



Department
for Education

School Rebuilding Programme

Equality Impact Assessment

February 2022

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Introduction

Under the Equality Act 2010, public authorities are required to have due regard to equality impacts when making decisions in the exercise of their functions (Public Sector Equality Duty, PSED). In particular, public authorities are required to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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 of the policy on the published date on persons with protected characteristics, as compared with those who do not share that protected characteristic. This is considered from the perspective of to the need to have to regard to the: (a) elimination of discrimination, (b) advancement of equality of opportunity and (c) fostering good relations.

The department's view is that no categories of persons with a protected characteristic will be negatively impacted by the policy. Overall, we expect the policy to have a positive impact on all categories of persons with protected characteristics due to the improvement in school condition we expect to see as a result of each rebuilding project. The programme will work to resolve significant poor condition or health and safety issues that could cause imminent school closure, and which need a rebuilding to resolve. The programme will provide modern buildings with improved accessibility and teaching facilities. We expect the outcomes of the programme to be neutral for the users of schools which are not selected for a project.

We identify that, despite all schools being eligible for consideration in the programme, our policy of selecting schools based on condition need may lead to an uneven distribution of benefits. This EIA sets out our consideration of these issues and how we plan to monitor this as the programme continues. To date, we have found no evidence to suggest our approach leads, or may lead, to negative outcomes for any protected groups, and are therefore confident that this programme is compliant with our obligations under the PSED.

We have conducted this EIA following a consultation on our future approach to prioritising schools for the programme. The PSED is an ongoing duty, and we will continue to monitor and evaluate the impact of the programme on school building users across the life of the programme.

Background

The School Rebuilding Programme

The School Rebuilding Programme launched in 2020 with a commitment to rebuild or significantly refurbish buildings in poor condition at 500 schools over the next decade. The first 100 projects have been confirmed and we have consulted on the approach to prioritising future places in the programme. This document has been published alongside the [consultation response](#).

The programme is condition-led, looking to prioritise schools in the worst condition and/or with significant safety issues where rebuilding is required to address them. Neither the approach deployed in the first two rounds of the programme, nor the proposed process for future rounds, uses pupil 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. All schools in England are eligible for the programme and further information on the selection methodology can be found below.

The Schools Capital funding system

The School Rebuilding Programme is not the only route for schools to fund 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 access 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 schools capital funding and allocations can be found on [GOV.UK](https://www.gov.uk).

Responsible bodies, which prioritise capital funding across the schools 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.

School Rebuilding Programme prioritisation methodology

The underlying methodology for prioritising schools for a place in the first two rounds of the programme targeted schools with the most intense condition need per m². In the first round we also included all known school buildings with either Laingspan or Intergrid construction types, as these have been prioritised for replacement. Any other schools subsequently identified with these designs would also be considered for the programme.

In both rounds we held a small number of places for special and alternative provision settings in poor condition, broadly in line with their prevalence in the sector. This was to ensure the programme could learn from a range of projects of different types in its early stages (different school types have differing capital requirements, including specialist spaces and design). Further information on the methodology for rounds one and two can be found on [GOV.UK](https://www.gov.uk).

In future rounds of the programme, we intend to maintain a condition-led approach. We will prioritise poor condition and structural or safety issues that mean a building is not fit for use, or is likely to become unfit for use soon, because it poses a risk to users.

We intend to invite responsible bodies to nominate the school buildings they consider to be most in need of a rebuild or significant refurbishment, and prioritisation will be informed by consistent data on the relative condition of schools, from the department's Condition Data Collection (CDC). This approach avoids the need for responsible bodies to submit detailed evidence for most of the schools they consider in scope, minimising burdens on the school sector.

The CDC is the only consistent, national-level data on the condition of the school estate in England. It is a valuable tool in understanding the condition of the estate and the relative condition of schools. As CDC data was collected between 2017 and 2019, with the earliest visits taking place over four years ago, improvements or further deterioration

to buildings could have occurred in the intervening period. More information on CDC, and the recently-launched CDC2 programme, can be found on [GOV.UK](https://www.gov.uk).

The nomination process will enable responsible bodies to take this into account and put forward for consideration their buildings and schools which currently have the greatest condition need.

As part of the process, we intend to provide an opportunity for responsible bodies to submit additional professional evidence, where there are severe condition or safety issues. This will allow us to identify and prioritise schools with urgent need that CDC may not capture, such as structural issues, or allow critical condition issues that have arisen since a school's CDC visit to be highlighted. It is likely that only exceptional cases of severe condition need or safety issues risking imminent closure, which can only be resolved through re-building, will be considered in this way.

Further information can be found in the [response](#) to the consultation on the prioritisation process for future rounds. This sets out further details on how responsible bodies can nominate their schools and provide additional evidence of severe need in our guidance on how to nominate schools for consideration by the programme.

Impact assessment

We have considered the question of whether our chosen methodology may lead us to fund projects in such a way as to indirectly favour, or discriminate against, pupils or teachers with a given characteristic.

Overall, our assessment is that rebuilding projects allocated through this system will have a positive or neutral impact in respect of protected characteristics. We believe that improving the condition of school buildings, updating facilities and increasing accessibility will positively impact pupils or teachers with protected characteristics. A rebuilding project could help reduce discrimination, advance equality of opportunity, and help foster good relations between individuals with a variety of protected characteristics and those without. This is because new buildings and facilities should have a positive impact on attainment, accessibility, health and safety and well-being.

As the programme considers only building condition in its prioritisation methodology, we have no reason to believe that any individual should suffer direct negative impacts on account of their protected characteristics.

While there may be disparity between national data on protected characteristics and the characteristics of pupils and teachers attending and working in schools selected for the programme, our assessment is that over the life of the programme this distribution is likely to move closer in line with national averages. Any disproportionate system-level benefits to particular groups will arise from an objective determination of building needs at the level of the individual building. We do not plan to select projects on the basis of protected characteristics as this would risk schools in better condition being prioritised

over those with poorer condition or significant safety issues, which would have a negative impact on pupils and teachers in those schools including those with protected characteristics.

By improving building condition at the schools with the greatest and most urgent need, we are enabling responsible bodies to use their condition allocations on other local priorities, providing indirect, wider benefits to schools not included in the programme.

We have also considered the fact that we have so far only selected 100 of the schools to benefit from this programme and expect the distribution of protected characteristics of the pupils and teachers who are benefitting from the programme to change as the programme continues. We will continue to monitor equalities data across the life of the programme and work to mitigate any negative impacts we identify.

Summary of evidence

In responding to the question above, we have considered pupils and teachers as the primary users of school buildings. We acknowledge our data has some limitations as we do not collect information on some characteristics at pupil or teacher level, and in others we must rely on proxy indicators. We have used the latest available datasets to support our responses to the questions on protected characteristics, though some of these data sources have not been recently updated.

Our data sources for this EIA are School Census (January 2021) and [Get Information about Schools](#).

Pupil data

As we do not yet know the mix of schools which will be included in future rounds of the programme, we have considered the data from the 100 schools already selected during rounds 1 and 2. It should be noted that these may not be representative of the wider programme once more schools are selected.

Measure	All English Schools	Round 1 and 2 Schools
Boys	51%	51%
Girls	49%	49%
Has a Special Educational Need	12%	13%
Has a statement of Special Educational Need	4%	3%

Does not have a Special Educational Need	84%	85%
Free School Meals eligible	21%	20%
Ethnicity: White	72%	80%
Ethnicity: Mixed	6%	4%
Ethnicity: Asian	11%	8%
Ethnicity: Black	6%	4%
Ethnicity: Chinese	<1%	<1%
Ethnicity: Other	2%	1%
Ethnicity: Unclassified	2%	2%
Ethnicity: White British	65%	75%

Teacher data ¹

Measure	All English Schools	Round 1 and 2 Schools
Gender: Male	24%	32%
Gender: Female	76%	68%
Gender: Unknown	<1%	0%
Ethnicity: White	83%	82%
Ethnicity: Mixed	1%	1%
Ethnicity: Asian	4%	4%
Ethnicity: Black	2%	2%
Ethnicity: Other	1%	<1%
Ethnicity: Unclassified	8%	11%
Age: Below 29	21%	21%
Age: 30 - 39	33%	34%
Age: 40 – 49	27%	28%
Age: 50 - 59	16%	15%
Age: Over 60	3%	2%
Age: Unknown	<1%	0%

These figures are based on the headcount of staff in open schools.

For the breakdown of each characteristic, percentages are calculated based on the total number of all teachers, including those whose characteristic is unknown.

¹ This data undergoing final QA from Teachers Analysis Division

Sexual orientation, gender reassignment, and pregnancy and maternity

We do not collect data on sexual orientation, gender reassignment, pregnancy or maternity 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. We will continue to review the impact of the programme as it develops and will consider any new data that becomes available.

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 funding and will not in future rounds. We have no reason to believe anyone should suffer direct negative impacts on account of their sex.

In the first two rounds of the programme, we see that the sex of pupils benefitting broadly corresponds to the wider school population. We would expect this trend to be maintained in future rounds of the programme.

While there is a disparity between the national figures on male and female teachers and the teachers in schools included in the first rounds of the programme, we do not believe this gap is caused by the prioritisation methodology employed. We believe that over the life of the programme this figure will move closer to the national average and will continue to monitor this as future rounds of projects are confirmed.

Age

The programme will disproportionately benefit those 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.

We consider that the proposals are likely to advance equality of opportunity and foster good relations between those sharing the characteristic of school age and those who do not. Safe, modern well-maintained school buildings can have a positive impact on attainment, health and safety and well-being. They are vital to support a high-quality education so that pupils gain the knowledge, skills and qualifications they need to progress, thus advancing equality of opportunity and fostering good relations between those sharing protected characteristics and those who do not.

We have nonetheless considered how SRP takes account of pupil age by looking at the impact on different school phases, as this was a school characteristic considered in the recent consultation. The table below illustrates the schools prioritised in rounds 1 and 2 by phase.

Phase	All School		Round 1 and Round 2	
	Count	Percentage	schools	Percentage
Nursery	388	2%	0	0%
Primary	16,790	67%	35	35%
Secondary	3,235	13%	56	56%
All-through	157	1%	0	0%
16 plus	300	1%	1	1%
Other ²	4,078	16%	8	8%

We have looked in particular at primary and secondary schools as the most common types of school in the system. The number of primary and secondary schools selected for rounds 1 and 2 is not in line with their prevalence nationally. However, the programme has tackled a more proportionate total area of the school estate. While secondary schools make up 13% of all schools nationally, they represent 47% of the total floor area (Gross Internal Floor Area, GIFA) of the estate, while primary schools represent 42% of total GIFA³.

For future rounds of the programme we have decided against phase-based quotas in order to focus on condition need, but we will continue to ensure an inclusive approach to prioritisation so that smaller schools (predominantly primary, alternative provision, pupil referral units and special schools) can be considered by the programme. Further details are in the consultation response. Where a school of whatever phase or size has urgent structural or health and safety with its buildings that the responsible body needs support beyond its resources to resolve, the department will consider the best course of support on a case-by-case basis.

² This category includes other categories such as alternative provision and special schools.

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

We do not yet know which schools will be prioritised for future rounds of the programme but will continue to monitor this data and the impact on pupils by age.

Data on teacher age shows that the distribution of teachers working in schools which have been included in rounds one and two of the programme by age is broadly in line with national data. We therefore have no reason to believe that teachers are being negatively impacted by the programme on the basis of age.

Overall therefore, we believe the way the we consider pupil and teacher age in relation to SRP is compliant with our obligations under the PSED.

Disability

On considering potential impacts on groups with disabilities, our focus has been on pupils with special educational needs (SEN). Pupil disability data is not collected by the department, and whilst 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 SEN.⁴ 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.

Schools are asked to provide information on the number of teachers that record themselves as disabled. However, information on disability was not obtained by schools for 52 per cent of teachers in the November 2020 census. The information provided suggests 2 per cent of teachers are disabled, however, this may not truly reflect the real position given the large amount of missing data.

We believe that poor condition buildings can disproportionately impact on building users with disabilities, particularly those in special or alternative provision schools. For example, where poor condition caused a school closure, we know that travel time for pupils to temporary provision may be longer for those pupils attending special schools, for whom their nearest special school may be further away than for disabled or other pupils in mainstream schools. This adds weight to the need to address the schools in the poorest condition as quickly as possible.

For schools included in the first two rounds of the programme, the number of pupils with SEN was broadly similar to the percentage of pupils with SEN nationally.

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

The programme does not use pupil SEN data when determining the highest-priority schools for rebuilding. However, in the first two rounds of the programme, we used minimum quotas to ensure a number of special and alternative provision schools were prioritised in the first two rounds of the programme, broadly in line with their overall representation in the school estate. This was to ensure the programme could learn from a range of project types.

We will continue to ensure that these types of school are included in the programme and will confirm arrangements for this in due course. We do not intend to set a specific quota at this stage, so that we can consider the severity of need across the range of projects under consideration.

All new buildings provided through the programme comply with Building Regulations, and the department's own specifications and standards for school buildings take account of the needs of pupils with disabilities. This should have a positive effect on pupils and teachers with disabilities in schools in the programme, including improving access to mainstream schools.

The government has committed £2.6 billion over the next three years to deliver new places and improve existing provision for pupils 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. Further information on High Needs Capital funding can be found [here](#).

Race and ethnicity

The programme does not take the ethnicity of either teachers or pupils into consideration when determining prioritisation. Although we expect there to be a positive impact on individuals of all races in schools that are rebuilt or refurbished through the programme, at national level there could be an impact on race if certain races are more concentrated in schools with poor condition selected for the programme. In the first two rounds of the programme the proportion of pupils from white backgrounds whose school will benefit were higher than the national average (and lower for those of non-white background).

We believe that this benefit arises from an objective determination of building needs, rather than any other policy choices or targeting of pupils with these characteristics. While we cannot draw firm conclusions from the data held by the department, we believe that this is due to the location of the selected schools and the demographics of their local populations. The first 100 schools represent a small sample of schools nationally and we believe that as the programme continues, the number of non-white pupils to benefit from a project will increase and become closer to the national average. We will continue to monitor this data as future rounds are selected.

Data on teachers' ethnicity shows that the distribution of the first 100 projects is broadly in line with national data on teachers' backgrounds. We have no reason to believe that the programme will negatively impact on teachers on the basis of race or ethnicity.

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.

Record of decision

The goal of this policy is that schools will be selected for rebuilding based on the condition of buildings and urgency of need and all types of state school in England, including special and alternative provision, will be eligible for consideration. We are confident that targeting schools most in need of rebuilding will have an overall positive effect on pupils and teachers, including those with protected characteristics.

Eligibility for the programme is not based on protected characteristics of pupils and teachers, as this would risk schools with lower condition need being prioritised for the programme. This could incur health and safety risks, and the risk of school closures in schools in very poor condition who may not be selected as a result.

Projects are allocated based on an objective assessment of condition and the need for rebuilding. We have also considered ways in which the methodology could indirectly discriminate against protected groups and have found no evidence that this is the case.

In the below table, where we have data for the relevant characteristics, we have assessed the equalities impact accordingly. Where we do not hold the data, we have assessed the impact as positive as we believe that delivering modern buildings should help to support wellbeing for all users. We have not identified that any categories of persons with a protected characteristic will be disproportionately negatively impacted by the policy.

Protected characteristic	Positive	Negative	Neutral
Disability	x		
Pregnancy and maternity	x		
Marriage or civil partnership	x		
Race	x		
Religion or belief	x		
Sex	x		
Sexual orientation	x		
Gender reassignment	x		
Age	x		

For those pupils and teachers whose school is not included in the programme, we expect the impact to be neutral, and that there may be some positive impact as responsible bodies will be able to distribute their condition allocations to different local priorities.

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 the School Rebuilding Programme is fully compliant with our obligations under the PSED.

Monitor and review

The PSED is a continuing duty, and the public authority is required to keep the equalities impacts of a policy proposal under review. Accordingly, this EIA will be reviewed regularly following an analysis of relevant data, including when a new round of schools is added to the programme.



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