The Council understands that whilst its equalities duty applies to all services, it is going to be more relevant to some decisions than others. We need to be pragmatic and ensure that the detail of Equality Analyses (EAs) are proportionate to the impact of decisions on the equality duty. In some cases a full EA is not necessary and/or the equalities duties do not apply. In other cases, only part of a decision will require an EA to ensure the Council has due regard to its equalities duties. The following examples are intended to assist:

<table>
<thead>
<tr>
<th>Where will a full EA be required?</th>
<th>Where might an EA not be required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>In short, wherever a decision has a more than minimal or theoretical adverse or negative impact on those with protected characteristics, for example, if the Council is considering:</td>
<td>• Where it can be proven that the decision has no equalities impact— with particular focus on negative impacts on service users and residents</td>
</tr>
<tr>
<td>• Ceasing a service</td>
<td>• Where it can be proven that the decision has a minimal or theoretical equalities impact (and so does not need to be considered)</td>
</tr>
<tr>
<td>• Reducing a service or reducing it in particular areas, e.g. closing an office in Leyton but not Walthamstow</td>
<td>• Where the decision is mandatory and there is no element of discretion (e.g. to adopt a member’s code of conduct or similar)</td>
</tr>
<tr>
<td>• Changes to the way a service is delivered, e.g. moving to personalisation or moving to online access only</td>
<td>• In rare cases, where a previous EA exists and a review shows that it is still relevant at the time of the final decision, i.e. the facts have not changed</td>
</tr>
<tr>
<td>• Changes to eligibility criteria, rules or practices for a service</td>
<td></td>
</tr>
<tr>
<td>• Changes to discretionary fees and charges</td>
<td></td>
</tr>
</tbody>
</table>

**Important:**

- The EA screening tool should not be used to mask over any equality impacts or as a “get out”.
- There can be a negative equality impact even if you think that overall, you are proposing changes that will make services better. If there is an adverse or negative impact, you must complete a full EA.
- Negative impacts are often indirect, i.e. a rule that is on its face of universal impact but has greater impact on some groups in practice e.g. due to the ethnic makeup of an area.
- In most cases, the screening process requires a degree of collation and analysis of evidence. If this requires a lot of work, consider whether it is actually simpler to omit the screening process and undertake a full EA.
- The equality duty continues up to and after the final decision. If proposals or facts change before the final decision, any screening tool will need to be reviewed and evidenced.
- Any consultation undertaken should also inform the screening process, e.g. issues raised by those affected. Monitoring should take place after a decision as part of service delivery.
- The completed screening template will be attached to Cabinet or other decision making report and so it must include sufficient detail to justify the decision not to carry out a full EA.

**What to do?**

The screening process should be used on ALL new proposals, policies, projects, functions, saving proposals, major developments or planning applications, or when revising them, if there is no negative equality impact or there is uncertainty about whether there is a negative equality impact. **However**, if your proposal is of a significant nature and it is apparent from the outset that a full EA will be required, then you do not need to complete this screening template and can progress directly to a full EA. If a negative/adverse impact has been identified during completion of the screening tool, a full EA MUST be undertaken.

### Where will a full EA be required?

**Important:**

- The EA screening tool should not be used to mask over any equality impacts or as a “get out”.
- There can be a negative equality impact even if you think that overall, you are proposing changes that will make services better. If there is an adverse or negative impact, you must complete a full EA.
- Negative impacts are often indirect, i.e. a rule that is on its face of universal impact but has greater impact on some groups in practice e.g. due to the ethnic makeup of an area.
- In most cases, the screening process requires a degree of collation and analysis of evidence. If this requires a lot of work, consider whether it is actually simpler to omit the screening process and undertake a full EA.
- The equality duty continues up to and after the final decision. If proposals or facts change before the final decision, any screening tool will need to be reviewed and evidenced.
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### What to do?

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### Important:

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- There can be a negative equality impact even if you think that overall, you are proposing changes that will make services better. If there is an adverse or negative impact, you must complete a full EA.
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- Any consultation undertaken should also inform the screening process, e.g. issues raised by those affected. Monitoring should take place after a decision as part of service delivery.
- The completed screening template will be attached to Cabinet or other decision making report and so it must include sufficient detail to justify the decision not to carry out a full EA.
If you have not identified any negative/adverse impacts arising from your proposal you do not need to undertake a full EA. However, make sure you have explained clearly why the (delete as appropriate) on the Council’s equality duty.” Attach the completed template as an appendix to your report.

1. **Proposal / Project Title:** Proposed closure of Snowberry Nursery

2. **Brief summary of the above: (include main aims, proposed outcomes, recommendations / decisions sought)**
   - Section 6, 8 and 9 of Childcare Act 2006 provide details of the Council’s statutory requirements with regards to the provision of early education and childcare services. These include monitoring of sufficiency of places and working in partnership with schools and childcare providers to support them in creating places where there gaps are identified, delivery of support information and training to childcare providers and support and advice regarding childcare and support services to parents/carers.
   
   - The Local Authority has a statutory duty under Childcare Act 2006 to secure sufficient childcare, but the act says:
     
     An English local authority **may not provide childcare** for a particular child or group of children unless the local authority are satisfied

     a) that no other person is willing to provide the childcare (whether in pursuance of arrangements made with the authority or otherwise), or

     b) if another person is willing to do so, that in the circumstances it is appropriate for the local authority to provide the childcare.

   - Waltham Forest has a vibrant and sustainable early years sector that is able to operate more flexibly than local authority-run provision, across both the Schools and Private Voluntary and Independent (PVI) sector.

   - A number of schools in the locality are willing to provide FEEE places and childcare, and have or are looking to also lower their age of admission and/or extended their early years and childcare offers to include provision of FEEE places to two year olds. This would meet the needs of families as well as increase occupancy of their schools/nurseries as they are currently operating under their full capacity. This is particularly true for Downsell Primary School and Redwood Preschool that are based within a 0.3 mile radius of Snowberry and Mayville Primary School which is within a 0.5 mile radius.

   - A number of Schools and PVI sector providers within a 0.3 mile radius of Snowberry nursery are able to offer good quality provision, having achieved a good or better Ofsted inspection grade and have the capacity to deliver the places required that would be lost as a result of the closure of Snowberry Nursery, as outlined in Appendix A.

   - Children who meet the eligibility for a free early education place will continue to be eligible for a place with any FEEE approved provider.

   - As 27 of the 54 children attending the nursery currently are eligible to take up a reception place in September 2019, the impact to users would be minimised if the nursery was closed in August 2019. The closure of the nursery would then be limited to the remaining 27 children.

   - Parents/carers who require a place at an alternative provider for their child from September 2019 would be supported by the LA’s Early Years and Childcare service to source one as required. Parents/carers would also be supported with transition transition arrangements that could potentially facilitate moving groups of children, if required, so that friendship groups were retained.
3. Considering the equality aims (eliminate unlawful discrimination; advance equality of opportunity; foster good relations) indicate for each protected group whether there may be a positive impact, negative (adverse) impact, or no impact arising from the proposal.

4. Protected Characteristic (Equality Group) ☒ Positive Impact Negative Impact No Impact

<table>
<thead>
<tr>
<th>Protected Characteristic (Equality Group)</th>
<th>Positive Impact</th>
<th>Negative Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Disability</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Pregnancy and Maternity</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Race</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Religion or Belief</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Sex (Including Gender Re-assignment)</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Marriage and Civil Partnership</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Briefly explain your answer. Consider evidence, data and any consultation. [https://www.walthamforest.gov.uk/content/statistics-about-borough](https://www.walthamforest.gov.uk/content/statistics-about-borough)

- **Age**: Snowberry nursery provides childcare and free early education places to under 5’s. Any DfE registered School or Ofsted registered childcare setting can provide these places and there are a number of alternatives in the area.
- **Disability**: All DfE registered Schools and Childcare settings must comply with the statutory requirements of the Early Years Foundation Stage and SEND Code of Practice with regards to meeting the needs of disabled children. Support will be provided by the LA to transition children with a disability to an alternative school or setting. There are a range of alternative provisions that are either closer to the current attendees home address, or marginally further to travel.
- **Pregnancy and Maternity**: NA
- **Race**: All DfE registered Schools and Childcare settings must comply with the statutory requirements of the Early Years Foundation Stage and SEND Code of Practice with regards to equalities, discrimination and understanding the world.
- **Religion or Belief**: All DfE registered Schools and Childcare settings must comply with the statutory requirements of the Early Years Foundation Stage and SEND Code of Practice with regards to equalities, discrimination and understanding the world.
- **Sex (Including Gender Re-assignment)**: All DfE registered Schools and Childcare settings must comply with the statutory requirements of the Early Years Foundation Stage and SEND Code of Practice with regards to equalities, discrimination and understanding the world.
- **Sexual Orientation**: All DfE registered Schools and Childcare settings must comply with the statutory requirements of the Early Years Foundation Stage and SEND Code of Practice with regards to equalities, discrimination and understanding the world.
- **Marriage and Civil Partnership**: N/A

5. **There are no negative/adverse impact(s)**

If you have not identified any negative/adverse impacts please briefly explain your answer, providing evidence to support decision.

If the proposed closure of Snowberry Nursery were to go ahead, suitable alternative DfE registered school or Ofsted registered childcare provision would be available to offer a free early education or childcare place to the parent/carers and children currently using the service. All DfE registered Schools and Childcare settings must comply with the statutory requirements of the Early Years Foundation Stage and SEND Code of Practice which covers areas around...
Special Educational Needs and Disability (SEND), safeguarding, health and safety, welfare and curriculum. The curriculum areas include:

- communication and language
- physical development
- personal, social and emotional development
- literacy
- mathematics
- understanding the world
- expressive arts and design

There are a range of alternative provisions that are either closer to the current attendees home address, or marginally further to travel.

### 6. Describe how opportunities to advance equality and foster good relations for any of the protected characteristics has been taken up (where relevant).

**N/A**

### 7. As a result of this screening is a full EA necessary (Please check ☒ appropriate box)

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Briefly explain your answer.

The LA do not have a statutory duty to provide this childcare provision. There are statutory requirements in place that schools and childcare setting must comply with that will ensure that the equality arrangements in place at Snowberry nursery will be replicated at alternative provision in a School or childcare setting. There is a range of alternative provision that is rated ‘Good’ or better by Ofsted that is either closer to the current attendees home address, or marginally further to travel.

### 8. Name of Lead Officer: Eve Mc Loughlin

**Job title:** Head of Early Years, Childcare and Business Development

**Date screening tool completed:** 13 June 2019

Signed off by Head of Service: Director of Learning and Systems Leadership

**Name:** David Kilgallon

**Date:** 13 June 2019