



Equality Impact Analysis: (EIA)

Section 1: Introduction

Name of Proposal **Proposed Closure of The Cherry Trees School**

For the purpose of this document, 'proposal' refers to a policy, function, strategy or project)

Service area & Directorate responsible **Pupil Services, Children & Culture**

Name of completing officer **Elizabeth Freer**

Approved by Director/Head of Service **Terry Bryan**

Date of approval **14/01/21**

Conclusion - To be completed at the end of the Equality Impact Assessment process

This summary will provide an update on the findings of the EIA and what the outcome is. *For example, based on the findings of the EIA, the proposal was rejected as the impact on a particular group was disproportionate and the appropriate mitigations in place. Or, based on the EIA, the proposal was amended and alternative steps taken)*

Based on the findings of this EIA, there are no significant issues to prevent moving to the next stage of formal consultation, which is to proceed to the issuing of the statutory notice. This will provide further opportunity for parents, pupils, staff and wider community to give their views and raise any objections.

This proposal will require further analysis of the equalities data on staff who are at risk of redundancy, should the proposal to close the School move forward.

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them

Where a proposal is being taken to a Committee, please append the completed equality analysis to the cover report.



This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Council's commitment to equality; please visit the Council's website.

Section 2 – General information about the proposal

Provide a description of the proposal including the relevance of proposal to the general equality duties and protected characteristic pursuant to Equality Act 2010.

The Cherry Trees School is a special school, catering for primary age boys aged 5 to 11 with Social, Emotional, and Mental Health (SEMH) needs and is part of the educational provision of the London Borough of Tower Hamlets.

In September 2019 OFSTED considered the school to be [inadequate](#) in its provision of suitable education. The school is also experiencing financial difficulties, even though it is in receipt of an income (2018/19) of £54,000 per pupil. Improvements in provision since the inspection have been made to ensure the school effectively supports its current children, but these changes are not financially sustainable in the long term.

Once a special school provision is judged to be inadequate it is no longer appropriate for EHC Plans to name the school as a suitable provision for meeting a child's needs. Therefore, there can be no further admissions to Cherry Trees School. This puts an additional pressure on the school financially. In addition, "inadequate" schools are usually re-inspected within 6 months of receiving that judgement. This was unable to take place as Ofsted, the regulatory body, had to put all inspections on hold as a result of the pandemic and lockdown caused by Covid-19.

Therefore, the option to issue a statutory notice on a proposal for the School's closure is now being recommended.

In addition to the financial difficulties, and the challenges that arise from an Inadequate inspection judgement, Tower Hamlets' Special Educational Needs and Disability (SEND) Strategy recommends moving to different models of provision. This is considered to support better academic attainment with the inclusion of children in mainstream provision, whenever possible. The SEND Strategy outlines alternative provisions which would be more conducive to high quality learning for children, and also more cost effective, thereby allowing more of the budget to be used in other ways through the High Needs Funding block.

Following the recommendations made by the SEND Strategy, Tower Hamlets are moving forward with commissioning school-based primary resource provision for pupils with Social, Emotional and Mental Health (SEMH) needs. This aims to address the level of need, and the increasing number of pupils requiring additional support, and enhance the inclusive practice already demonstrated by primary schools in LBTH. This provision is designed:

- To offer time limited placements for pupils at risk of exclusion from LBTH primary schools and to successfully reintegrate them back into the referring school;
- To reduce the level of fixed term exclusions from LBTH primary schools;
- To prepare pupils with SEMH to successfully transfer to LBTH mainstream secondary school provision;
- To improve parental confidence in the continuum of provision available within LBTH and thus increase parental choice;
- To empower parents to have greater involvement in their children's education and to develop their capacity to support their child's development and progress;
- To support pupils to become more emotionally literate, more self-aware and to be able to self-regulate;

It is an innovative model that will challenge traditional ways of working and push the boundaries with regards to intervention and support for pupils with SEMH. It will include: a personalised curriculum with a range of interventions to support pupils to develop strategies which enable their inclusion in mainstream lessons; a



parallel programme of support for families to ensure that they are able to support the strategies being implemented in school and improve their confidence in managing their child's needs; and will provide, in collaboration with a range of voluntary and statutory agencies, a range of effective support strategies for families of pupils attending the provision, including high-class, evidence based therapeutic inputs to improve the capacity of families to support their children in being successful. Any provision commissioned to provide this model will have an Ofsted rating of "Good" or "Outstanding".

This new model will lead to the development of an evidence and research-based source of expertise in relation to behaviour and emotional difficulties in terms of effective teaching approaches and management, in collaboration with the relevant LA services e.g. Behaviour Support Team, Educational Psychology Service and CAMHS.

Therefore, The Cherry Trees Governing Board, in consultation with Tower Hamlets, agreed to commence the process for the proposed closure of the school in August 2021, beginning with an informal consultation.

This is in line with the Department for Education's (DFE) guidance *Opening and Closing Maintained Schools* (2018). The Cherry Trees School has been supported with a pre-publication consultation by the local authority. Following this, the Council may proceed to a formal consultation. After formal consultation, a decision will be made by the Council with regards to closure.

The dedicated staff at Cherry Trees will be supported to find redeployment opportunities at local schools and will also have the opportunity to consider voluntary redundancy. Wherever possible, Tower Hamlets tries to avoid compulsory redundancy. If the proposal does go ahead, staff and their unions will be involved in a school re-organisation staffing process consultation. Unfortunately, because numbers have fallen, there will need to be significant reductions in staffing whether or not the proposed closure moves forward because the current structures are not affordable in the long term with so few children.

Section 3 – Evidence (Consideration of Data and Information)

What evidence do we have which may help us think about the impacts or likely impacts on service users or staff?

As the numbers of pupils attending the school are so low, we are not able to provide demographic breakdowns so as not to allow for the possible identification of pupils.

Of the 10 children currently attending The Cherry Trees School, seven are residents of Tower Hamlets and three are from out of borough. Support for families and the children to consider transition is already in place, because there are concerns about whether Cherry Trees is the most appropriate placement for them. These families have also received individual support to consider how best to improve educational provision for their children, and to support their children's transition to better provision, through reviews of Education, Health and Care Plans.

As a result of these considerations, most pupils are in the process of moving to new provision or have requested a move. Two children will be transitioning to secondary school in September 2021 as they are currently in year 6. This will leave only four pupils to be placed prior to the proposed school closure at the end of August 2021, three who reside in the borough and one from outside of Tower Hamlets.

The School has undergone a turbulent period. The progress and attainment of pupils does not meet the Local Authority's standards or expectations, nor does it prepare pupils well for the next stage of their education. As a result, no pupils have been able to transition back into a mainstream school setting. In addition, the School site and its accommodation was not designed, or purpose built, in order to meet the needs of pupils with SEMH.



Financial benchmarking against other special schools in LBTH (Chart 1), and other primary SEMH special schools outside of LBTH (Chart 2) demonstrates the best value considerations for Cherry Trees School.

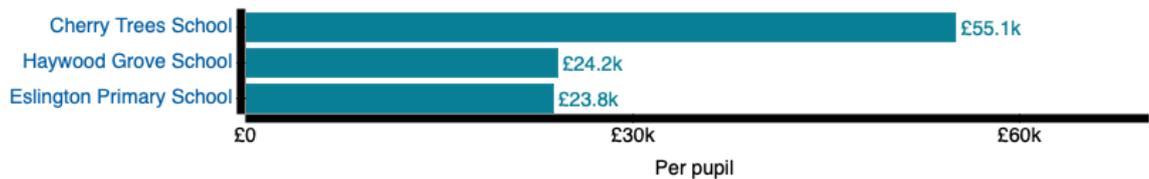
Chart 1 Cherry Trees expenditure per pupil vs other LBTH special schools

Total expenditure



Chart 2 Cherry Trees financial benchmarking against other SEMH primary schools

Total expenditure



Consultation

A consultation document was prepared and agreed with the Local Authority. This was given in paper copy to all parents, circulated to headteachers in Tower Hamlets through the Headteacher’s Bulletin; emailed to staffing unions, and the Secretary of State was notified of potential changes.

Information about the consultation was also placed on the website <https://www.thecherrytreesschool.co.uk/Consultation-18092020123235>

Due to the limitations imposed on public gatherings by COVID-19, it was not possible to hold face to face meetings for larger groups at the school or elsewhere. In order to ensure that pupils, parents, staff and the wider community were able to engage with and respond to consultation a range of opportunities were organised as follows:

- A response form (or any other written format) at the end of the consultation document to record views to be emailed, posted, or handed to the school.
- A special email address was set up for comments
- A box was set up in the school reception, where people could leave comments, response forms and any questions.
- 1 to1 meetings with parents were held
- Virtual meetings were also set up with the independent consultant to hear about reasons for the proposal.
- Staff were given the opportunity to attend a socially distanced or virtual meeting to discuss the proposal with Helen Jenner.
- There were two governing body meetings

An update report was provided for the LA and Governors on October 20th2020 which made recommendations for further consultation activities.



Other Evidence

Financial position of The Cherry Trees School
Ofsted reports
Pupil projections
School census data
Demographic data held on current staff and pupils
Equality Act 2010
Minutes of meetings where the future of The Cherry Trees School has been discussed
Consultation Document
Consultation Feedback Report
School Policies (Equalities, SEND and Inclusion)
SEMH Review
LBTH SEND Strategy

Name of officer completing the EIA: Elizabeth Freer

Service area: C&C SPP

EIA signed off by:

Date signed off:



Section 4 – Assessing the impacts on residents and service delivery

	Positive	Negative	Neutral	Considering the above information and evidence, describe the impact this proposal will have on the following groups?
Age (All age groups)			X	<p>The small number of pupils attending does not allow for data on age to be included here as it would allow for possible identification. They are all of primary school age. However, the financial position at the school is such that it is recognised that were it to remain open, the quality of education, which has already been judged to be inadequate, could continue to decline. This would thereby impact adversely on the four pupils who may still be attending at the time of the proposed closure. Instead, they will be transitioned into higher quality provision that is better suited to meet their needs and provide increased support for their parents and families.</p> <p>In regard to the closure of The Cherry Trees School meaning there will be no specialist SEMH provision for primary aged boys in LBTH, this has been mitigated through the development of the Local Authority SEND Strategy and the recommendations from the SEMH review.</p> <p>Opportunities are being created to provide more purposeful and better-quality co-educational facilities in the borough, through the soon to be established SEMH Resource Base within Ben Jonson Primary school in alliance with Bowden House Secondary SEMH school. Not only will this be able to provide places for the pupils who will be at The Cherry Trees School at the end of this academic year, it will be able to accommodate more children as it will not be limited by an inadequate judgement. This is the first of a number of long-term solutions and will be in place in the borough from early as September 2021.</p> <p>Staff</p> <p>There will also be an impact on staff at the school, who could be made redundant under the proposal. The spread of staff across the age bands is even, with those under 30 and above 60 less affected than those aged 30-59. It does not appear there will be a disproportionate impact on any one age</p>

				<p>group.</p> <table border="1" data-bbox="1200 240 1487 493"> <thead> <tr> <th>Age</th> <th>% of staff</th> </tr> </thead> <tbody> <tr> <td>20-29</td> <td>10%</td> </tr> <tr> <td>30-39</td> <td>29%</td> </tr> <tr> <td>40-49</td> <td>24%</td> </tr> <tr> <td>50-59</td> <td>29%</td> </tr> <tr> <td>60+</td> <td>10%</td> </tr> </tbody> </table> <p>Further interrogation of the data needs to be done in order to assess what job roles are currently allocated to each age range. This will help to determine whether staff in those age ranges will be disproportionately affected or not. Appropriate support and training will be provided to staff to ensure that they are able identify and access job opportunities. Support will be provided to the school’s senior leaders and governing body to ensure that they are to fulfil their role effectively supporting staff throughout the process.</p>	Age	% of staff	20-29	10%	30-39	29%	40-49	24%	50-59	29%	60+	10%
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<p>Disability (Physical, learning difficulties, mental health and medical conditions)</p>			<p>X</p>	<p>The small number of pupils attending does not allow for data on age to be included here as it would allow for possible identification. All pupils attending The Cherry Trees School have a Social, Emotional or Mental Health Need. However, the financial position is such that it is recognised that were it to remain open, the quality of education, which has already been judged to be inadequate, could continue to decline. This would thereby impact adversely on the four pupils who may still be attending at the time of the proposed closure. Instead, they will be transitioned into alternative provision that will have the resource and expertise to ensure that their needs can be met and provide increased support for their parents and families.</p> <p>In regard to the closure of The Cherry Trees School meaning there will be no specialist SEMH provision for primary aged boys in LBTH, this has been mitigated through the development of the Local Authority SEND Strategy and</p>												



				<p>the recommendations from the SEMH review.</p> <p>Opportunities are being created to provide more purposeful and better-quality co-educational facilities in the borough, through the soon to be established SEMH Resource Base within Ben Jonson Primary school in alliance with Bowden House Secondary SEMH school. This is the first of a number of long-term solutions and will be in place in the borough from early as September 2021.</p> <p>Staff</p> <p>Fewer than 5 members of staff indicated they have a disability. Whilst this does not represent a disproportionate impact, LBTH should ensure that any staff members who may need additional support, or are more vulnerable when looking for new jobs, are able to access appropriate help and advice and are not disadvantaged by the process.</p>
Sex			X	<p>Only males will be affected as The Cherry Trees School is a boys school. These boys will have an opportunity to continue their education in alternative settings, including the new coeducational provision being established at Ben Jonson Primary School and supported by Bowden House residential SEMH boys secondary school. This provide more purposeful and better-quality facilities in the borough that will not only benefit boys, but also girls, for whom there is currently no SEMH primary provision. Therefore, moving to a model of co-educational facilities will increase equality of opportunity for both sexes.</p> <p>Staff</p> <p>The staff gender breakdown is weighted heavily towards women at The Cherry Trees School, with 71% identifying as female. This is the case across most primary school provision in the borough and elsewhere. As teaching roles are not gender specific, this should not have a disproportionate impact on future employment for female staff.</p>



Gender reassignment			X	No impact - we do not collect data on this protected characteristic												
Marriage and civil partnership			X	No impact - we do not collect data on this protected characteristic												
Religion or philosophical belief			X	No impact - we do not collect data on this protected characteristic												
Race			X	<p>The small number of pupils attending does not allow for data on race to be included here as it would allow for possible identification. However, the financial position is such that it is recognised that were it to remain open, the quality of education, which has already been judged to be inadequate, could continue to decline. This would thereby impact adversely on the four pupils who may still be attending at the time of the proposed closure, irrespective of their ethnicity. Instead, they will be transitioned into higher quality provision that is better suited to meet their needs and provide increased support for their parents and families.</p> <p>Staff</p> <p>There will be more of an impact on White British staff, as more staff of this ethnicity are employed at the school. However, as roles in education are not race-specific, should not be a disproportionate impact on staff ethnicity.</p> <table border="1"> <thead> <tr> <th>Ethnicity</th> <th>% of staff</th> </tr> </thead> <tbody> <tr> <td>Asian - Bangladeshi</td> <td>19%</td> </tr> <tr> <td>Black - Caribbean</td> <td>10%</td> </tr> <tr> <td>Black - Other</td> <td>10%</td> </tr> <tr> <td>White - Other</td> <td>19%</td> </tr> <tr> <td>White - British</td> <td>43%</td> </tr> </tbody> </table>	Ethnicity	% of staff	Asian - Bangladeshi	19%	Black - Caribbean	10%	Black - Other	10%	White - Other	19%	White - British	43%
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Sexual orientation			X	No impact - we do not collect data on this protected characteristic												



Pregnancy and maternity			X	No impact - we do not collect data on this protected characteristic
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Other				
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Socio-economic			X	Although we do not collect data on the socio-economic background of pupils, there has always been a high proportion of pupils in receipt of Free School Meals at the school. This reflects the reality of LBTH having one of the highest child poverty rates in London and is comparable to other primary schools in the borough. As places at other provision are not means-tested, we do not anticipate this being a barrier to the proposal.
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Parents/Carers		X		<p>Written responses received from the stage one consultation were identified as being from parents (3), none of them supported the decision to close the school. Parents were concerned whether a new provision would be good enough and whether the transition would be robust.</p> <p>As the majority of parents at the school have chosen to move, or are discussing transitioning their child to other provision, this feedback suggests these concerns are limited to a few. Further reassurance needs to be provided to all parents as to future plans and the benefits to their children. The SEND Strategy looks to securing better outcomes through closer links to mainstream education, thereby supporting children to transition back into mainstream education, if suitable. This has not been a successful outcome for children at The Cherry Trees School in recent years.</p> <p>As previously stated, the new model of resource based provision not only aims to improve parental confidence in the continuum of provision available within LBTH and thus increase parental choice, it would empower parents to have greater involvement in their children's education and to develop their capacity to support their child's development and progress. There will be a parallel programme of support for families to ensure that they can contribute to the strategy being implemented in the school and improve</p>
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				their confidence in managing their child's needs. It should also provide, in collaboration with a range of voluntary and statutory agencies, a range of effective support strategies for families of pupils attending the provision, including therapeutic services.
People with different Gender Identities e.g. Gender fluid, Non-Binary etc			X	No impact - we do not collect data on this protected characteristic
AOB				

Section 5 – Impact Analysis and Action Plan

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
<ul style="list-style-type: none"> Further analysis of workforce data needs to occur Provide continued support for parents/carers 	<ul style="list-style-type: none"> Explore whether new roles will be created in resource bases for staff to apply for Parent and Family Support Service to offer targeted support SENCOs and parents to continue discussing the benefits of transitioning Provide updated information to 	<p>By end of statutory consultation period, if the proposal progresses to that stage</p> <p>By end of statutory consultation period, if the proposal progresses to that stage</p>	<p>Human Resources</p> <p>Head of Parent and Family support</p> <p>Head of SEN</p>	



	parents about the new resource base provision at Ben Jonson			
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Section 6 – Monitoring

Have monitoring processes been put in place to check the delivery of the above action plan and impact on equality groups?

Yes?

No?

Describe how this will be undertaken:

Appendix A

Equality Impact Assessment Decision Rating

Decision	Action	Risk
<p>As a result of performing the EIA, it is evident that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a Protected Characteristic under the Equality Act. It is recommended that this proposal be suspended until further work is undertaken.</p>	<p>Suspend – Further Work Required</p>	<p>Red</p> 
<p>As a result of performing the EIA, it is evident that there is a risk that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, there is a genuine determining reason that could legitimise or justify the use of this policy.</p>	<p>Further (specialist) advice should be taken</p>	<p>Red Amber</p> 
<p>As a result of performing the EIA, it is evident that there is a risk that a disproportionately negatively impact (as described above) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p>	<p>Proceed pending agreement of mitigating action</p>	<p>Amber</p> 
<p>As a result of performing the EIA, the proposal does not appear to have any disproportionate impact on people who share a protected characteristic and no further actions are recommended at this stage.</p>	<p>Proceed with implementation</p>	<p>Green:</p> 