



Department
for Education

School Rebuilding Programme

Equality Impact Assessment

December 2022

Contents

Introduction	3
Background	4
SRP approach to project prioritisation	4
School capital funding	5
Analysis of impacts	6
Headline commentary	6
Summary of evidence	7
Age	8
Disability	10
Marriage or civil partnership, sexual orientation, gender reassignment, and pregnancy and maternity	11
Sex	11
Race	11
Religion or Belief	12
Record of Decision	13
Monitor and review	14

Introduction

Public authorities are required to have due regard to impacts on equality when making decisions in the exercise of their functions under the Public Sector Equality Duty (PSED), as set out in section 149 of the Equality Act 2010. This document records the analysis undertaken by the Department of Education (DfE) in discharging this duty in relation to the decision of which 239 schools to add to the School Rebuilding Programme (SRP) in December 2022.

The PSED requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

These aims are also known as the three limbs of the PSED.

The Equality Act 2010 identifies the following as protected characteristics for the purpose of the PSED:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race (including ethnicity)
- religion or belief
- sex
- sexual orientation

This equality impact assessment ('EIA') has been developed with a view to identifying positive or negative impacts on persons with protected characteristics, as compared with those who do not share that protected characteristic, on the published date of the decision to add the 239 additional schools to SRP.

Background

SRP approach to project prioritisation

SRP launched in 2020 with a commitment to rebuild or significantly refurbish buildings in poor condition at 500 schools and sixth form colleges, over the next decade. The first 161 projects have previously been confirmed and this Equalities Impact Assessment (EIA) relates to the selection of the next 239 schools for inclusion in SRP.

The underlying principle for selection of schools for the programme is to select schools in the poorest condition and those with significant safety issues, which need a rebuilding project to resolve. The first 100 projects included schools that have the most intense condition need per m² according to the first Condition Data Collection (CDC1). It also included schools with Laingspan and Intergrid buildings - construction types, which have been prioritised for replacement.

Ahead of selecting further schools, the department consulted on the approach to prioritising schools for the programme, including giving responsible bodies the opportunity to nominate schools for the programme. As well as seeking views on whether the programme should target particular factors, the consultation gave respondents the opportunity to comment on any equalities impacts of the proposed selection methodology. The majority of respondents thought that the programme should benefit users of school buildings who have protected characteristics.

Respondents to the consultation indicated that they would rather the department allocated projects to the schools with the greatest condition need, rather than reserving a number of projects for different school phases, types (including special schools) or locations. Some respondents suggested that the department should take account of particular school characteristics (such as faith schools or schools with a high proportion of disadvantaged pupils), and a majority responded that educational factors should be taken into account to varying extents. The consultation response acknowledges this, however the department concluded that since the primary objective of the programme is to address poor condition, that schools with the greatest and most acute condition need risked being omitted if other factors were taken into account. The condition of and/or risks to buildings are therefore the only factors considered in the prioritisation process.

Following the consultation, in early 2022 responsible bodies were invited to submit nominations for schools that had buildings in need of replacement or significant refurbishment. Responsible bodies could either submit a 'block nomination', identifying blocks on a site to be assessed based on their CDC1 information, or could submit an 'exceptional case', which required professional evidence of exceptional need. 61 schools were selected from the nominated schools in July 2022 based on those which had the greatest condition need according to CDC1 data, as verified by site visits. A further 239 schools have now been selected from those nominated, to total 300 in 2022.

A rigorous process was undertaken to assess which nominated schools met the programme definition for exceptional need or had the most intense condition need as identified in CDC1 data, and therefore should be prioritised for the programme. The department has published a methodology note setting out this process, which in summary included: assessment of evidence by independent technical advisors; analysis of CDC1 data by DfE analysts; site visits from independent technical advisors to schools showing the greatest need, to confirm the presence and severity of that need; and review of all assessments by DfE technical experts to ensure consistency.

Neither the approach deployed to identify the first 100 projects in the programme, nor the methodology implemented following the consultation, uses pupil or teacher characteristics from protected groups as defined in the Equality Act 2010 to inform selection. This is because the programme seeks to identify the poorest condition schools and those with issues that could pose a significant risk to health and safety, which require rebuilding to resolve. At each decision point we have nonetheless given due regard to the potential impacts on protected groups.

School capital funding

SRP is one part of a wider capital funding system which supports building improvement and maintenance works. The department provides capital funding each year to schools and bodies responsible for school buildings to maintain and improve the condition of the estate. Schools and those responsible for school buildings have access to condition funding through different routes depending on their size and type:

- local authorities, larger multi-academy trusts and large voluntary aided (VA) school bodies receive an annual School Condition Allocation (SCA) to invest in condition priorities across the schools for which they are responsible
- smaller multi-academy, or stand-alone academy trusts, sixth form colleges, and VA schools not part of SCA eligible bodies are able to bid to the Condition Improvement Fund (CIF) each year
- schools also receive funding to spend on their own capital priorities through an annual Devolved Formula Capital (DFC) allocation

Since 2015, school condition funding allocations have been informed by consistent condition data on the school estate. Further information on school capital funding and allocations can be found on [GOV.UK](https://www.gov.uk).

Schools and responsible bodies, which prioritise capital funding across the estates they are responsible for, also have responsibilities under the Equalities Act and should take account of the needs of their pupils and teachers when making local investment decisions.

Analysis of impacts

Headline commentary

The fundamental objective of the programme is to address poor condition and / or significant safety issues in schools, which need a rebuilding project or significant refurbishment to resolve. This is expected to positively impact all pupils and teachers at the schools included in the programme as they will benefit from improved learning environments, which promote health and safety, wellbeing and accessibility, all of which also support better pupil outcomes. As schools have been selected based on their condition, rather than other factors, we believe that the approach to selection will maximise these benefits, as these buildings are in the poorest condition currently and will therefore experience the greatest relative improvement. We have no reason to believe that any individual should suffer direct negative impacts on account of their protected characteristics.

We have considered the impact of the programme against the three limbs of the PSED:

- We expect a mostly neutral impact with respect to limb 1, elimination of discrimination against protected characteristics, as new buildings will benefit all pupils and teachers at schools included in the programme.
- We expect a positive impact with respect to limb 2 as delivering improved educational settings will improve opportunities for all, including those with protected characteristics. This includes pupils and teachers with disabilities or who are pregnant who may, in particular, benefit from buildings with improved accessibility.
- We expect a positive impact with respect to limb 3, fostering of good relations, as improving and replacing buildings should support improved wellbeing, health and attainment which can support good relations between all people within a school, including those with protected characteristics.

Overall, our assessment is that rebuilding projects allocated through this system will have a positive or neutral impact in respect of protected characteristics. Any disproportionate system-level benefits to particular groups arise from an objective determination of building needs at the level of the individual building. Furthermore, the consultation process did not raise any significant concerns about the impact of the selection methodology on equality. We consider below the potential impacts of this selection process on specific protected characteristics.

We acknowledge that by its nature the selection process will have resulted in some schools not being selected, and that pupils and teachers in these schools may remain in buildings that could otherwise have benefitted from replacement or refurbishment. By improving building condition at the schools with the greatest and most urgent need, we are, however, enabling responsible bodies to use their condition allocations more efficiently over time on other local priorities, providing indirect, wider benefits to schools

not included in the programme. Responsible bodies and their schools continue to be supported by condition funding outside of SRP, including £1.8 billion in financial year 2022-23.

We are mindful that to be included in the programme schools had to be nominated by their responsible body. There is the possibility that responsible bodies with greater resources may have been more able to source professional evidence of need and find time to complete the nomination process. This in turn may have had an impact on the distribution of pupils and teachers who will benefit from the programme.

The nomination element of the process was unavoidable, however, as agreed during the consultation process, as we required an up-to-date view of which buildings had need of a rebuild. This included a requirement for professional evidence of need not captured in the Condition Data Collection, which had to be obtained from the responsible bodies due to their legal responsibility for the buildings at their schools. We sought to mitigate the risk that some responsible bodies may miss the opportunity to nominate a school through providing extensive communications to raise awareness of the process, and by making it possible to nominate a school simply and easily through the block nomination route.

There is also the possibility that the process of assessment and verification by technical advisers could have contained unconscious bias. We consider this risk to be minimal and took steps to mitigate it, including: basing assessments on a consistent framework focused on identifying building condition issues; including in the contract with technical advisory firms a requirement to notify us of potential conflicts of interest, so we could reallocate cases to different firms where required; and subjecting all assessments to a moderation process to ensure consistency between the assessments.

Summary of evidence

The following table sets out the pupil characteristics for the 239 schools selected in December for SRP, compared to the schools nominated for the programme in early 2022 and to all schools in England. It also includes data on the same basis for the 161 schools previously selected for SRP.

Measure	161 schools confirmed in SRP previously	239 schools selected for SRP in December 2022	All schools nominated for SRP in 2022 (1,097 schools) ¹	All 22,134 English Schools
Boys	52%	51%	51%	51%
Girls	48%	49%	49%	49%
EHCP Statements	3%	4%	4%	4%
SEN	13%	12%	12%	12%
No SEN	84%	85%	84%	84%
FSM Eligible	21%	20%	21%	23%
White	78%	76%	76%	71%
Mixed	5%	6%	6%	7%
Asian	8%	9%	9%	12%
Black	5%	5%	5%	6%
Chinese	1%	1%	1%	1%
Other	2%	2%	2%	2%
Unclassified	2%	2%	2%	2%
White British	72%	69%	69%	64%

Age

SRP disproportionately benefits people of school age. The prohibitions in the Equalities Act on discrimination in relation to age include employment or service provision, so do not apply directly in the context of children at school. We have no reason to think that this programme will cause the kinds of age discrimination that are prohibited by the Act.

By improving the conditions in which children are educated, and hence engagement with education, we believe good relations will be supported between people of school age and people who are not. There will also be opportunities for young people to learn from

¹ This figure excludes 8 schools which were nominated but were withdrawn.

construction teams about building processes and techniques during the build process, which will act as a further route to improve relations.

Compared to the total numbers of primary and secondary schools, secondary schools are notably over-represented amongst the pool of selected schools – 47% of the 239 schools selected for the programme are secondary, compared to 15% of all schools nationally as the table below shows.

Phase	161 schools confirmed in SRP previously	239 schools selected for SRP in December 2022 (no.)	239 schools selected for SRP in December 2022 (%)	All schools nominated for SRP in 2022 (1,097 schools)²	All 22,134 English Schools
All-through	1%	6	3%	1%	1%
Nursery	0%	0	0%	0%	2%
Primary	38%	103	43%	53%	76%
Post-16	1%	3	1%	0%	1%
Secondary	53%	113	47%	36%	15%
Special & alternative provision	6%	14	6%	8%	6%

This could be perceived to particularly benefit older children, whilst comparatively fewer younger children get access to improved facilities through this programme. It should be noted, however, that whilst secondary schools make up 15% of all schools nationally, they represent 47% of the total floor area (Gross Internal Floor Area, GIFA) of the estate³. We therefore consider that the distribution of schools in the programme broadly reflects the estate and that there is no discriminatory impact based on pupil age when this is taken into account.

The distribution of the age of teachers in the 239 schools broadly matches the distribution amongst English schools. This is as expected as the selection process took no account of teacher characteristics. We would expect minimal difference in impact on teachers of

² This figure excludes 8 schools which were nominated but were withdrawn.

³ Condition of School Buildings Survey, 2021:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/989912/Condition_of_School_Buildings_Survey_CDC1_-_key_findings_report.pdf

different ages as all teachers should benefit from a more modern, safer working environment.

Disability

Pupil disability data is not collected by the department. Whilst special education need (SEN) is not a protected characteristic and cannot be used as a direct proxy for disability, we do collect data on the primary need for SEN pupils, which gives good evidence to suggest that there is a large level of overlap between disability and SEN⁴. The SEN framework covers disabled children where their disability prevents or hinders them from making use of facilities that are generally provided, and they require special educational provision that is something additional or different from provision made generally for others of the same age.

New buildings delivered through the programme will be required to comply with building regulations and departmental standards to ensure they are accessible for teachers and pupils with disabilities. This will have a substantial positive impact on equality of opportunity as older buildings are replaced, many of which may have provided accessibility challenges.

In the prioritisation of the first 100 projects for the programme, some special schools and alternative provision (AP) schools showing the greatest condition need were specifically prioritised, to ensure these sorts of schools were represented in the selection. Following the outcomes of the consultation, we no longer specifically selected schools based on whether they were special schools or AP schools, and have instead considered all schools based on the severity of rebuilding need in their buildings. Nonetheless, we monitored the percentage of special schools and AP schools being selected by the process to ensure that a proportion of them were selected. 6% of schools that have been selected are special schools or AP schools, which is in line with the national proportion, which we believe shows that special schools and AP schools have been given fair opportunity for selection through the process. Pupils with SEN and disabilities will also benefit from improvements to mainstream schools.

More broadly, the government has committed £2.6 billion over the current Spending Review period to deliver new places and improve existing provision for children and young people with Special Educational Needs and Disabilities or who require alternative provision. This will help improve the lives of many of the nation's most vulnerable children.

Disability data relating to teachers is not published by the department.

⁴ <https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2017>

Marriage or civil partnership, sexual orientation, gender reassignment, and pregnancy and maternity

We do not collect data on marriage or civil partnership, sexual orientation or gender reassignment status of pupils or teachers in schools. However, we have no reason to believe that pupils or teachers will be negatively impacted by the programme on account of these characteristics, and that the impact is therefore neutral. We will continue to review the impact of the programme as it develops and will consider any new data that becomes available.

The department also does not collect data on pregnancy and maternity status of teachers or pupils, although clearly pregnant teachers make up a proportion of the workforce at any one time and some pupils may also be pregnant. We expect that SRP will benefit these teachers and pupils by providing safer, more accessible, healthier environments in which to work or learn.

Sex

We have considered whether the prioritisation methodology could interact with sex in an unfair way. The programme does not take sex of pupils or teachers into consideration when determining which schools to select, and the consultation response did not indicate any concern that this would be a factor for responsible bodies in deciding which schools to nominate. We have no reason to believe anyone should suffer direct negative impacts on account of their sex, and that the impact is therefore neutral.

For the schools selected, we see that the sex of pupils benefitting from SRP broadly corresponds to the wider school population, with 49% of girls in selected schools matching the figure across England.

There is a lower proportion of female teachers in the 239 selected schools compared to all English schools, however the data broadly matches the proportion of female teachers in the 161 schools previously selected for SRP. This indicates that the discrepancy is not a result of the nomination process. We have confirmed, however, that when considering the proportion of teachers by sex at primary and secondary schools nationally, and the proportion of each phase selected for the programme, the proportions of male and female teachers are broadly in line with the national distribution for each phase.

Race

The programme is expected to benefit the attainment, safety, health and wellbeing of all races at schools that are selected for the programme, as well as benefitting teachers, which in turn supports the equality of opportunity limb of PSED. A safer and healthier educational environment that is more conducive to learning is also expected to foster good relations as each individual benefits from the improvements.

The approach to selection for the 239 schools has not taken account of the ethnic make-up of pupils and teachers at schools, and has instead focused on trying to establish an objective determination of condition need and/or safety issues. It is not possible to ascertain whether responsible bodies took account of ethnic make-up in deciding which schools to nominate for the programme. Given that responsible bodies were not constrained in how many schools they could nominate, however, we believe the methodology minimised any requirement for responsible bodies to ‘choose’ between schools. Schools that were not nominated for the programme will still have access to condition funding from the government to address safety and condition issues.

The percentage of white British pupils in the selected schools (69%) is five percentage points higher than in all schools nationally (64%) (with figures for most other ethnicities lower as a result), and a percentage point higher than the figure for all nominated schools (68%). It is possible that this is a fair reflection of the local demographics of the areas with schools with the highest condition need. It is not possible to confirm this, however, due to the limited nature of CDC surveys in describing the full condition need in a school. Nonetheless, the five percentage point disparity for the 239 schools is smaller than the figure for the first 100 schools included in SRP (10 percentage points)⁵⁶, which indicates that the change in methodology for the selection of the 239 schools has not adversely impacted pupils from ethnic minority backgrounds.

The proportions of teachers with different ethnic backgrounds in the 239 selected schools broadly matches the proportions for all English schools. We therefore do not anticipate any disproportionate benefit for teachers with a particular ethnicity, and that all teachers will benefit from teaching in an improved working environment.

Religion or Belief

We have considered whether the prioritisation methodology could interact with religion or belief. We do not collect pupil or teacher data on faith, and while we know the number of faith schools in the system, we know that pupils and teachers of all faiths and none attend and work in all types of schools.

The programme does not give priority to schools based on the religion or belief of their pupils or teachers and we are confident that the programme does not create any negative impact on protected groups, though pupils and teachers of all faiths and none are expected to benefit from their school being included in the programme.

⁵ [School Rebuilding Programme: equalities impact assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/91222/School_Rebuilding_Programme_equalities_impact_assessment.pdf)

⁶ Based on January 2021 census data

Record of Decision

In conclusion, the methodology used to select the next 239 schools for SRP was designed to identify schools with the greatest condition need and safety issues so that they could be prioritised for rebuilding or significant refurbishment. It was not devised with the aim of benefitting pupils or teachers with one characteristic over another, but instead considers only the information about the school buildings in order to ensure that the most severe building needs and serious safety issues are addressed.

We have nonetheless considered that there are features inherent in the process that could have caused schools with a higher representation of a particular characteristic to be selected. We believe we have mitigated the risks associated with this by: consulting on the process, including on the impact on equalities; implementing a process which enabled responsible bodies to make nominations quickly and easily; allowing each responsible body to nominate any schools they chose to, without a limit; making decisions based on an objective assessment of buildings; taking steps within that process to make assessments consistent; and ensuring that condition funding remains available for those schools that have not been selected.

Overall, in relation to the three limbs of PSED we are confident that this next phase of SRP will have a positive or neutral impact. We expect that improved learning environments will advance equality of opportunity for all pupils at the selected schools, including those with protected characteristics, and we are also confident that the programme should have a positive impact on relations between different groups. We expect a neutral impact on unlawful discrimination as schools are expected to discharge their legal obligations in relation to equality regardless of the condition of the buildings.

The table below summarises the impact on each protected characteristic as discussed above. Based on this we are confident that this programme will not lead to any negative outcomes for the protected groups listed in the Equality Act 2010 and are therefore confident SRP is fully compliant with our obligations under the Public Sector Equality Duty.

Protected characteristic	Positive	Negative	Neutral	No impact
Age	X			
Disability	X			
Marriage or civil partnership			X	
Pregnancy and maternity	X			
Gender reassignment			X	
Sexual orientation			X	
Sex			X	
Race	X			
Religion or belief			X	

Monitor and review

The Public Sector Equality Duty is a continuing duty, and the public authority is required to keep the equalities impacts of a policy proposal under review. Accordingly, the impact on equalities will be reviewed regularly following an analysis of relevant data, including when future groups of schools are added to the programme.



Department
for Education

© Crown copyright 2022

This publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3

email psi@nationalarchives.gsi.gov.uk

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries www.education.gov.uk/contactus

download www.gov.uk/government/publications



Follow us on Twitter:
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:
facebook.com/educationgovuk