



Derby City Council

## Equality impact assessment form

|                                     |  |
|-------------------------------------|--|
| Directorate                         | People Services  |
| Service area                        | School Organisation and Provision  |
| Proposal                            | To consider the future of and the possible closure of Ashgate Nursery School from January 2024, as a result of failing pupil numbers.  |
| Reason for proposal                 | Ashgate Nursery School has experienced falling numbers over several years. Loss of income and lower numbers has created financial difficulties. In view of these financial difficulties, there is risk to both Ashgate Nursery School and Central Nursery School. To minimise any potential disruption, and to help ensure the future viability of one of the two nursery schools, the proposal is to keep Central Nursery School open as the larger nursery and for no further children to be admitted to Ashgate Nursery School from September 2023. |
| Sign off (Director/Head of Service) | Gurmail Nizzer   |
| Date of assessment                  | 1/2/23 – 1/3/23  |

**Please read the support notes to help you in Appendix 1 before completing your assessment**

### The form

You need to attach the completed form to any report to help councillors and colleagues make their decisions by taking equality implications into account.

### The assessment team or name of individual completing this form

**Team leader's name and job title** – Diane Whitehead Head of School Organisation and Provision

Other team members if appropriate

| Name              | Job title   | Organisation       | Area of expertise      |
|-------------------|---|--------------------|------------------------|
| Helen Zwart       | Project Development Officer - School Place Planning | Derby City Council | Project development    |
| Ann Webster       | Lead on Equality and Diversity                      | Derby City Council | Equality and Diversity |
| Paula Nightingale | Head of Inclusion Services                          | Derby City Council | Inclusion - SEND       |

| Name                     | Job title   | Organisation                        | Area of expertise   |
|--------------------------|---|-------------------------------------|---|
| Pauline Melvin           | Service Director - Learning, Inclusion and Skills                     | Derby City Council                  | SENDco and now Director of Learning, Inclusion and Skills.Ex Primary headteacher, early years leader, |
| Heather Ryder-Carrington | Childcare and Families Information and SENDIASS Commissioning Manager | Derby City Council                  | Childcare sufficiency, business support and sustainability  |
| Emma Lees                | Consultation Officer  | Derby City Council                  | Consultation  |
| Helen Fearn              | Head Teacher of Ashgate and Central Nursery Schools                   | Derby City Council                  | Head teacher  |
| Claire Spink             | School Business Manager   | Derby City Council                  | Business Management of the Federation   |
| Christine Merrick        | Chair of Governing Body   | Ashgate and Central Nursery Schools | Early Years Education   |
| Kieran Tickner           | Parent  | Ashgate Nursery                     | Parent of a young child – lived experience of the nursery   |
| Rhiannon Stackhouse      | Parent  | Central Nursery                     | Parent of a young child – lived experience of the nursery   |
| Beth                     | Parent  | Ashgate Nursery                     | Parent of a young child – lived experience of the nursery   |
| Helen Watson             | SENDSCO Ashgate & Central Nursery School                              | Derby City Council                  | Special Education Needs and Educator  |
| Dawn Barlow              | Project Manager   | Derby City Council                  | Project Management and Early Years  |
| Nigel Brien              | Head of Traffic and Transport   | Derby City Council                  | Infrastructure for Traffic and Transport  |
| Linda Ibrahim            | Previous parent   | Central Nursery                     | Parent of a young child – lived experience of the nursery   |
| Brenda Whittaker         | Governor  | Ashgate and Central Nursery School  | Governor<br>Appeals Officer   |
| Emma Roberts             | Regional Organiser  | Unison                              | Membership and staff representative   |
| Nigel Brien              | Head of Traffic and Transport   | Derby City Council                  | Traffic and Transport   |

### Step 1- setting the scene

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

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| 1. What are the main aims, objectives and purpose of the decision you want to make? | The proposal could have an impact on individuals with protected characteristics. As a result, this Equalities Impact Assessment (EIA) was necessary to understand any potential differential impact prior to any formal decision to approve the proposal. In the case where |
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|  | <p>any potential negative differential impact have been identified and may possibly arise from implementation of the proposal suggested necessary mitigations may need to be considered and are included as part of the EIA. The proposal which went out to a 7 week public consultation was:</p> <ul style="list-style-type: none"> <li>• Derby City Council is consulting on a proposal to consider the future viability of Ashgate Nursery School primarily due to falling pupil numbers. As background information Ashgate Nursery School is federated with Central Nursery School.</li> <li>• To minimise any potential disruption to children, parents and families, the proposal is to keep Central Nursery School open as it can accommodate the children attending Ashgate Nursery School. The nurseries currently operate across two sites.</li> </ul> <p>If the proposal is accepted by Council Cabinet the school closure would move to Stage 2 and a statutory 4 week consultation would be undertaken with closure of Ashgate Nursery School taking effect from January 2024.</p>   |
| <p>2. Why do you need to make this decision?</p> | <p>Local Authorities are accountable for ‘managing the childcare market and have a statutory duty to ensure that there are sufficient childcare places for 0 to 5 year olds. To do this the Council has to adopt the role of ‘market facilitator’ and respond to changes in the supply and demand. The Council also has a responsibility to support all early education and childcare providers and consider the changing demand for childcare places, the creation of additional childcare places as well as encouraging providers to delivery models flexibly to meet parents’ needs. The Council’s Childcare Sufficiency Audit published in March 2022 provide an evidence base to support the proposal. However, the document has only one statement around SEND provision which states, ‘minimal information was secured about the childcare needs of children with SEND. As part of the process of producing the CSA the Council provides a parental survey. However, despite a proactive media campaign to promote the survey responses are consistently low. The parental survey provides parents with opportunities to share their use of and experiences of childcare. Parents can also include their needs linked to the provision of places for children with emerging needs and or</p> |

with an EHCP. As a result of the low return rate, the Council does not currently hold sufficient qualitative data to triangulate up to population data to ensure parental and child experiences relating to childcare are transparently and fairly represented.

The Council's viewpoint on the financial situation, 'The Scheme for Funding Schools requires Council's Cabinet to approve a licenced deficit. Licenced deficits will normally be approved where there has been a significant reduction in pupil numbers or an overspend has arisen because of large items of expenditure which could not have been anticipated. The maximum period allowable for any licenced deficit is 3 years and the maximum permitted size of a licenced deficit is 5% of a school's budget.

Deficits are applied for retrospectively where the out turn results in an unplanned deficit.

Ashgate Nursery school applied a retrospective licenced deficit for the financial year 2021/22 of £0.055m and requested a licenced deficit of £0.127m for 2022/23 which represents 44% of their budget, and a further licenced deficit total for 2023/24 of £0.197m (68% of their budget for 2023/24).

The school deficits are above the deficit threshold and are unable to provide a recovery plan to balance the budget within three financial years.

The LA's accountancy team and school improvement team has worked with the school to prepare a sustainable model for the nursery federation going forward. However, the school still struggles to provide a deficit recovery plan.

The forecast deficit for 2022/23 is £0.131m.

Ashgate Nursery Schools viewpoint, 'The licensed deficit ran for the full three years, during which, as stated above, the recovery plan could not be implemented. In addition, there was no review of the SEND funding decisions which were impacting. In the summer of 2022, the LA provided additional support to explore a range of modelling options to try and return the financial position out of a

deficit position. Working with the Nursery Head and School Business Manager their forensic unpicking of the financial situation showed that the nurseries were viable other than the funding for Special needs. The nursery is funded from the Early Years block of the Dedicated Schools Grant (DSG). The Early Years Block of the DSG funds the 2, 3 and 4-year-old entitlement across all settings (including the private and voluntary sector nursery provisions). Since the introduction of the Early Years National Funding Formula in April 2017, the maintained nursery schools have received supplementary funding in addition to their EYNFF allocation, this has protected their maintained nursery school funding at their 2016-17 level for the universal 15 hours.

Ashgate Nursery School and the local authority have worked hard to balance its budget for a number of years as decisions such as the closure of the Children's Centre which shared utility costs, and taking on 2 year olds who require higher adult child ratios had a significant impact on the budgets. Schools are not normally allowed to operate with a deficit, but the Council, recognising the service that Ashgate Nursery School has provided to the local community over many years has continued to support the school in seeking to return to a balance budget position. It is acknowledged that Ashgate Nursery School Governors had set a financial plan to rectify the deficit. However, the COVID-19 pandemic and the resulting reduction of children accessing FEEE and additional paid for childcare resulted in this not being achieved. The way SEND funding is being distributed has also created a funding gap which has directly affected Ashgate and added to the deficit

Rising numbers of children enrolled at Ashgate from 2014 until 2019 have not been maintained since the pandemic and there is concern that this may be a long term trend. On the other hand, this may improve over time as this dip in numbers has been reported across the sector The table below shows summer term occupancy levels when numbers are at their highest. It includes children accessing both their universal and extended early years provision. It is important to note that these numbers are also, reflective of before, during and after the COVID-19 pandemic. School budgets are

largely based on the number of children attending. Current numbers at Ashgate in Spring 2023 stand at 67 with another intake to add in the Summer. The Council considers that with insufficient pupil numbers forecasted over the coming years for financial stability there is no realistic prospect of the school's budget being balanced in the future.

| Year | Total number of funded 2-year-old hours<br>(% occupancy) | Deficit in occupancy<br>(max hours available 4,320)<br>(% deficit) | Total number of funded 3- and 4-year-old hours<br>(% occupancy) | Deficit in occupancy<br>(max hours available 14,400)<br>(% deficit) |
|------|--|--|---|---|
| 2019 | 3,492hrs (80.8%)   | -828hrs (19.1%)  | 13,368hrs (92.8%)   | -1,032 (7.1%)   |
| 2020 | 3,240hrs (75%)   | -1,080hrs (25%)  | 10,848hrs (75.3%)   | -3,552 (24.6%)  |
| 2021 | 2,925hrs (76.7%)   | -1,395hrs (32.3%)  | 12,060hrs (83.7%)   | -2,340 (16.3%)  |
| 2022 | 2,160hrs (50%)   | -2,160hrs (50%)  | 11,957hrs (83%)   | -2,442 (16.9%)  |

| Term        | Number of 2-year-olds | % against 24 places (12 FTE) | Number of 3- and 4-year-olds Universal | Number of 3- and 4-year-olds Extended | Total number of 3- and 4-year old 15 hour places filled | % against 80 places (40 FTE) |
|-------------|-----------------------|------------------------------|--|---------------------------------------|---|------------------------------|
| Summer 2019 | 19                    | 79%                          | 58                                     | 19                                    | 77  | 96%                          |
| Summer 2020 | 19                    | 79%                          | 54                                     | 8                                     | 62  | 77%                          |
| Summer 2021 | 20                    | 83%                          | 59                                     | 9                                     | 68  | 85%                          |
| Summer 2022 | 12                    | 50%                          | 56                                     | 11                                    | 67  | 84%                          |

The tables below show summer term occupancy levels for Central Nursery School

| Year | Total number of funded 2-year-old hours (% occupancy) | Deficit in occupancy (max hours available 4,320) (% deficit) | Total number of funded 3- and 4-year-old hours (% occupancy) | Deficit in occupancy (max hours available 18,360) (% deficit) |
|------|---|--|--|---|
| 2019 | 3,096hrs (71.6%)                                      | -1224hrs (28.4%)   | 21,625hrs (117.8%)   | 3265hrs +(17.78%)   |
| 2020 | 2,232hrs (51.7%)                                      | -2,088hrs(48.3%)   | 22,204hrs (120.9%)   | 3844hrs +(20.9%)  |
| 2021 | 3,399hrs (78.7%)                                      | -921hrs (21.3%)  | 16,231hrs (88.4%)  | -2,129hrs (11.6%)   |
| 2022 | 3,024hrs (70%)  | -1,296hrs (30%)  | 16,117hr (87.8%)   | -2,243hrs (12.2%)   |

| Term        | Number of 2-year-olds | % against 24 places (12 FTE) | Number of 3- and 4-year-olds Universal | Number of 3-and 4-year-olds Extended | Total number of 3- and 4-year old 15 hour places filled | % against 104 places (52 FTE) |
|-------------|-----------------------|------------------------------|--|--------------------------------------|---|-------------------------------|
| Summer 2019 | 19                    | 79%                          | 81                                     | 46                                   | 127   | 122%                          |
| Summer 2020 | 20                    | 83%                          | 78                                     | 40                                   | 118   | 113.5%                        |
| Summer 2021 | 21                    | 87.5%                        | 67                                     | 26                                   | 93  | 89%                           |
| Summer 2022 | 22                    | 92%                          | 63                                     | 29                                   | 92  | 88%                           |

Research data reviewed by the Local Authority team and added to the EIA for reference include the following:

- Ofsted's report revealed that there had been significant and cumulative effects of the disruption caused by the pandemic on the health, learning and development of children with SEND. The report states that all educational settings should be ambitious for every child and young person with SEND, making recommendations that include: more accessible universal services for children and their families, delivered by practitioners with a strong understanding of how to meet the

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|   | <p>needs of the children and young with people with SEND; more accurate identification when children need targeted or specialist support; higher aspirations for children and young people with SEND; a greater sense of joint responsibility between partners in a local area [...] and greater coordination of local services so children get the right support at the right time.</p> <p><a href="https://www.gov.uk/government/news/children-and-young-people-with-send-disproportionately-affected-by-pandemic">https://www.gov.uk/government/news/children-and-young-people-with-send-disproportionately-affected-by-pandemic</a></p> <ul style="list-style-type: none"> <li>• In November 2022 Ofsted published the first part of a series of reports into Early Years, they stated, 'a high-quality early years education is vitally important. Children attend early years provision at a crucial developmental point in their lives. The education and care that they receive affects not only future educational attainment but also their future health and happiness.' <u>Best start in life: a research review for early years - GOV.UK (www.gov.uk)</u></li> </ul> |
| <p>3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?</p> | <p>Who will deliver the proposed change to service</p> <p>Derby City Council colleagues in People Services</p> <p>Ashgate Nursery School</p> <p>Central Nursey School</p> <p>Other Early Years Education and Childcare providers within the locality</p> <p>SEND Strategy and Joint Commissioning Delivery Group</p> <p>Derby SENDIASS</p> <p>Primary and Infant Schools within the locality</p> <p>Ashgate Nursery School is commissioned by the Council to deliver</p> <ul style="list-style-type: none"> <li>• Funded places for eligible 2 year olds – 15 hours per week over 38 weeks of the year</li> <li>• Funded places for 3 and 4 year olds – universal entitlement of 15 hours per week for 38 weeks of the year</li> </ul>  |



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|  | <ul style="list-style-type: none"> <li>Funded places for eligible 3 and 4 year olds – 30 hour per week over 38 weeks a year</li> </ul> <p>The proposed change to the service provision was subject to a 7-week consultation with stakeholders.</p> <p>Public Consultation with key stakeholders, staff, parents and carers was undertaken between January and February 2023 to consider the potential impact of the proposal prior to submission to elected Members for approval in order to mitigate negative differential impacts.</p> <p>Consultation events were published on the Council's consultation website Let's Talk Derby and promoted by the Nursery School. One event was held for staff on Tuesday 17 January 2023 and one for parents of children attending on 18 January at 4pm. The meetings were held at Ashgate Nursery School.</p> <p>Consultation and specific questions relating to proposals, were made available through the Let's Talk Derby the Council's consultation website. Notification of the consultation, with links to the consultation draft and consultation questions, were sent to current service users.</p> <p>All schools and early education and childcare providers received an email with the information in February to alert them to the consultation. The Nursery sent links to a range of interested parties in the community.</p> <p>The proposal has had coverage within a number of local media articles.</p> |
| <p>4. Who are the main customers, users, partners, colleagues or groups affected by this decision?</p> | <p>Main stakeholders and customers:</p> <ul style="list-style-type: none"> <li>Children and their siblings</li> <li>Parents/families/carers</li> <li>Employers</li> <li>Higher Education providers</li> <li>Young parents</li> <li>Residents in the local area</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>• Staff at both Nursery School sites</li> <li>• Governing Body</li> <li>• Schools in the local area</li> <li>• Ofsted registered Early years providers within the locality inclusive of childminders, private day nursery, pre-schools and independent schools</li> <li>• Unions</li> <li>• Councillors for the local area</li> <li>• Education Health Care Plan team</li> <li>• Children Centres</li> <li>• Childcare and Families Information Service</li> <li>• Short break providers The Lighthouse</li> <li>• Parent toddler groups</li> <li>• Social Care professionals</li> <li>• Health Care professionals</li> <li>• Support groups eg, charities and churches providing food banks, clothing, toy and equipment to meet basic need for parents when needed for children attending Ashgate Nursery School</li> <li>• University and Derby College for example for educational placements including apprenticeships</li> </ul> |
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## Step 2 – collecting information and assessing impact

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| <p>5. Who have you consulted and engaged with so far about this change, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.</p> | <p>The consultation was conducted using a best practice approach methods that have been used previously for statutory consultations relating to schools. The consultation was promoted widely, both to universal audiences included but not limited to, key audiences' groups and stakeholders not necessary all those identified in section 4. It followed the Gunning principles of consultation. The consultation document clearly states that anyone may request a copy in another language.</p> <p>Some members of the EIA group stated that 'protected groups for instance SEND, those with EAL and those parents who struggle with literacy have not been contacted and no translated documents have been provided. There are also families who are isolated such</p> |
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as Nigerian families from the University who have not been taken into account.

As part of the EIA and consultation process additional efforts were made to communicate the consultation to all stakeholders provide increased support to parents to enable their views to be heard. The consultation document clearly provides information on how any stakeholder can request a copy of the document in an alternative format.

Prior to the consultation going live the project team

- Undertook a significant amount of research, data gathering, benchmarking and modelling of the proposal.
- Sought internal legal advice regarding the proposal and ongoing engagement from legal colleagues who continue to provide advice regarding legal implications.

The Council is aware that if the proposal to close Ashgate Nursery School is approved this has the potential to reduce parental choice.

The nursery school currently is a hub around which other services are offered and its closure may lead to the loss of those other services to the area. However, the Family Hubs may be able to offer a range of services in line with Statutory guidance. Although there is a level of uncertainty as to if there will be a gap in accessibility of services for families who currently access some additional services at Ashgate Nursery School.

As at the 31 December 2022, the percentage of Derby City providers judged as 'good' or 'outstanding' by Ofsted is 93.6%. It needs to be noted that there are some differences in the way in which maintained early years education providers are inspected as opposed to private, voluntary and independent providers. Although all providers must meet the Statutory Framework Early Years Foundation Stage (EYFS) 2021

Data specific to early education and childcare providers within one mile of Ashgate Nursery School – Ofsted data 09/02/23

Should the nursery close and Central Nursery not be able to accommodate the children and or through parental choice families decide to use an alternative provision all of these Ofsted registered providers detailed below offer funded places for 3 and 4 year olds. Some of them offer funded 2 year old places for eligible children. This means there is alternative provision of a comparable Ofsted grade.

| <b>Name of provider in order of distance from Ashgate Nursery School</b> | <b>Sector</b>      | <b>Most recent Ofsted judgement</b> | <b>Offers funded places for 2 year olds</b> |
|--|--------------------|-------------------------------------|---|
| Treetops   | Private            | Good                                | Y   |
| Central Nursery School   | Maintained         | Good                                | Y   |
| Whitecross Nursery School  | Maintained         | Outstanding                         | N   |
| Derby Montessori School  | Independent School | Good                                | Y   |
| Emmanuel School  | Independent School | No inspection record                | N   |
| Becket Primary School  | Maintained         | Good                                | N   |
| The Cottage  | Private            | Outstanding                         | Y   |
| The Cottage (55 Bedford Street   | Private            | Outstanding                         | Y   |

|  |                          |            |  |   |
|--|--------------------------|------------|--|---|
|  | The Bemrose School       |            | Good                                   | N |
|  | Childminder              | Private    | Good                                   | Y |
|  | Thornhill Day Nursery    | Private    | Good                                   | Y |
|  | Orange Tree              | Private    | Good                                   | Y |
|  | Little Owls              | Private    | Good                                   | Y |
|  | Firs Primary School      | Maintained | Good                                   | N |
|  | Orchard Garden           | Private    | Good                                   | Y |
|  | Carlton                  | Private    | Good                                   | Y |
|  | The Faraway Tree         | Private    | Good                                   | Y |
|  | Bishop Lonsdale School   | Maintained | Good                                   | N |
|  | Early Years Academy      | Private    | Not yet inspected                      | Y |
|  | Brackensdale Academy     | Maintained | Not yet inspected due to academisation | N |
|  | Woodlands                | Private    | Good                                   | Y |
|  | St Joesphs Pre-School    | Voluntary  | Good                                   | Y |
|  | Bizzy Kids               | Private    | Good                                   | Y |
|  | Stonehill Nursery School | Maintained | Good                                   | Y |

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|  | <p>Due to the small number of colleagues involved within the Ashgate and Central Nursery Team, we have identified the likely impact of all protected characteristics, irrespective of whether they are represented in the teams, to avoid any individual colleagues being identified.</p> <p>The current modelling of funded places at Ashgate Nursery School is predominantly on a 9am – 4pm model not on an extended day place model. An extended model would give the school more places for children and families. The extended day model outside of 9am – 4pm model has been offered previously and was found to be not financially viable because of lack of uptake.</p> |
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6. Using the skills and knowledge in your assessment team or what you know yourself, and from any consultation you have done, what do you already know about the equality impact of the proposed change on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. Only fill in the mitigation box if you think the decision will have a negative impact and then you'll need to explain how you are going to lessen the impact.

| People with protected characteristics | What do you already know?  | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?  |
|---------------------------------------|--|-----------------|-----------------|--|
| <b>Age – older and younger people</b> | <p><b>Staff</b><br/>We do know that despite the Equality Act older people still have difficulty getting jobs and it may have been a long time since they applied for jobs and attended interviews. Our Race Equality Hub and our Employee Networks have worked with HR on our latest Equality at Work Employment Statistics document. They are now working on an action plan to complement our Equality, Diversity and Inclusion Plan 2021/2024.</p> <p>There are currently 9 staff members employed at Ashgate Nursery School. The two nurseries currently share a number of roles which include Head, SENCO, SBM, lead teacher and caretaker. This is currently covered by the base funding from both Nursery Schools. The budget at Central Nursery School will have to support the full cost of all these roles. In addition, it will also have to bear the cost of subsidised funding for special needs where the Council's is inadequate for need, and should the numbers fill Central and an admissions policy be actioned this has special needs prioritised with all additional costs related to this. The SEND funding gap identified by</p> |                 | <b>Yes</b>      | <p><b>Staff</b><br/>The Council's Consultation, Restructuring and Redundancy Policy and procedures will be followed to ensure a fair and consistent process. Applications for Voluntary Redundancy that could mitigate compulsory job losses will be considered including where an applicant's role is not at risk but there is a potential "bumping" opportunity. Where appropriate the Redeployment Policy and procedures will also be</p> |

| People with protected characteristics | What do you already know?   | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?  |
|---------------------------------------|---|-----------------|-----------------|--|
|                                       | <p>Ashgate and Central Governors will continue to threaten the viability of Central school</p> <p><b>Children</b><br/>Central Nursery School will continue to offer high quality early education and childcare services provision for all children and their families. There will be a continued focus on improving outcomes for all children aged 2–5 years.</p> <p>At both Nursery Schools there is potential for disruption to a child's education placement which may impact on emotional health and well-being. There could also be regression in learning and development for individual children and or groups of children.</p> <p>Some children currently placed at Ashgate because it is deemed a more suitable environment for them due to its smaller size. These children may not cope with the larger area and the 'busyness' at Central Nursery School.</p> <p>For children and families who choose to move to Central Nursery School there are opportunities for wider social friendship groups for children and families.</p> <p><b>Service</b><br/>The proposal could develop greater financial stability and make Central Nursery School more viable in terms of sustainability. However, the concerns are these:</p> <ul style="list-style-type: none"> <li>• The increased costs of a maintained nursery, such as the need for a Headteacher and Lead teacher will be borne by Central alone as well as the currently shared costs of a School Business Manager, caretaker, family worker etc. Federating the two nurseries was intended to support viability.</li> <li>• The SEND funding gap still remains. Viability can only be assured if the LA commits to addressing this as a matter of urgency</li> <li>• The Ashgate children may not all transfer through parental choice to Central therefore the projected numbers of</li> </ul> |                 |                 | <p>followed. We will offer colleagues a range of comprehensive support through the appropriate Council services. This includes, but isn't limited to, our Employee Assistance Programme (EAP), the Employment Hub in the city, our chaplaincy service and support in job application and interview skills training. Help is also available from our Employment and Skills Section who offer the Derby Jobs Weekly, a newsletter of key employment opportunities in and around Derby plus other useful information for people looking for employment.</p> <p>The Council doesn't tolerate discrimination, harassment, and bullying, and we have relevant policies in place.</p> <p><b>Children</b><br/>Transitions for children will be managed by the Nursery teams to ensure that children and families individual education and care needs are known and</p> |

| People with protected characteristics | What do you already know?   | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?  |
|---------------------------------------|---|-----------------|-----------------|--|
|                                       | <p>children transferring may not be maintained However, it is hoped that Ashgate Nursery SLT support parents to have the confidence to transfer due to their established relationships.</p> <p>Within the Council's options appraisal whereby Central retains 52 FTE for 3 and 4 year olds and increased 24 FTE for 2 year olds indicates that if FEEE delivery was only delivered between 9am – 3pm (schools Hours) then Central would not be able to accommodate all Ashgate Published Admission Number (PAN) children. However, Central's business model is an 8 till 6pm FEEE modelling providing additional capacity which would allow the majority of children to be accommodated at Central should the parents chose.</p> <p>Central in addition it should be noted that there is additional space in the building to increase their PAN should demand and financial viability be evidenced. The extended day offered by Central could allow FEEE to be taken over 2 days only limiting travel times and access issues. However, currently the space is being used to accommodate children with SEND.</p> <p>Currently (February 2023) 16% of parents/families using Ashgate Nursery School are under 21 including teenagers. Reduced access to early education and childcare provision within the proximity could be a barrier for many young parents including teenage parents and families and additional services such as behaviour, health information</p> <p>Grandparents and older carers may struggle to support their family members taking their children to and from nursery. Creating additional stress to the family and a negative impact on the health and well-being of family members.</p> <p>There are opportunities for parents to access services currently offered at Ashgate should they move to Central Nursery School.</p> <p>All Ofsted registered Early Education and Childcare providers must meet the Statutory requirements for EYFS.<br/>'The EYFS seeks to provide:</p> |                 |                 | <p>understood so that where possible the disruption to children's learning and care is minimised.</p> <p><b>Service</b><br/>A coproduced city-wide strategy to ensure that a vision of qualitative inclusive early provision that identifies and meets family's needs within their local area respective of parental choice for their children. To include a workforce skilled to work with children and families</p> <p>The introduction of Family Hubs within Derby maybe a mitigation <b>if</b> these are within easy access of the families in the area. The Family Hub will provide a range of services to support families. pick and lift from previous comments</p> <p>The Council have one of the highest early years funding across the East Midlands and has included 2 year olds which is not a statutory requirement to support all sectors.</p> |



| People with protected characteristics | What do you already know?  | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?  |
|---------------------------------------|--|-----------------|-----------------|--|
|                                       | <ul style="list-style-type: none"> <li>equality of opportunity and anti-discriminatory practice, ensuring that every child is included and supported' p5</li> </ul> <p>As a result, all Ofsted registered providers must demonstrate how they ensure that that their service meets the Equality Act 2010.</p> <p>Funded early education for eligible 2, 3 and 4 year olds is available to all</p> <p>If numbers in Central Nursery School increase and they are full, this may mean that eligible 2 year olds may not be able to access a funded place. However, a parent/carer may choose to access a funded 2 year old place at an alternative provision in the local area.</p> <p>If Central Nursery School is full this could impact on the number of funded places available to 3 and 4 year old children. However, a parent/carer may choose to access a funded 3 or 4 year old place at an alternative provision in the local area.</p> |                 |                 | <p>The outdoor learning opportunities at Central is larger and offers more opportunities and space for activity. Although the greater numbers, particularly of two year olds may limit the benefits of this. This will be monitored by the School Leadership Team</p> <p>Should the Nursery School close, the current children accessing funded places would need to be offered access to alternative provision.</p> <p>The vast majority of providers in the City are graded Good or better by Ofsted. This means there is alternative provision of a comparable quality within a reasonable and accessible distance from Ashgate Nursery School. All providers and their current Ofsted grade are detailed in question 2..</p> <p>The Council is working with other schools in the area to increase parental choice. This may create</p> |

| People with protected characteristics | What do you already know? | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?   |
|---------------------------------------|---------------------------|-----------------|-----------------|---|
|                                       |                           |                 |                 | <p>additional places in the area and more local to parents who currently travel to access provision at Ashgate</p> <p>Accessible Early Years Education and childcare is available within the area and within walking distance. Alongside Central Nursery School, Whitecross and Stonehill Nursery School may be an option for some families. As with other early years education and childcare provision spaces available will fluctuate dependent the time of year and uptake of places within different age groups. Most providers will model their offer on the age and numbers who access their service and or are forecast to access</p> <p><b>Communication strategy</b><br/>If the proposal is accepted the closure of Ashgate Nursery School will be carefully managed to minimise the disruption to children, families, staff and the local community.</p> |

| People with protected characteristics   | What do you already know?  | Positive impact                 | Negative impact | Mitigation - what actions will you take to lessen impact? |              |       |             |   |  |    |    |             |   |  |    |    |             |  |  |    |    |             |  |   |    |    |  |     |  |
|---|--|---------------------------------|-----------------|---|--------------|-------|-------------|---|--|----|----|-------------|---|--|----|----|-------------|--|--|----|----|-------------|--|---|----|----|--|-----|--|
| <p><b>Disability</b> – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments</p> | <p><b>Staff</b><br/>We know that many disabled people struggle to get jobs and keep them, despite the Equality Act. Losing a job can be devastating, particularly when they work with supportive colleagues and have a range of reasonable adjustments in place. There is always the fear that the next employer may not be as understanding. Our Race Equality Hub and our Employee Networks have worked with HR on our latest Equality at Work Employment Statistics document. They are now working on an action plan to complement our Equality, Diversity and Inclusion Plan 2021/2024.</p> <p><b>Children</b><br/>There is evidence that children and families are travelling into Central Nursery from outside of the local area to access early education and childcare for children with emerging need and or with an EHCP.</p> <p>The number of children with SEND may increase within Central Nursery due to additional children transferring from Ashgate Nursery School and– if there is more demand than places, which requires the Admission policy to be applied, this will continue to prioritise children with identified SEND.</p> <p>The tables below set out the number of children attending Ashgate Nursery School and Central Nursery School with Special Educational Needs and Disabilities:</p> <table border="1"> <thead> <tr> <th>Overview-Ashgate Nursery School</th><th>EHCP Held</th><th>EHCP Assessment ICOC</th><th>SEND Support</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Spring 2022</td><td>1</td><td></td><td>12</td><td>13</td></tr> <tr> <td>Summer 2022</td><td>1</td><td></td><td>17</td><td>18</td></tr> <tr> <td>Autumn 2022</td><td></td><td></td><td>13</td><td>13</td></tr> <tr> <td>Spring 2023</td><td></td><td>1</td><td>14</td><td>15</td></tr> </tbody> </table> | Overview-Ashgate Nursery School | EHCP Held       | EHCP Assessment ICOC                                      | SEND Support | Total | Spring 2022 | 1 |  | 12 | 13 | Summer 2022 | 1 |  | 17 | 18 | Autumn 2022 |  |  | 13 | 13 | Spring 2023 |  | 1 | 14 | 15 |  | Yes | <p><b>Staff</b><br/>The Council's Consultation, Restructuring and Redundancy Policy and procedures will be followed to ensure a fair and consistent process. Applications for Voluntary Redundancy that could mitigate compulsory job losses will be considered including where an applicant's role is not at risk but there is a potential "bumping" opportunity. Where appropriate the Redeployment Policy and procedures will also be followed. We will offer colleagues a range of comprehensive support through the appropriate Council services. This includes, but isn't limited to, our Employee Assistance Programme (EAP), the Employment Hub in the city, our chaplaincy service, our Disabled Employee Network and support in job application and interview skills training. Help is also available from our Employment and Skills Section who offer the</p> |
| Overview-Ashgate Nursery School   | EHCP Held  | EHCP Assessment ICOC            | SEND Support    | Total   |              |       |             |   |  |    |    |             |   |  |    |    |             |  |  |    |    |             |  |   |    |    |  |     |  |
| Spring 2022   | 1  |                                 | 12              | 13  |              |       |             |   |  |    |    |             |   |  |    |    |             |  |  |    |    |             |  |   |    |    |  |     |  |
| Summer 2022   | 1  |                                 | 17              | 18  |              |       |             |   |  |    |    |             |   |  |    |    |             |  |  |    |    |             |  |   |    |    |  |     |  |
| Autumn 2022   |  |                                 | 13              | 13  |              |       |             |   |  |    |    |             |   |  |    |    |             |  |  |    |    |             |  |   |    |    |  |     |  |
| Spring 2023   |  | 1                               | 14              | 15  |              |       |             |   |  |    |    |             |   |  |    |    |             |  |  |    |    |             |  |   |    |    |  |     |  |

| People with protected characteristics | What do you already know?   | Positive impact                 | Negative impact | Mitigation - what actions will you take to lessen impact? |              |       |             |   |   |   |    |             |   |   |    |    |             |   |   |    |    |             |   |   |    |    |  |  |   |
|---------------------------------------|---|---------------------------------|-----------------|---|--------------|-------|-------------|---|---|---|----|-------------|---|---|----|----|-------------|---|---|----|----|-------------|---|---|----|----|--|--|---|
|                                       | <table border="1"> <thead> <tr> <th>Overview-Central Nursery School</th><th>EHCP Held</th><th>EHCP Assessment ICOC</th><th>SEND Support</th><th>Total</th></tr> </thead> <tbody> <tr> <td>Spring 2022</td><td>3</td><td>2</td><td>7</td><td>12</td></tr> <tr> <td>Summer 2022</td><td>3</td><td>3</td><td>12</td><td>18</td></tr> <tr> <td>Autumn 2022</td><td>2</td><td>1</td><td>16</td><td>19</td></tr> <tr> <td>Spring 2023</td><td>4</td><td>3</td><td>15</td><td>22</td></tr> </tbody> </table> <p>All Ofsted registered providers must show due regard for the SEND Code of Practice 2014. As a result, other providers in the local area may be able to meet the needs of children with emerging needs and or an EHCP,</p> <p>Other providers in the local area may not be willing to or able to take on children with emerging needs and or an EHCP.</p> <p>Comments from staff and parent representatives from Ashgate and Central Nursery School, 'the Early Years Inclusion Fund (EYIF) does not currently meet the needs of all children with special needs and the nurseries have to use their revenue budgets to support children with special needs which is at the heart of the current financial position for Central in particular.'</p> <p>Using the list of providers considered to be available as options for parents as alternative provision for the Ashgate family's, data has been secured to demonstrate the number of SEND children that these alternative providers have had/are currently supporting. Please note some of these providers have chosen not to access EYIF. The table below does not include data for Ashgate and Central Nursery Schools.</p> | Overview-Central Nursery School | EHCP Held       | EHCP Assessment ICOC                                      | SEND Support | Total | Spring 2022 | 3 | 2 | 7 | 12 | Summer 2022 | 3 | 3 | 12 | 18 | Autumn 2022 | 2 | 1 | 16 | 19 | Spring 2023 | 4 | 3 | 15 | 22 |  |  | <p>Derby Jobs Weekly, a newsletter of key employment opportunities in and around Derby plus other useful information for people looking for employment.</p> <p>Any reasonable adjustments will be considered. Carers needs and requirements will also be considered.</p> <p>The Council doesn't tolerate discrimination, harassment and bullying, and we have relevant policies in place.</p> <p><b>Children</b></p> <p>The Derby Inclusion tool has the potential to support all early education and childcare providers across the maintained, private, voluntary and independent early education and childcare providers. Although it may have the potential it does not necessary mean that other providers will admit children if they believe they cannot meet their needs.</p> |
| Overview-Central Nursery School       | EHCP Held   | EHCP Assessment ICOC            | SEND Support    | Total   |              |       |             |   |   |   |    |             |   |   |    |    |             |   |   |    |    |             |   |   |    |    |  |  |   |
| Spring 2022                           | 3   | 2                               | 7               | 12  |              |       |             |   |   |   |    |             |   |   |    |    |             |   |   |    |    |             |   |   |    |    |  |  |   |
| Summer 2022                           | 3   | 3                               | 12              | 18  |              |       |             |   |   |   |    |             |   |   |    |    |             |   |   |    |    |             |   |   |    |    |  |  |   |
| Autumn 2022                           | 2   | 1                               | 16              | 19  |              |       |             |   |   |   |    |             |   |   |    |    |             |   |   |    |    |             |   |   |    |    |  |  |   |
| Spring 2023                           | 4   | 3                               | 15              | 22  |              |       |             |   |   |   |    |             |   |   |    |    |             |   |   |    |    |             |   |   |    |    |  |  |   |

| People with protected characteristics   | What do you already know?   |           |                      |              | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?   |
|---|---|-----------|----------------------|--------------|-----------------|-----------------|---|
|   | Overview  | EHCP Held | EHCP Assessment ICOC | SEND Support |                 |                 | Early Years Inclusion Funding (EYIF) can be accessed to support children with emerging SEND needs.  |
|   | Spring 2022   | 4         | 3                    | 36           |                 |                 | Derby City has one of the highest early years inclusion funding budgets which is widely accessed by all sectors to support the needs of children with emerging or identified needs. However, it has been shown that SEND funding is slow to reach its target and insufficient to meet the costs of supporting these children. |
|   | Summer 2022   | 5         | 6                    | 50           |                 |                 | Suitable learning and care environments would need to be in place for all child/ren.  |
|   | Autumn 2022   | 3         | 4                    | 48           |                 |                 | If the Council is made aware that a family has experienced a breakdown of provision of an FEEE place or that a family have been told by an Early Years Education and childcare provider that they are not able to meet need a number of options my happen to support the family to find a suitable                            |
|   | Spring 2023   | 3         | 4                    | 52           |                 |                 |   |
|   | Transition for young children and families to another early education and childcare provider may cause heightened anxiety and stress. |           |                      |              |                 |                 |   |
| Parking at Ashgate for disabled people is facilitated directly outside the school main entrance. Whereas parking facilities at Central available but not close by approx. 50 metres from the school entrance some bollards may need to be negotiated.   |   |           |                      |              |                 |                 |   |
| <b>Parents/carers and families</b><br>For disabled people who do not drive and who just manage to walk to Ashgate the journey to Central Nursery may present more difficulties. As a result, there may be additional cost associated with traveling further. There is no direct public transport between the 2 areas. |   |           |                      |              |                 |                 |   |
| Whilst completing the EIA process it has been heard that some children/families have accessed provision at Ashgate and Central after having been refused a place elsewhere.   |   |           |                      |              |                 |                 |   |
| Mental health issues may be heightened due to having a longer journey for example negotiating crossing roads.   |   |           |                      |              |                 |                 |   |
| Parents and staff comments that ‘the infrastructure for active sustainable travel are not yet accessible.’  |   |           |                      |              |                 |                 |   |

| People with protected characteristics | What do you already know?  | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?   |
|---------------------------------------|--|-----------------|-----------------|---|
|                                       | <p>The Councils viewpoint, 'all of the walking routes have traditional footways. It would require people to cross Uttoxeter Old Road or Ashbourne Road, or both depending on route choices. Controlled crossing points are in place to provide safe crossing points. Uttoxeter Old Road/Ashbourne Road junction has been recently (2021) upgraded, which has included changes to benefit cyclists, such as Brick Street being made one way for vehicular traffic. The crossing points all meet the specifications, with dropped kerbs and tactile paving.' Nigel Brien Head of Traffic and Transport</p> <p><b>Service</b><br/>Data tells the LA that with the current options appraisal whereby Central retains 52 FTE for 3 and 4 year olds and increased 24 FTE for 2 year olds indicates that if FEEE delivery was only delivered between 9am – 3pm (schools Hours) then Central would not be able to accommodate all Ashgate PAN children. However, Central's business model is a 8 till 6pm FEEE modelling providing additional capacity which would allow the majority of children to be accommodated at Central should the parents chose.</p> <p>The extended day offered by Central could allow FEEE to be taken over 2 days only limiting travel times and access issues.</p> <p><b>Early Years Workforce</b><br/>Comments from the parent representatives and school staff, 'suitable environments need to be in place for the children. At present there is no information as to where the children might be placed, i.e. what capacity other settings have, their qualifications, skills and knowledge regarding children with significant needs and therefore, where there would be places should Central be full.'<br/>The Council can provide a brokerage service for any parent/carer to support them in finding alternative early education and childcare.</p> <p>All childcare providers must meet workforce qualifications as set out in the Statutory Framework for the EYFS. The parent/carer would need to discuss the individual needs of their child with the leadership team inclusive of the SENDCo if appropriate for them to be able to</p> |                 |                 | <p>provision. For example, brokerage by a Council worker to support the family to become aware of other education and childcare options. The Council would also where appropriate encourage parents/carers to share the issue with Ofsted. Ofsted are the sole arbiters of quality</p> <p>For children with a physical impairment Central Nursery is fully accessible.</p> <p>Parking is comparable in terms of distance and surface quality of other primary schools.</p> <p><b>Communication strategy</b><br/>If the proposal is accepted the closure of Ashgate Nursery School will be carefully managed to minimise the disruption to children, families, staff and the local community. Families would be support by the Nursery Schools and the Childcare and Families Information Service.</p> |

| People with protected characteristics   | What do you already know?   | Positive impact | Negative impact   | Mitigation - what actions will you take to lessen impact?  |
|---|---|-----------------|-------------------|--|
|   | <p>make the decision as to whether the provision is able to meet their needs as a family.</p> <p>Over recent years the Government has invested in training programmes to raise the skills and knowledge of the early years sector in relation to meeting the needs of children with SEND. For example, the NASEN SENDCO level 3 qualification. A high number of Derby City providers engaged with the programme.</p> <p>A number of Derby City providers within the local area have engaged with the NASEN SEND review. This included a peer review of practice with strengths and areas for further improvement identified.</p> <p>Early Years Education and childcare providers have access to a range of resources and support from the Council. For example, the Early Intervention Practitioners and the Schools Information Portal.</p> |                 |                   | <p>Continued proactive promotion of the free extended education entitlement (FEEE) and its benefits to colleagues within Health, Social Care and SEND teams to ensure that where appropriate they support and encourage all parents to access an early education place.</p>  |
| <p><b>Gender identity-</b> trans and those people who don't identify with a particular gender, for example, non-binary, genderfluid, genderqueer, polygender and those who are questioning their gender or non-gendered identity.</p> | <p><b>Staff</b><br/>We know that many trans people do face discrimination and harassment in employment despite the Equality Act and so applying for and being interviewed for new jobs can be a very anxious time for fear of this happening. Our Race Equality Hub and our Employee Networks have worked with HR on our latest Equality at Work Employment Statistics document. They are now working on an action plan to complement our Equality, Diversity and Inclusion Plan 2021/2024.</p> <p><b>Service</b><br/>Funded early education for eligible 2, 3 and 4 year olds is available to all children and their families Including accepting their gender identity and the use of appropriate pronouns.</p>   |                 | <p><b>Yes</b></p> | <p><b>Staff</b><br/>The Council's Consultation, Restructuring and Redundancy Policy and procedures will be followed to ensure a fair and consistent process. Applications for Voluntary Redundancy that could mitigate compulsory job losses will be considered including where an applicant's role is not at risk but there is a potential "bumping" opportunity. Where appropriate the Redeployment Policy and procedures will also be followed. We will offer colleagues a range of</p> |



| People with protected characteristics | What do you already know?   | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?  |
|---------------------------------------|---|-----------------|-----------------|--|
|                                       |   |                 |                 | <p>comprehensive support through the appropriate Council services. This includes, but isn't limited to, our Employee Assistance Programme (EAP), the Employment Hub in the city, our chaplaincy service, our LGBTQ+ and Allies Network and support in job application and interview skills training. Help is also available from our Employment and Skills Section who offer the Derby Jobs Weekly, a newsletter of key employment opportunities in and around Derby plus other useful information for people looking for employment.</p> <p>The Council doesn't tolerate discrimination, harassment and bullying, and we have relevant policies in place.</p> |
| <b>Marriage and Civil Partnership</b> | <p><b>Staff</b></p> <p>Losing a job can often cause difficulties within relationships, but support is available. Our own Employee Assistance Programme (EAP) counselling services offering now extends to members of our colleagues' household as well as colleagues themselves. Our Race Equality Hub and our Employee Networks have worked with HR on our latest Equality at Work Employment Statistics</p> |                 | <b>Yes</b>      | <p><b>Staff</b></p> <p>The Council's Consultation, Restructuring and Redundancy Policy and procedures will be followed to ensure a fair</p>  |



| People with protected characteristics | What do you already know?  | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?   |
|---------------------------------------|--|-----------------|-----------------|---|
|                                       | <p>document. They are now working on an action plan to complement our Equality, Diversity and Inclusion Plan 2021/2024</p> <p><b>Service</b><br/>Funded early education for eligible 2, 3 and 4 year olds is available to all children regardless of their families marital status or civil partnership.</p> |                 |                 | <p>and consistent process. Applications for Voluntary Redundancy that could mitigate compulsory job losses will be considered including where an applicant's role is not at risk but there is a potential "bumping" opportunity. Where appropriate the Redeployment Policy and procedures will also be followed. We will offer colleagues a range of comprehensive support through the appropriate Council services. This includes, but isn't limited to, our Employee Assistance Programme (EAP), the Employment Hub in the city, our chaplaincy service, our LGBTQ+ and Allies Network and support in job application and interview skills training. Help is also available from our Employment and Skills Section who offer the Derby Jobs Weekly, a newsletter of key employment opportunities in and around Derby plus other useful information for people looking for employment.</p> |

| People with protected characteristics  | What do you already know?  | Positive impact | Negative impact   | Mitigation - what actions will you take to lessen impact?   |
|--|--|-----------------|-------------------|---|
|  |  |                 |                   | <p>In addition, any colleagues in civil partnerships or same sex marriages will be encouraged to discuss family life in the same way as straight/heterosexual couples do.</p> <p>The Council doesn't tolerate discrimination, harassment and bullying, and we have relevant policies in place.</p>  |
| <p><b>Pregnancy and maternity -</b><br/>women who are pregnant or who have recently had a baby, including breast feeding mothers</p> | <p><b>Staff</b><br/>Finding a new job when pregnant can be very challenging, despite the Equality Act. Not all employers are understanding about returning to work or in fact being pregnant. Our Race Equality Hub and our Employee Networks have worked with HR on our latest Equality at Work Employment Statistics document. They are now working on an action plan to complement our Equality, Diversity and Inclusion Plan 2021/2024.</p> <p><b>Service</b><br/>Funded early education for eligible 2, 3 and 4 year olds is available to all children subject to the ability of the individual to access their chosen FEEE provider. For some pregnant people it maybe more difficult for them to access an alternative provider.</p> <p>We know that early years providers will offer facilities for people to feed their baby.</p> |                 | <p><b>Yes</b></p> | <p><b>Staff</b><br/>The Council's Consultation, Restructuring and Redundancy Policy and procedures will be followed to ensure a fair and consistent process. Applications for Voluntary Redundancy that could mitigate compulsory job losses will be considered including where an applicant's role is not at risk but there is a potential "bumping" opportunity. Where appropriate the Redeployment Policy and procedures will also be followed. We will offer colleagues a range of comprehensive support through the appropriate Council services. This</p> |

| People with protected characteristics | What do you already know? | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?   |
|---------------------------------------|---------------------------|-----------------|-----------------|---|
|                                       |                           |                 |                 | <p>includes, but isn't limited to, our Employee Assistance Programme (EAP), the Employment Hub in the city, our chaplaincy service and support in job application and interview skills training. Help is also available from our Employment and Skills Section who offer the Derby Jobs Weekly, a newsletter of key employment opportunities in and around Derby plus other useful information for people looking for employment.</p> <p>If an employee's role becomes redundant whilst they are on maternity / birthing, adoption or shared parental leave, special provisions apply to them.</p> <p>Redundancy - where there is no change in the post but there are fewer posts available:</p> <ul style="list-style-type: none"> <li>• If the employee is in a selection pool where there are unchanged posts and a</li> </ul> |

| People with protected characteristics | What do you already know? | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?  |
|---------------------------------------|---------------------------|-----------------|-----------------|--|
|                                       |                           |                 |                 | <p>headcount reduction, they will be slotted into the post ahead of other colleagues.</p> <ul style="list-style-type: none"> <li>• If no post exists, they must be given first refusal on any available suitable alternative employment elsewhere in the authority if it exists.</li> </ul> <p>Restructure - where new posts are created and existing posts are deleted:</p> <ul style="list-style-type: none"> <li>• If the employee is a slot or a match to a new post in the structure, then the employee must be offered the role without having to apply or go through any competitive process.</li> </ul> <p>The Council doesn't tolerate discrimination, harassment and bullying, and we have relevant policies in place.</p> |

| People with protected characteristics  | What do you already know?  | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?   |
|--|--|-----------------|-----------------|---|
|  |  |                 |                 |   |
| <b>Race</b> - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community | <p><b>Staff</b><br/>We know that Black, Asian and Minority Ethnic people do still face discrimination and harassment in employment despite the Equality Act. Applying for new jobs and going through interviews can be additionally extremely stressful because of this and the fear of working with new colleagues.<br/>Our Race Equality Hub and our Employee Networks have worked with HR on our latest Equality at Work Employment Statistics document. They are now working on an action plan to complement our Equality, Diversity and Inclusion Plan 2021/2024.</p> <p><b>Service</b><br/>Funded early education for eligible 2, 3 and 4 year olds is available to all children \and their families. All early year's education and care providers must meet the Equality Act 2010 and meet the statutory requirements set out in the Statutory Framework for the Early Years Foundation Stage.</p> <p>20% of families are English as additional language</p> <p>47% class themselves as minority ethnic people (non-white British)</p> <p>All early years and childcare providers as part of their qualifications would have modules covering race equality with some providers extending this knowledge with further learning.</p> <p>All early years and childcare providers must have an equalities policy.</p> <p>All early years and childcare providers meet children's diverse dietary requirements</p> |                 | Yes             | <p><b>Staff</b><br/>The Council's Consultation, Restructuring and Redundancy Policy and procedures will be followed to ensure a fair and consistent process. Applications for Voluntary Redundancy that could mitigate compulsory job losses will be considered including where an applicant's role is not at risk but there is a potential "bumping" opportunity. Where appropriate the Redeployment Policy and procedures will also be followed. We will offer colleagues a range of comprehensive support through the appropriate Council services. This includes, but isn't limited to, our Employee Assistance Programme (EAP), the Employment Hub in the city, our chaplaincy service, our Black and Asian Minority Ethnic Employee Support Network and support in job application and interview skills training. Help is also available from our</p> |

| People with protected characteristics  | What do you already know?   | Positive impact | Negative impact   | Mitigation - what actions will you take to lessen impact?  |
|--|---|-----------------|-------------------|--|
|  |   |                 |                   | <p>Employment and Skills Section who offer the Derby Jobs Weekly, a newsletter of key employment opportunities in and around Derby plus other useful information for people looking for employment.</p> <p>The Council doesn't tolerate discrimination, harassment and bullying, and we have relevant policies in place.</p>   |
| <p><b>Religion or belief or none</b> - the effects on religious and cultural communities, customers and colleagues</p> | <p><b>Staff</b><br/>We know that people can face discrimination and harassment in employment because of their beliefs whether religious or not and so applying for new jobs and attending interviews can be very stressful for fear of working with different colleagues.<br/>Our Race Equality Hub and our Employee Networks have worked with HR on our latest Equality at Work Employment Statistics document. They are now working on an action plan to complement our Equality, Diversity and Inclusion Plan 2021/2024.</p> <p><b>Service</b><br/>Funded early education for eligible 2, 3 and 4 year olds is available to all children and their families All early year's education and care providers must meet the Equality Act 2010 and meet the statutory requirements set out in the Statutory Framework for the EYFS.</p> <p>All early years and childcare providers as part of their qualifications would have modules covering religion or beliefs with some providers extending this knowledge with further learning.</p> <p>All early years and childcare providers must have an equalities policy.</p> |                 | <p><b>Yes</b></p> | <p><b>Staff</b><br/>The Council's Consultation, Restructuring and Redundancy Policy and procedures will be followed to ensure a fair and consistent process. Applications for Voluntary Redundancy that could mitigate compulsory job losses will be considered including where an applicant's role is not at risk but there is a potential "bumping" opportunity. Where appropriate the Redeployment Policy and procedures will also be followed. We will offer colleagues a range of comprehensive support</p> |

| People with protected characteristics | What do you already know?   | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact?   |
|---------------------------------------|---|-----------------|-----------------|---|
|                                       | <p>Some early years and childcare providers have quiet areas that can be used for prayers</p> <p>Early years and childcare providers celebrate a range of celebrations and festivals such as the festival of light and Windrush memories as part of their curriculum.</p> |                 |                 | <p>through the appropriate Council services. This includes, but isn't limited to, our Employee Assistance Programme (EAP), the Employment Hub in the city, our chaplaincy service and support in job application and interview skills training. Help is also available from our Employment and Skills Section who offer the Derby Jobs Weekly, a newsletter of key employment opportunities in and around Derby plus other useful information for people looking for employment.</p> <p>The Council doesn't tolerate discrimination, harassment and bullying, and we have relevant policies in place.</p> |

lity and Diversity for help. You can also get lots of information on reports completed from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

### Step 3 – deciding on the outcome

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

|                  |                  |  |
|------------------|------------------|--|
| <b>Outcome 1</b> |                  | <b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken  |
| <b>Outcome 2</b> |                  | <b>Adjust the proposal</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?   |
| <b>Outcome 3</b> | <b>See below</b> | <b>Continue the proposal</b> despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul> |
| <b>Outcome 4</b> | <b>See below</b> | <b>Stop and rethink</b> the proposal when the EIA shows actual or potential unlawful discrimination  |

Why did you come to this decision?

It is crucial that the Council Cabinet understands and listens to the voice of all stakeholders when considering the outcome of the consultation. Parents/carers who currently access Ashgate Nursery School have very helpfully provided their views of what they feel the impact would be on children, families and the local community. Parent representatives, staff and the Governing Body of Ashgate and Central Nursery School have comprehensively engaged with the local authority throughout the consultation process representing the voices of the staff, families, children and the local community. Unison were involved part way through the process. Unison attended 2 out of the 3 meetings following an invitation from the first meeting.

All stakeholders involved in the coproduction of this equalities impact assessment have conscientiously and transparently discussed the impact of the proposal on the children, staff team, parents/carers, other early education and childcare providers in the area and the local community. Although they are not conclusive, it is also very important financial factors and impacts in relation to the proposal are taken into account as a relevant consideration by Council Cabinet whilst determining their decision.

Should Council Cabinet approve to move to Stage 2 of the statutory consultation process, a second four week consultation will begin to further consider the proposal.

It is acknowledged and understood that following Stage 2 of the consultation process, should Council Cabinet approve the proposal, the extent of the impact on all stakeholders and partners will vary according to individual circumstances.

There was significant debate within the group about the appropriate outcome for the EIA. Within the group there was no outright consensus of outcome. There were some members of the group who felt that the mitigating actions within the EIA would address the identified impacts. However, others believed that the mitigating actions identified did not fully address the issues.

This resulted in an inconclusive outright outcome for the EIA. Some members believing it should be solely outcome 4, others outcome 3 and a mix then between both outcome 3 and 4. Members whose decision was solely outcome 4 was due to the potential disproportion impact on age and disability. Concern was raised that if outcome 3 was chosen that the Council may not be able to demonstrate fully mitigating actions for the negative impacts. However, some members of the EIA group felt that mitigating actions that have been identified would mitigate against the potential negative impacts within the EIA.

The EIA meetings took place over 3 separate dates and lasted in total 9.5 hours. Additional hours were committed from all stakeholders engaged with the EIA.



## Appendix 1

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

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact, you need to do an equality impact assessment whenever a decision is needed about our services and functions that affects people and **before** that decision is made. This also includes quick Covid 19 related decisions.

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

Policies will usually fall into three main categories...

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

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

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't. The nine protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race religion and belief, sex and sexual orientation.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics

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

This completed form should be attached to any Corporate Leadership, Senior Leadership, Cabinet or Personnel Committee report to help decision makers take the equality implications into account when they make the decision. Equality impact assessments **must be done before** decisions are made.

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

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

Unless this is a quick Covid 19 decision, don't do the form by yourself. Get a small team together and make sure you include key people in the team such as representatives from our Equality Hubs and Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

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

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

Remember, we need to complete these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010. If in doubt – it's better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

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

### Contact for help

Ann Webster – Lead on Equality and Diversity

[ann.webster@derby.gov.uk](mailto:ann.webster@derby.gov.uk)

Tel 01332 643722 mobile 07812301144

[Sign Language Service](#)

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 643722, 07812301144** or **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)**

### Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 64XXXX** ਜਾਂ **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)**

### Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 64XXXX** lub **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)**

### Slovak

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 64XXXX** alebo na stránke **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)**

### Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 640000** یا **[derby.gov.uk/signing-service/](http://derby.gov.uk/signing-service/)** پر ہم سے رابطہ کریں

