 - Unmet need for places within the county were in the main population areas of Norwich, King's Lynn and Thetford with a significant volume in Great Yarmouth.
 - Tribunals for complex needs special school places continued to rise significantly; 46 in 2017-18 to 146 in 2020-21, with appeals for places at John Grant School in Great Yarmouth doubling in a 2-year period.
 - The anticipated new demand in Great Yarmouth could not be met by the expansion of existing provision alone, without a new school, Norfolk would continue to be disproportionately reliant on the independent sector to meet its needs.

4. Potential impact

4.1 Based on the evidence available, this proposal is likely to have a positive impact on children and young people living in Norfolk with complex needs. The additional new Special Free School will contribute to Norfolk succeeding in achieving its aim and success criteria as set out in the Local First Inclusion Programme and SEND Sufficiency Strategy.

4.2 Impact of education in specialist provision

There are several benefits to children and young people being educated in local state-funded specialist provision. This includes:

- More children and young people can be educated closer to home/family and remain in their local community
- Reduced need to travel long distances/out of county to achieve an appropriate education
- Greater access to local specialist provision improving Norfolk's Local Offer to children, young people and their families relating to special educational needs
- The Local Authority will meet statutory duties under Section 14 of the Education Act to provide sufficient school places for all of its statutory school age learners
- Local provision will facilitate multi-agency planning and working as a 'team around the child' with the child and family.
- Reduced need for independent sector, including those at such significant distance requiring them to board, further dislocating them from their communities.

4.3 Relevant legislation protects the right of children with special educational needs to be educated in mainstream schools. The new special free schools will not compromise this inalienable right of children and families. The schools will be principally for pupils whose parents have expressed a request for their child to attend the school via relevant acts of legislation which inform the school place planning for pupils with EHC

plans. In some cases, the school will be made available to pupils whose parents may seek for their child to attend a different special school where the cost of such is prohibitive when compared to the cost of education within the new school. The rights of parents will be protected in such cases by their ability to appeal to the Special Educational Needs and Disability Tribunal.

4.4 Impact on other schools

LA mainstream school; There will be a beneficial impact for local maintained schools, as the new special school will cater for this profile of special education need, nearby. Any reduction in pupils on roll at maintained schools is a low risk, given the number of mainstream schools in the area.

Independent schools; There could be a negative impact for independent providers who currently have pupils on roll, which may transfer to the new school. The negative impact for independent schools will be to their pupil numbers and financial state.

However the overall impact for Norfolk’s children with SEND will be beneficial, as any savings from school transport budget and dedicated schools grant High Needs Block, can be reinvested back into SEND services.

4.5 Norfolk County Council confirms that this new school will not have a negative impact on public or service users and that no particular groups of people will be adversely affected by the new schools.

4.6 However Norfolk County Council is aware that there may be a negative impact for independent providers.

4.7 Please find below detailed analysis of the impact on people with protected characteristics and identifies action to mitigate, were possible.

Protected characteristic	Impact; positive, detrimental, disproportionate or negative	What mitigation can be in place?
Age	<p>This proposal will provide additional SEND places for the relevant aged children required and create more local provision. Children and young people between the ages of 3 and 19 will be able to access places at the new school, which will cater for boys and girls. Norfolk County Council wants to ensure that as many pupils as possible benefit from the proposed new school whilst ensuring that others aren’t adversely affected.</p> <p>There is no negative age-related impact.</p>	<p>Admissions will be managed in line with the Special Educational Needs and Disability Code of Practice, January 2015</p>
Disability	<p>This proposal provides children aged 3 – 19 with complex needs, who will be able to access local provision suitable for their needs, subject to assessment.</p> <p>The school will be designed to current DfE Building Bulletin 103 requirement for</p>	<p>Once an academy sponsor has been confirmed, we will work with the Trust staff to ensure that any issues identified for pupils, staff or visitors can be addressed.</p>

	<p>schools and will be a modern design, offering high quality facilities.</p> <p>The school will be fully inclusive and meet the needs of children with Special Education Needs and/or Disability (SEND).</p> <p>This proposal will have a positive impact on children and young people with SEND.</p>	
People with a long-term health condition	It is not anticipated that the proposal will affect people disproportionately because of long term health conditions.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of this protected characteristic are identified then the Action Plan will be amended accordingly.
Gender reassignment	It is not currently anticipated that the proposal will affect people disproportionately, because of issues around gender reassignment.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of this protected characteristic are identified then the Action Plan will be amended accordingly.
Marriage/civil partnerships	It is not currently anticipated that the proposal will affect people disproportionately, because of issues around marriage and civil partnership.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of this protected characteristic are identified then the Action Plan will be amended accordingly.
Pregnancy and Maternity	It is not currently anticipated that the proposal will affect people disproportionately, because of issues around pregnancy and maternity	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of this protected characteristic are identified then the Action Plan will be amended accordingly.
Race	The school will be required to accept all children regardless of race or ethnicity and therefore will have a positive impact on this characteristic.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of this protected characteristic are identified then the Action Plan will be amended accordingly.
Religious/belief	The school is not being proposed as a religious school and therefore has a positive impact on this characteristic, as it will cater for children of all religions and be inclusive of all faiths.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of this protect characteristic are identified then the Action Plan will be amended accordingly.
Sex	The proposal will have a positive impact on this characteristic, as the school will be for both male and female pupils.	No mitigation is currently required but the position will continue to be monitored and if any issues in respect of this protected characteristic are identified then the Action Plan will be amended accordingly.
Sexual orientation	It is not currently anticipated that the proposal will affect people	No mitigation is currently required but the position will continue to be

	disproportionally, because of issues around sexual orientation.	monitored and if any issues in respect of this protected characteristic are identified then the Action Plan will be amended accordingly.
--	---	--

5. Conclusion

- 5.1 There is no legal impediment to going ahead with the proposal. It would be implemented in full accordance with due process, national guidance and policy. Similar proposals have been implemented elsewhere in the UK.
- 5.2 It is possible to conclude that the proposal may have a positive impact on some people with protected characteristics, for the reasons set out in this assessment. It may also have some detrimental impacts, also set out in the assessment.
- 5.3 Decision-makers are therefore advised to take these impacts into account when deciding whether or not the proposal should go ahead, in addition to the mitigating actions recommended below.
- 5.4 Some of the actions will address the potential detrimental impacts identified in this assessment, but it is not possible to address all the potential impacts. Ultimately, the task for decision-makers is to balance these impacts alongside the need to manage reduced resources and continue to target support at those who need it most.

6. Recommended actions

	Action	Lead	Date
1.	Review the EqIA as the new school develops	Caroline Money	ongoing
2.	Ensure admissions is managed in line with policy	Kim Breen	ongoing
3.	Work with the appointed sponsor to ensure that any issues identified for pupils, staff or visitors can be addressed.	Capital	ongoing

7. Evidence used to inform this assessment

- Norfolk County Council's [Equality, Diversity and Inclusion Policy](#)
- Norfolk County Council's [Equality, Diversity and Inclusion Objectives](#)
- Demographic factors set out in [Norfolk's Story 2019](#)
- Norfolk County Council [Area Reports](#) on Norfolk's JSNA relating to protected characteristics:
 - Business intelligence and management data, as quoted in this report
 - Equality Act 2010 and Public Sector Equality Duty codes of practice

8. Further information

For further information about this equality impact assessment please contact Caroline Money, School Organisation Manager.



If you need this document in large print, audio, Braille, alternative format or in a different language please contact Caroline Money by emailing schoolreview@norfolk.gov.uk.

Annex 1 – table of protected characteristics

The following table sets out details of each protected characteristic.

Remember that people with multiple characteristics may face the most barriers:

Characteristic	Who this covers
Age	Adults and children etc, or specific/different age groups
Disability	<p>All disabled people including but not limited to:</p> <ul style="list-style-type: none"> • People with mobility issues (e.g. wheelchair or cane users; people of short stature; people who do not have mobility in a limb etc) • Blind and partially sighted people • People who are D/deaf or hearing impaired • People with learning disabilities • People who have mental health issues • People who identify as neurodiverse (this refers to neurological differences including, for example, dyspraxia, dyslexia, Attention Deficit Hyperactivity Disorder, the autistic spectrum and others).
People with a long-term health condition	People with long-term health conditions which meet the criteria of a disability.
Gender reassignment	<p>People who identify as transgender (defined as someone who is proposing to undergo, is undergoing or has undergone a process or part of a process to reassign their sex. It is not necessary for the person to be under medical supervision or undergoing surgery).</p> <p>You may also want to consider the needs of people who identify as non-binary (a spectrum of gender identities that are not exclusively masculine or feminine).</p>
Marriage/civil partnerships	People who are married or in a civil partnership. They may be of the opposite or same sex.
Pregnancy & Maternity	
Race	<p>Race can mean colour, nationality (including citizenship), or ethnic or national origins, which may not be the same as current nationality.</p> <p>A racial group can be made up of two or more distinct racial groups, for example black Britons, British Asians, British Sikhs, British Jews, Romany Gypsies and Irish Travellers.</p>
Religion/belief	Belief means any religious or philosophical belief or no belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief.

Characteristic	Who this covers
Sex	This covers men and women. You may also want to consider the needs of people who identify as intersex (people who have variations in sex characteristics).
Sexual orientation	People who identify as straight/heterosexual/lesbian, gay or bisexual.

¹ The Act states that public bodies must pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic¹ and people who do not share it;
- Foster good relations between people who share a relevant protected characteristic and people who do not share it.

The full Act is available [here](#).