



## Agenda

### Meeting

**(Informal): Executive**

**To:** Councillors Carl Les (Chair), Gareth Dadd (Vice-Chair), David Chance, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

**Date:** Tuesday, 22nd June, 2021

**Time:** 11.00 am

**Venue:** Remote meeting held via Microsoft Teams

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.

The meeting will be available to view once the meeting commences, via the following link - [www.northyorks.gov.uk/livemeetings](http://www.northyorks.gov.uk/livemeetings) Recordings of previous live broadcast meetings are also available there.

### Business

1. Introductions
2. Minutes of the Meeting held on 8 June 2021 (Pages 5 - 10)
3. Declarations of Interest
4. Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972

**as amended by the Local Government (Access to information)(Variation) Order 2006:-**

Item number on the agenda	Paragraph Number
Agenda Item 10	3

**5. Public Questions and Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice to Melanie Carr of Democratic and Scrutiny Services and supplied the text (contact details below) by midday on Thursday 17 June 2021, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

**6. Equality and Diversity Policy Statement (Pages 11 - 50)**

Recommendation:

Executive Members are asked to propose to the Chief Executive Officer that using his emergency delegated powers he recommend the revised draft Statement to full Council for approval.

**7. Proposal to change the category of Danby CE Primary School from voluntary controlled to voluntary aided from 16th September 2021 (Pages 51 - 134)**

Recommendations:

That, subject to any comments Executive Members may have, the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:

- i. That the issues listed above in paragraph 9.2 have been satisfied and there can be a determination of the proposals.
- ii. Subject to (i), the category of Danby CE Primary School from voluntary controlled to voluntary aided be changed with effect from 16 September 2021.

**8. Grant of leases to NY Highways Ltd. (Pages 135 - 136)**

**Recommendation**

That, subject to any comments Members may have, the Executive propose to the Chief Executive Officer that using his emergency delegated powers, he approve the grant of leases to NY Highways Ltd for the four sites listed in paragraph 2.5 of the report, on terms to be agreed by the Corporate Director for Strategic Resources.

**9. National Bus Strategy (Pages 137 - 158)**

**Recommendations**

That, subject to any comments Executive Members may have, the following be proposed to the Chief Executive Officer for his approval under his emergency delegated powers:

- i. The option of Enhanced Partnership as the preferred option and agree the draft notice

attached at Annex 1 can be published. Noting that a further decision on the council's final option position could be taken In October 2021 when details of the Enhanced Partnership work with operators, information on what the North Yorkshire BSIP would contain, any new details on funding and future funding available at that time.

- ii. The objectives set out in section 6.4 for inclusion in the council's Bus Service Improvement Plan.

**10. Filey Road Park and Ride, Scarborough - Option agreement. (Pages 159 - 166)**

Recommendation:

That, subject to any comments Members may have, to propose the recommendation in the confidential report to the Chief Executive Officer for consideration under his emergency delegated powers.

**11. Area Constituency Committee Feedback Report (Pages 167 - 168)**

Recommendation:

That the Executive notes the report and considers any matters arising from the work of the Skipton & Ripon Area Constituency Committee meeting held on 27 May 2021 , that merits further scrutiny, review or investigation at a county-level.

**12. Forward Plan (Pages 169 - 178)**

**13. Other business which the Leader agrees should be considered as a matter of urgency because of special circumstances**

**Contact Details**

Enquiries relating to this agenda please contact Melanie Carr Tel: 01609 533849 or e-mail:

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Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)

County Hall  
Northallerton

Monday, 14 June 2021

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## North Yorkshire County Council

### Executive

Minutes of the remote meeting held on Tuesday 8th June 2021 commencing at 11.00 am.

County Councillor Carl Les in the Chair. Plus County Councillors Gareth Dadd, David Chance, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Officers present: Richard Flinton; Barry Khan; Gary Fielding; Richard Webb; Stuart Carlton; Kevin Draisey; Barrie Mason; Andrew Dixon; Matt O'Neill, Daniel Harry & Melanie Carr.

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**Copies of all documents considered are in the Minute Book**

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#### **587 Introductions**

Members of the Executive and Corporate Management Team introduced themselves.

#### **588 Minutes of the Informal Meeting held on 25 May 2021**

##### **Resolved –**

That the public Minutes of the informal meeting held on 25 May 2021, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

#### **589 Declarations of Interest**

There were no declarations of interest.

#### **590 Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-**

##### **Resolved –**

That on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local government (Access to Information) (Variation) Order 2006, the public would be excluded from the meeting should the Executive need to discuss the content of 8 – Appendices B & C to agenda item 8; Appendix A of agenda item 9 and Appendices B & C of agenda item 10.

The Executive chose not move into private session, as members did not need to discuss the detail within those documents.

## **591 Public Questions and Statements**

There were no public questions or statements.

## **592 Amendments to Council Constitution**

Considered – A report of the Assistant Chief Executive (Legal & Democratic Services) and the Corporate Director Strategic Resources, proposing changes to the Constitution for Executive members consideration and recommendation to the Chief Executive Officer for recommendation, under his emergency delegated powers, to full Council for approval.

County Councillor David Chance introduced the report and outlined the proposed changes as detailed in the report. As members had no questions, they agreed to recommend to the Chief Executive Officer that he recommend the proposed amendments to the Constitution to full Council.

**Resolved:** The Chief Executive officer considered the report, and the views of the Executive, and using his emergency delegated powers resolved to recommend the following to Full Council:

- i. The proposed amendments to the Constitution as set out in Appendix 1 of the report;
- ii. The proposed changes to the Procurement and Contract Procedure Rules in the Constitution as set out in Appendices 2 and 3 of the report;
- iii. The proposed addition to Council Procedure Rule 13(h) in the Constitution as set out in paragraph 5.5(a) of the report

## **593 Levelling Up Fund Bid Submission**

Karl Battersby, Corporate Director for Business & Environmental Services provided Executive Members with a verbal update on the County Council's Levelling Up Fund bid submission.

He confirmed that as a upper tier Authority, the County Council was not required to submit its transport related bid at round one, but could instead take the time to put together a comprehensive round two bid to maximise the opportunities a levelling up bid could provide.

It was noted:

- The County Council could bid for up to £20m, and up to £50m in exceptional circumstances;
- The timescale for round one bids was very tight in terms of submitting the information required for a strategic business case
- Taking the time to submit a bid at round two would enable the Authority to effectively encompass three separate projects under one programme;
- A fully worked up round two bid submission would be presented to the Executive later in the year;

**Resolved:** The Executive noted the verbal update.

**594 0-19 Healthy Child Section 75 Agreement - Consultation Feedback & Approval to move to a Partnership Model**

Considered – A report of the Corporate Directors for Health and Adult Services and Children and Young People's Services and the Director of Public Health, updating Executive Members on the outcome of the public consultation undertaken in January 2021 on the proposed section 75 arrangements for the future delivery of the Healthy Child service, presenting the additional measures being proposed as part of the Council's response to the public consultation on the new service model, which took place in Autumn 2020.

County Councillor Caroline Dickinson introduced the report confirming the consultation process undertaken, and the report proposal that the Healthy Child Service contract be awarded to Harrogate and District Foundation Trust (HDFT).

Members noted:

- The initial contract period for the proposed section 75 agreement from 1<sup>st</sup> July 2021 until April 2024, with the option to renew periodically thereafter for up to a total of 10 years;
- The additional funded measures put in place in relation to safeguarding and schools advice, for the first three years;
- The establishment of a Healthy Child Board between the Council and HDFT;
- The proposals in the report were also due to be considered by the HDFT Board

Richard Webb, Corporate Director for Health & Adult Services confirmed the additional measures would be kept under review throughout the contract period.

Having considered the report and the information provided at the meeting, Executive Members agreed to note the consultation responses received and the additional measures/investment proposed, and to recommend to the Chief Executive that using his emergency delegated powers, he:

- i. Approve the Council entering into the S75 Agreement with HDFT, and;
- ii. Delegate any amendments required to the S75 Agreement to the Corporate Director Health and Adult Services in consultation with the Assistant Chief Executive (Legal and Democratic Services) and Executive Member for Public Health, Prevention and Supported Housing including Sustainability and Transformation Plans

**Resolved:**

The Chief Executive considered the report, additional information provided at the meeting and the views of the Executive, and resolved to implement the recommendations in the report.

**595 Submission of North Yorkshire project applications to UK Community Renewal Fund**

Considered – A report of the Corporate Director for Business and Environmental Services updating Executive Members on the Community Renewal Fund and seeking approval for NYCC to act as accountable body for the community renewal grant, and to delegate power to officers regarding the submission and administration of applications to the Ministry of Housing, Communities and Local Government for the Community Renewal Funding in North Yorkshire.

County Councillor Andrew Lee introduced the report confirming that as part of the Government's levelling up agenda, that along with the Levelling Up Fund, the Community Renewal Fund (CRF) was replacing previous European investment funding. He also confirmed that the County Council had been identified as a lead authority for the CRF, and would administer the scheme.

It was noted that 66 applications had been received totalling £27.4m, and that 28 of those projects totalling £8.4m, had been shortlisted for submission to Ggovernment. The aim of those projects would be to create jobs, invest in green and tech businesses, improve skills, develop community capacity and undertake feasibility work in lieu of the launch of the UK Shared Prosperity Fund next year.

County Councillor Andrew Lee thanked officers for their work to date and gave thanks to the applicants for their array of high quality bids.

Having considered the report and the information provided at the meeting, Executive members agreed to recommend to the Chief Executive that using his emergency delegated powers, he:

- i. Give approval for NYCC to act as accountable body for the Community Renewal Fund in North Yorkshire;
- ii. Delegate power to the Corporate Director of Business and Environmental Services in consultation with the Corporate Director Strategic Resources and Assistant Chief Executive (Legal and Democratic Services) and the Executive Member for Open for Business, to select, finalise and submit applications with a value of £8.4m as contained in Appendix A of the report, to the Ministry of Housing, Communities and Local Government for Community Renewal Funding in North Yorkshire; and
- iii. Delegate to the Corporate Director of Business and Environmental Services (BES) in consultation with the Corporate Director, Strategic resources and relevant Executive Members, the further administration and delivery of the Community Renewal Fund as Lead Authority in order to oversee the implementation of the fund (subject to funding being granted to all or part of the submitted projects).

**Resolved:** The Chief Executive considered the report, additional information provided at the meeting and the views of the Executive, and resolved to implement the recommendations within the report.

## **596 Schools Condition Capital Programme 2021/22**

Considered – A report of the Corporate Director for Children and Young People's Service seeking approval of the Schools Condition Capital Programme for 2021/22.

County councillor Patrick Mulligan introduced the report detailing the background to the DfE's allocation of Schools Condition funding totalling £9.783m to North Yorkshire County Council for 2021/22 based on their new allocation methodology. He also drew specific attention to:

- Paragraph 3.6 – the priorities for investment;
- Paragraph 8.4 – the backlog in maintenance, in many cases those being major defects
- Paragraph 8.16 – the Specialist Provision Targeted Capital Programme to support the ambitions contained in the SEND Strategic Plan

Having considered the report and the information provided at the meeting, Executive Members agreed to recommend to the Chief Executive that using his delegated



powers, he:

- i. Approve the proposed Schools Capital Programme for 2021/22 as summarised in Appendix A and including the increased allocation to the Specialist Provision Targeted Capital Programme;
- i. Approve the list of strategic priority / modernisation schemes for 2021/22 as set out in Appendix B;
- iii. Approve the Planned Capital Maintenance Programme for 2021/22 as set out in Appendix C;
- iv. Agree the continuation of the approach for dealing with any schools that convert to Academy status following the approval of the Programme as laid out in paragraph 3.3

**Resolved:**

The Chief Executive considered the report, additional information provided at the meeting and the views of the Executive, and resolved to approve the recommendations in the report.

**597 Forward Plan**

Considered –

The Forward Plan for the period 25 May 2021 to 31 May 2022 was presented.

**Resolved -** That the Forward Plan be noted.

The meeting concluded at 11.35 am.

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## North Yorkshire County Council

### Executive

22 June 2021

## Equality, Diversity and Inclusion Policy Statement

### Report of the Chief Executive

<b>1.0</b>	<b>Purpose of Report</b>
1.1	<p>The purpose of the report is to:</p> <ul style="list-style-type: none"><li>a) Inform Executive Members of the responses to the recent consultation on the draft refreshed equality, diversity and inclusion policy statement</li><li>b) Ask Executive Members to propose to the Chief Executive Officer that using his emergency delegated powers he recommend the revised draft Statement to full Council for approval.</li></ul>

### 2.0 Background

- 2.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue (as informal meetings of the Committee Members), with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.
- 2.2 The equality and diversity policy statement is part of the Council's policy framework and was approved by full Council in 2012.
- 2.3 The statement is undergoing a refresh to:
- remove references to out-of-date Council Plan vision and wording about service delivery
  - link more clearly to the current Council Plan
  - more accurately reflect the wording of the Equality Act 2010
  - more accurately reflect the additional characteristics considered by the Council in terms of equality
  - more accurately reflect the aspirations of the Council in terms of inclusion and diversity
- 2.4 The draft statement is due to be considered for approval at Full Council on 21 July 2021.

### 3.0 Consultation on draft statement and responses received

- 3.1 Consultation on a draft statement has been undertaken with staff, disability forums and the wider public. An online survey ran on the website from 7 April to 21 May 2021. Consultation

was also undertaken with people with learning disabilities on an Easy Read version of the draft statement.

- 3.2 The majority of the 102 respondents agreed with the aims and commitments in the draft statement.

Elements of statement	Percentage of respondents who strongly agreed or somewhat agreed
Aims	79%
Commitments	81%

- 3.3 Respondents were asked if there was anything else they would like to tell us about our draft equality and diversity policy statement. The comments, and those received in other ways, are summarised under thematic headings below:

Response theme	No received
Need to ensure statement is embedded with staff/managers/councillors and training takes place	9
Clarification of terminology/wording and typos	6
Support for statement	4
Requirement for regular monitoring	4
Need to be clear about equality of opportunity and getting the best person for the job, not positive discrimination	4
Need additional emphasis on race	3
Specific comments about instances when the respondent feels NYCC has not met the standards it should	3
Poor attitude to disabled employees	2
Support for protecting rights of natal women	2
No mention of gender	1
Support networks for LGBT groups	1
Not enough women working part time in senior positions with younger children	1
How does this link to unitarisation?	1
Can we link in lived experience?	1
More resources needed to ensure commitments met	1
Support for ex-military job applicants	1
Equality practices/procedures – school governors	1

- 3.4 A full report on the responses to the consultation is attached at Appendix 1.

#### **4.0 Revised draft equality, diversity and inclusion policy statement**

- 4.1 A revised draft equality, diversity and inclusion statement, amended following the consultation and discussion at Management Board, is attached at Appendix 2.
- 4.2 A revised draft Easy Read equality, diversity and inclusion policy statement, amended following the consultation, is attached at Appendix 3.

#### **5.0 Financial Implications**

- 5.1 There are no new financial implications of adoption of the revised policy statement.

#### **6.0 Legal Implications**

- 6.1 The equality, diversity and inclusion policy statement and the commitments within it will assist the Council in meeting its legal obligations under the Equality Act 2010 and the Public Sector Equality Duty.

## **7.0 Equalities Implications**

- 7.1 The policy statement articulates the Council's high-level vision and commitments to equality, diversity and inclusion and as such is anticipated to have positive impacts on equality.

## **8.0 Recommendation**

That, subject to any comments Members may have, the revised draft equality, diversity and inclusion policy statement at Appendix 3 be proposed to the Chief Executive Officer for his consideration, and using his emergency delegated powers for his recommendation for approval to Full Council on 21 July 2021.

### **Richard Flinton**

Chief Executive  
County Hall  
Northallerton  
11 June 2021

Report Author – Deborah Hugill, Senior Strategy and Performance Officer

Presenter of Report – Neil Irving, Assistant Director, Policy, Partnerships and Communities

Background Documents: None

Appendices:

Appendix 1 – Report on consultation responses

Appendix 2 – Revised draft equality, diversity and inclusion policy statement

Appendix 3 – Revised draft Easy Read equality, diversity and inclusion policy statement

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# **Equality and diversity policy statement**

## **Report on consultation responses**

### **May 2021**

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#### **2 Consultation**

2.1 Survey methods and stakeholders

2.2 Online and paper survey responses

#### **3 Easy read Consultation**

#### **4 Other responses**

#### **Appendix A – Survey questions**

#### **Appendix B – Comments received via online survey/paper form**

#### **Appendix C – Easy Read questions**

#### **Appendix D – Easy Read comments**

#### **Appendix E – Additional comments received**

#### **1.0 Introduction**

1.1 The current equality and diversity policy statement is part of the Council's policy framework and was approved by full Council in 2012.

2.2 The statement is undergoing a refresh to:

- remove references to out-of-date Council Plan vision and wording about service delivery
- link more clearly to the current Council Plan
- more accurately reflect the wording of the Equality Act 2010
- more accurately reflect the additional characteristics considered by the Council in terms of equality
- more accurately reflect the aspirations of the Council in terms of inclusion and diversity

2.3 A consultation was undertaken on the draft refreshed policy statement.

#### **2.0 Consultation**

2.1 Survey methods and stakeholders

- 2.1.1 Stakeholders and methods of engagement/consultation are listed below:
- NYCC staff – staff networks, Yammer, online survey
  - Disability groups – networks, online survey
  - Learning Disability Groups – networks, survey on Easy Read version of draft statement
  - General public – online survey
- 2.1.2 The online survey ran from 7 April to 21 May 2021. A copy of the survey questions is included at Appendix A.
- 2.1.3 In total 95 respondents completed the questionnaire on-line and 1 completed a paper version. A further 6 responses were received via email. Responses were received from:
- North Yorkshire County Council Employees (88%)
  - Residents of North Yorkshire (6%)
  - Disability representatives (6%)

## 2.2 Online and paper survey responses

- 2.2.1 The survey results were generally supportive of the proposed policy statement and in agreement that the aims and commitments were the right ones for North Yorkshire.

- 2.2.2 Responses to individual questions:

- **To what extent do you agree that the aims as stated in the policy statement are the right ones for North Yorkshire County Council?**

The majority of respondents (79%) strongly agreed or somewhat agreed with the aims. Only 9% of respondents strongly disagreed or somewhat disagreed with the aims.

- **Our legal responsibilities under the Equality Act 2010 are set out in the policy statement. To what extent do you agree that the commitments made to help us meet our responsibilities are the right ones for North Yorkshire County Council? (Our legal responsibilities under the Equality Act 2010 are set out in the policy statement. To what extent do you agree that the commitments made as part of our meeting our responsibilities are the right ones for North Yorkshire County Council?)**

There was a similar response to the commitments made to help us meet our responsibilities. The majority of respondents (81%) strongly agreed or somewhat agreed that commitments made are the right ones for North Yorkshire County Council. Only 6% strongly or somewhat disagreed.

- 2.2.3 Respondents were asked if there was anything else they would like to tell us about our draft equality and diversity policy statement. A full list of these comments are provided at Appendix B with our response. The comments, and those received in other ways, are summarised under thematic headings below at 4.2



### **3.0 Easy read consultation**

- 3.3 An Easy Read version of the draft equality and diversity statement and a short questionnaire were produced. A copy of the Easy Read questionnaire is included at Appendix C.
- 3.4 These were distributed to Learning Disability Self-Advocates via Keyring and 4 responses were received.
- 3.5 Two respondents completed the questionnaire. The other two responses related to wording, pictures and layout of the statement, suggesting where these could be improved to aid understanding. These are included at Appendix D.
- 3.6 Responses to the questionnaire

**Question 1:** Is our Easy Read equality and diversity policy statement easy to understand?

Both respondents agreed it was easy to understand.

**Question 2:** If it is not easy to understand, what would help make it easier to understand?

Both respondents said this was not applicable.

**Question 3:** What do you like about it?

Respondent 1 - I liked the pictures they matched the words. The promises that you have made are really good and important.

Respondent 2 - It will help people will be able to understand what equality and diversity is about. I liked how it said that they would treat people fairly.

**Question 4:** What do you not like about it?

There was nothing that the respondents did not like about the statement.

**Question 5:** Is there anything else you would like to tell us about it?

Respondent 1 – I think you should share your promises with more people so that they know about them.

Respondent 2 – Some people don't know what equality and diversity is so sharing this information will help people to understand it more.

### **4.0 Other responses**

- 4.1 In addition to the responses received via the online survey, there were also a number of other comments received in emails. These are included in full at Appendix E with our response.

4.2 A themed summary of all comments received is provided below.

Response theme	No received
Need to ensure statement is embedded with staff/managers/councillors and training takes place	9
Clarification of terminology/wording and typos	6
Support for statement	4
Requirement for regular monitoring	4
Need to be clear about equality of opportunity and getting the best person for the job, not positive discrimination	4
Need additional emphasis on race	3
Specific comments about instances when the respondent feels NYCC has not met the standards it should	3
Poor attitude to disabled employees	2
Support for protecting rights of natal women	2
No mention of gender	1
Support networks for LGBT groups	1
Not enough women working part time in senior positions with younger children	1
How does this link to unitarisation?	1
Can we link in lived experience?	1
More resources needed to ensure commitments met	1
Support for ex-military job applicants	1
Equality practices/procedures – school governors	1

## Appendix A – Survey questions

As one of the largest employers in the county and one of the main providers of local services, we are reviewing our high-level equality and diversity policy statement and we would be grateful for your comments on our draft.

Please read the draft equality and diversity policy statement [\[link\]](#) and complete the following short survey to let us know your views.

Q1. Are you answering this survey as:

- a) a member of NYCC staff
- b) an NYCC councillor
- c) a resident of North Yorkshire
- d) other (please explain below if you would like to)

Q2. To what extent do you agree that the aims as stated in the policy statement are the right ones for North Yorkshire County Council?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Q3. Our legal responsibilities under the Equality Act 2010 are set out in the policy statement. To what extent do you agree that the commitments made as part of our meeting our responsibilities are the right ones for North Yorkshire County Council?

Strongly agree

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

Q4. Is there anything else you would like to tell us about our draft equality and diversity statement? [space for free text response]

Please tell us a little about yourself so that we can be sure that we are reaching a wide range of different people. You do not have to answer these questions. However, if you do you will help us to make sure that our services are fair and accessible to everyone.

Q5. Are you...? Please tick the appropriate box.

- ☐ Female
- ☐ Male
- ☐ I describe myself in another way (please tell us below if you would like to)
- ☐ Prefer not to say

Q6. Which age category are you in? Please tick the appropriate box.

- |                                |                                |  |
|--------------------------------|--------------------------------|--|
| <input type="checkbox"/> 16-19 | <input type="checkbox"/> 20-29 | <input type="checkbox"/> Prefer not to say |
| <input type="checkbox"/> 30-39 | <input type="checkbox"/> 40-49 |  |
| <input type="checkbox"/> 50-64 | <input type="checkbox"/> 65-74 |  |
| <input type="checkbox"/> 75-84 | <input type="checkbox"/> 85 +  |  |

Q7. What is your ethnic group?

Please choose one section from A – E, and then tick one box to best describe your ethnic group or background.

**A White**

- ☐ English / Welsh / Scottish / Northern Irish / British
- ☐ Irish
- ☐ Gypsy or Irish Traveller
- ☐ Any other White background (please tell us below if you would like to)

**B Mixed / multiple ethnic groups**

- ☐ White and Black Caribbean
- ☐ White and Black African
- ☐ White and Asian
- ☐ Any other Mixed / multiple ethnic background (please tell us below if you would like to)

**C Asian / Asian British**

- ☐ Indian
- ☐ Pakistani
- ☐ Bangladeshi
- ☐ Chinese
- ☐ Any other Asian background  
(please tell us below if you would like to)

**D Black / African / Caribbean / Black British**

- ☐ African
- ☐ Caribbean
- ☐ Any other Black / African / Caribbean background (please tell us below if you would like to)

**E Other ethnic group**

- ☐ Arab
- ☐ Any other ethnic group (please tell us below if you would like to)

**F ☐ Prefer not to say**

Q8. Do you consider yourself to be a disabled person or to have a long-term, limiting condition? Please tick the appropriate box.

- ☐ Yes                      ☐ No                      ☐ Prefer not to say

## Appendix B

### Comments received via online survey/paper survey form

	Is there anything else you would like to tell us about our draft equality and diversity statement?	Our response
1	As having the biggest Army garrison in the country and NYCC holding the Gold Armed Forces Covenant award, is there something that can help service leavers such as guaranteed interviews, bearing in mind that most of those leaving the service have not had interviews in possible 20 odd years or even wrote out an application	As an organisation we have decided not to guarantee interviews in many other circumstances largely because evidence shows that it does not increase/change appointment decisions and has wider unintended consequences. There is significant support from career transition services in the army and we work very closely with these, with our staff located on military bases; delivering employer led cv/interview workshops, facilitating work placements/work trials and supporting transition into the workforce. We employ many ex-forces personnel and reservists and their families (Estimate: over 550 employees excluding schools). We could probably better raise awareness of the support and community of service people within our workforce to encourage others to join us.
2	The LA appoints a representative to each LA maintained school but there are no Diversity statistics available. Many of our schools contain in a spectrum of EAL and LGBTQT parents who are not reflected in the school's governance.	This comment will be passed to the appropriate team in Children and Young People's Services.
3	It's one thing having a policy statement, but the employer must ensure their employment procedures, such as redundancy & redeployment, do not indirectly discriminate against a person with protected factors by making them follow the same process as everyone else, even when there is evidence to show this is likely to have a detrimental effect on their health. Treating everyone the same is not equality.	Our policy statement is intended to be an overarching document which sets the principles and vision for the County Council. These principles should run through all employment policies and procedures and customer service standards. This will be made clearer in the policy statement. We agree that we must all be vigilant for unintended indirect discrimination. HR colleagues are aware of the need to be flexible in HR processes, eg making different arrangements for those with a disability or in a

		maternity situation, but we will revisit our processes to see if they could be improved further.
4	The statement is a fair representation for equality and diversity and minority groups with good intention to adhere to our policies in this regard and as a workforce to follow this policy, my opinion is that as a workforce in whatever role that reminders are in place for employers and employee's to enable this practise.	Noted
5	I am glad to see that the rights reflected in the statement are legally correct and protect the rights of natal women.	Noted
6	It looks like you have everything covered, really well thought out and written.	Noted
7	NYCC must not be dragged into the current fixation that many large organisations have with prioritising the 'needs' of trans-women over the needs of women. Sex and gender and two very different categories - as the draft policy states very clearly; sex is a protected characteristics under the EqA2010. Women still face significant barriers at work, generally, and are still over-represented in lower income roles. Any move away from recognising sex, as opposed to gender, would let women down. There are very powerful lobby groups, and lots of well-meaning people have been taken in by claims that transpeople are not protected unless they are treated as women. Transpeople should be protected at work, and in society, as transpeople not (in the case of trans-women) as women. I am pleased that there is no suggestion in the draft policy of denying the use of words such as 'woman'. Again, may well-intentioned employers have sought to ban the use of sex-specific language (in the vast majority of cases against the use of 'woman'), thus denying women's existence as a specific group and a group that experiences significant discrimination based on their sex, not their gender. I hope that the NYCC policy will continue to be grounded in fact, law and science.	Noted
8	It needs to be underpinned by easily-accessible systems and practices to enable employees to challenge inequalities and to have appropriate, clearly visible channels for raising issues.	Agreed. We have a generic resolving issues at work process but we can and should do more to make it easier for people to challenge and raise issues and build skills for managers when challenges are raised with them.
9	I feel the statement is well worded and demonstrates good values for staff to follow. It would be interesting to learn more about the diversity of the county and how this varies across the different localities. I think the statement has the right balance around increasing representation whilst ensuring this is reflective of the county and local communities.	We have published information about the diversity of the county <a href="#">Equal opportunities information   North Yorkshire County Council</a> We are aware that this information needs updating.

		Information from the recent census will help with this.
10	It's not what it says in the policy statement, it's how it's implemented and who assesses that independently	Noted. The Equality and Human Rights Commission has a role in assessing councils' compliance with the public sector equality duty.
11	THE FOLLOWING NEED CLARIFICATION • support the development of COHESIVE places where everyone is treated fairly no matter what their background • work with partners and local businesses to improve opportunities for the people of North Yorkshire, especially those who EXPERIENCE disadvantage and discrimination • ensure that diversity and inclusion is a natural and organic part of what we do, making it something that everyone at the council UNDERSTANDS • increase representation of under-represented groups AT ALL LEVELS across the council • We will NOT JUST FOCUS solely on protected characteristics, but promote inclusion and diversity more generally. • we will use information and TALK TO PEOPLE to identify where inequality exists so that we can plan to tackle it • We will aim to get the MALE-UP of our staff to match our communities. • We will have clear systems for staff to complain IF THEY ARE TREATED UNFAIRLY • if we find that anyone HAS BROKEN our equality policy we will investigate and take disciplinary action if appropriate	Our policy statement is intended to be an overarching document which sets the principles and vision for the County Council. These principles should run through all employment policies and procedures and customer service standards. This will be made clearer in the policy statement.
12	The main issue is interpretation of the guidance, and the general disgusting attitude to disabled employees.	As an employer, NYCC tries to support and work with people with disabilities and has a number of approaches in place. However, we could be more vocal on disability issues, better promote systems which are in place eg disability passport and promote positive stories. The new disabled employee network is another opportunity to raise the profile and identify specific areas for future work. We also must make it easier for people to challenge and raise issues and build skills for managers when challenges are raised with them.
13	Doesn't appear to mention gender , and I believe it should	We have used the wording for protected characteristics as it appears in the Equality Act 2010.
14	I sometimes think the demographics in North Yorkshire and the different cultures and migration (particularly for work) from many different countries is not fully understood and it took a pandemic to realise that we	The equality monitoring question used in surveys has been taken from the national census to ensure consistency.



	<p>had Romanians and Latvians in Scarborough for instance. How do we get us all to better integrate and be part of life in NY. Its interesting in surveys that we use White as a cover all and yet there are a lot of differences within that sector - do we have the same attitude to an American as a Eastern European residing in the UK / North Yorkshire?, but we don't break this down in the same way we do Asian. Maybe we should ask the question more specifically and ask for nationality in all sections that in turn helps understand our mix of people better as all have different cultures. I also think we are not accepting of many cultures in North Yorkshire and there is a need for more to be done in this area . I had an Indian sister in law who visited and after the visit said how uncomfortable she felt when visiting certain areas of the Coast. I think there is still a lot of work to be done in this area, including stronger messaging.</p>	
15	No	Noted.
16	<p>The local authority do not have support networks for LGBT groups, nor do they have many women working part time as mothers of younger children in management positions.</p>	<p>A staff LGBT network has recently been set up and the Council supports a number of LGBT young people's groups.</p> <p>It is true that at the highest level there are more full time employees (men and women), than part time. This is a reflection of the historical 'norm' that these senior roles needed full time managers. It is essential to our journey to close the gender pay gap that we are open to different ways of working at a senior level, including splitting roles into part-time work. As more senior roles are undertaken part-time this will provide good role models. We can also do more to promote, enable and normalise fathers combining work and childcare.</p>
17	It needs to say something specific about race?	<p>Race is included as one of the protected characteristics. It is important not to, intentionally or unintentionally, create a hierarchy of these characteristics but to ensure that they are all considered equally.</p>
18	<p>In the statement you state the following; North Yorkshire is a very rural county and people living outside the larger towns can find it difficult to access services. We will treat people fairly wherever they live and make sure they get the services they need. I would</p>	<p>We are considering how we will demonstrate the effectiveness of our statement. This is likely to draw on information from a number of sources including</p>

	like to ask how this fits with the proposal of a single unitary council based in York. I also think that monitoring the effectiveness of the Equality and Diversity Statement should be done initially after 6 months in order to evaluate and make changes where necessary before it becomes too inbedded in people's practice. I believe once established it could be reviewed on an annual basis.	feedback from staff networks, staff survey, customer service data etc.
19	In the draft there is a point about increasing representation of underrepresented groups at all levels of the Council and also having a workforce that reflects the diversity of North Yorkshire. I would be interested to hear how these are going to take place in practical terms given that North Yorkshire is a fairly homogeneous region. The backgrounds of people applying for any new roles are not predictable/controllable so although nobody would be at fault it may reflect badly if this is a stated goal and it is not fully achieved purely due to reasons outside the control of NYCC. I am aware we can hire staff from anywhere in the Country theoretically so that may solve this issue, however, it may clash with other NYCC/ goals around reducing traffic and emissions in the local community (perhaps the recent increase in WFH commitments may balance this out though). In terms of the legal responsibilities Under the Equality Act 2010 I think the policy statement matches up very well. The only point of contention I could foresee being brought up would be around prioritising hiring (or not hiring) people based off the presence of protected characteristics which presumably would be in contravention of the Equality Act 2010 . I understand the aim of this is certainly not to encourage discrimination of any kind, and is trying to make sure everyone is treated fairly and respectfully, however it should be made clear that it is the case as I feel certain sections could be misinterpreted (especially by people unfamiliar with the Equality Act) as favouring people because of certain characteristics (e.g. "Treating everyone the same does not necessarily give people equality of opportunity. Sometimes we need to treat different people in a different way to give them equal access to a service or job"), further explanation/contextualisation I think would help avoid any confusion.	The equality and diversity policy statement is not aiming to embed positive discrimination or prioritise those with particular protected characteristics ahead of those without these characteristics. It is about ensuring that people are given an equal chance to access services and to achieve within the council. For example we may need to provide information in a different format or make reasonable adjustments to workspaces.
20	I noticed a couple of points under the 'Our Responsibilities' tab I believe would benefit from further explanation. Firstly, "build good relations between people who share a protected characteristic and those who don't", I wasn't entirely sure what was meant by this, presumably it means building relations people who share a characteristic (e.g. a race) with others who don't have that characteristic (e.g. people of a different race), as by definition everyone has some sort of protected characteristic. I think people	<p>The equality and diversity policy statement is intended to be a short, overarching document. We will use intranet articles, Yammer and blogs to start conversations with staff about more detailed equality, diversity and inclusion topics.</p> <p>We have published information about the diversity of the county</p>

	<p>may misunderstand it to mean building relations between people have protected characteristics and those who don't (even though everyone does have protected characteristics under the Equality Act 2010). The second point was "We will not just focus solely on protected characteristics, but promote inclusion and diversity more generally", what exactly do you mean by this and how will it manifest in the daily life of the general public or NYCC staff. Also, what reason do you have to believe this a positive thing and what mandate do you have to say that the people of North Yorkshire desire this to be a part of the Council's goals? Under the aims section you list "have a workforce that reflects the diversity of North Yorkshire", I think this is a reasonable goal but you should compare the % of NYCC/local government staff to the demographics of the County to measure whether certain groups are over/under/correctly represented. Perhaps this can become something that is reported annually going forward. Another aim was "ensure that diversity and inclusion is a natural and organic part of what we do, making it something that everyone at the council understands", if it is a natural part of what we do then why does it need to be included in the policy? I would in general question the need for raising the representation of underrepresented groups, investigation into if there are reasons why they are underrepresented would be useful for everyone to know as well.</p>	<p>and our workforce <a href="#">Equal opportunities information   North Yorkshire County Council</a></p> <p>We are aware that this information needs updating. Information from the recent census will help with this.</p>
21	<p>2nd aim: support the development of cohesive places where everyone is treated fairly no matter what their background I wonder whether there is a clearer way of expressing what is meant by cohesive places? Assume we thinking geography but just not sure that everyone will get what it is we are trying to do. I guess "place" could be a town, a village hall, a school??? "cohesive" not the most widely used term outside of our local government world? That said, I'm struggling to find an alternative phrase to suggest so not being very helpful I'm afraid.</p>	<p>In the statement we intend 'place' to refer to any physical community including towns, villages, schools or places of work.</p> <p>We will amend the wording to: 'support the development of places and situations where everyone is treated fairly no matter what their background, where people are empowered and have the confidence to play active roles in their communities'.</p>
22	<p>an inclusive culture is also dependent on non-managers feeling safe to have a voice. the organisation must continue to strive to avoid hierarchy: where senior management tick boxes but actually don't follow the aims written down in policy and plan of the Council. An aim to have staff engagement for an inclusive culture is also important.</p>	<p>Agreed. Staff engagement has had an increasing profile at the Council in recent years, for example the staff survey with results analysed at all levels. An unintended 'benefit' of the pandemic has been new ways of engaging, communicating and sharing, through Yammer and various interest/support groups.</p>

		<p>We need to make it easier for people to observe, comment, raise issues and challenge without it having to be a negative process. We need to really embrace and listen to different views, to get the benefit of those different views but to allow our employees to flourish as their authentic selves.</p>
23	<p>The statement is great but the realities are different. Certain disabilities are really well catered for. Other disabilities are hugely misunderstood and even discriminated against (eg ADHD and higher functioning autism). Working groups need to be set up with current staff with these neurodiverse conditions to look at how you can get it right. One staff member is interviewed on ADHD internationally and writes for broadsheets on the condition and yet NYCC never utilises his knowledge. Another lectures outside of work on Autism and yet no one consults with her. NYCC should be rubbing their hands together and farming these people's knowledge so they can get it right. They know about the condition and are also professionals within the system. You can't buy that type of expertise</p>	<p>We are a large, complex organisation and it can be difficult to both harness expertise and develop support and procedure to meet individual and collective needs – but that is what we strive to do and aim to further improve.</p> <p>Whilst early in their development, we hope that staff network groups will further enable the voice of employee's alongside working closely with unions to increase employer understanding and to improve the support to staff and also to inform the development of policy and procedure. The Disability Employee Network (DEN) in particular will harness staff views regarding autism, neurodiverse and wider health conditions. Health and wellbeing support to staff is wide ranging and staff are encouraged to set-up new health and wellbeing groups and activities and to help the promotion of health conditions and share experiences, health management approaches etc.</p> <p>We encourage those experienced colleagues to join and support these staff voice and interest groups. To join staff network groups contact Francesca Floris. To discuss how to set-up a health and wellbeing group or activity contact Julie-Ann Ellenor.</p>
24	<p>NYCC is making much ground to promote diversity and equality throughout. This is much welcomed and I hope it continues to be put into practice and not just on paper. Hopefully this progression will continue.</p>	<p>Noted.</p>

25	That it is implemented and fully understood by all staff and particularly those in positions of responsibility i.e. Managers, policy makers and heads of service.	Noted.
26	The language is clear and aims are meaningful I hope we can review and see what has changed.	Noted. We are considering how we will demonstrate the effectiveness of our statement. This is likely to draw on information from a number of sources including feedback from staff networks, staff survey, customer service data etc.
27	It can be hard to understand how these kinds of documents translate into practice - how do people feel? what is the lived experience of equality and diversity? Is there a way of linking to this kind of information too?	Noted. We are considering how we will demonstrate the effectiveness of our statement. This is likely to draw on information from a number of sources including feedback from staff networks, staff survey, customer service data etc.
28	Equality, Diversity and Inclusion and three different things the draft statement seems to jumble them up together so there is little clarity about what we are actually saying about these three elements. What have Human Rights not been considered at all? Why is it one statement covering the internal and external environments again this makes it very confusing. There is not a single explanation of 'HOW' any of this will be achieved e.g. create an inclusive culture - How / measurements is this a SMART aim? If not does it have any meaning?	<p>Definitions of equality, diversity and inclusion will be included in the statement.</p> <p>Reference to our duty in relation to human rights will be included in the statement.</p> <p>Internal and external audiences have both been included in the same statement and the same principles apply to both. More detail is given in employment policies and procedures and customer service standards. This will be made clearer in the policy statement.</p> <p>The aims of the document will be achieved through equality impact assessments, service planning, compliance with employment policies and procedures and customer services standards. Key performance indicators for a range of equality and diversity areas will be included in the council plan and quarterly performance monitoring.</p>
29	There are two 'the' in the following sentence: Meeting our responsibilities Everyone, including the the council, has a part to play to realise our vision for North Yorkshire. We will work with our communities and partners to achieve our vision.	Noted.

30	The draft policy states: “. Sometimes we need to treat different people in a different way to give them equal access to a service or job.” It is not clear what this means or what changes are envisaged in order to deliver it. The successful delivery of Equality of opportunity will naturally see diversity as a natural outcome. The delivery of “diversity” can result in the loss of “equality of opportunity” for everyone.	The equality and diversity policy statement is not aiming to embed positive discrimination or prioritise those with particular protected characteristics ahead of those without these characteristics. It is about ensuring that people are given an equal chance to access services and to achieve within the council. For example we may need to provide information in a different format or make reasonable adjustments to workspaces.
31	My understanding is that NYCC is a Modern council which provides equality of opportunity for everyone irrespective of gender, ethnic origin, sexual orientation, age etc. Recruitment, development and promotion are solely made on ability - the most competent person for the role. An individuals' personal characteristics and preferences are irrelevant to that assessment. It is not clear if and/or how the new policy will change the current process. The new policy appears to indicate that protected characteristics will now become a factor to be taken into account. If so, how will these protected characteristics be individually weighted? How will the assessment process be assessed to establish fairness to all applicants? Perhaps this could be illustrated with an example, e.g. current profile of Executive for all posts from Chief Exec to Ass Director level compared to a new profile after successful implementation of the new policy?	The equality and diversity policy statement is not aiming to embed positive discrimination or prioritise those with particular protected characteristics ahead of those without these characteristics. It is about ensuring that people are given an equal chance to access services and to achieve within the council. For example we may need to provide information in a different format or make reasonable adjustments to workspaces.
32	It is comprehensive and well thought out. It is strong on equality but I wonder if it is clear enough about what diversity means. Will everyone reading it have the same understanding? Should it also include a response to the George Floyd murder and the aims and achievements of the BLM movement. Maybe something about a commitment to supporting black residents and staff.	Definitions of equality, diversity and inclusion will be included in the statement.  Race is included as one of the protected characteristics. It is important not to, intentionally or unintentionally, create a hierarchy of these characteristics but to ensure that they are all considered equally.
33	You don't mention staff training to address any issues that may arise. It is pointless having a strategy if all staff are now aware of it.	We will amend the wording to make it clearer that staff and councillor training and development will embed the principles of the policy statement.



## Appendix C – Easy read survey questions



### North Yorkshire County Council Equality and diversity policy statement Have your say!

#### Easy Read version

We would like to know what you think about our promise to value everyone and treat them fairly. Please read the Easy Read version of our equality and diversity policy statement and answer the following five questions.

Thank you!



**Question 1:** Is our Easy Read equality and diversity policy statement easy to understand?

Please tell us here:



**Question 2:** If it is not easy to understand, what would help make it easier to understand?

**Please tell us here:**



**Question 3:** What do you like about it?

**Please tell us here:**





**Question 4:** What do you **not** like about it?

**Please tell us here:**



**Question 5:** Is there anything else you would like to tell us about it?

**Please tell us here:**

## **Appendix D**

**Comments on the draft Easy Read equality and diversity policy statement regarding wording and design**

### **Page 1**

**This document will help explain North Yorkshire County Council's promise to value everyone and treat them fairly. Remove 'document'.**

**Add – the Equality Act is a law which ....**

**We will give people equal opportunities. This means we will give everyone the same chance to do things**

### **Page 2**

**We promise to value everyone and treat them fairly. We are not sure about this picture.**

### **Page 4**

**Make sure everyone can use our services, whoever they are and wherever they live in North Yorkshire. Map of North Yorkshire?**

**Add – WE will make sure everyone ....**

**.....and what we can do to make sure we help people understand these changes.**

**.....and tell them what will happen next**

### **Page 5**

**Make sure all our staff understand our promise to value people and treat them fairly. A different picture to explain this.**



## Appendix E – Feedback received via email

	Comment received	Our response
1	<p>I presume that NYCC draft Equality Proposals can be commented on by any adult citizen of North Yorkshire. I therefore respond as a citizen only, to NYCC Equality &amp; Diversity proposals.</p> <p>Any organisations under ‘care and/or control’ of NYCC should not be in a position whereby they can apparently discriminate against any person who due to his/her presumed able bodyness, by denying full democratic membership of any body or organisation supported by NYCC.</p> <p>If NYCC believe that to ensure smooth running of any organisation under their care is better if the so called able bodied are ‘excluded’ in any way, NYCC should write this exemption into their Equality proposals.</p>	<p>The County Council aims to be inclusive in all that we do and takes steps to avoid discrimination against any person or group. We expect our commissioned services to act in the same way, and this is written into our contracts with service providers.</p> <p>However, legislation states that there may be occasions when it can be argued that treating groups differently according to their protected characteristics can be justified if it is a proportionate means of achieving a legitimate aim.</p> <p>If there are any situations where a citizen feels that an action by the council or a commissioned service is discriminatory and the above rationale does not apply, they should contact us so that we may look into the matter.</p>
2	<p>What would be helpful to us is the consistent use of terminology. For example, 2012 refers to “one equality objective” but the draft 2021 talks of “Aims”.</p> <p>The 2021 Our Aims, of which there are 9, are different to the NYCC website equality objectives, of which there are 8. DH tells us that these were set at the beginning of 2020 but are being refined. Are the 2021 Our Aims the outcome of the refining process?</p>	<p>The aims in the draft policy statement are the principles on which all our relevant policies, procedures and standards are built.</p> <p>The equality objectives, which are currently also being refreshed, cover specific areas where we feel we need to improve. These have been developed based on data, intelligence and feedback from service users and are due to be agreed by the Executive Member on 17 June.</p>
3	<p>2012 Our Commitment - “the council aims to provide excellent and efficient local services enabling everyone to fulfill their potential”. Sounds good and it continues “as a local authority we must: stop unlawful discrimination etc which is the Public Sector Equality Duty s149 of the Equality Act. The 2021 draft statement lists the three s149 duties that apply to all councilors, officers and employees of NYCC.</p>	<p>a) The Council is committed to ensuring it is compliant with all legislation. In respect of the complaint that home to school transport was not compliant with Public Service Vehicles Accessibility Regulations (PSVAR) 2000, the Council provided the service in good faith and in a genuine belief that it complied with all legal obligations. This was a widely held view among other councils that PSVAR did not apply to home to school transport services. The Council temporarily ceased charging for spare seats on vehicles covered by PSVAR that were non-compliant, and only reintroduced them when clarity over the law was provided by Department</p>

<p>a) In 2019 it became clear that NYCC failed with this aim as regards the Public Service Vehicles Accessibility Regulations 2000. The authority's immediate response was to stop charging non eligible pupils for transport to and from school, at considerable cost to the council. We believe that is unacceptable that the NYCC legal team allowed coach operators to ignore this legislation for 20 years, causing indirect discrimination to many wheelchair users when buses used for school runs were used as rail replacement vehicles. Only as a result of a wheelchair user raising awareness of this issue with NYCC have school transport providers started to obtain coaches that are accessible, or to retrofit lifts onto coaches in their fleet. We believe that NYCC failed to meet this 2012 commitment and <u>are surprised</u> that no mention of this issue is contained within the 2020 annual report.</p> <p>b) Early in 2021 a disabled member of the Yorkshire Coast &amp; Ryedale Disability Forum became aware that the NYCC website, and some services, failed to meet the Public Sector Bodies (Websites &amp; Mobile Applications)(No 2)Accessibility Regulations 2018. At the same time the fact is that the Local Government Association had advised all local authorities nationally, to make sure that their websites complied with these Regulations by 23 September 2019. We believe that NYCC <u>failed to react</u> to this guidance from the LGA.</p> <p>It cannot be acceptable that NYCC employ both a legal team and a IT team and, between them, have failed since 2012 to meet their legal obligations in regard to these two items. A review of all services taking into account all equality and diversity legislation is needed <u>as soon as possible</u>, to avoid further discriminatory "provisions, criteria &amp; practices".</p>	<p>for Transport. The full detail of these decisions can be seen in Executive minute reports at the following links:</p> <p><a href="https://edemocracy.northyorks.gov.uk/Data/Executive/20190903/Agenda/04 Charges for Home to School Paid Travel Permits and Post 16 Travel.pdf">https://edemocracy.northyorks.gov.uk/Data/Executive/20190903/Agenda/04 Charges for Home to School Paid Travel Permits and Post 16 Travel.pdf</a></p> <p><a href="https://edemocracy.northyorks.gov.uk/olddocuments/2019-09-03 Executive Agenda.pdf?F=2019-09-03%20Executive%20Agenda.pdf&amp;MId=2782&amp;D=20190903&amp;A=1&amp;R=0 - search=%22psvar%22">https://edemocracy.northyorks.gov.uk/olddocuments/2019-09-03 Executive Agenda.pdf?F=2019-09-03%20Executive%20Agenda.pdf&amp;MId=2782&amp;D=20190903&amp;A=1&amp;R=0 - search=%22psvar%22</a></p> <p><a href="https://edemocracy.northyorks.gov.uk/Data/Executive/20200519/Agenda/06 PSVAR Report &amp; Appendices.pdf">https://edemocracy.northyorks.gov.uk/Data/Executive/20200519/Agenda/06 PSVAR Report &amp; Appendices.pdf</a></p> <p>b) The Council is committed to ensuring that the processes to access all our services do not discriminate and have in place our 'Customer Access to Services Programme' (CASP) which is reviewing all services in this regard.</p> <p>In addition, we can confirm that by <b>9 June 2021</b>, the Council will have finalised an amendment to our website, which will provide a direct link at the top of each webpage (in the form of a 'click box') for customers to contact (via alternative communication channels) our Customer Service Centre to report any accessibility needs with a particular webpage and/or service. This service will also work on mobile devices.</p> <p>In conjunction with this, we are delivering refresher training to our staff in the Customer Service Centre to ensure that any accessibility needs reported by our customers are addressed promptly with a swift resolution.</p> <p>As a result of taking this step, all our customers using our website and/or a mobile device to access a service will (if required) be able to identify and utilise several different communication channels available to them to request accessibility to any aspect of the service which they are unable (in its current format) to access.</p>
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		<p>We are committed to making all of our services accessible to all and ensuring our compliance with the legislation.</p> <hr/> <p>A review of all services is taking place (CASP, see above) and has been in process since 2015. This involves running each service through the programme to check accessibility.</p>
4	<p>2012 page 2 “Meeting our responsibilities”. In this section it states that “we will develop our councilors &amp; staff to help us meet our equality duties”. Our concerns were raised in DH email of 21/4/2021 in which we were informed that it is not mandatory for councilors to access the online discriminatory awareness training. Councilors ultimately make decisions for NYCC. Their employment and personal life may not include any understanding of disability issues so, logically, they should be made <u>fully aware</u> of their responsibilities and PSED duty to the disabled residents of North Yorkshire. We believe that the authority should review the requirement for councilors to access such training.</p> <p>In the 2021 “our aims” the seventh aim refers to diversity and inclusion ...is “something that everyone at the council understands”. We would be reassured that this aim may become a reality if all councilors were obliged to participate in discriminatory awareness training.</p>	<p>Our mandatory equality and diversity awareness online learning package for staff is currently being refreshed to ensure that it provides the most appropriate support for, and underpinning of, our policy statement and vision for equality, diversity and inclusion in the council.</p> <p>Our councillors do have equality and diversity training as part of their induction to the Council and at Member Seminars, on an ad hoc basis, although this is not at the level that is expected of employees of the Council. They also sign a code of conduct and are subject to a standards regime.</p> <p>Councillors are not employees. They are elected representatives who receive financial compensation for the time spent on Council business and work in their division. They do not sign a contract of employment and do not have to do any training.</p> <p>It is felt that the current staff training package is not suitable for members. The development of a bespoke was not progressed due to the pandemic, changing work demands and the prospect of local government reorganisation.</p> <p>With the formation of a new Council or Councils in 2023, there is an opportunity to do things differently, in particular as part of the post-election induction in May 2022.</p>
5	<p>2012 “Meeting our responsibilities” item 6 refers to Equality Impact Assessments. Examples of EIAs that have been done would help us understand how this commitment has been met. As A boards, outdoor hospitality tables and “clutter” are appearing on pavements, which we believe, is the County Councils Highways responsibility, <u>sight of an EIA</u> on this issue</p>	<p>This request will be passed to Highways.</p>

	would be appreciated, particularly by our visually impaired members.	
6	2021 “Our commitment” paragraph 2 “we are also committed to achieving the highest standards in service delivery, decision making and employment practice”. Item 3 above and other service issues, raised by a YCRDF member suggests that more resources are required if this commitment is to be met going forward.	The Council is committed to ensuring that the necessary resources to achieve the aims in our equality and diversity policy statement can be achieved.
7	2021 aim number 7 “ensure that diversity & inclusion is a natural and organic part of what we do, making it something that everyone at the council understands”. Given national criticism of the way the disabled community have been disadvantaged, by both national and local government during the last 12 months, the forum would like to see more resources provided to make this aim a reality. Assisting the recovery of many community-based organisations and charities that support the 11 groups with “protected characteristics” in the North Yorkshire population is <u>now essential</u> . Actions not words are needed to make aims realistic and achievable.	<p>The County Council very much values the work of community based organisations and charities in the county and continues to work closely with the sector.</p> <p>The Council’s Stronger Communities programme works with a number of local community-based organisations and charities providing support to a range of people, including those with protected characteristics. This includes grant aid and support. It has also been instrumental in facilitating the community response to Covid during the pandemic and ensuring that vulnerable people were able to access food and essential services.</p> <p>The Council also grant aids Community First North Yorkshire, as a local infrastructure organisation, which provides practical support and advocacy to voluntary and community organisations, parish councils and social enterprises.</p> <p>The Council and Community First Yorkshire are working together to support the recovery of all voluntary and community organisations.</p>
8	<p>2012 statement – final sentence “We will publish reports each year” resulted in a request from the forum for a copy of the 2019 and 2020 reports. While there is too much information for us to digest, contained within the reports, two items have attracted our attention.</p> <p>a) The 2019 report conclusion 8.1 refers to the EFLG (the Equality Framework for Local Government). We feel that we cannot comment on the work that is being done by</p>	<p>a) The suggestion about identifying councillors who are willing to take on the responsibility for ongoing promotion of equality issues has been considered by the Leader of the Council and his intention is to add responsibility for ongoing promotion of relevant equality issues to the responsibilities of every Executive Member.</p> <p>b) As detailed in our response to comment 3, the Council’s Customer Access to Services Programme’ is reviewing all services. This was not</p>

	<p>NYCC to improve against the EFLG, other than to suggest that the authority considers identifying councilors who are willing to take on the responsibility of ongoing promotion of equality issues, across all council services.</p> <p>b) The same report refers to compliance with the Accessible Information Standard. Forum members fully support compliance with this standard at all times, including when pandemics occur. It is <u>unacceptable</u> if access to any NYCC service, for a group with protected characteristics, are curtailed at times when the authority resources are under pressure. Equality legislation is ongoing and not sidelined by the Coronavirus 2020 legislation.</p>	<p>sidelined during the pandemic but the unprecedented times did mean that many services had to adjust quickly. The pandemic has brought greater attention to inequality, which has led to more focus when making decisions and additional resources.</p>
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## REVISED DRAFT

### Equality, diversity and inclusion policy statement

#### **Our commitment**

North Yorkshire County Council welcomes and celebrates diversity and the strengths this brings to our communities and workforce. We have detailed our vision and ambitions for the county and all our communities in our [Council Plan](#).

As one of the largest employers in the county and one of the main providers of local services, North Yorkshire County Council is committed to providing equality of opportunity and tackling discrimination, harassment, intimidation and disadvantage. We are also committed to achieving the highest standards in service delivery, decision-making and employment practice.

This policy statement is intended to be a short, overarching document which sets the principles and vision for the Council. Our vision and principles inform all relevant policies, procedures and standards which provide more detail on specific areas.

#### **Definitions**

##### **Equality**

Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents. It is also the belief that no one should have poorer life chances because of the way they were born, where they came from, what they believe, or whether they have a disability. (Equality and Human Rights Commission)

##### **Diversity**

Diversity means recognising, valuing and encouraging the different perspectives and life experiences which individuals bring to a community or organisation.

##### **Inclusion**

Inclusion means that everyone feels part of a community or organisation and that they are all respected for what they bring to that community or organisation.

#### **Our aims**

We aim to:

- create an inclusive culture with a sense of belonging for everyone
- support the development of places and situations where everyone is treated fairly no matter what their background, where people are empowered and have the confidence to play active roles in their communities.
- work with partners and local businesses to improve opportunities for the people of North Yorkshire, especially those who experience disadvantage and discrimination
- be an access friendly organisation for communities and workforce
- ensure that our recruitment is fair, open and inclusive
- have a workforce that reflects the diversity of North Yorkshire
- ensure that diversity and inclusion is a natural and organic part of what we do, making it something that everyone at the Council understands.

- increase representation of under-represented groups at all levels across the council
- build our reputation as an inclusive employer that attracts, develops, supports, retains and fully engages all of our workforce.

Treating everyone the same does not necessarily give people equality of opportunity. Sometimes we need to treat different people in a different way to give them equal access to a service or job. For example, we may need to provide information in a different format or make reasonable adjustments to a physical workplace.

### **Our responsibilities**

The Equality Act 2010 says that we must not treat people unfairly because of age, disability, sex, gender reassignment, sexual orientation, race, religion or belief, pregnancy or maternity, marriage or civil partnership. These are called “protected characteristics”.

As a local authority we **must**:

- stop unlawful discrimination, harassment and victimisation;
- make sure that people have equality of opportunity whether or not they have a particular protected characteristic; and
- build good relations between people who share a protected characteristic and those who don't.

North Yorkshire is a very rural county and people living outside the larger towns can find it difficult to access services. We will treat people fairly wherever they live and make sure they get the services they need.

There are other factors which affect people's lives. Examples of these are income, education, unpaid care responsibilities and occupation. We will work to deliver the best possible outcomes for all our communities and citizens.

We will not just focus solely on protected characteristics, but promote inclusion and diversity more generally.

We also have a duty to act in accordance with the Human Rights Act 1998 and to support a culture of respect for everyone's human rights.

### **Meeting our responsibilities**

Everyone, including the County Council, has a part to play to realise our vision for North Yorkshire. We will work with our communities and partners to achieve our vision.

As part of meeting our responsibilities, we make the following commitments.

- We will treat staff and customers with dignity and respect, and embrace and celebrate diversity.
- We will train and develop our councillors and staff to help us meet our equality duties and show leadership by being active and visible in delivery of our responsibilities.
- We will use information and talk to people to identify where inequality exists so that we can plan to tackle it.
- When it will help us to improve our services and to understand how we are meeting our equality duties, we will ask questions about people's protected characteristics, including age, race, sex and disability. We will always make it clear that people do not have to answer these questions and that they will still receive the services they need. We will keep personal data confidential.
- We will consider equality issues when we deliver our services. Our service plans will include any major equality actions that we plan to undertake.
- We will set equality objectives to help us focus on some of the areas which we want to improve.

- When we think about changing our services we will make sure that those making the decision know how the change could affect people with any of the protected characteristics. We will collect information about how people might be affected before making a decision. If the change might cause difficulties for people with a protected characteristic, we will do our best to find ways to reduce this impact. If we can't, then we should think carefully about whether we need to make the change to achieve a legitimate aim.
- We have a duty to make reasonable changes to the way we do things so that disabled people can use our services and work for us. We recognise that everyone is different and we will treat people as individuals.
- We will make sure that anyone who provides a service for us treats people fairly. We will do this through our procurement process and by monitoring their work.
- We will consider the needs of all communities in the methods we use for communicating with customers, colleagues and residents.
- We will recruit, select, train and promote staff fairly. We will aim to get the make-up of our staff to match our communities. We will have clear systems for staff to complain if they are treated unfairly.
- We will challenge discriminatory behaviour towards our staff.
- We will make it easy for customers to complain if something goes wrong and we will respond quickly and efficiently. If legal action is intended or underway; complaints will be suspended until the legal process is resolved.
- If we find that anyone has broken our equality policy we will investigate and take disciplinary action if appropriate.
- We will monitor our equality actions through our usual reporting systems.
- We will publish information each year to show how we are meeting our equality duties

**Post consultation draft May 2021**

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**DRAFT**

# **North Yorkshire County Council Equality, diversity and inclusion policy statement**

## **Easy Read version**

This explains North Yorkshire County Council's promise to value everyone and treat them fairly.





Lots of people in North Yorkshire work for us and we provide lots of local services.



We understand that everyone is different. Having people from lots of different backgrounds and experiences in North Yorkshire is good.



We promise to value everyone and treat them fairly.



It is important to us that people from all backgrounds can use our services.

We will find different ways to help people use our services fairly.

We will listen to your views to help us do this.





The Equality Act is a law which protects and supports people. This is how we will follow the law.

We will not treat people unfairly.

We will give people equal opportunities. We will make sure everyone has the same chance to do things.

We will help different people to get on together



As well as this:

We will make sure everyone feels they belong.



We will treat people with dignity and respect. This means listening to what people tell us and understanding how they feel.

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We will make sure everyone can use our services, whoever they are and wherever they live in North Yorkshire.



We will think about how any changes to our services might affect people and what we can do to make sure we help people understand these changes.



We will make it easy for people to complain if something goes wrong and tell them what will happen next.



We will give people information and ask them questions in a way they can understand and which works for them.





We will make sure all our staff understand our promise to value people and treat them fairly.



We will make sure we are a fair employer. We will challenge people who do not treat our staff fairly when they are doing their job.



We will improve opportunities for people. This means helping them to be the best they can.



We will tell people how we are doing.

If you would like this information in another language or format such as Braille, large print or audio, please ask us.



Ring us on 01609 780 780



Email us at  
[customer.services@northyorks.gov.uk](mailto:customer.services@northyorks.gov.uk)



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## **NORTH YORKSHIRE COUNTY COUNCIL**

### **THE EXECUTIVE**

**22 June 2021**

#### **PROPOSAL BY THE GOVERNORS OF DANBY CHURCH OF ENGLAND PRIMARY SCHOOL TO CHANGE THE CATEGORY OF DANBY CHURCH OF ENGLAND PRIMARY SCHOOL FROM VOLUNTARY CONTROLLED TO VOLUNTARY AIDED**

**Report by the Corporate Director – Children and Young People's Service**

#### **1 PURPOSE OF REPORT**

- 1.1 To provide the Executive with information upon which to recommend to the Chief Executive Officer that he use his emergency delegated powers to determine the proposal published by the Governing Body of Danby CE Primary School to change the category of Danby CE Primary School from voluntary controlled to voluntary aided with effect from 16 September 2021.

#### **2 EXECUTIVE SUMMARY**

- 2.1 Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations"), which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, Committee business should be continued via the Chief Executive Officer making urgent decisions that would previously have been made by the Council's committees, under his emergency decision making powers in the Officers' Delegation Scheme, in consultation with other Officers and Members as appropriate. The Committee's views and recommendations will be reported to the Chief Executive Officer for him to take into account when taking the formal decisions.
- 2.2 Danby Church of England Voluntary Controlled Primary School has for a number of years worked in close collaboration with Egton Church of England Voluntary Aided Primary School. In February 2021, the governing bodies of the two schools consulted on formally establishing a Federation from 16 September 2021, and changing the category of Danby CE Primary School from voluntary controlled to voluntary aided from 16 September 2021. The proposal to federate was approved by both governing bodies on 15 April 2021.
- 2.2 On 15 April the Danby VC Governing body considered the responses to the consultation on changing the category of the school and decided to approve the publication of Statutory Proposals and Notices for the proposal. They also resolved to ask the Local Authority to schedule making a final decision on the proposal following the further four week statutory representation period.
- 2.3 This followed careful consideration of the responses to public consultation carried out by the Governors.
- 2.4 The statutory proposals were published on 29 April, giving 4 weeks until 27 May 2021 for representations to be made.
- 2.5 This report is supported by a number of Appendices as listed below:

- Appendix 1: Public Notice in accordance with section 19(3) of the Education and Inspections Act 2006
- Appendix 2: Statutory Proposal
- Appendix 3: Consultation Document and Responses Received
- Appendix 4: School Organisation Guidance for Decision-makers
- Appendix 5: Equality Impact Assessment

### **3 MAKING CHANGES TO SCHOOL PROVISION**

- 3.1 The Education and Inspections Act 2006 revised the procedures for making changes to school provision. These are set out in regulations which came into force in January 2014<sup>1</sup>

### **4 BACKGROUND TO PROPOSALS**

- 4.1 Danby is a rural Church of England primary school in the Diocese of York serving the village of Danby and the surrounding area. It caters for children between the ages of rising 5 and 11 years. The school currently has 28 children, with an expected intake of five children in September 2021.
- 4.2 At the last OFSTED inspection in May 2018, the school was judged to have been 'Requires Improvement'. At the last SIAMS inspection (Statutory Inspection of Anglican and Methodist Schools) in June 2018 the school was judged to be "Good". Since April 2018 Danby School has had a substantive Headteacher in post who has led a programme of significant improvements across the school. The school currently self-evaluates itself as 'Good' in all areas.
- 4.3 Danby has for a number of years worked in close collaboration with Egton Church of England Voluntary Aided Primary School and the Headteacher has been leading both Danby and Egton since 1 April 2018.
- 4.4 These proposals to change the category of the school from VC to VA were made in the context of the parallel consultation on a proposal for Danby Governing Body and the Egton Governing Body to formally establish a Federation from 16 September 2021. The proposal to federate was approved by both governing bodies on 15 April 2021 and will see the two schools work together under a single Governing Body, and collectively benefit from that shared governance.

### **5 THE PROPOSALS AND REASONS FOR THE PROPOSALS**

- 5.1 The School's Governing Body proposes:  
  
To change the category of Danby CE Primary School from voluntary controlled to voluntary aided with effect from 16th September 2021.
- 5.2 The reasons listed below are the key reasons for the Governors' proposal as set out in their consultation document and in the Statutory proposal:
- 5.3 Greater protection of, and the ability to further develop, Danby's Church School Ethos

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<sup>1</sup> The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Governors state that as a Voluntary Aided school, Danby would have greater formal links with the Diocese and local Church whilst maintaining a strong and effective relationship with North Yorkshire County Council, and would be able to enhance provision for Religious Education (RE) teaching and learning.

**5.4 More effective joint working with Egton Church of England Voluntary Aided Primary School ("Egton") due to increased alignment**

Danby C.E Governors state that joint working with Egton School would be enhanced should Danby become a Voluntary Aided School in line with these proposals due to greater alignment between the two schools. For example:

- The schools would have the same RE syllabus enabling greater shared provision;
- The federated Governing Body would be the single employer of staff, making shared staffing arrangements in appropriate cases easier; and
- The inspection processes under the SIAMS framework would be more aligned.

With greater similarities between the schools, the Danby V.C Governing Body believe that even greater benefit can be obtained from this Federation.

## **6 CONSULTATION UNDERTAKEN AND RESPONSES**

- 6.1 The consultation period ran from 11 February 2021 to 25 March 2021. Consultation documents were distributed to a wide range of stakeholders and one response was received, a copy of the consultation document and consultation response is included in Appendix 3.
- 6.2 On 15 April, the Governing Body of Danby C.E V.C Primary School considered the consultation responses, and resolved to proceed with publication of the statutory proposals.

## **7 STATUTORY PROPOSALS AND NOTICES**

- 7.1 The statutory proposals and public notices were published on 29 April 2021. The public notice, placed on the school gate and in the Whitby Gazette newspaper, invited written objections or comments to be submitted by 27 May 2021. A copy of the notice is attached as Appendix 1. At the time of the publication of the notice, a copy of the complete proposal, including all the information required in the school organisation regulations and guidance, was published on the County Council's website. A copy of the proposal is attached as Appendix 2.
- 7.2 Following the publication of the Statutory Notices, no responses were received by the end of the notice period on 27 May 2021.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 The majority of capital for Voluntary Aided Schools is provided by Central Government through the 'Voluntary Aided Programme' but the Governing Body is required to make a 10% contribution.
- 8.2 Department for Education guidance for decision makers, contained within 'Making significant changes ('prescribed alterations') to maintained schools, states:

*For a proposal to change the category of a school to voluntary-aided, the decision maker should be satisfied that the GB and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the GB has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.*

The Governing Body have stated they are confident that they can meet the required 10% contribution as they generate additional income via a School Direct Teacher Training Programme and this funding is ring-fenced for this purpose.

- 8.3 The change in category would not affect the School's Revenue Funding.

## **9 LEGAL IMPLICATIONS**

### **REGULATIONS AND GUIDANCE**

- 9.1 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 set out the regulations for consideration and determination of proposals by the local authority. Careful regard has been had to these provisions

### **PRELIMINARY CHECKS**

- 9.2 The Decision Maker must consider, on receipt of each proposal:
- whether any information is missing;
  - whether the published notice of the proposal complies with statutory requirements;
  - whether the statutory consultation has been carried out prior to the publication of the notice;
  - and whether the proposal is related to other published proposals.

Having undertaken an audit of these preliminary checks, the Assistant Chief Executive (Legal and Democratic Services) advises that:

- all information required has been supplied;
- the published notice complies with statutory requirements;
- statutory consultation has been carried out prior to publication of the notice;
- and that the preliminary points for consideration have been dealt with sufficiently to permit the Executive to proceed to determine this proposal

### **TYPES OF DECISION THAT CAN BE MADE**

- 9.3 In considering proposals for making changes to school provision, the Executive, as Decision Maker can decide to:
- reject the proposals;
  - approve the proposals;
  - approve the proposals with a modification;
  - approve the proposals subject to them meeting a specific condition.

- 9.4 The relevant guidance for decision makers is attached to this report as Appendix 4.

## **10 PROCEDURE FOR THE MEETING**

- 10.1 The Executive agreed on 25 September 2007 that in making a decision on school organisation proposals:



- (a) The decision maker must have regard to the Decision Makers' Guidance and to the Executive Procedure Rules laid down in the North Yorkshire County Council Constitution.
- (b) All decisions must give reasons for the decision, indicating the main factors/criteria for the decision.

## **11 REASONS FOR THE RECOMMENDATION.**

### **11.1 Views of Interested Parties**

This proposal has been put forward by the school governing body and is supported by the Diocese.

## **12 HUMAN RIGHTS IMPLICATIONS**

- 12.1 There are no Human Rights issues in relation to this issue.

## **13. OTHER IMPLICATIONS**

- 13.1 An Equality Impact Assessment has been undertaken in respect of this proposal and has found no adverse impact.

## **14 RECOMMENDATIONS**

- 14.1 Subject to any comments made at this meeting, Executive members are asked to note that the required preliminary checks have been undertaken, and to propose the following to the Chief Executive Officer for consideration under his emergency delegated powers:
- i. That the issues listed above in paragraph 9.2 have been satisfied and there can be a determination of the proposals.
  - ii. Subject to (i), the category of Danby CE Primary School from voluntary controlled to voluntary aided be changed with effect from 16 September 2021.

Stuart Carlton  
Corporate Director – Children and Young People's Service

Report prepared by:  
Matt George, Strategic Planning Officer.

List of Appendices:

- Appendix 1: Statutory Proposal
- Appendix 2: Public Notice in accordance with section 19(3) of the Education and Inspections Act 2006
- Appendix 3: Consultation Document and Responses Received
- Appendix 4: School Organisation Guidance for Decision-makers
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## **Appendix 1**

# **Danby Church of England Voluntary Controlled Primary School Governing Body**

Notice is given in accordance with section 19(3) of the Education and Inspections Act 2006 that Danby Church of England Voluntary Controlled School Governing Body intends to make a prescribed alteration to Danby Church of England Voluntary Controlled School, Ainthorpe Lane, Danby, Whitby, North Yorkshire YO21 2NG from 16 September 2021.

To change category from a voluntary controlled school to a voluntary aided school.

No new or additional site is required for these proposals.

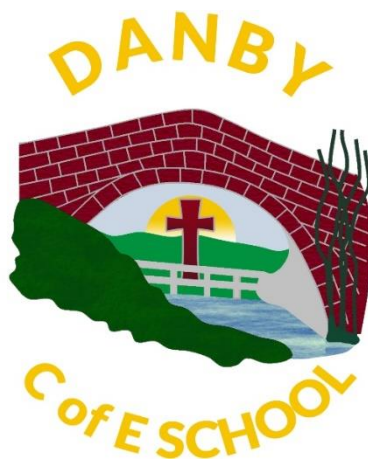
The governing body will implement the proposal

This Notice is an extract of the complete proposal. Copies of the complete proposal can be obtained from: Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE and are available on the County Council's website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk) and on the schools website [www.danbyceprimary.co.uk](http://www.danbyceprimary.co.uk)

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE or by email to [schoolorganisation@northyorks.gov.uk](mailto:schoolorganisation@northyorks.gov.uk) by 5pm on 27 May 2021.

Signed: Chair of Governors, Danby CE VC Primary School  
Publication Date: 29 April 2021

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## **Statutory proposals for Prescribed Alterations**

### **Danby Church of England Voluntary Controlled Primary School Governing Body To change category from a voluntary controlled school to a voluntary aided school**

#### **Publication Date**

Thursday 29th April 2021

#### **Contact details**

Proposal published in accordance with section 19(3) of the Education and Inspections Act 2006 by Danby Church of England Voluntary Controlled School Governing Body, Ainthorpe Lane, Whitby, North Yorkshire YO21 2NG to make prescribed alterations to Danby Church of England Voluntary Controlled School

#### **Description of alteration proposed**

It is proposed to change the category of Danby Church of England Primary School from voluntary controlled to voluntary aided from 16<sup>th</sup> September 2021.

This document forms the next stage of the statutory process and contains information for interested parties to make a decision on whether to support the proposed change.

North Yorkshire County Council is the decision-making body that must consider and determine the proposals. Details of the decision-making process and how to comment on the proposals are included below.

## **Background to proposal**

The Danby Governing Body resolved on 4th February 2021 to enter formal consultation around the potential for Danby to change category from a Voluntary Controlled School to a Voluntary Aided school.

There followed a 6 week consultation period during which all identified stakeholders including parents, staff, governors, Trade Unions/Professional Organisations and local councilors were provided with a consultation document outlining the proposals as well as offered the opportunity to attend a virtual public meeting.

On 15<sup>th</sup> April 2021 Danby Governing Body considered the responses and approved the publication of Statutory proposals to change category from voluntary controlled to voluntary aided.

There was 1 supportive comment received as part of this initial consultation process and no objections were received.

### **Context of the school**

Danby is a rural Church of England primary school in the Diocese of York serving the village of Danby and the surrounding area. It caters for children between the ages of rising 5 and 11 years. The school currently has 28 children, with an expected intake of 4-6 children in September 2021.

At the last OFSTED (Office for Standards in Education) inspection in May 2018, the school was judged to have been 'Requires Improvement'. At the last SIAMS inspection (Statutory Inspection of Anglican and Methodist Schools) in June 2018 the school was judged to have been "Good". Since April 2018 Danby School has had a substantive Headteacher in post who has led a programme of significant improvements across the school. The school currently self-evaluates itself as 'Good' in all areas.

Danby has for a number of years worked in close collaboration with Egton Church of England Voluntary Aided Primary School ("Egton") and the Headteacher has been leading both Danby and Egton since 1st April 2018.

### **Parallel federation proposals**

These proposals were made in the context of the parallel consultation on a proposal for Danby Governing Body and the Egton Governing Body to federate as from 16<sup>th</sup> September 2021. The proposal to federate was approved by both governing bodies on 15<sup>th</sup> April 2021 and will see the two schools work together under a single Governing Body. This is a formal arrangement, governed by regulations, between two or more local authority maintained schools which enables them to work in partnership with a view to raising standards, finding new ways of improving teaching and learning, and

building on the strengths of each school.

## **Reason for the proposal and objectives**

The Governing Body believes that a change in category would be good for the children's education at Danby and good for the community. In summary, the changes would lead to:

**1. Greater protection of, and the ability to further develop, Danby's Church school ethos.**

For example, as a Voluntary Aided school, Danby would have greater formal links with the Diocese and local Church whilst maintaining a strong and effective relationship with North Yorkshire County Council, and would be able to enhance provision for Religious Education (RE) teaching and learning.

**2. More effective joint working with Egton Church of England Voluntary Aided Primary School ("Egton") due to increased alignment.**

It is felt that this would be enhanced should Danby become a Voluntary Aided School in line with these proposals due to greater alignment between the two schools. For example:

- The schools would have the same RE syllabus enabling greater shared provision;
- The federated Governing Body would be the single employer of staff, making shared staffing arrangements in appropriate cases easier; and
- The inspection processes under the SIAMS framework would be more aligned.

With greater similarities between the school, the Governing Body believe that even greater benefit can be obtained from this Federation

## **Further exploration of the impact of the proposals**

As a Voluntary Aided school, the school would continue to be maintained by, and to have a strong and effective relationship with, North Yorkshire County Council.

A table setting out a summary of the key differences between Voluntary Aided and Voluntary Controlled schools can be found on the Diocese's website at–  
<https://dioceseofyork.org.uk/uploads/attachment/4561/summary-of-key-differences-between-school-types.pdf>.

The key areas that are relevant in the Governing Body's decision to seek to change category are further set out below.

## **Ethos**

As a Church of England school, Danby already has a strong Church of England ethos. A change to Voluntary Aided would help to make this ethos more secure into the future due to the additional Church School protections Voluntary Aided status would give.

## **Church involvement in governance structures**

At present, Foundation Governors (Governors with special responsibility to secure that the school's religious character is preserved and developed and that the school is conducted in accordance with its trust deed) are in the minority on the Danby Governing Body. This will change in any case when Egton and Danby federate on 16<sup>th</sup> September 2021 as proposed, as in order to federate with Egton as a Voluntary Aided school, the joint Governing Body has to include a majority of Foundation Governors. In a Voluntary Aided school, Foundation Governors must outnumber all other Governors by two.

## **Collective Worship**

There would be no change to Collective Worship at the school under these proposals.

## **Religious Education**

At present, Danby uses the locally agreed syllabus for RE. This is the same syllabus used by community schools. As a Voluntary Aided school, the Governing Body would be able to adopt the Diocese of York's RE syllabus. This syllabus would continue to provide for the teaching of a range of religious and worldviews, but would make available increased support from the Diocese. This syllabus is currently used by Egton

and it is felt that it would bring further opportunities to develop learning and teaching in RE at Danby. Having the same syllabus as Egton would also strengthen the ability of the schools to collaborate on RE, strengthening learning and outcomes for children.

## **Inspection**

As a Voluntary Aided school, Danby would continue to be inspected by Ofsted and under the SIAMS schedule. SIAMS would continue to evaluate the effectiveness of the school's Christian vision in enabling pupils and adults to flourish. The school would still receive an overall judgement, along with a specific judgement in respect of the impact of Collective Worship. In addition, there would be a specific judgement in respect of the standards of teaching and learning in RE - a Voluntary Controlled school does not receive this additional specific judgement. The Governors believe that increased accountability for RE under the SIAMS schedule would further improve learning and teaching in RE. The aligned inspection processes for Egton and Danby would also further support joint working and thereby improve learning and outcomes for children across the two schools.

## **Staffing**

In a Voluntary Aided school, the Governing Body is the employer of all staff, rather than the local authority. Staff in Danby would automatically transfer their employment on their existing terms and conditions from the local authority to the federated governing body under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). Staff appointments would continue to be funded through the delegated budget the school receives from the local authority. As a Voluntary Aided school, the Governing Body would be able to use the provisions of the School Standards and Framework Act 1998: for example, Christian commitment could be taken into account in the appointment of the Headteacher and may be taken into account for other members of staff where appropriate.

## **Admissions**

At present North Yorkshire County Council is the school's Admission Authority and as such is responsible for admissions at the school, including determining the school's admissions policy. Following the change of category, the Governing Body would become the Admissions Authority and therefore be responsible for determining the school's admission arrangements, with admissions applications continuing to be processed under North Yorkshire County Council's Co-ordinated admissions scheme. All Admissions Authorities must comply with the School Admissions and Appeals Codes and the law relating to school admissions including the duty to comply with infant class size legislation and the duty to consult on its proposed admissions

arrangements both periodically and (with very minor exceptions) in the event that it wishes to make changes to the policy. As a maintained school, this would also be subject to the oversight of the Schools Adjudicator. Admissions Appeals would continue to be heard by an Independent Appeals Panel. Any changes to the admissions policy in future would be subject to separate consultation and are likely to include the addition of a faith-based over subscription criteria. The Governing Body is committed to serving its local community and there are no plans to change the catchment of the school.

## **Buildings**

The ownership of the school site would not change under these proposals. The school would continue to receive Devolved Formula Capital Grant (capital funding calculated on a formulaic basis for each educational establishment) in the same way as it does at present.

The local authority receives school condition allocation to invest in priorities across the schools for which they are responsible, including Voluntary Controlled Schools. As a Voluntary Aided school, Danby would not look to the local authority for this funding: instead, the Diocese receives school condition allocation to distribute based on an assessment of priorities across the Voluntary Aided schools in the Diocese. The Governing Body feels that being part of a smaller group of schools bidding for funding (with Danby there would be twelve Voluntary Aided schools in the Diocese) will enable us to have a stronger voice in stating Danby's case for access to such funding.

As a Voluntary Aided school the Federation Governors would be responsible for making a 10% statutory contribution to all capital works at Danby C.E funded from school condition allocation funding or Devolved Formula Capital. Governing Bodies cannot use their devolved formula capital to meet their 10% contribution, but they can use the revenue budget delegated to the school or money raised through fundraising events and other revenue generation. For example: commitment by the staff to Initial Teacher Training brings in additional revenue to the school which has been ring-fenced in preparation to meet the 10% needs should it be required. It is envisaged that there will be experience on the Federated Governing Body from this perspective as this has always been the position at Egton.

## **Effect on other Educational Establishments in the area**

There is not expected to be an effect on other schools, academies and educational institutions other than to allow even closer working to take place between Danby and Egton

**Project costs and indication of how these will be met, including how long term value for money will be achieved.**



There are no direct project costs identified as part of this proposal.

Staff in Danby would automatically transfer their employment on their existing terms and conditions from the local authority to the federated governing body under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE).

Danby would continue to be maintained by the Local Authority and the change to voluntary aided will not affect their revenue funding.

As stated above, as a Voluntary Aided school governors would be responsible for making a 10% statutory contribution to all capital works funded from school condition allocation funding or Devolved Formula Capital. Governing Bodies cannot use their devolved formula capital to meet their 10% contribution, but they can use the revenue budget delegated to the school or money raised through fundraising events and other revenue generation. The Danby Governing body are satisfied that they would be able to raise the necessary funding through the same methods which are employed at Egton CE VA Primary School which they will be Federated with from 16<sup>th</sup> September 2021.

## **Implementation of Proposals**

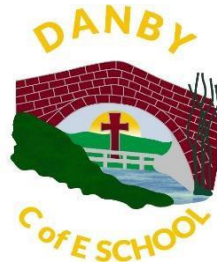
Following the 4 week statutory representation period the final decision on whether Danby C.E VC Primary School will become voluntary aided will be taken by North Yorkshire County Council on 22<sup>nd</sup> June 2021.

If the proposal is approved then the governing body of Danby CE VC Primary School will implement the proposal with effect from 16th September 2021.

## **Procedure for making representations (objections and comments)**

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director-Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 5pm Thursday 27th May.

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**Danby Church of England Voluntary Controlled Primary School**  
**Formal Proposal to change category from Voluntary Controlled to Voluntary Aided**

**11<sup>th</sup> February 2021**

# **Formal Proposal of the Governing Body of Danby Church of England Voluntary Controlled Primary School (“Danby”) to change category from Voluntary Controlled to Voluntary Aided**

## **INTRODUCTION**

The Danby Governing Body resolved on 4<sup>th</sup> February 2021 to enter formal consultation around the potential for Danby to change category from a Voluntary Controlled School to a Voluntary Aided school.

### **(a) Context of the school**

Danby is a rural Church of England primary school in the Diocese of York serving the village of Danby and the surrounding area. It caters for children between the ages of rising 5 and 11 years. The school currently has 28 children, with an expected intake of 4-6 children in September 2021.

At the last OFSTED (Office for Standards in Education) inspection in May 2018, the school was judged to have been ‘Requires Improvement’. At the last SIAMS inspection (Statutory Inspection of Anglican and Methodist Schools) in June 2018 the school was judged to have been “Good”. Since April 2018 Danby School has had a substantive Headteacher in post who has led a programme of significant improvements across the school. In May 2019 the school was reviewed by North Yorkshire County Council who considered that ‘that there has been a significant amount of progress since the inspection and as a result of this, the school will move from Priority 3 (Requires Improvement) to Priority 2 (Good).’ The school currently self-evaluates itself as ‘Good’ in all areas.

Danby currently works in close collaboration with Egton Church of England Voluntary Aided Primary School (“**Egton**”) and the Headteacher has been leading both Danby and Egton since 1<sup>st</sup> April 2018.

### **(b) Parallel federation proposals**

These proposals are made in the context of the parallel consultation on a proposal for Danby Governing Body and the Egton Governing Body to federate as from 1<sup>st</sup> September 2021. This would see the two schools work together under a single Governing Body. This is a formal arrangement, governed by regulations, between two or more local authority maintained schools which enables them to work in partnership with a view to raising standards, finding new ways of improving teaching and learning, and building on the strengths of each school.

### **(c) Reasons for the proposal**

The Governing Body believes that a change in category would be good for the children’s education at Danby and good for the community. In summary, the changes would lead to:

**A. Greater protection of, and the ability to further develop, Danby's Church school ethos.**

For example, as a Voluntary Aided school, Danby would have greater formal links with the Diocese and local Church whilst maintaining a strong and effective relationship with North Yorkshire County Council, and would be able to enhance provision for Religious Education (RE) teaching and learning.

**B. More effective joint working with Egton Church of England Voluntary Aided Primary School ("Egton") due to increased alignment.**

It is felt that this would be enhanced should Danby become a Voluntary Aided School in line with these proposals due to greater alignment between the two schools. For example:

- The schools would have the same RE syllabus enabling greater shared provision;
- The federated Governing Body would be the single employer of staff, making shared staffing arrangements in appropriate cases easier; and
- The inspection processes under the SIAMS framework would be more aligned.

With greater similarities between the school, the Governing Body believe that even greater benefit can be obtained from this collaboration. This is especially the case where it is anticipated that schools will be federated and run by a single governing body.

This is further explored below.

**(d) What are the key differences between Voluntary Controlled and Voluntary Aided Church of England schools?**

As a Voluntary Aided school, the school would continue to be maintained by, and to have a strong and effective relationship with, North Yorkshire County Council.

A table setting out a summary of the key differences between Voluntary Aided and Voluntary Controlled schools can be found on the Diocese's website at – <https://dioceseofyork.org.uk/uploads/attachment/4561/summary-of-key-differences-between-school-types.pdf>.

The key areas that are relevant in the Governing Body's decision to seek to change category are further set out below.

**(e) Further exploration of the impact of the proposals**

- **Ethos** - As a Church of England school, Danby already has a strong Church of England ethos. A change to Voluntary Aided would help to make this ethos more

secure into the future due to the additional Church School Protections Voluntary Aided status would give.

- **Church involvement in governance structures** - At present, Foundation Governors (Governors with special responsibility to secure that the school's religious character is preserved and developed and that the school is conducted in accordance with its trust deed) are in the minority on the Danby Governing Body. This would change in any case in the event that Egton and Danby federate on 1st September 2021 as proposed, as in order to federate with Egton as a Voluntary Aided school, the joint Governing Body has to include a majority of Foundation Governors. However, should the schools not federate, or should the federation ever be dissolved and Danby had to re-establish its own Governing Body, Danby's Governing Body would need to reconstitute: in a Voluntary Aided school, Foundation Governors must outnumber all other Governors by two. It should be noted that some non-Foundation Governors might be in a position to become Foundation Governors as part of this process to retain the strength of the skills on the current Danby Governing Body.
- **Collective Worship** – there would be no change to Collective Worship at the school under these proposals.
- **Religious Education** - At present, Danby uses the locally agreed syllabus for RE. This is the same syllabus used by community schools. As a Voluntary Aided school, the Governing Body would be able to adopt the Diocese of York's RE syllabus. This syllabus would continue to provide for the teaching of a range of religious and worldviews, but would make available increased support from the Diocese. This syllabus is currently used by Egton and it is felt that it would bring further opportunities to develop learning and teaching in RE at Danby. Having the same syllabus as Egton would also strengthen the ability of the schools to collaborate on RE, strengthening learning and outcomes for children.
- **Inspection** – As a Voluntary Aided school, Danby would continue to be inspected by Ofsted and under the SIAMS schedule. SIAMS would continue to evaluate the effectiveness of the school's Christian vision in enabling pupils and adults to flourish. The school would still receive an overall judgement, along with a specific judgement in respect of the impact of Collective Worship. In addition, there would be a specific judgement in respect of the standards of teaching and learning in RE - a Voluntary Controlled school does not receive this additional specific judgement. The Governors believe that increased accountability for RE under the SIAMS schedule would further improve learning and teaching in RE. The aligned inspection processes for Egton and Danby would also further support joint working and thereby improve learning and outcomes for children across the two schools.
- **Staffing** – In a Voluntary Aided school, the Governing Body is the employer of all staff, rather than the local authority. Staff in Danby would automatically transfer their employment on their existing terms and conditions from the local authority to the federated governing body under the Transfer of Undertakings (Protection of

Employment) Regulations (TUPE). Staff appointments would continue to be funded through the delegated budget the school receives from the local authority. As a Voluntary Aided school, the Governing Body would be able to use the provisions of the School Standards and Framework Act 1998: for example, Christian commitment could be taken into account in the appointment of the Headteacher and may be taken into account for other members of staff where appropriate.

- **Admissions** - At present North Yorkshire County Council is the school's Admission Authority and as such is responsible for admissions at the school, including determining the school's admissions policy. Following the change of category, the Governing Body would become the Admissions Authority and therefore be responsible for determining the school's admission arrangements, with admissions applications continuing to be processed under North Yorkshire County Council's Co-ordinated admissions scheme. All Admissions Authorities must comply with the School Admissions and Appeals Codes and the law relating to school admissions including the duty to comply with infant class size legislation and the duty to consult on its proposed admissions arrangements both periodically and (with very minor exceptions) in the event that it wishes to make changes to the policy. As a maintained school, this would also be subject to the oversight of the Schools Adjudicator. Admissions Appeals would continue to be heard by an Independent Appeals Panel. Any changes to the admissions policy in future would be subject to separate consultation and are likely to include the addition of a faith-based over subscription criteria. The Governing Body is committed to serving its local community and there are no plans to change the catchment of the school.
- **Buildings**
  - The ownership of the school site would not change under these proposals. The school would continue to receive Devolved Formula Capital Grant (capital funding calculated on a formulaic basis for each educational establishment) in the same way as it does at present.
  - The local authority receives school condition allocation to invest in priorities across the schools for which they are responsible, including Voluntary Controlled Schools. As a Voluntary Aided school, Danby would not look to the local authority for this funding: instead, the Diocese receives school condition allocation to distribute based on an assessment of priorities across the Voluntary Aided schools in the Diocese. The Governing Body feels that being part of a smaller group of schools bidding for funding (with Danby there would be twelve Voluntary Aided schools in the Diocese) will enable us to have a stronger voice in stating Danby's case for access to such funding.
  - As a Voluntary Aided school we would be responsible for making a 10% statutory contribution to all capital works funded from school condition allocation funding or Devolved Formula Capital. Governing Bodies cannot use their devolved formula capital to meet their 10% contribution, but they can use the revenue budget delegated to the school or money raised through fundraising events and other revenue generation. For example: commitment by the staff to Initial Teacher

Training brings in additional revenue to the school which has been ring-fenced in preparation to meet the 10% needs should it be required. If the schools federate in line with the federation proposal, there will be experience on the federated Governing Body from this perspective as this has always been the position at Egton.

#### **(f) Process**

The process of decision making and timetable for implementation is outlined below:

Date(s)	Action
4 <sup>th</sup> February 2021	Governing Body meeting to decide whether to consult on becoming a Voluntary Aided school
Prior to 11 <sup>th</sup> February 2021	Obtain relevant Diocesan and site trustee consents
11 <sup>th</sup> February 2021 – 25 <sup>th</sup> March 2021	Public consultation on proposals to become a Voluntary Aided school (minimum 6 weeks)
15 <sup>th</sup> April 2021	Governing Body meeting to consider consultation responses and make a formal decision whether to publish statutory proposals for change of category to Voluntary Aided
19 <sup>th</sup> April 2021-17 <sup>th</sup> May 2021	Public Statutory Notice published for representation period.
May 2021	Formal report prepared for Local Authority decision makers
Late May 2021	Local Authority approves or rejects proposals (within two months of end of representation period) and relevant parties notified.
June – early July 2021– 4 term-time weeks.	TUPE consultation with staff and Unions (change of employer with all staff transferring on their existing terms and conditions)
June- July 2021	Governing Body proceed to implementation, including: <ul style="list-style-type: none"> <li>• Draw up and obtain approvals for Instrument of Government</li> <li>• Reconstitute Governing Body</li> </ul>
1 <sup>st</sup> September 2021	School opens as a Voluntary Aided school

#### **(g) Nature and scope of formal consultation**



The Governing Body is committed to meaningful stakeholder engagement throughout the consultation period. The consultation process is supported by the York Diocesan Board of Education and the Local Authority.

### **(i) How we will consult**

This consultation will remain open for 6 weeks and will consist of:

- Publication of this proposal on the website of the School.
- Email copy letters to all parents outlining the consultation and signposting to the full proposal online (including advice on how to obtain a hard copy by request and advice on how to make written representations).
- Email copies of this proposal document and covering letter sent to all staff employed to work at the School.
- A scheduled parents' consultation evening (as tabled below). The parents' consultation evenings are also open to members of the community.
- A scheduled staff consultation meeting (as tabled below). Additional detail surrounding this will be provided separately.

<b>Date</b>	<b>Audience</b>	<b>Time</b>	<b>Venue</b>
11 <sup>th</sup> March 2021	Staff	4pm	Zoom
11 <sup>th</sup> March 2021	Parents	5pm	Zoom

**Please note:** due to the current Pandemic, these meeting will be taking place via Zoom. Please contact the school directly to obtain the appropriate zoom link. Thank you.

If possible please ensure any questions for the meetings have been sent in by Friday 5<sup>th</sup> March 2021 to ensure that the meeting is as productive as possible.

- Copy of this proposal document and covering letter forwarded to all main teaching and support staff trade unions and trade union representatives invited to staff meetings.
- Copy of this proposal document and covering letter sent to the Secretary of State, the Local Authority, the Diocesan Authority, site trustees, the Parochial Church Councils, local Parish Councils and the local district and county councillors at the start of the consultation period 11<sup>th</sup> February 2021.
- Carefully planned child involvement to involve children in the rationale and impact on them.

### **(ii) How you can provide feedback**

We have provided a form as part of this pack as a way of gathering feedback. Please fill out the form and return to the school marked for the attention of the Chair of Governors.

- (a) Handing the form into the school;

- (b) Sending a hard copy to: Danby CE VC Primary School, Ainthorpe Lane, Danby, YO21 2NG
- (c) Emailing: [admin@danby.n-yorks.sch.uk](mailto:admin@danby.n-yorks.sch.uk)

Alternatively, if you want to provide additional substantive feedback, the email or postal address above can be used.

The local authority and Diocese can also provide further information. Please contact:

- (a) Matt George, Strategic Planning Officer - [Matt.George@northyorks.gov.uk](mailto:Matt.George@northyorks.gov.uk).
- (b) Claire Graham-Brown, Deputy Director of Education - [claire.graham-brown@yorkdiocese.org](mailto:claire.graham-brown@yorkdiocese.org).

**Thank you for your support in considering this important decision for our school**

### **Appendix 3**

#### **Consultation Response**

<u>Comment</u>	<u>Interested Party</u>
It makes sense to do this as they are working as one school anyway. Also both are in the EVA (Esk Valley Alliance).	Chair of Governors at neighbouring Local School

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# **Making significant changes ('prescribed alterations') to maintained schools**

**Statutory guidance for proposers and  
decision-makers**

**October 2018**

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# 1: Summary

## About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when making ‘prescribed alterations’ to maintained schools.

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; that local authorities (LAs) and governing bodies (GBs) do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of ‘good’ or ‘outstanding’. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

A GB, LA or the [Schools Adjudicator](#) must have regard to this guidance when exercising functions under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) (‘the Prescribed Alterations Regulations’). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the [Education and Inspections Act \(EIA\) 2006](#) and the Prescribed Alterations Regulations. It also relates to *the* [Establishment and Discontinuance Regulations](#) and [The School Organisation \(Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations \(2007\)](#) (‘the ‘Removal Regulations’).

It is the responsibility of LAs and GBs to ensure that they act in accordance with the relevant legislation when making changes to a maintained school and they are advised to seek independent legal advice where appropriate.

## Review date

This guidance will be reviewed in October 2019.

## Who is this guidance for?

Those proposing to make changes and making decisions on changes to maintained schools (e.g. GBs, LAs and the Schools Adjudicator), and for information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).



This guidance is relevant to all categories of maintained schools (as defined in section 20 of the [School Standards and Framework Act \(SSFA\) 1998](#)), unless explicitly stated. It is not relevant to [Pupil Referral Units](#). Separate advice [on making significant changes to an academy](#) and [opening and closing a maintained school](#) is available.

Please refer to the '[Further Information](#)' section for the full website address should you be unable to access documents via the hyperlinks provided.

## Terminology

Definitions of common terms used in this guidance:

**Schools with a religious character** - All schools designated as having a religious character in accordance with the [SSFA](#).

**Foundation Trust** - For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.

**Parent(s)** - The Education Act 1996 defines 'parent' as including someone who has care of, or legal responsibility for, the child. Therefore, a parent can include, for example, a grandparent, other family member or foster carer if they have care of or responsibility for the child.

## Main points

- All proposals for prescribed alterations must follow the processes set out in this guidance.
- Where a LA proposes to expand a school that is eligible for intervention as set out in Section 59 of the [Education and Inspections Act 2006](#), they should copy the proposal to the relevant [Regional Schools Commissioner \(RSC\)](#) at the point of publication.
- To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in [part 3](#), to the School Organisation mailbox as soon as it is published [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).
- LAs and GBs proposing to make a significant change to a school which has been designated as having a religious character should engage the trustees of the school, and in the case of Church schools the diocese or relevant

diocesan board, or any other relevant faith body, where appropriate at the earliest opportunity.

- Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
- It is not possible for any school to gain, lose or change religious character through a change of category. Information on the process to be followed is available in the [opening and closing maintained schools guidance](#).
- Once a decision has been made the proposer (GB or LA) must make the necessary changes to the school's record in the department's system [Get Information About Schools](#) (GIAS) by the date the change is implemented.
- Where a school wishes to change their name, the GB will need to amend the Instrument of Government in line with regulation 30 of [The School Governance \(Constitution\) \(England\) Regulations 2012](#). Once that is done, either the school or the LA will need to update the school record in the department's GIAS system.

## 2: Prescribed alteration changes

### Enlargement of premises (expansion)

Under section 14 of the [Education Act 1996](#), LAs have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects LAs to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. LAs are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the LA can propose an enlargement of the capacity<sup>1</sup> of premises.

The statutory process should be followed to enlarge premises as set out in the [Prescribed Alterations Regulations](#) (see [part 5](#)) if:

- the proposed enlargement is permanent (longer than three years) and **would increase the capacity of the school** by:
  - more than 30 pupils; **and**
  - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than three years) that meets the above threshold.

GBs of all categories of mainstream schools and LAs can propose small scale expansions that do not meet the thresholds above without the need to follow the formal statutory process in [part 4](#). In many cases this can be achieved solely by increasing the school's published admissions number<sup>2</sup> (PAN); please see the [School Admissions Code](#). The thresholds do not, however, apply to special schools. Details of how special schools can increase their intake<sup>3</sup> are covered below.

---

<sup>1</sup> Net capacity as calculated using the DfE Guidance Assessing the Net Capacity of Schools (2002).

<sup>2</sup> All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN.

<sup>3</sup> The number of pupils admitted into the school at a particular time

## Examples of when mainstream schools would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry - 30 pupils per class, 5 year groups) **could** enlarge its premises to add 1 form of entry (30 extra pupils x 5 year groups = increase of 150 pupils) bringing the capacity to 900 pupils, **without** having to publish statutory proposals. Although the increase would be by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. by less than 187).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be **both** 'more than 30' **and** '200' (it may or may not be more than '25%' but that is irrelevant if the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry  $45 \times 7 = 315$ ), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than** '25%' (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

## The quality of new places created through expansion

We expect LAs to consider a range of performance indicators and financial data, before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect LAs to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the LA should notify their Pupil Places Planning adviser<sup>4</sup>. In cases where there is a proposal to expand a school that is rated inadequate, the LA should also send a copy of the proposal to the [relevant RSC](#) so that they can ensure appropriate intervention strategies are in place.

The table below sets out who can propose an enlargement of premises and what process must be followed:

---

<sup>4</sup> [Advisers.PPP@education.gov.uk](mailto:Advisers.PPP@education.gov.uk)

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for voluntary and foundation	Enlargement of premises (below the threshold)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (below the threshold)	Non statutory process	GB	N/A

## Expansion onto an additional site (or ‘satellite sites’)

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a LA decides that a new school is needed to meet basic need, they should refer to the [guidance for opening new schools](#).

Decisions about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which it will serve the same community as the existing site:

### The reasons for the expansion

- What is the rationale for this approach and this particular site?

### Admission and curriculum arrangements

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

## Governance and administration

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same GB and the same school leadership team)?

## Physical characteristics of the school

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change will be considered as an expansion.

LAs should copy any proposal to expand a school onto a satellite site to [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) for monitoring purposes.

## Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools<sup>5</sup>. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely part of the existing school. Decision-makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

## Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities<sup>6</sup> must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical

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<sup>5</sup> Except where a grammar school is replacing one of more existing grammar schools

<sup>6</sup> The LA in the case of community and voluntary controlled (VC) schools or the GB in the case of voluntary aided (VA) and foundation schools

capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the [School Admissions Code](#) for further details of the processes admission authorities must follow).

## Change in number of pupils in a special school

The School Admissions Code does not apply to special schools. GBs of all categories of special school, and LAs for community special schools, may seek to increase the number of places by following the statutory process in [part 5](#), if the increase is by:

- 10%; or
- 20 pupils (or 5 pupils if the school is a boarding-only school),

(whichever is the smaller number).

The exception to this is where a special school is established in a hospital.

GBs of all categories of special school, and LAs for community special schools, may seek to decrease the number of pupils, by following the statutory process in [part 5](#).

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
LA for community special and foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	GB/Trustees
LA for community special	Decrease of numbers	Statutory process	LA	CofE Diocese RC Diocese

## Change of age range

For changes that are expected to be in place for more than 2 years (as these are considered permanent increases):

**LAs** can propose:

- a change of age range of up to 2 years (except for adding or removing a sixth form) for voluntary and foundation schools by following the non-statutory process, see [part 4](#).
- a change of age range of 1 year or more for community schools (including the adding or removal of sixth form or nursery provision) and community special schools or alter the upper age limit of a foundation or voluntary school to add sixth form provision by following the statutory process, see [part 5](#).

**GBs** of foundation and voluntary schools can propose:

- an age range change of up to 2 years (except for adding or removing a sixth form) by following the non-statutory process, see [part 4](#).
- an age range change of 3 years or more (including adding or removing a sixth form) by following the statutory process, see [part 5](#).

Before making such a proposal, the GB should consult with LAs, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area.

**GBs** of community schools can propose the alteration of their upper age limit to add sixth form provision following the statutory process, see [part 5](#).

**GBs** of community special and foundation special schools can propose a change of age range of 1 year or more following the statutory process, see [part 5](#).



Where a proposed age range change would also require an expansion of the school's premises, the LA or GB must also ensure that they act in accordance with the requirements for proposals for the [enlargement of premises](#).

In cases where the age-range of the school has changed, this should be altered on GIAS. For example if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

The table below sets out who can propose a change of age range and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for voluntary and foundation	Alteration of upper or lower age range of up to 2 years (excluding adding or removing a sixth form)	Non statutory process	LA	NA
GB of voluntary and foundation	Alteration of upper or lower age range by up to 2 years (excluding adding or removing a sixth form)	Non statutory process	GB	N/A
GB of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for community and community special	Alteration of upper or lower age range by 1 year or more (for community schools including the adding or removal of sixth form or nurse provision)	Statutory process	LA	CofE Diocese RC Diocese
GB foundation special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese
LA for community	Alteration of upper age range so as to add or	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
	remove sixth form provision			
LA for voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese
GB of voluntary and foundation	Alteration of upper age range so as to remove sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

## Adding a sixth form

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth form provision will only be put forward for secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education must be good or outstanding (as rated by Ofsted) and the school must have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form will provide at least 200 places and there should be sufficient demand for those places;
- **Subject Breadth:** The proposed sixth form should - either directly or through partnership - offer a minimum of 15 A level subjects. LAs may wish to consider the benefits of delivering a broader A level curriculum through

partnership arrangements with other school sixth forms. Working with others can offer opportunities to:

- Improve choice and attainment for pupils
- Deliver new, improved or more integrated services
- Make efficiency savings through sharing costs
- Develop a stronger, more united voice
- Share knowledge and information.

Schools proposing a partnership arrangement must include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore, where a decision-maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

## Closing an additional site

For foundation and voluntary schools that are already operating on a satellite site(s), GBs must follow the statutory process in [part 5](#) if they are proposing the closure of one or more sites, where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed. The LA may make such a proposal for a community school following the statutory process in [part 5](#).

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary or foundation	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

## Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than two miles from the main entrance of the current school site, or if the proposed new site is within the area of another LA:

- **LAs** can propose the transfer to an entirely new site for community schools, community special schools and maintained nursery schools following the statutory process in [part 5](#).
- **GBs of voluntary, foundation, foundation special and community special** schools can also propose a transfer to a new site following the statutory process in [part 5](#).

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community, community special and maintained nursery	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary foundation or foundation special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese

## Changes of category

**GBs** of all categories of maintained schools, apart from GBs of foundation special schools, may propose to change category by following the statutory process. The [addition or removal of a foundation](#) is described in [part 6](#). Where GBs are proposing a change of category covering a change in provision (e.g. from mainstream to special school) they are encouraged to seek advice by emailing [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).

For a proposal to change the category of a school to voluntary-aided, the decision-maker should be satisfied that the GB and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the GB has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

Guidance on adding or changing a designated religious character can be found in the [Opening and closing maintained schools](#) guidance.

The table below sets out who can propose a change of category and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary	VC to VA VA to VC	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary	VC or VA to foundation school VC or VA to foundation school and acquire a foundation VC or VA to foundation school, acquire a foundation and majority foundation governors on GB	Statutory process	GB	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
GB of foundation	Foundation school to VC or VA	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of foundation	Acquire foundation Acquire a majority of foundation governors on the GB Removal of foundation and/or reduction in majority of foundation governors on GB	Statutory process	GB	N/A
GB of community	Community to VC or VA	Statutory process	LA	CofE Diocese RC Diocese
GB of community	Community to foundation school Community to foundation school and acquire foundation Community to foundation school and acquire majority of foundation governors on GB	Statutory process	GB	N/A
GB of foundation special	Remove foundation and/or reduce majority of foundation governors on GB	Statutory process	GB	N/A

## Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) when they can show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex. When making a decision, LAs will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#).

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community or community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation. foundation special or voluntary	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese

## Mainstream school: establish/remove/alter special educational needs (SEN) provision

When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
and voluntary				

## Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

## Boarding provision

The introduction of boarding provision can require the statutory process to be followed (depending on the type of school in question – see table below). LAs and GBs will need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance and, where there is any doubt, seek independent legal advice, as the department cannot advise on individual cases.

**LAs** can propose for:

- community schools; the establishment, removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).



- community special schools; the establishment, removal or alteration (increase or decrease by 5 places or more where there are both day and boarding places) of boarding provision following the statutory process in [part 5](#).

**GBs** of voluntary and foundation schools can propose the establishment or increase of boarding provision following the non-statutory process in [part 4](#) and the removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

**GBs** of special schools can add or remove boarding provision or, where the school makes provision for day and boarding pupils, can increase or decrease boarding provision by five pupils or more following the statutory process in [part 5](#).

The table below sets out who can propose to establish, change or remove boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Add, remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
LA for community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation or voluntary	Add boarding provision	Non-statutory process	GB	N/A
GB of foundation or voluntary	Remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese

In making a decision on a proposal to remove boarding provision from a school, the decision-maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

## Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements<sup>7</sup> and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary or foundation	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese

## Amalgamations

The LA and/or GB (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Alternatively, LAs may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on [opening and closing a maintained school](#).

<sup>7</sup> In accordance with s.109 (1) of the School Standards and Frameworks Act 1998

### 3: Contentious proposals

When proposing changes, LA's and GBs should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

To enable the department to monitor potentially controversial proposals, LAs and GBs should notify [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) of the publication of any proposals which would:

- involve [expansion onto a separate 'satellite' site](#); or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

## 4: Changes that can be made outside of the statutory process

LAs and GBs of mainstream maintained schools can make limited changes (see [part 2](#) for the exact detail) to their schools without following a statutory process, including some temporary changes; they are nevertheless required to adhere to the usual principles of public law. They MUST:

- act rationally;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department expects that in making these changes, LAs and GBs will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The [consultation principles guidance](#) can be referenced for examples of good practice.

Before making any changes GBs should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;

- they have secured planning permission and/or agreement on the transfer of land where necessary<sup>8</sup>. The proposal can be approved subject to planning permission being granted;
- they have the consent of the site trustees or other land owner where the land is not owned by the GB;
- where a school is designated as having a religious character, they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, where appropriate; and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Once a decision on the change has been made, the proposer (i.e. LA or GB) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's [GIAS](#) system. These changes must be made no later than the date of implementation for the change and can be input in advance, once a decision is made.

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<sup>8</sup> Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SSFA 1998

## 5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend the consultation period if it overlaps school holidays etc;
- plan where any public and stakeholder meetings are held to maximise response;
- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

## Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a GB then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the GB/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
  - the local Church of England diocese;
  - the local Roman Catholic diocese; or
  - the relevant faith group in relation to the school;
- proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

## **Representation (formal consultation)**

The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.



## Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)<sup>9</sup>.

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions<sup>10</sup> (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

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<sup>9</sup> For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

<sup>10</sup> The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations.

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

## Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

## Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events<sup>11</sup>. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

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<sup>11</sup> Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

## Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

## Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

## Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

## Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

## Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

## Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

## Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

## Modification post determination

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

## Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

## Land and buildings

### Foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must<sup>12</sup>:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the GB, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

### Voluntary aided schools

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

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<sup>12</sup> Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

## School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

## 6: Statutory process: foundation proposals

### Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

A 'foundation trust school' is a foundation school with a charitable foundation complying with the requirements set out in SSFA 1998<sup>13</sup>. These include that the foundation trust must have a charitable purpose of advancing education and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby the school's foundation trust has the power to appoint a majority of governors on the GB.

Where a school's GB considers changing category to foundation or acquiring a foundation trust and/or acquiring a foundation majority on the school's GB, the following five-stage statutory process must be followed:

Stage	Description	Timescale	Comments
Stage 1	Initiation		The GB considers a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication		Having gained consent where appropriate
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the prescribed alteration regulations. The LA may refer a foundation trust proposal to the Schools Adjudicator during this period if it considers the proposal to have a negative effect on standards at the school
Stage 4	Decision	The GB must decide within 12 months of the date of publication	Unless the LA has referred the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

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<sup>13</sup> Section 23A

## Initiation

For a proposal to change the category of a school to a foundation school, the GB should inform the LA in writing, at least seven days in advance of a meeting, if a motion to consult on a change of category proposal is to be discussed.

Before the GB can publish a proposal to change category from a voluntary school to a foundation school, the existing trustees and whoever appoints the foundation governors must give their consent.

## Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. Part 1 of [Schedule 1 to the Prescribed Alterations Regulations](#) specifies the information that the statutory proposal must contain. Further details on the publication stage can be found in [Part 5](#).

## Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last four weeks. During this period, any person or organisation can submit comments on the proposal to the GB, to be taken into account when the decision is made.

During the representation period, the LA has the power to require the referral of a proposal to acquire a foundation trust/foundation majority to the [Schools Adjudicator](#) for decision, if they consider it will have a negative impact on standards at the school.

The LA does not have this power in respect of a proposal solely to change the category to foundation<sup>14</sup>.

Where a proposal is referred to the [Schools Adjudicator](#), the GB must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

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<sup>14</sup> However, where such a proposal is related to a proposal to acquire a trust, then the whole set of proposals will be referred to the Schools Adjudicator.



## Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the GB will be the decision-maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

Where a proposal to acquire a foundation trust or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA;
- approve the proposal with or without modifications but conditional upon:
  - the making of any scheme relating to any charity connected with the school; and
  - the establishment of a foundation<sup>15</sup>.

Where the LA has referred a proposal to acquire a foundation trust/foundation majority to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will also fall to be decided by the Schools Adjudicator.

Decision-makers should consider the impact of changing category to foundation school, and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision-maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty<sup>16</sup> to promote community cohesion, and decision-makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies.

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<sup>15</sup> As defined in section 23A of the SSFA 1998

<sup>16</sup> Under section 23A(6) of the SSFA 1998

## Foundation schools acquiring a foundation trust

For foundation trust schools the decision-maker should be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
  - o disqualifications from working with children or young people;
  - o not having obtained a criminal record check certificate<sup>17</sup>;
  - o [Charities Act 2011](#)<sup>18</sup> which disqualify certain persons from acting as charity trustees.

## Suitability of partners

Decision-makers will need to be satisfied of the suitability of foundation trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision-maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)<sup>19</sup>
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).

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<sup>17</sup> Under section 113A of the Police Act 1997

<sup>18</sup> section 178 onwards

<sup>19</sup> Appearance on this database should not automatically disqualify a potential trust member; decision-makers will wish to consider each case on its merits

Within one week of making a decision the GB must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

- the LA;
- the local Church of England diocese; and
- the local Roman Catholic diocese.

Where a proposal has been decided by the GB and is to change the category of a VA school to foundation (with or without the acquisition of a foundation trust/foundation majority), the following bodies have the right of appeal to the [Schools Adjudicator](#)<sup>20</sup>:

- the LA;
- the local Church of England diocese(s); and
- the local Roman Catholic diocese(s).

## Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events<sup>21</sup>. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

## Implementation

The GB must implement any approved proposal by the approved implementation date, taking into account any modifications made by the decision-maker.

Within one week of implementation, the GB must provide information to the Secretary of State<sup>22</sup> about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to

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<sup>20</sup> The specific circumstances in which a referral can be made are prescribed under paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations

<sup>21</sup> under paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations

<sup>22</sup> Paragraph 18 of Schedule 1 of the Prescribed Alterations Regulations

[schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) in order for the school record to be updated on GIAS.

## **Modification post determination**

Modifications can be made to a proposal by the governing body after determination but before implementation.

## **Revocation**

If the proposer no longer wants to implement an approved proposal they must publish a revocation proposal to be relieved of the duty to implement, as set out in Paragraph 19 of Schedule 1 of the Prescribed Alterations Regulations.

## **Governance and staffing issues**

Schedule 4 of the Prescribed Alterations Regulations provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the GB;
- current governors continuing in office;
- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

## **Land transfer issues**

Requirements as to land transfers, when a school changes category or acquires a foundation trust, are prescribed in Schedule 5 of the Prescribed Alterations Regulations.

## Removing a foundation trust and/or removing a foundation majority

There are five or six statutory stages (depending on the proposal and circumstances) to remove a foundation trust and/or to reduce a foundation majority. It may be triggered in two different ways – either by a majority or a minority of the GB:

Stage	Description	Timescale	Comments
Stage 1	Initiation		<b>Majority</b> A majority of governors considers publishing a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation. or <b>Minority</b> A minority (of not less than a third of the governors) notify the clerk of the GB of their wish to publish a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation
Stage 2	Land Issues  (applicable only to removal of trusts)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation trusts, the GB, trustees and the LA must resolve issues related to land and assets before a proposal is published
Stage 3	Consultation	<b>Majority</b> A minimum of 4 weeks is recommended. or <b>Minority</b> No consultation required	<b>Majority</b> It is for the GB to determine the length of consultation
Stage 4	Publication and representation	<b>Majority</b> 6 week representation period. or <b>Minority</b>	

Stage	Description	Timescale	Comments
		Where there are no land or asset issues – publish within 3 months of receipt of notice by GB clerk – followed by a 6-week representation period. Where there are land issues, publish within 1 month of receipt of School Adjudicator’s determination – followed by a 6-week representation period	
Stage 5	Decision	Within 3 months	A proposal initiated by a minority of governors may not be rejected unless at least two-thirds of the GB are in favour of the rejection
Stage 6	Implementation	No prescribed timescale	But must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

## Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- a) a majority<sup>23</sup> of the GB or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole GB at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- b) at least one-third<sup>24</sup> of the governors requesting in writing to the clerk of the GB, that a proposal be published. No vote of the GB is required as they are obliged to publish a proposal. To prevent on-going challenges

<sup>23</sup> Regulation 4 of the Removal Regulations

<sup>24</sup> Regulation 5 of the Removal Regulations

there are a number of prescribed circumstances<sup>25</sup> in which there is no obligation to follow the wishes of the minority of governors.

## Land and assets (when removing a foundation trust)

Before publishing proposals to remove a foundation trust, the GB must reach agreement with the trustees and LA on issues relating to the school's land and assets. Where such issues remain unresolved within three months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the [Schools Adjudicator](#) for determination.

On the removal of the foundation trust, all publicly provided land held by the foundation trust for the purposes of the school will transfer to the GB<sup>26</sup>. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the GB in accordance with a transfer agreement, providing for consideration to be paid by the GB to the foundation trust where appropriate. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

## Consultation

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the GB must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the LA;

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<sup>25</sup> See regulation 5(4) of the Removal Regulations

<sup>26</sup> By virtue of regulation 17(1) of the Removal Regulations

- the GBs of any other foundation or foundation special schools maintained by the same LA for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;
- any other person the GB consider appropriate.

## Publication

Where the decision to publish a proposal was made by a majority of governors, the GB at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the GB must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the [Schools Adjudicator](#), the proposal must be published within 1 month of receipt of its determination.

Proposals to remove a foundation trust or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#). Further details on the publication stage can be found in [Part 5](#).

At the same time as publishing the proposals, the GB must send copies of the proposals to the LA, trustees, and the Secretary of State via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).

## Representation

The representation period starts on the date of the publication of the proposal and must last six weeks. During this period, any person or organisation can submit comments on the proposal to the GB to be taken into account when the decision is made.

Unlike the foundation trust acquisition process, there is no power for the LA to refer a proposal to the Schools Adjudicator to remove a school's foundation trust or to reduce the number of governors appointed by the foundation trust. However, GBs



must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of State under Section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

## Decision

The GB is the decision-maker for a removal proposal and must determine the proposal within 3 months of the date of its publication.

If a proposal was brought forward by a majority of governors, then it may be determined by a majority vote of those governors present<sup>27</sup>.

If a proposal was brought forward by a minority of governors, then the GB may not reject the proposal unless two thirds or more of the governors indicate that they are in favour of its rejection<sup>28</sup>.

When deciding a proposal for the removal of a foundation trust, the GB should consider the proposal in the context of the original proposal to acquire the foundation trust, and consider whether the foundation trust has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners, this should be considered.

All decisions must be taken in accordance with the processes prescribed in [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#).<sup>29</sup>

The GB must notify the relevant LA, trustees and the Secretary of State via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) of their decision.

## Implementation

The GB is under a statutory duty to implement any approved proposal, as published, by the approved implementation date, taking into account any modifications made. In changing category, an implementation period begins when the proposal is decided and ends on the date the proposal is implemented. During this period the LA and GB are required to make a new instrument of government for the school, so enough time must be built into the timeframe for this to happen. The GB must then be reconstituted in a form appropriate to the school's new category and also in accordance with the appropriate instrument of government taking into account the [School Governance \(Constitution\) \(England\) Regulations 2012](#).

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<sup>27</sup> As per the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

<sup>28</sup> As per regulation 11(2) of the Removal Regulations.

<sup>29</sup> Except as otherwise provided by the Removal Regulations.

When removing a foundation trust or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current GB who continues as a governor on these grounds holds office for the remainder of the term for which he or she was originally appointed or elected. Where a school with a religious character has no foundation trust, the GB must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent the appointment of a former foundation governor being reappointed by the GB as a partnership governor.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation trust for the use of the school and premises. When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

## **Modification of proposals**

Modifications can only be made to the implementation date and the proposed constitution of the governing body.

## **Annex A: Information to be included in a prescribed alteration statutory proposal**

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision-makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and LA details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long-term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support, objections and comments.

## Annex B: Further Information

This guidance primarily relates to:

- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/3110/contents/made)  
www.legislation.gov.uk/uksi/2013/3110/contents/made
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/3475/contents/made) www.legislation.gov.uk/uksi/2007/3475/contents/made
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/1287/contents/made) www.legislation.gov.uk/uksi/2007/1287/contents/made
- [The Education and Inspections Act 2006](http://www.legislation.gov.uk/ukpga/2006/40)  
www.legislation.gov.uk/ukpga/2006/40
- [The School Standards and Framework Act 1998](http://www.legislation.gov.uk/ukpga/1998/31/contents)  
www.legislation.gov.uk/ukpga/1998/31/contents

It also relates to:

- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/3109/contents/made) www.legislation.gov.uk/uksi/2013/3109/contents/made
- [The School Governance \(Constitution\) \(England\) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/1034/contents/made)  
www.legislation.gov.uk/uksi/2012/1034/contents/made
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi_20141257_en.pdf)  
www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi\_20141257\_en.pdf
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](http://www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf) www.legislation.gov.uk/uksi/2015/883/pdfs/uksi\_20150883\_en.pdf
- [The School Governance \(New Schools\) \(England\) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf)  
www.legislation.gov.uk/uksi/2007/958/pdfs/uksi\_20070958\_en.pdf
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/1624/contents/made) www.legislation.gov.uk/uksi/2013/1624/contents/made
- [The Childcare Act 2006](http://www.legislation.gov.uk/ukpga/2006/21/contents) www.legislation.gov.uk/ukpga/2006/21/contents
- [The School Premises \(England\) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/1943/contents/made)  
www.legislation.gov.uk/uksi/2012/1943/contents/made

- [Making Significant Changes to an Existing Academy](http://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy)  
www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy
- [Academy/Free School Presumption – departmental advice](http://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption)  
www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers](http://www.gov.uk/government/publications/establishing-new-maintained-schools)  
www.gov.uk/government/publications/establishing-new-maintained-schools
- [The School Admissions Code](http://www.gov.uk/government/publications/school-admissions-code--2) www.gov.uk/government/publications/school-admissions-code--2
- [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/contents) www.legislation.gov.uk/ukpga/1996/56/contents
- [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) www.legislation.gov.uk/ukpga/2010/15/contents
- [Police Act 1997](http://www.legislation.gov.uk/ukpga/1997/50/contents) www.legislation.gov.uk/ukpga/1997/50/contents
- [Charities Act 2011](http://www.legislation.gov.uk/ukpga/2011/25/contents) www.legislation.gov.uk/ukpga/2011/25/contents
- [Public Sector Equality Duty](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty) www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty
- [Home-to-school travel and transport - GOV.UK](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)  
www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance
- [Get information about schools - GOV.UK](http://www.get-information-schools.service.gov.uk/) www.get-information-schools.service.gov.uk/
- [Consultation principles: guidance - GOV.UK](http://www.gov.uk/government/publications/consultation-principles-guidance)  
www.gov.uk/government/publications/consultation-principles-guidance
- [School land and property: protection, transfer and disposal - GOV.UK](http://www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal)  
www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal

## Annex C: Contact details for RSC offices

- East and North East London - [RSC.EASTNELONDON@education.gov.uk](mailto:RSC.EASTNELONDON@education.gov.uk)
- North - [RSC.NORTH@education.gov.uk](mailto:RSC.NORTH@education.gov.uk)
- East Midlands and Humber - [EMH.RSC@education.gov.uk](mailto:EMH.RSC@education.gov.uk)
- Lancashire and West Yorkshire - [LWY.RSC@education.gov.uk](mailto:LWY.RSC@education.gov.uk)
- South Central England and North West London - [RSC.SCNWLON@education.gov.uk](mailto:RSC.SCNWLON@education.gov.uk)
- South East and South London - [RSC.SESL@education.gov.uk](mailto:RSC.SESL@education.gov.uk)
- South West - [RSC.SW@education.gov.uk](mailto:RSC.SW@education.gov.uk)
- West Midlands - [RSC.WM@education.gov.uk](mailto:RSC.WM@education.gov.uk)



Department  
for Education

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## **Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics**

(Form updated April 2019)

The proposal by the Governing Body of Danby CE Primary School to change the category of Danby CE Primary School from voluntary controlled to voluntary aided with effect from 16th September 2021

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如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔



Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	CYPS Strategic Planning Team
Lead Officer and contact details	Andrew Dixon, County Hall
Names and roles of other people involved in carrying out the EIA	Matt George, Strategic Planning officer

How will you pay due regard? e.g. working group, individual officer	LA Officers and School Governing Body
When did the due regard process start?	Consultation started in January 2021

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The proposal by the Governing Body of Danby CE Primary School to change the category of Danby CE Primary School from voluntary controlled to voluntary aided with effect from 16th September 2021.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The reasons listed below are the key reasons for the Governors proposal as set out in their consultation document and in the Statutory proposal:

1. Greater protection of, and the ability to further develop, Danby's Church School Ethos

Governors state that as a Voluntary Aided school, Danby would have greater formal links with the Diocese and local Church whilst maintaining a strong and effective relationship with North Yorkshire County Council, and would be able to enhance provision for Religious Education (RE) teaching and learning.

2. More effective joint working with Egton Church of England Voluntary Aided Primary School ("Egton") due to increased alignment

Danby C.E Governors state that this would be enhanced should Danby become a Voluntary Aided School in line with these proposals due to greater alignment between the two schools. For example:

- The schools would have the same RE syllabus enabling greater shared provision;
- The federated Governing Body would be the single employer of staff, making shared staffing arrangements in appropriate cases easier; and
- The inspection processes under the SIAMS framework would be more aligned.

With greater similarities between the schools, the Danby V.C Governing Body believe that even greater benefit can be obtained from this Federation.

**Section 3. What will change? What will be different for customers and/or staff?**

To change the category of Danby CE Primary School from voluntary controlled to voluntary aided with effect from 16th September 2021.

There will be no change for customers but for staff the School Governors will become their employers rather than the Local Authority.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The consultation period ran from 11 February 2021 to 25 March 2021. Consultation documents were distributed to a wide range of stakeholders. The consultation document and responses are included in the report to the Executive on 22 June 2021.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result.

The only change to Local Authority budgets will be that for any Capital Works to be carried out at the school in future allocations would be made via the LEA (Local Education Authority) Co-ordinated Voluntary Aided Programme rather than as part of the Local Authority Schools Capital Programme. The School's Governing Body would need to provide 10% towards any agreed project.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age	X			No impact is anticipated.
Disability	X			No impact is anticipated.
Sex	X			No impact is anticipated.
Race	X			No impact is anticipated.
Gender reassignment	X			No impact is anticipated.

Sexual orientation	X			No impact is anticipated.
Religion or belief	X			No impact is anticipated.
Pregnancy or maternity	X			No impact is anticipated.
Marriage or civil partnership	X			No impact is anticipated.

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?	X			No impact anticipated.
...have a low income?	x			No impact anticipated
...are carers (unpaid family or friend)?	x			No impact anticipated

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	X
Selby district	
<b>If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	
Danby	

**Section 9. Will the proposal affect anyone more because of a combination of protected characteristics?** (e.g. older women or young gay men) **State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

No impact anticipated

<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
1. <b>No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	x
2. <b>Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. <b>Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. <b>Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)	
The assessment has been that this proposal will have no impact with regard to Equalities.	

**Section 11. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

Monitoring of standards will be carried out through the County Council's Education and Skills Team and through Ofsted inspections.

<b>Section 12. Action plan.</b> List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.				
<b>Action</b>	<b>Lead</b>	<b>By when</b>	<b>Progress</b>	<b>Monitoring arrangements</b>
Not applicable				

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**Section 13. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The assessment has been that this proposal will have no impact with regard to Equalities.

**Section 14. Sign off section**

This full EIA was completed by:

**Name: Matt George**  
**Job title: Strategic Planning Officer**  
**Directorate: CYPS**  
**Signature:**

**Completion date: 04/06/2021**

**Authorised by relevant Assistant Director (signature): Amanda Newbold**

**Date: 04/06/2021**

## NORTH YORKSHIRE COUNTY COUNCIL

### EXECUTIVE

22 June 2021

#### Grant of Leases to NY Highways Ltd

Report of the Corporate Director for Strategic Resources

<b>1.0 Purpose of Report</b>
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1.1 To obtain approval to grant leases to NY Highways Ltd.
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## 2.0 Background

- 2.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.
- 2.2 At the meeting of 16 April 2019, the Executive resolved 'That following the completion of the current HMC and HEDC contracts, the delivery of the highways service be via a Teckal company for the Operational elements of the service and via In-house delivery for the Professional Services element, supported by a single provider top-up contract. Both of these delivery models to be supplemented by support contracts.'
- 2.3 The NYCC owned Teckal Company set up to carry out this function is NY Highways Ltd (NYH).
- 2.4 In order to facilitate service provision, NYCC will lease 19 depot sites to NYH. The decision to grant leases at most of these sites was taken on 18 May 2021, under delegated authority from the Corporate Director, Strategic Resources.
- 2.5 The Property Procedure Rules (para 8.1.3.1) require the Executive to approve the grant of any lease where the annual rent exceeds £100,000. This is the case for the depots at Thirsk (£105,399), Kirby Misperton (£115,439), Skipton (£109,834) and Selby (£121,102).

- 2.6 The leases will commence on 1 June 2021. Current occupation is by virtue of temporary licences, which do not require Executive approval.

### **3.0 Financial Implications**

- 3.1 The rents were determined by an external company (Cushman & Wakefield) in order to avoid State Aid or similar replacement provisions.
- 3.2 The annual rental income to NYCC for these four depots will be £451,774. For all of the depots it will be £1.05 Million.
- 3.3 The Property Service will manage the depot sites. All costs associated with the running of them will be recovered from NYH by a service charge, collected in arrears based on actual expenditure on a quarterly basis.

### **4.0 Recommendation**

- 4.1 That, subject to any comments Members may have, the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:
- i. To approve the grant of leases to NYH for the four sites listed in paragraph 2.5, on terms to be agreed by the Corporate Director for Strategic Resources.

**Date:** 8 June 2021

**Presenter of report:** Gary Fielding, Corporate Director for Strategic Resources

**Report Author:** Shaun Wilson, Property Transaction Manager

**Background Papers:** None

**Appendices:** None



## North Yorkshire County Council

### Executive

22 June 2021

### National Bus Strategy

#### Report of the Corporate Director – Business and Environmental Services

##### 1.0 Purpose of Report

- 1.1 To update the Executive on the National Bus Strategy and actions Local Transport Authorities are expected to take.
- 1.2 To present to Members for their consideration, and for recommendation to the Chief Executive Officer under his emergency delegated powers:
- a number of options and a recommendation in relation to the council's response.
  - a revised set of objectives for approval and inclusion in the council's Bus Service Improvement Plan.

##### 2.0 Background

- 2.1 Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.
- 2.1 Throughout the pandemic the Government has been providing up to £27.3m per week of emergency funding nationally to the bus sector through the COVID-19 Bus Services Support Grant (CBSSG) scheme. This is allowing bus operators to maintain services for essential travel.
- 2.2 In addition, the council, like many authorities, has provided additional support by maintaining contract payments and continuing English National Concessionary Travel Scheme (ENCTS) reimbursement at pre-Covid levels.
- 2.3 The National Bus Strategy (NBS) was published 15 March 2021 (The full document is available – [Bus Back Better: national bus strategy for England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/944212/Bus_Back_Better_-_national_bus_strategy_for_England.pdf)). Government's aim is to transform bus services across the country ensuring buses are more frequent, more reliable, easier to understand and use, better co-ordinated and cheaper. With increased frequencies, services operating into the evenings and at weekends or more demand responsive services in places unserved or barely served by conventional buses.

Together with improved bus priority, customer information and ticketing. Government expects bus punctuality and reliability to improve and passenger numbers grow.

- 2.4 The NBS sets out some requirements for Local Transport Authorities (LTAs):
- By the end of June 2021 all LTAs (except MCAs which have started the statutory process of franchising bus services) to commit to establishing Enhanced Partnerships across their entire areas under the Bus Services Act 2017 or develop a bus franchising assessment.
  - From 1 July 2021, only LTAs and operators who meet the above will continue to receive the COVID-19 Bus Services Support Grant (CBSSG) referred to at 2.1 above or any new sources of bus funding from the Government's £3bn budget.
  - By the end of October 2021 all LTAs to publish a local Bus Service Improvement Plan, detailing how they propose to use their powers to improve services. Actual delivery of Enhanced Partnerships by April 2022. From that date, the new discretionary forms of bus funding from Government will only be available to services operated, or measures taken, under an Enhanced Partnership or where a franchising scheme has been made. In addition, only services operated under these statutory agreements will be eligible for the reformed Bus Service Operators Grant, which is subject to consultation.
- 2.5 The NBS is clear that from 1 July 2021, only LTAs and operators who meet these requirements will continue to receive the COVID-19 Bus Services Support Grant (CBSSG) detailed at section 2.1 or any new sources of bus funding from the Government's £3bn budget. The terms and conditions of CBSSG already make clear that it is discretionary. The new funding will also be discretionary. As part of wider reform of the Bus Service Operators Grant Government will consult on linking payment of that reformed grant to these commitments.

### **3.0 Options**

- 3.1 Summary of Options:
1. Franchising
  2. Enhanced Partnership
  3. 'Do Nothing'
- 3.2 As outlined in section 2.4 above the National Bus Strategy suggests two options, Enhanced Partnership or Franchising, both of which ensures funding will continue beyond 30 June 2021 and any new sources of bus funding from the Government's £3bn budget. A third option is to 'do nothing', which will result in funding ceasing at 30 June 2021 and no access to any new sources of bus funding.
- 3.3 Franchising: LTAs who wish to pursue Franchising may do so but must commit to implementing Enhanced Partnerships until the Franchising process, which can be lengthy, is complete.
- 3.4 Enhanced Partnerships: An Enhanced Partnership is an agreement between a local transport authority and local bus operators to work together to improve bus services. Should the Council pursue this option the Council will need to Publish a Notice of Intent to Prepare an Enhanced Partnership Plan and Schemes prior to the 30 June 2021 Government deadline and publish a Bus Service Improvement Plan (BSIP) by 31 October 2021. A draft notice is attached at Annex 1.

- 3.5 'Do Nothing': Should the council pursue this option no further action would be necessary however the COVID-19 Bus Services Support Grant (CBSSG) will cease with the likely result of a sudden retrenchment of commercial bus services across North Yorkshire. In addition, the Council will be unable to access any new sources of bus funding from the Government's £3bn budget.
- 3.6 Beyond publication of any Notice of Intent (as described in section 3.4), the Council will be required to make a final decision on its stance by October 2021. At that stage additional detail will be forthcoming including input from operators, information on what the North Yorkshire BSIP will contain and any new guidance on government funding.
- 4.0 New or Expanded Mayoral Combined Authorities in the Future**
- 4.1 The NBS states:  
*"LTAs may also join together to produce joint plans and partnership or franchising arrangements and should be looking to do so where local economies and travel to work areas overlap significantly. We would expect to see shared arrangements across any areas wishing to become new or expanded Mayoral Combined Authorities in the future."*
- 4.2 Discussions have taken place between senior officers at the Council and City of York Council and it is proposed that given the very differing needs of bus users, driven by the differing geography and population density, coupled with the extremely short timeframe to produce a Bus Service Improvement Plan, separate plans will be submitted. However, both councils will endeavour to align their plans for areas of commonality.
- 5.0 Bus Service Improvement Plan**
- 5.1 A Bus Service Improvement Plan (BSIP) must be published by 31 October 2021.
- 5.2 A BSIP should:
- Be developed by LTAs in collaboration with local bus operators and other stakeholders.
  - Cover the LTA's full area.
  - Set out how they will achieve the objectives in the National Bus Strategy, including growing bus use, and include a detailed plan for delivery.
  - Be updated annually and reflected in the Authority's Local Transport Plan.
- 5.3 It is also expected that BSIP should:
- Set targets for journey times and reliability improvements.
  - Identify where bus priority measures are needed.
  - Set out pressures on the road network, air quality issues and carbon reduction targets and set out actions, working with operators, to transform the local bus fleet to zero emission.
  - Drive improvements for passengers and committing to a Bus Passenger Charter (BPC) that sets out what passengers can expect from bus operators delivering local bus services across their area. BPCs should include commitments on the accessibility of bus services.
- 5.4 It is likely that the BSIP will be the basis of a bidding document for part of the Government's £3bn budget mentioned in section 2.3. The National Bus Strategy confirms future government funding will recognise the level of ambition demonstrated by local authorities in Bus Service Improvement Plans. However, there is uncertainty around the distribution and longevity of this funding.

## 6.0 Engagement

- 6.1 The National Bus Strategy is clear that Enhanced Partnerships should work for both LTAs and bus operators. In all cases, a BSIP should be accompanied by letters of support from operators representing at least 80% of registered mileage in the geographical area covered by the BSIP. Early engagement has taken place with operators to ensure a productive partnership is developed that will deliver improvements for bus passengers. Without sufficient support from bus operators access to future funding is at risk.
- 6.2 Early stakeholder engagement has also taken place. A number of questions were also asked of the Council's Citizens Panel. Feedback provided together with information from previous passenger transport consultation exercises has helped shape the revised objectives at section 6.4 below.
- 6.3 Further consultation, including an open public consultation, will take place as the Enhanced Partnership progresses.
- 6.4 A vision and objectives are required for inclusion in the BSIP, draft versions of these are detailed below. These will be developed as the consultation and engagement progresses.

***VISION: An efficient and optimised bus network in North Yorkshire that meets the needs of our local communities, enabling people to remain active and independent. With excellent customer service and simple payment and ticketing options. Customers will have bus services which encourage and enable sustainable, cleaner and healthier travel choices, lowering emissions from fewer car trips. Through our bus services, we will raise the profile of North Yorkshire as a place to live, visit, work in and invest.***

***Excellent Customer Service:*** Provide consistent and excellent customer service across North Yorkshire.

***Simple Payment and Ticketing Options:*** Developing simple, convenient and easy to use payment options providing a network sustainable and reasonably priced for customers.

***A High Quality Co-ordinated and Integrated Bus Network:*** Develop a network of punctual and reliable commercial services to give customers the confidence that the bus will turn up and get them to their intended destination in the time expected and, to address the needs of passengers in areas which struggle to support commercial bus services, ensure this is integrated with a modern supported network of services.

***Simple, clear, and freely available information:*** Present the bus system as a single network and provide easily accessible and reliable travel information

## 7.0 Equalities

- 7.1 An Equalities Impact Assessment has been completed and this is attached at Annex 2. Impacts vary dependent upon the option chosen. Some options have the potential for no adverse impact and could result in making things better for people with protected characteristics. However, with other options there is potential for adverse impact for people with protected characteristics. Should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users. Older people, women, people with disabilities are the particularly groups that might be adversely impacted as these groups are either likely to use public transport more often or may be more dependent upon public transport or may find

using public transport harder to use. The Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work, including following the decision following this report.

## **8.0 Finance**

- 8.1 The detailed financial implications of the National Bus Strategy are not yet known and therefore this information will be set out in a future report, once available, in line with seeking approval to submit a Bus Service Improvement Plan to Government. As outlined in section 2.4 above the National Bus Strategy suggests two options, Enhanced Partnership or Franchising, both of which ensures funding will continue beyond 30 June 2021 and any new sources of bus funding from the Government's £3bn budget. A third option is to 'do nothing', which will result in funding ceasing at 30 June 2021 and no access to any new sources of bus funding.
- 8.2 On this basis, the financial implications of the Enhanced Partnership option are not yet known, however by progressing this arrangement, this will mean the funding currently received will not automatically cease from the 30 June 2021 and the ability to access any new sources of bus funding will remain.
- 8.3 There is a cost to the Council in implementing the National Bus Strategy including setting up the Enhanced Partnership and developing the Bus Service Improvement Plan which is mainly in the form of officer time. This requirement can in part be met from existing resource within the service. In addition, the Department for Transport have provided a £100k flat payment to assist local authorities towards progressing an Enhanced Partnership or franchising arrangement which will be used by providing additional resource either through recruitment, consultant services or a combination of both.

## **9.0 Legal**

- 9.1 There is a wide range of legislation relating to passenger transport and the Council has some statutory duties imposed as part of this legislation.
- 9.2 The Transport Act 2000 imposes a duty on LTAs to prepare and publish a local transport plan setting out their policies for the promotion of safe, integrated, efficient and economic transport facilities in their area, and to develop a bus strategy for carrying out their bus functions.
- 9.3 The Bus Services Act 2017 provides LTAs with the ability to determine and specify the bus services to be provided in an area via franchising, with bus operators bidding to provide the services (with the aim of allowing LAs to specify the services that passengers want and deliver via an integrated network of services with co-ordinated timetables, ticketing and branding). This Act also allows LTAs to introduce new Enhanced Partnerships as defined at 3.3 above.

## **10.0 Climate Change**

- 10.1 A Climate Change Impact Assessment has been completed and this is attached at Annex 3. Impacts vary dependent upon the option chosen. Some options have the potential for positive impacts on the environment. However, should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users. This in turn could result in increased car use and therefore increase emissions from travel, and increase air and noise pollution.

- 10.2 It is anticipated that there will be minimal, if any, impact on waste, water consumption, resilience, conservation and distinctive features and special qualities of North Yorkshire's landscape. The Climate Change Impact Assessment will need to be reviewed and refreshed throughout the proposal work.

#### **11.0 Recommendations**

- 11.1 That, subject to any comments Members may have, the following be proposed to the Chief Executive Officer for approval under his emergency delegated powers:
- i. The option of Enhanced Partnership as the preferred option and agree the draft notice attached at Annex 1 can be published. Noting that a further decision on the council's final option position could be taken In October 2021 when details of the Enhanced Partnership work with operators, information on what the North Yorkshire BSIP would contain, any new details on funding and future funding available at that time.
  - ii. The objectives set out in section 6.4 for inclusion in the council's Bus Service Improvement Plan.

Karl Battersby  
Corporate Director – Business and Environmental Services

9 June 2021

Report Author: Cathy Knight, Commercial Sector Service Development Manager

#### **Background Documents:**

[Bus Back Better: national bus strategy for England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/944212/Bus-Back-Better-national-bus-strategy-for-England.pdf)

#### **Annexes:**

Annex 1 – Draft Notice  
Annex 2 – Equality Impact Assessment  
Annex 3 – Climate Change Impact Assessment

**Notice of Intent to Prepare an Enhanced Partnership Plan and Schemes**  
**[insert date of issue] June 2021**

At its meeting on 22 June 2021, North Yorkshire County Council gave approval to proceed with the development of an Enhanced Partnership. The commencement of this is confirmed through this notice of the intention to prepare an Enhanced Partnership Plan and accompanying Enhanced Partnership Schemes, as required and set out in section 138F of the Transport Act 2000.

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## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2019)

### National Bus Strategy

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Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Business and Environmental Services Integrated Passenger Transport
Lead Officer and contact details	Cathy Knight <a href="mailto:cathy.knight@northyorks.gov.uk">cathy.knight@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	
How will you pay due regard? e.g. working group, individual officer	Officers will consider the Council's equality duty and be mindful of the impact and potential effects of any proposed changes in fees and charges to people with any of the protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics throughout the proposals considers North Yorkshire County Council's response to the National Bus Strategy.
When did the due regard process start?	April 2021

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The National Bus Strategy sets out some requirements for local transport authorities:

- By the end of June 2021 all Local Transport Authorities (LTAs) (except MCAs which have started the statutory process of franchising bus services) to commit to establishing Enhanced Partnerships
  - By the end of October 2021 all LTAs to publish a local Bus Service Improvement Plan
- The proposal considers North Yorkshire County Council's response.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

To ensure that the council responds appropriately to the recently issued National Bus Strategy.

**Section 3. What will change? What will be different for customers and/or staff?**

The proposal considers North Yorkshire County Council's response to the National Bus Strategy. A number of options are currently being considered:

- Franchising
- Enhanced Partnership
- 'Do Nothing'
- A combination of two of the above

This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Consultation will take place with key stakeholders and bus operators. It is likely that a public consultation will take place later in 2021, unless the 'Do Nothing' option is chosen.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

There are no financial impacts to NYCC in relation to the options set out above, at this stage. However, should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users.

This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		x	x	<p>Impacts vary dependent upon the option chosen. This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users.</p> <p>People aged under 30 and over 60 usually make proportionally more bus trips per person than other age groups.</p>
Disability		x	x	<p>Impacts vary dependent upon the option chosen. This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users.</p> <p>No specific data available but it is possible that some groups of people with a disability are less likely to hold a full driving licence compared to someone without a disability.</p>
Sex		x	x	<p>Impacts vary dependent upon the option chosen. This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users.</p> <p>No current specific data available but historic data has suggested that women make more bus trips than men. Women are also less likely to have access to a car.</p>
Race	x			No evidence of impact on grounds of race.

Gender reassignment	x			No evidence of impact on grounds of gender reassignment.
Sexual orientation	x			No evidence of impact on grounds of sexual orientation.
Religion or belief	x			No evidence of impact on grounds of religion or belief.
Pregnancy or maternity	x			No evidence of impact on grounds of pregnancy or maternity.
Marriage or civil partnership	x			No evidence of impact on grounds of marriage or civil partnership.

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?		x	x	<p>Impacts vary dependent upon the option chosen. This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users.</p> <p>Accessing services can be problematic for people living in rural areas, for example lack of transport is often cited as a barrier to accessing employment by people living in rural areas.</p>
...have a low income?		x	x	<p>Impacts vary dependent upon the option chosen. This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users.</p> <p>People on low income are less likely to have access to a car and are therefore likely to be more reliant on using buses.</p>
...are carers (unpaid family or friend)?	x			No evidence of impact on grounds of people who are carers (unpaid family or friend).

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	x
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
<b>If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	

<p><b>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics?</b> (e.g. older women or young gay men) <b>State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</b></p> <ul style="list-style-type: none"> <li>• Older women</li> <li>• People on low income living in rural areas particularly women</li> <li>• Women living in rural areas</li> <li>• Disabled people living in rural areas</li> <li>• Disabled people on low income</li> </ul>
---

<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	x
<b>2. Adverse impact - adjust the proposal -</b> The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
<b>3. Adverse impact - continue the proposal -</b> The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	x
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal –</b> The EIA identifies actual or potential unlawful discrimination. It must be stopped.	

**Explanation of why option has been chosen.** (Include any advice given by Legal Services.)

A number of options are currently being considered:

- Franchising
- Enhanced Partnership
- 'Do Nothing'
- A combination of two of the above

Some options have the potential for no adverse impact and could result in making things better for people with protected characteristics. However with other options there is potential for adverse impact for people with protected characteristics. Should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users. Older people, women, people with disabilities are the particularly groups that might be adversely impacted as these groups are either likely to use public transport more often or may be more dependent upon public transport or may find using public transport harder to use.

Officers will be mindful of the impact and potential effects the proposed recommendation may have on these groups and monitoring will be undertaken as detailed in section 11.

This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work.

**Section 11. If the proposal is to be implemented, how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

- Monitor correspondence and complaints following the introduction of any changes
- Monitoring of the services through on-going contract management
- Feedback from users, operators, Parish Councils, County Councillors and other
- stakeholders

**Section 12. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Monitor bus patronage usage	Operator/contract manager	Ongoing	Ongoing	Through normal business processes
Monitor ENCTS usage	Operator/contract manager	Ongoing	Ongoing	Through normal business processes

**Section 13. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The proposal considers North Yorkshire County Council's response to the National Bus Strategy and a number of options are currently being considered. There is potential for adverse impact dependent upon the option chosen. This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users. This option may adversely affect some groups of people with protected characteristics.

Officers will be mindful of the impact and potential effects the proposed recommendation may have on these groups and monitoring will be undertaken as detailed in section 11.

This Equalities Impact Assessment will need to be reviewed and refreshed throughout the proposal work.

#### **Section 14. Sign off section**

This full EIA was completed by:

**Name:** Cathy Knight

**Job title:** Commercial Sector Service Development Manager

**Directorate:** Business and Environmental Services

**Signature:** Cathy Knight

**Completion date:** 29/04/2021

**Authorised by relevant Assistant Director (signature):** M Leah

**Date:** 08.06.2021

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## Climate Change Impact Assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

**Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:**

Planning Permission  
Environmental Impact Assessment  
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	National Bus Strategy
<b>Brief description of proposal</b>	The National Bus Strategy sets out some requirements for local transport authorities: <ul style="list-style-type: none"> <li>• By the end of June 2021 all Local Transport Authorities (LTAs) (except MCAs which have started the statutory process of franchising bus services) to commit to establishing Enhanced Partnerships</li> <li>• By the end of October 2021 all LTAs to publish a local Bus Service Improvement Plan</li> </ul> The proposal considers North Yorkshire County Council's response.
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Travel, Environmental and Countryside Services
<b>Lead officer</b>	Cathy Knight
<b>Names and roles of other people involved in carrying out the impact assessment</b>	None
<b>Date impact assessment started</b>	April 2021

**Options appraisal**

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The proposal considers North Yorkshire County Council's response to the National Bus Strategy. A number of options are currently being considered:

- Franchising
- Enhanced Partnership
- 'Do Nothing'
- A combination of two of the above

This Climate Change Impact Assessment will need to be reviewed and refreshed throughout the proposal work.

**What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

There are no financial impacts to NYCC in relation to the options set out above, at this stage. However, should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users.

This Climate Change Impact Assessment will need to be reviewed and refreshed throughout the proposal work.

How will this proposal impact on the environment?					Explain why will it have this effect and over what timescale?	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		<b>Positive impact</b> (Place a X in the box below where	<b>No impact</b> (Place a X in the box below where	<b>Negative impact</b> (Place a X in the box below where	Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>		
Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel	X		X	Impacts vary dependent upon the option chosen. This Climate Change Impact Assessment will need to be reviewed and refreshed throughout the proposal work. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users. This in turn could result in increased car use and therefore increase emissions from travel. Conversely some options could result in reduced car use and therefore reduced emissions.		
	Emissions from construction		X		No impact at this stage. This Climate Change Impact Assessment will need to be reviewed and refreshed throughout the proposal work.		
	Emissions from running of buildings		X		No impact anticipated at this stage.		
	Other		X		No impact anticipated at this stage.		

How will this proposal impact on the environment?  N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		X		No impact anticipated at this stage.		
Reduce <b>water</b> consumption		X		No impact anticipated at this stage.		
Minimise <b>pollution</b> (including air, land, water, light and noise)	X		X	Impacts vary dependent upon the option chosen. This Climate Change Impact Assessment will need to be reviewed and refreshed throughout the proposal work. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users. This in turn could result in increased car use and therefore increase air and noise pollution. . Conversely some options could result in reduced car use and therefore reduced air and noise pollution.		

How will this proposal impact on the environment?  N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		X		No impact anticipated at this stage.		
Enhance <b>conservation</b> and wildlife		X		No impact anticipated at this stage.		
Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b>		X		No impact anticipated at this stage.		
Other (please state below)		X		No impact anticipated at this stage.		

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

Not currently aware of any good practice environmental standards relating to this proposal.

**Summary** Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Impacts vary dependent upon the option chosen. Some options have the potential for positive impacts on the environment. However should the 'do nothing' option be pursued there will be a financial impact to local bus service operators across North Yorkshire. The likely result of which will be a sudden retrenchment of commercial bus services across North Yorkshire negatively impacting on bus users. This in turn could result in increased car use and therefore increase emissions from travel, and increase air and noise pollution

It is anticipated that there will be minimal, if any, impact on waste, water consumption, resilience, conservation and distinctive features and special qualities of North Yorkshire's landscape.

This Climate Change Impact Assessment will need to be reviewed and refreshed throughout the proposal work

### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	Cathy Knight
<b>Job title</b>	Commercial Sector Service Development Manager
<b>Service area</b>	Travel, Environmental and Countryside Services
<b>Directorate</b>	Business and Environmental Services
<b>Signature</b>	Cathy Knight
<b>Completion date</b>	29/04/2021

**Authorised by relevant Assistant Director (signature): M Leah**

**Date:** 08.06.2021

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## North Yorkshire County Council

### Executive

22 June 2021

### Area Constituency Committee Feedback

#### 1.0 Purpose of the Report

To bring to the attention of the Executive key issues considered at recent meetings of the Area Constituency Committees.

#### 2.0 Skipton and Ripon Area Constituency Committee on 27 May 2021

- 2.1 The Rt Hon Julian Smith MP attended the meeting and provided updates on: progress with the national vaccination programme, particularly relating to new variants of the virus; the easing of the national lockdown and the opportunities that this presented for the hospitality and travel industries; and rising queries and concerns about travelling abroad over the summer and what restrictions were in place.
- 2.2 The committee received public questions and statements on two issues: the long term support offered for community pubs, which serve as a key hub and focal point in many rural communities; and what more could be done to reduce pollution arising from idling motor vehicle engines, particularly in built up areas and around schools.
- 2.3 The committee considered an update on the economic recovery from the pandemic and the role that the Council and other partners organisations and agencies had in supporting the tourism, hospitality and entertainment sectors. A key element was how the expected increase in tourism over the summer period, as a result of the lockdown and travel restrictions, could be built upon post-pandemic.
- 2.4 The committee received an update on the work that the Council does to support families who have elected for home education. The numbers of children being home educated has risen over time and particularly during the pandemic, when some parents/carers did not feel that school was a safe environment.
- 2.5 The committee were given details of the Digital Demand Responsive bus service pilot that is being undertaken in the area around Ripon, Masham and Bedale. They also received an update on the work of the Youth Council and had a discussion about how issues relating to children and young people that were identified by the Youth Council could be fed into the committee.
- 2.6 County Councillor Carl Les and other Executive members present gave updates on key issues arising in their portfolios and answered questions posed by the committee.

### **3.0 Recommendation**

- 3.1 That the Executive notes the report and considers any matters arising from the work of the Area Constituency Committees detailed above, that merits further scrutiny, review or investigation at a county-level.

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)  
County Hall  
Northallerton

9 June 2021

## FORWARD PLAN

The decisions likely to be taken by North Yorkshire County Council in the following 12 months are set out below:

Publication Date: 14 June 2021

Last updated: 14 June 2021

Period covered by Plan: 30 June 2022

### PLEASE NOTE:-

During the continuing Covid-19 pandemic, following the expiry of the legislation permitting remote committee meetings, remote live-broadcast committee meetings will continue, but with any formal decisions required being taken by the Chief Executive Officer under his emergency decision-making powers in the Officers' Delegation Scheme, following consultation with Officers and Members as appropriate and after taking into account any views of the relevant Committee Members.

In accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012, at least **28 clear days' notice**, excluding the day of notification and the day of decision taking, must be published on the Forward Plan of any intended key decision. It is also a requirement that **28 clear days' notice** is published of the intention to hold a Executive meeting or any part of it in private for the consideration of confidential or exempt information. For further information and advice please contact the Democratic Services and Scrutiny Manager on 01609 533531.

FUTURE DECISIONS									
Likely Date of Decision	Decision Taker (membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including if the report contains any exempt information and the reasons why	Key Decision YES/NO	Decision Required	Consultees (i.e. the principal groups to be consulted)	Consultation Process (i.e. the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
22 Jun 2021	Chief Executive Officer		Equality and Diversity Policy Statement	Yes	To consider draft equality and diversity policy statement	Executive Members and Management Board at the informal Executive meeting held 6 July 2021	Meetings	Neil Irving, Assistant Director - Policy, Partnerships and Communities neil.irving@northyorks.gov.uk	
22 Jun 2021	Chief Executive Officer		National Bus Strategy	Yes	Whether to commit establishing an Enhanced Partnership across North Yorkshire (or other option) and high level objectives. Authority to publish a Notice of Intent	Stakeholder engagement including local bus service operators. Plus Exec Mbrs and Management Board at the informal Executive meeting on 22 June 2021	Emails and meetings	Tricia Richards Cathy Knight	
22 Jun 2021	Chief Executive Officer		Grant of leases to NY Highways Ltd.	No	To approve the grant of leases to NY Highways Ltd.	Exec Mbrs & Management Board at the informal Executive meeting held 22 June 2021	None.	Shaun Wilson, Property Transactions Manager shaun.wilson@northyorks.gov.uk	



FUTURE DECISIONS									
Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
22 Jun 2021	Chief Executive Officer		Filey Road Park and Ride, Scarborough - Option Agreement	No	To approve the grant of an option to purchase land owned by NYCC.	Executive Members and Management Board at the informal Executive meeting held 22 June 2021	None.	Virginia Stockill virginia.stockill@northyorks.gov.uk	
22 Jun 2021	Chief Executive Officer		Proposal by the Governors of Danby CE Primary School to change the category of Danby CE Primary School from voluntary controlled to voluntary aided from 16th September 2021.	Yes	Consider responses to statutory notices. Determine whether to change the Category of Danby CE Primary from Voluntary Controlled to Voluntary Aided	Parents, Staff, Governors, Local Elected Members, District and Parish Councils, Diocesan Boards and other local stakeholders. Plus Exec Mbrs and Management Board at the informal Executive meeting held on 22 June 2021	Danby C.E Primary School Governing Body ran an Informal consultation from 11th February to 25th March 2021.  Statutory notice will be published by Danby C.E Primary School Governing Body on 29th April 2021 for a further four weeks	Matt George, Strategic Planning Officer, CYPS matt.george@northyorks.gov.uk	

FUTURE DECISIONS									
Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
6 Jul 2021	Chief Executive Officer		Proposed changes to the Terms of Reference for the Independent Remuneration Panel	No	To approve the proposed changes to the Terms of Reference.	Independent Remuneration Panel Mbrs and Legal and Democratic Services staff. Plus, Exec Mbrs and Management Board at the informal Executive meeting held 6 July 2021.	Email circulation of draft ToR for comment.	Daniel Harry, Democratic Services and Scrutiny Manager daniel.harry@northyorks.gov.uk	
6 Jul 2021	Chief Executive Officer		Review of formal meetings of the Authority's Committees	Yes	To review arrangements for holding formal meetings of the Authority's Committees.	All County Councillors. Plus, Executive Members and Management Board at the informal Executive meeting held 6 July 2021.	Consultation with all County Councillors.	Daniel Harry, Democratic Services and Scrutiny Manager daniel.harry@northyorks.gov.uk	
6 Jul 2021	Chief Executive Officer		Approval of the Sexual Health Service draft service model	Yes	Approval of the draft service model and decision	York and Scarborough Teaching Hospital NHS	Published via the Council's website	Emma Davis, Health Improvement Manager, Health and Adult Services, Katie	

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## FUTURE DECISIONS

Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
Page 1			and Agree to consult on the service model with York and Scarborough Teaching Hospital NHS Foundation Trust.		to consult on the service model with York and Scarborough Teaching Hospital NHS Foundation Trust	Foundation Trust. Plus, Executive Members and Management Board at the informal Executive meeting held 6 July 2021.		Needham, Public Health Consultant, Health and Adult Services 01609 797063/01609 797154,	
6 Jul 2021	Chief Executive Officer		Carbon Reduction Plan	Yes	To consider draft carbon reduction plan.	Executive Members and Management Board at the informal Executive meeting held 6 July 2021.	Meetings	Neil Irving, Assistant Director - Policy, Partnerships and Communities neil.irving@northyorks.gov.uk	
6 Jul 2021	Chief Executive Officer		A59 Kex Gill Diversion Contract Award	Yes	To inform members of the outcome of tendering process and seek approval to award the A59 Kex Gill diversion contract	Executive Members and Management Board at the informal Executive meeting held on 6 July 2021.	N/A	Mark Hugill, Senior Engineer, Highways & Transportation mark.hugill@northyorks.gov.uk	

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FUTURE DECISIONS									
Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
24 Aug 2021  Page 174	Executive		Q1 Performance Monitoring & Budget Report	No	Financial and Performance Monitoring report including: Revenue Plan; Capital Plan; Treasury Management & Prudential Indicators	Management Board		Gary Fielding, Corporate Director for Strategic Resources Gary.Fielding@northyorks.gov.uk	Previous Quarterly Reports
31 Aug 2021	Executive		York and North Yorkshire Road Safety Partnership Strategy 2021-26	Yes	Seek approval to adopt the strategy	Executive Members and Management Board at the informal Executive meeting held on 22 June 2021	N/a	Fiona Ancell fiona.ancell@northyorks.gov.uk	
31 Aug 2021	Executive		Redeployment of land to the north and south of Crosshills Lane, Selby	Yes	To approve the proposed redeployment of the property			Philip Cowan, Non-Operational Property Manager, NYCC Property Services Philip.Cowan@northyorks.gov.uk	
21 Sep	Executive		Healthy Child	Yes	To inform	North	Published via	Victoria Ononeze,	

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## FUTURE DECISIONS

Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	In Consultation with (Executive Member or Corporate Director)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
2021			Programme - Emotional Health and Wellbeing		Executive of the Emotional Health and wellbeing Section 75 consultation feedback and to request formal approval to move to a Partnership agreement	Yorkshire Clinical Commissioning Group	the Council's website	Public Health Consultant, Michael Rudd, Head of Housing Marketing Development (Commissioning), Health and Adult Services 01609 535347,	
21 Sep 2021	Executive		Lowering the age range of Barrowcliff Community Primary School to 2-11	Yes	To seek approval to publish statutory notices to lower the school age range of Barrowcliff Community Primary School from January 2022	School community, wider community, other schools, Early Years providers.	In May 2021 the Governing Body of Barrowcliff CP School consulted the local community on their proposal. If approved statutory notices would be published between 7/9 and 5/10 2021.	Matt George, Strategic Planning Officer, CYPS matt.george@northyorks.gov.uk	

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12 Oct 2021	Executive		Adoption of Minerals and Waste Joint Plan	Yes	To approve the adoption of the Minerals and Waste Joint Plan			Rachel Pillar rachel.pillar@northyorks.gov.uk	
16 Nov 2021	Executive		To inform Executive of the Sexual Health Service service model consultation feedback and a decision to consult on the draft section 75 with York and Scarborough Teaching Hospital NHS Foundation Trust.	Yes	To request agreement to move forward with the accepted service model. Approval of draft section 75 & decision to consult on the section 75 with York and Scarborough Teaching Hospital NHS Foundation Trust.	York and Scarborough Teaching Hospital NHS Foundation Trust	Published via the Council's website	Emma Davis, Health Improvement Manager, Health and Adult Services, Katie Needham, Public Health Consultant, Health and Adult Services 01609 797063/01609 797154,	
7 Dec 2021	Executive		Q2 Performance Monitoring & Budget Report	No	Financial and Performance Monitoring report including: Revenue	Manangement Board		Gary Fielding, Corporate Director for Strategic Resources Gary.Fielding@northyorks.gov.uk	Previous Quarterly Reports

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					Plan; Capital Plan; Treasury Management & Prudential Indicators				
25 Jan 2022 Page 177	Executive		Draft Revenue Budget 2022/23 & Medium Term Financial Strategy (MTFS)	No	To consider & recommend to County Council the Revenue Budget 2022/23 and the Medium Term Financial Strategy (MTFS) including the: <ul style="list-style-type: none"> <li>• Revenue Plan</li> <li>• Capital Plan</li> <li>• Treasury Management</li> <li>• Prudential Indicators</li> </ul>	All members	Budget consultation process	Gary Fielding, Corporate Director for Strategic Resources Gary.Fielding@northyorks.gov.uk	
25 Jan 2022	Executive		Council Plan 2022-2026	Yes	To consider Council Plan 2022-2026	Corporate and Partnerships Overview and	Meetings.	Neil Irving, Assistant Director - Policy, Partnerships and Communities	

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						Scrutiny Committee. Management Board.		neil.irving@northyorks.gov.uk	
22 Mar 2022	Executive		To inform Executive of the Sexual Health Service Section 75 consultation feedback and to request formal approval to move to a Partnership agreement	Yes	Approve the final model and section 75 to move to Partnership model.	York and Scarborough Teaching Hospital NHS Foundation Trust	Published via the Council's website	Emma Davis, Health Improvement Manager, Health and Adult Services, Katie Needham, Public Health Consultant, Health and Adult Services 01609 797063/01609 797154,	

Should you wish to make representation as to the matter being discussed in public please contact Daniel Harry  
Email: (daniel.harry@northyorks.gov.uk) Tel: 01609 533531.