

Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or equality@leics.gov.uk

***Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

Key Details	
Name of policy being assessed:	Proposal to close Countesthorpe Nursery and support Countesthorpe Greenfield Primary school to establish an expanded governor-led pre-school, to open in September 2017
Department and section:	Children & Families Service, School Organisation Service, Leicestershire County Council
Name of lead officer/ job title and others completing this assessment:	Sharon Townsend; School Place Planning Officer
Contact telephone numbers:	0116 305 6661
Name of officer/s responsible for implementing this policy:	David Atterbury; Head of Strategy, School Sufficiency
Date EHRIA assessment started:	November 2016
Date EHRIA assessment completed:	January 2017

Section 1: Defining the policy

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You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

1 What is new or changed in this policy? *What has changed and why?*

Countesthorpe Nursery occupies a Grade II listed building alongside residential properties on The Drive, an unadopted road. The building is not suitable to expand and requires significant improvement works.

At present there are sufficient places at the Countesthorpe Nursery to meet Free Early Education Entitlement (FEEE) places. However, the number of children attending the nursery has risen in the last 2 years - in the 2016 summer term 78 children claimed FEEE. By September 2017 eligible children will be entitled to an additional 15 hours FEEE. Ongoing housing development and forecast growth in the area suggest that it would not be possible to meet the additional demand for places within the current building.

The proposal is to close the existing Nursery facility and to support Greenfield Primary School to establish a governor led pre-school on the Greenfield Primary site in purpose built accommodation. As part of this process the Nursery would move from having LA maintained status to become a Governor run pre-school, this requires a statutory process for closure to be followed. The pre-school would also expand from offering 30 places to offering 45 places.

Maintained nurseries are funded at a rate in excess of that for private, voluntary and independent providers. Countesthorpe Nursery receives £6.80 per hour; private providers receive between £3.58 and £3.65 per hour (depending on quality). The proposed introduction of the early years funding formula in April 2017 means all providers would be funded at a consistent rate. Whilst it is proposed that there will be a two year transition period over which the rate will reduce, the nursery will be unable to operate in its current form with a reduced amount of funding.

The nursery is located adjacent to the Countesthorpe Leysland Community College campus. Recent works undertaken on the campus to improve security and safeguarding means that parents accessing the Nursery can no longer park within the Academy grounds; this has caused pressure in relation to traffic movement on The Drive.

The establishment of a governor led pre-school on the Greenfield Primary site would require a larger purpose built facility. The proposal would address the increase in demand for places whilst co-location with the primary school will enable parents to drop off their children for either the nursery or primary school (or both) in one location.

2	<p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>The introduction of the early year's single funding formula will decrease the funding available to the nursery. It is unlikely that it will receive sufficient funding in its current configuration to operate as a standalone unit, indeed the nursery has encountered financial problems in the past for which a shared headteacher has provided a solution. The movement to a governor led model will allow the nursery to respond to the new funding arrangements.</p>																
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>It is expected that all staff will transfer to the new provision without the need for any restructure. Discussions have taken place with HR about the process to be followed and advice is being sought from Legal Services regarding the application of TUPE.</p> <p>There will be a requirement to increase staff over time once additional places are taken up.</p> <p>Trade Unions and professional associations will be briefed through DNCC. HR will develop a more detailed action plan once a decision on the transfer process is given – if it is deemed that TUPE does apply this could still be accommodated within the anticipated timescales to establish the new facility by September 2017.</p> <p>The Headteacher, Governing Body and staff at the Nursery are keen to relocate and are working with the County Council to implement this scheme through the statutory processes. All parties involved see this as a positive step towards safeguarding the future of the Nursery.</p>																
4	<p>Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)</p> <table border="1" data-bbox="276 1543 1401 2022"> <thead> <tr> <th data-bbox="276 1543 571 1585"></th> <th data-bbox="579 1543 683 1585">Yes</th> <th data-bbox="691 1543 794 1585">No</th> <th data-bbox="802 1543 1401 1585">How?</th> </tr> </thead> <tbody> <tr> <td data-bbox="276 1585 571 1767">Eliminate unlawful discrimination, harassment and victimisation</td> <td data-bbox="579 1585 683 1767">✓</td> <td data-bbox="691 1585 794 1767"></td> <td data-bbox="802 1585 1401 1767">Ensuring children are taught in a community based setting, with clear policies addressing those listed.</td> </tr> <tr> <td data-bbox="276 1767 571 1915">Advance equality of opportunity between different groups</td> <td data-bbox="579 1767 683 1915">✓</td> <td data-bbox="691 1767 794 1915"></td> <td data-bbox="802 1767 1401 1915">All children and families, regardless of background or protected characteristics, will have an equal opportunity to apply for a place at the nursery.</td> </tr> <tr> <td data-bbox="276 1915 571 2022">Foster good relations between different groups</td> <td data-bbox="579 1915 683 2022">✓</td> <td data-bbox="691 1915 794 2022"></td> <td data-bbox="802 1915 1401 2022">Community provision will be available which will support the development of good relations in the community.</td> </tr> </tbody> </table>		Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation	✓		Ensuring children are taught in a community based setting, with clear policies addressing those listed.	Advance equality of opportunity between different groups	✓		All children and families, regardless of background or protected characteristics, will have an equal opportunity to apply for a place at the nursery.	Foster good relations between different groups	✓		Community provision will be available which will support the development of good relations in the community.
	Yes	No	How?														
Eliminate unlawful discrimination, harassment and victimisation	✓		Ensuring children are taught in a community based setting, with clear policies addressing those listed.														
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Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening




Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

Section 2

A: Research and Consultation

5.	Have the target groups been consulted about the following?	Yes	No*
	a) their current needs and aspirations and what is important to them;	✓	
	b) any potential impact of this change on them (positive and negative, intended and unintended);	✓	
	c) potential barriers they may face	✓	
	<p>A timeline document has been put together. The public consultation was launched 3rd January 2017 for six weeks ending 10th February 2016 with two drop in sessions on 18th January and 31st January 2017 at the Greenfield Primary School to show drawings of the new provision and receive comments.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Q0691_COUNTSTH ORPE NURSERY RELOCA </div> <div style="text-align: center;">  Timeline DON CONSULTATION 05.pdf </div> <div style="text-align: center;">  FAQs.pdf </div> </div>		
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	n/a	n/a
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?	✓	

	<p>Stakeholders included in this project are listed below:</p> <ul style="list-style-type: none"> ➤ Parents: <ul style="list-style-type: none"> ○ Greenfield Primary parents ○ Parents with children at The Countesthorpe Nursery ○ Parents in Countesthorpe area ➤ Residents: <ul style="list-style-type: none"> ○ Local residents ➤ County councillors: <ul style="list-style-type: none"> ○ Lead member ○ Local member ➤ Schools: <ul style="list-style-type: none"> ○ Greenfield Primary School ○ Blaby Thistley Primary School ○ Blaby Stokes Primary School ○ Whetstone Badgerbrook Primary School ○ Whetstone St Peters C.E. Primary School ○ School staff ➤ Partners / stakeholders: <ul style="list-style-type: none"> ○ Oadby & Wigston BC ○ DfE 		
8.	<p>*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.</p>		
	<p>n/a</p>		

Section 2			
B: Monitoring Impact			
9.	Are there systems set up to:	Yes	No
	a) monitor impact (positive and negative, intended and unintended) for different groups;	✓	
	b) enable open feedback and suggestions from different communities	✓	
<p>The outcome of the consultation process will be reported to Lead Member to enable permission for the next stage to proceed, which is to publish statutory notices to close the current Nursery.</p> <p>In the meantime a planning application will be submitted with details of the New Nursery Building.</p> <p>Feedback from the statutory notice will be reported to Lead Member (unless major objections are received which will trigger referral to Cabinet) to be determined.</p> <p>Once the scheme commences on site it will be monitored via regular progress meetings.</p>			

Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.


Section 2

C: Potential Impact

10.

Use the table below to specify if any individuals or community groups who identify with any of the '[protected characteristics](#)' may potentially be affected by this policy and describe any positive and negative impacts, including any barriers.

	Yes	No	Comments
Age	✓		Neutral/positive Impact. The age of children enrolling at the pre-school is currently 3-5yrs and provides 30 places in the morning and 30 places in the afternoon. The new facility will allow the nursery to provide places for 2-5yrs with 45 places available in the morning and the afternoon or however they choose to configure the provision e.g. 10 full time places with 35 places available for morning and afternoon sessions.
Disability	✓		Positive impact. The current building has limited access and its Grade II listing makes adaptation difficult. The new provision will be purpose built, DDA compliant and a single storey building on a flat site. Whilst currently none of the users have any disabilities the new building will future proof the potential needs of others.
Gender Reassignment		✓	The change will have a Neutral impact on this characteristic as support would be offered by the pre-school regardless of gender reassignment. The focus is to identify and support the needs of the child not to discriminate against.
Marriage and Civil Partnership		✓	The change will have a Neutral impact on this characteristic as it is not relevant whether parents are married or in a civil partnership for a child to attend the pre-school.

Pregnancy and Maternity		✓	The change will have a Neutral impact on this characteristic
Race		✓	The change will have a Neutral impact on this characteristic as support would be offered by the pre-school regardless of race.
Religion or Belief		✓	The change will have a Neutral impact on this characteristic as support would be offered by the pre-school regardless of Religion or Belief.
Sex		✓	The change will have a Neutral impact on this characteristic as support would be offered by the pre-school regardless of sex.
Sexual Orientation		✓	The change will have a Neutral impact on this characteristic as support would be offered by the pre-school regardless of sexual orientation.
Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities		✓	<p>The change will have a Positive impact on this characteristic. Whilst none of these groups currently use the nursery the new housing and growing demographic will increase demand for the facilities and therefore the proposed expansion will ensure that no group will face barriers in accessing the pre-school should they wish to. The proposal is to open a nursery provision on a Primary School site that is 1 mile from the present location (please see attached aerial photo). 95% of the children on the waiting list to attend the nursery also having siblings at Greenfield Primary School.</p> <div style="text-align: right;">  Aerial View of Nursery and School.pdf </div>
Community Cohesion	✓		The change will have a Positive impact on community cohesion as the co-location of the nursery onto the Greenfield site would ensure a better transition into

				school.
11.	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? (Please tick)</p> <p>Explain why you consider that any particular article in the Human Rights Act may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>			
		Yes	No	Comments
Part 1: The Convention- Rights and Freedoms				
	Article 2: Right to life		✓	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way		✓	
	Article 4: Right not to be subjected to slavery/ forced labour		✓	
	Article 5: Right to liberty and security		✓	
	Article 6: Right to a fair trial		✓	
	Article 7: No punishment without law		✓	
	Article 8: Right to respect for private and family life		✓	
	Article 9: Right to freedom of thought, conscience and religion		✓	
	Article 10: Right to freedom of expression		✓	
	Article 11: Right to freedom of assembly and association		✓	
	Article 12: Right to marry		✓	
	Article 14: Right not to be discriminated against		✓	
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment			neutral impact
	Article 2: Right to education	✓	positive	Further enhancing the availability of high quality pre-school places

	Article 3: Right to free elections			No impact
Section 2				
D: Decision				
12.	Is there evidence or any other reason to suggest that:	Yes	No	Unknown
	a) this policy could have a different affect or adverse impact on any section of the community;		✓	
	b) any section of the community may face barriers in benefiting from the proposal		✓	
13.	Based on the answers to the questions above, what is the likely impact of this policy			
	No Impact <input type="checkbox"/>	Positive Impact <input checked="" type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				
14.	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

Option 1: If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

Option 2: If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to louisa.jordan@leics.gov.uk, Members Secretariat, in the Chief Executive's department for publishing.

Section 4

A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer):



Date: 06.02.17

2nd Authorised Signature (DEG Chair):



Date: 06.02.17