

APPENDIX 2 – REPORT ON RESPONSE TO PRESUMPTION AGAINST CLOSURE

Premise

The council is required to demonstrate that the case for closure of a maintained nursery school is strong as part of meeting the statutory requirements for the 'presumption against closure of a maintained nursery school'.

Guidance

Guidance from the [Opening and closing maintained schools statutory guidance for proposers and decision makers January 2023](#) states that;

'Proposers should be aware that decision makers are expected to adopt a presumption against the closure of maintained nursery schools. This does not mean that a maintained nursery school will never close, but that the case for closure should be strong. Where a proposal is for the closure of a maintained nursery school, the proposer should set out:

- *plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity to the provision provided by the nursery school with no loss of expertise and specialism; and*
- *how replacement provision is more accessible and more convenient for local parents.*

When proposing to close a school which includes early years provision, proposers should set out whether the alternative early years provision will integrate preschool education with childcare services and/or with other services for young children and their families' Page 25

The purpose of Maintained Nursery Schools is outlined in the [Statutory guidance for LA's, Statutory guidance for local authorities April 2023](#),

'Ensure that the early years' expertise and experience of their maintained nursery schools, if they have them, are used to benefit the whole local area. Maintained nursery schools (MNS) are almost exclusively good or outstanding, the majority are located in disadvantaged areas and local authorities should ensure that they have a role in the pedagogical leadership for the local early years' system. What this means in practice will depend on local need, but it might include for example: commissioning nursery schools to develop and deliver a quality improvement strategy for the area; having nursery schools work with other providers to share their experience and expertise to raise the overall quality of provision across the area; helping nursery schools to work in partnership with other providers to offer parents who choose a MNS the 30 hours entitlement' A2.17, page 17

Case for closure- response to requirements in Opening and closing maintained schools guidance

If the decision was taken to close Ann Bernadt Nursery School, alternative and well established early years provision is already available, that is of equal quantity to that offered by Ann Bernadt and would not result in a loss of expertise or specialism in that area. The alternative provisions available are Nell Gwynn Nursery School and Grove Nursery School.

Requirement one; 'outline plans to develop alternative early years provision clearly demonstrating that it will be at least equal in quantity to the provision provided by the nursery school with no loss of expertise and specialism'

- Nell Gwynn and Grove are both maintained nursery schools as opposed to primary school based early years provision or private, voluntary and independent provider provision.
- Both nursery schools have an offer available for 2 year olds and 3 and 4 year olds as is the case with Ann Bernadt Nursery School.
- Both nursery schools have vacancies and capacity within their buildings to expand.
- Both nursery schools have an equivalent Ofsted rating (Good) as Ann Bernadt which was inspected in February 2018. Nell Gwynn was inspected in June 2019 and Grove was inspected in January 2019.
- As maintained nursery schools they offer an equivalent quality of provision (source; Effective Provision of Pre-school Education (EPPE) report) as they are constituted in the same way with a Head teacher and teacher or teachers within their staffing structures and are designated as teacher-led provision e.g. Ann Bernadt has an Executive Head teacher, a Head of School/SENCO and the equivalent of 1.4 teachers. Nell Gwynn has an Executive Head teacher, Head of school/ SENCO and the equivalent of 1.8 teachers. The Grove has an Executive Head teacher, an Assistant Head teacher, SENCO and 2 teachers.
- As maintained nursery schools, it is well documented that they cater for a higher proportion of children with SEND when compared with other early years provision (information from schools and PVI census). As a result each school has similar expertise and experience in meeting a broad range of needs, and offer an equivalent level of specialism for children with SEND.
- As local authority maintained nursery schools the LA is able to hold the schools to account for the quality of their offer. Nell Gwynn and Grove have the same support and challenge offer from the LA ensuring that they maintain standards, improve outcomes and meet need.
- In the local area parents also have a choice of school based early years provision available catering for 3 and 4 year olds. The provision is teacher led in line with nursery schools so an equivalent quality can be assured with no loss of expertise or specialism.

- Ann Bernadt is located in walking distance of two maintained primary schools which have teacher led nursery provision for 3 and 4 year olds. Both Oliver Goldsmiths Primary School and Brunswick Park Primary School have an equivalent Ofsted rating (Good) as Ann Bernadt. Oliver Goldsmiths was inspected in May 2022. Brunswick Park was inspected in April 2019.

Requirement two; *'replacement provision is more accessible and more convenient for local parents'*

- Ann Bernadt Nursery School is located within walking distance of two maintained nursery schools. Nell Gwynn Nursery school (approximate distance and walking time 0.9 miles and 18 minutes), which is the federation partner of Ann Bernadt Nursery school. Grove Nursery school (approximate distance and walking time 0.3 miles and 6 minutes).
- There are a variety of transport options available to and within postcode area SE15 (Peckham), which supports ease of travel to both Nell Gwynn and Grove.
- The majority of home addresses for the children and families currently at Ann Bernadt nursery school is postcode area SE15 (Peckham) (source: postcode data produced by school). This is the same postcode area that Nell Gwynn and Grove nursery schools are located in. Depending on home address for some parents Nell Gwynn and Grove may offer a closer provision than Ann Bernadt. For example the majority of children that attend Nell Gwynn Nursery School live within the postcode area SE15 (Peckham) (source: postcode data produced by school).
- As maintained nursery schools Nell Gwynn and Grove have a similar ethos of accessibility and inclusivity for all children and families regardless of need. Both schools offer an equal level of accessibility for parents as Ann Bernadt, with experienced staff who are able to meet the broad range of needs of children and families.
- Ann Bernadt is located within walking distance of two maintained primary schools that have teacher led nursery provision. Oliver Goldsmiths Primary School (approximate distance and walking time 0.3 miles and 5 minutes) and Brunswick Park Primary school (approximate distance and walking time 0.5 miles and 10 minutes).

Further consideration: *'When proposing to close a school which includes early years provision, proposers should set out whether the alternative early years provision will integrate preschool education with childcare services and/or with other services for young children and their families'*

- Both Nell Gwynn Nursery School and Grove Nursery School have a similar Children's Centre offer available as Ann Bernadt, which integrates education with childcare services and enables them to support and signpost children and families to other services. This is a key factor in improving outcomes for the most disadvantaged (source; Effective Provision of Pre-school Education (EPPE) report).

Case for closure- response to requirements in Statutory guidance for LA's, Statutory guidance for local authorities April 2023

Requirement- *'Ensure that the early years expertise and experience of their maintained nursery schools, if they have them, are used to benefit the whole local area. Local authorities should ensure that they have a role in the pedagogical leadership for the local early years system. What this means in practice will depend on local need'*

Context

- Southwark has a number of LA officers that are employed to support development and maintain quality in the early years, with support offered to schools early years provision through the Learning and Achievement division and to PVI settings through the Early Years Quality Improvement Team. The posts are funded via the early years block of the Dedicated Schools Grant (DSG).
- The improvement and development market across the country and within borough is highly competitive and providers are free to select where they procure their continuous professional development support from.
- The quality of early years provision in the borough is high. 98% of school based early years provision is judged as good or better by Ofsted (school inspection framework). 99% of group based PVI provision is judged as good or better by Ofsted ([early years inspection framework](#)).
- Following the introduction of the early years national funding formula, capacity within the maintained nursery schools has become increasingly limited due to pressures on resources.
- Pressures on budgets has resulted in fewer funding resource being available from the LA for in-borough initiatives.

Examples provided in guidance

- ***'commissioning nursery schools to develop and deliver a quality improvement strategy for the area;***
- ***having nursery schools work with other providers to share their experience and expertise to raise the overall quality of provision across the area;***
- ***helping nursery schools to work in partnership with other providers to offer parents who choose a MNS the 30 hours entitlement'***

Southwark context

- No commissioning arrangements have been agreed between the LA and maintained nursery schools, as in Southwark quality improvement is led by LA officers.
- Informal support has been brokered from the maintained nursery schools for other school based providers for development and to share expertise, for example peer to peer support for managing the needs of children with SEND. This has been undertaken on an informal basis.

- All providers are supported to work in partnership with each other to offer parents access to their child's entitlement. However due to the competitive nature of the childcare market and child funded places the nursery schools have moved away from their initial remit of around 15 hours and can now offer 30 hours places too. In the few cases where a parent has chosen two different provisions the nursery schools have supported this choice and worked alongside the other provider.
- Where practicable and possible, the early years expertise and experience of the maintained nursery schools is used to benefit some providers in the local area. The schools have a small informal role in the pedagogical leadership of the local early years system.

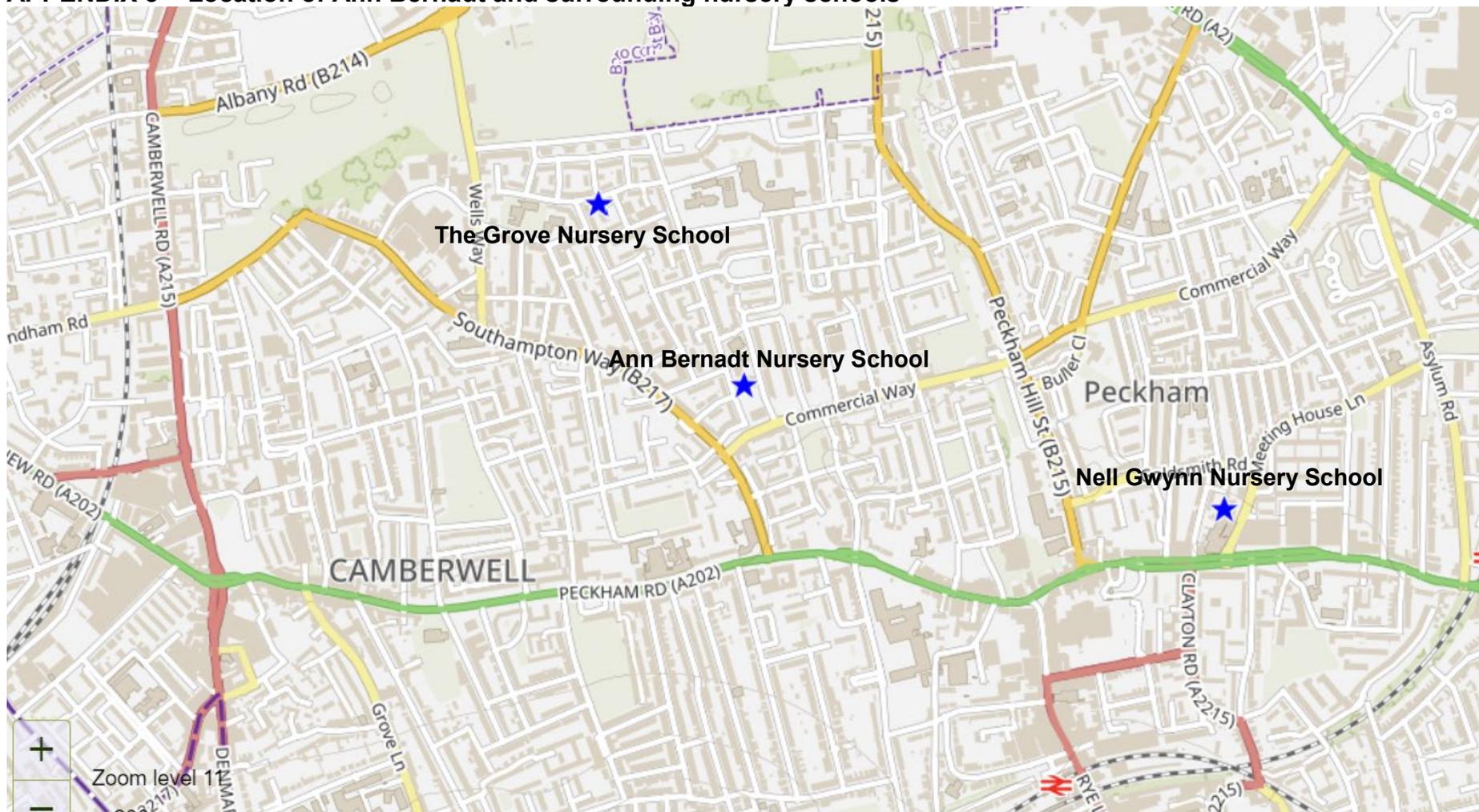
Further context

- Across the borough in most wards there is a recognised issue with falling rolls and over supply of places. This includes over supply of places within the early years age group. Within the Peckham ward the birth rates are predicated to continue to fall from a high in 2012 of 298 births to 170 births in 2031. This signals a growing excess of nursery spaces in a highly competitive market.
- Within walking distance from Ann Bernadt Nursery school is also a choice of PVI providers providing places for a similar age group. Little Rabbit day nursery (approximate distance and walking time 0.2miles and 4 minutes) and Nicki day nursery (approximate distance and walking time 0.2 miles 5 minutes).

Conclusion

- Due to the financial circumstances that Ann Bernadt nursery school is in, decisive action must now be taken. The governors do not believe that any further internal actions can be taken to make the school sustainable. They have therefore agreed a request for a formal consultation on the closure of the school.
- The nursery school is located in an area where there exists a choice of equivalent, well established and accessible maintained nursery school provision for children and parents to access as well as a choice of other types of provision including teacher led (school) based provisions and Private, Voluntary and Independent (PVI) provision.

APPENDIX 3 – Location of Ann Bernadt and surrounding nursery schools



APPENDIX 4

Equality Impact & Needs Analysis (EINA)

Potential closure of Ann Bernadt Nursery School in August 2024

August 2023

Guidance notes

Things to remember:

Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies. Understanding the effect of the council's policies and practices on people with different protected characteristics is an important part of complying with the general equality duty. Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service users changes, as the general equality duty is a continuing duty.

- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Best practice guidance from the Equality and Human Rights Commission recommends that public bodies:

- Consider all the [protected characteristics](#) and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- Use equality analysis to inform policy as it develops to avoid unnecessary additional activity.
- Focus on the understanding the effects of a policy on equality and any actions needed as a result, not the production of a document.
- Consider how the time and effort involved should relate to the importance of the policy to equality.
- Think about steps to advance equality and good relations as well as eliminate discrimination.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate).
- Use insights from engagement with employees, service users and others can help provide evidence for equality analysis.

Equality analysis should be referenced in community impact statements in Council reports. Community impact statements are a corporate requirement in all reports to the following meetings: the cabinet, individual decision makers, scrutiny, regulatory committees and community councils.

Community impact statements enable decision makers to identify more easily how a decision might affect different communities in Southwark and to consider any implications for equality and diversity.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should therefore be written in a clear and transparent way using plain English.

Equality analysis may be published under the council's publishing of equality information, or be present with divisional/departmental/service business plans. These will be placed on the website for public view under the council's Publications Scheme.

Equality analysis should be reviewed after a sensible period of time to see if business needs have changed and/or if the effects that were expected have occurred. If not then you will need to consider amending your policy accordingly. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Engagement with the community is recommended as part of the development of equality analysis. The council's Community Engagement Division and critical friend,

the Forum for Equality and Human Rights in Southwark can assist with this (see section below on community engagement and www.southwarkadvice.org.uk).

Whilst the equality analysis is being considered, Southwark Council recommends considering Socio-Economic implications, as socio-economic inequalities have a strong influence on the environment we live and work in. As a major provider of services to Southwark residents, the council has a legal duty to reduce socio-economic inequalities and this is reflected in its values and aims. For this reason, the council recommends considering socio-economic impacts in all equality analyses, not forgetting to include identified potential mitigating actions. Similarly, it is important for the Council to consider the impact of its policies and decisions in relation to tackling the climate emergency. This includes both the potential carbon emissions of a policy or decision and its potential effect on the borough's biodiversity. You are asked to consider the impact on climate of your policy and decision under discussion by completing the Climate impact section below.

Section 1: Equality impact and needs analysis details

Proposed policy/decision/ business plan to which this equality analysis relates		Consultation on the closure of Ann Bernadt Nursery School in August 2024			
Equality analysis author		Ric Euteneuer			
Strategic Director:		David Quirke-Thornton			
Department		Children's' & Adults'	Division	Education	
Period analysis undertaken		June 2023			
Date of review (if applicable)		June 2024			
Sign-off	Alasdair Smith	Position	DCS	Date	

Section 2: Brief description of policy/decision/business plan

2.1 Brief description of policy/decision/business plan

Ann Bernadt is a maintained nursery school near to the Willowbrook Estate and to Burgess Park, in the Peckham ward of Southwark. In their latest inspection visit in 2018, Ann Bernadt was rated "Good" by Ofsted, the third time the school has received this rating. The school has significant vacancy levels: it has previously accommodated 125 pupils – it presently has 45. It is proposed to **close** Ann Bernadt Nursery school, as the school is no longer financially or organisationally viable. This paper requests commencement of consultation on this proposal.

Section 3: Overview of service users and key stakeholders consulted

3. Service users and stakeholders

Key users of the department or service

- Children (2-4 years old) attending a standalone nursery, primary, or attached nursery setting in Southwark
- Parents, carers and families of those children.
- School staff (teaching or non-teaching)

	<ul style="list-style-type: none"> • Governors of those schools • Local Authority departments (Children’s Social Care, Education)
Key stakeholders were/are involved in this policy/decision/business plan	<ul style="list-style-type: none"> • Head teachers of all primary schools in Southwark • Governors of all primary schools in Southwark • Members of the Council • Leadership teams in Education and Children’s and Adults’ services • Finance, Sustainable development, Schools’ HR, Legal, Communications colleagues

Section 4: Pre-implementation equality impact and needs analysis

This section considers the potential impacts (positive and negative) on groups with ‘protected characteristics’, the equality information on which this analysis is based, any mitigating actions to be taken and importantly any improvement actions to promote equality and tackle inequalities. It is important to also understand impacts as including needs of different groups.

Due regard is about considering the needs of different protected characteristics in relation to each part of the duty as relevant and proportionate to the area at hand.

An equality analysis also presents as an opportunity to improve services to meet diverse needs, promote equality, tackle inequalities and promote good community relations.

It is not just about addressing negative impacts. It is important to consider any actions which can be considered to advance equality of opportunity through positive actions, for example.

The columns include societal issues (discrimination, exclusion, needs etc.) and socio-economic issues (levels of poverty, employment, income). As the two aspects are heavily interrelated it may not be practical to fill out both columns on all protected characteristics.

The aim is, however, to ensure that socio-economic issues are given special consideration, as it is the council’s intention to reduce socio-economic inequalities in the borough. Key is also the link between protected characteristics and socio-economic disadvantage, including experiences of multiple disadvantage.

Socio-economic disadvantage may arise from a range of factors, including:

- *poverty*
- *health*
- *education*
- *limited social mobility*
- *housing*
- *a lack of expectations*
- *discrimination*

- *multiple disadvantage*

The public sector equality duty (**PSED**) requires us to find out about and give due consideration to the needs of different protected characteristics in relation to the three parts of the duty:

1. *Eliminating discrimination, harassment and victimisation*
2. *Advancing equality of opportunity, including finding out about and meeting diverse needs of our local communities, addressing disadvantage and barriers to equal access; enabling all voices to be heard in our engagement and consultation undertaken; increasing the participation of underrepresented groups*
3. *Fostering good community relations; promoting good relations; to be a borough where all feel welcome, included, valued, safe and respected.*

The PSED is now also further reinforced in the two additional “Fairer Future For All” values: that we will

- *Always work to make Southwark more equal and just*
- *Stand against all forms of discrimination and racism*

Age – Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).	
Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.	Potential Socio-Economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)
The closure of Ann Bernadt Nursery School and the consequent reduction in the overall capacity of the nursery school estate would ostensibly reduce choice for parents Therefore it could potentially differentially affect all age groups from 2-4 (children) and parents (generally 18-50). This, however, does not take into account the <i>i) reduction in pupils numbers at the school</i> <i>ii) reduction in the births in the locality</i> <i>iii) reduction in projected numbers of 0-4 year olds</i> <i>iii) the outmigration of children from the locality</i>	As outlined in the “potential impacts (positive and negative) of proposed policy” column, the socio-economic impacts of closing the school as regards to age will be minimal, due to the availability of alternative maintained nursery schools, nursery units in schools and private nurseries in the locality.

Due to i), ii) and iii), there has been a considerable fall in demand for places at the school, and numbers have fallen - therefore, the loss of “choice” will be largely theoretical. A considerable number of alternative early years’ places will be available at other schools and early years providers in close proximity to Ann Bernadt.

There are two maintained nursery schools located within walking distance of Ann Bernadt. Nell Gwynn Nursery School (approximate distance and walking time 0.9 miles and 18 minutes), which is the federation partner of Ann Bernadt Nursery school and Grove Nursery school (approximate distance and walking time 0.3 miles and 6 minutes). There are also two maintained primary schools that have teacher led nursery provision within walking distance. Oliver Goldsmiths Primary School (approximate distance and walking time 0.3 miles and 5 minutes) and Brunswick Park Primary School (approximate distance and walking time 0.5 miles and 10 minutes). In addition there is a choice of Private, Voluntary and Independent providers in the local area who offer early years provision. Further information may be found on the Family Information Service website pages

Equality information on which above analysis is based

i) The number of children attending Ann Bernadt Nursery School has reduced from 123 (January 2016) to 45 (September 2023). As the school is reliant on pupil numbers for funding, a fall on this scale has had a major impact on the school’s budget.

ii) the school is situated in the “Peckham” ward of the Council.

The school population is mainly (93%) from Southwark, with 5% of pupils coming from Lewisham and 2% from Brent. Just under half the Southwark pupils at the school (43%) come from the Peckham ward, with 20% coming from St Giles ward, 10% from Old Kent Road, and 8% from Rye Lane.

Ward	%
Faraday	4%
North Walworth	4%
Old Kent Road	10%

Socio-Economic data on which above analysis is based

Ann Bernadt is in the Peckham ward of the Council. Census 2021 data shows that a smaller percentage of the population aged 0-4 lives in the ward (5%) than lives in the borough (7%), so there is not a pressing need for additional school places in this locality

The under 4 component of the ward population has risen by 117 (+9%) since 2011, across the borough the percentage has fallen by 4,377 – 21%

Age	2011	2021	+/-	%
0-4 Peckham	1,228	1,345	+117	+9%
0-4 LBS	20,739	16,362	-4,377	-21%

Rotherhithe	2%
Nunhead & Queens Rd	4%
Peckham	43%
Rye Lane	8%
Camberwell Green	4%
Champion Hill	2%
St Giles	20%

(Source, Pupil Census January 2023, ONS Census)

Population estimates for the Peckham ward show a steady decline

Year	0-4 GLA Estimates Peckham Ward
2021/22	719
2022/23	712
2023/24	693
2024/25	670
2025/26	661
2026/27	658
2027/28	651

In terms of births in Peckham ward, numbers have reduced from 2018-2021 by 11 per annum (6%), and are projected to reduce further by 9% by 2027/8

Year	Births	Year	Births
2018/2019	188	2023/2024	166
2019/2020	175	2024/2025	166
2020/2021	173	2025/2026	164
2021/2022	170	2026/2027	161
2022/2023	163	2027/2028	159

iii) In terms of outmigration, there has been net outmigration of pupils aged from 0-4 in recent years, and this continues to be the case – the net migration figures since 2011 and projected to 2031 for 0-4 below show a steep decline for both (GLA migration estimates, 2023)

Year	Peckham ward migration	Cumulative migration since 2011	Cumulative migration since 2021
2011	-16		
2012	-80	-96	
2013	-91	-187	
2014	-117	-304	
2015	-125	-429	
2016	-84	-513	
2017	-76	-589	
2018	-90	-679	

However with birth numbers falling the number of children coming through each year of nursery school age is reducing. The GLA estimates that that the number of 0-4 year olds in this area will fall by 9% by 2027/28.

Outmigration has been affected by Brexit, housing affordability and, welfare reforms, and so the socio economic effects have potentially disproportionately affected poorer residents of Southwark

2019	-54	-733	
2020	-11	-744	
2021	-2	-746	
2022	26	-720	24
2023	7	-713	31
2024	-1	-714	30
2025	-24	-738	6
2026	-23	-761	-17
2027	-21	-782	-38
2028	-16	-798	-54
2029	-12	-810	-66
2030	-19	-829	-85
2031	-17	-846	-102

Mitigating and/or improvement actions to be taken

As there have been no differential negative impacts relating to age identified, no mitigating or improvement actions are proposed. Parents and carers of children attending Ann Bernadt will have a wide choice of alternative early years provision to choose from including other nursery schools.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Please note that under the PSED due regard includes:

Giving due consideration in all relevant areas to “the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.” **This also includes the need to understand and focus on different needs/impacts arising from different disabilities.**

Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.

The closure of Ann Bernadt will have a negligible effect on disabilities

The facilities and services offered at the school will largely be reflected at other, alternative schools or early years provision available locally. Children with EHCPs and SEND Plus, will be worked with to ensure their needs are met wherever they are proceeding to.

Potential socio-economic impacts/needs/issues arising from socio-economic disadvantage (positive and negative)

There will be little or no potential socio-economic impacts arising from socio-economic disadvantage. Children or staff with a disability are no more or less likely to have a particular socio-economic background, so the impact either way is unlikely to be disproportionate

Equality information on which above analysis is based

No central record of pupil disability is maintained by the LA, but a proxy measure is the number of children with Education and Healthcare Plans (EHCPs), or pupils identified as “SEND Plus”. Ann Bernadt are above the local level of EHCPs, but below Londonwide and England & Wales. The SEND Plus percentages are some way above local, regional and national averages.

Socio-economic data on which analysis is based

As there is no perceptible potential socio-economic impacts/needs/issues arising from socio-economic disadvantage for people with disabilities

Type	Ann Bernadt	Southwark	London	England	No data has been identified that would indicate a disproportionate effect.
EHCP	3.9%	3.4%	4.1%	4.3%	
SEND+	28.9%	15.9%	11.7%	12.6%	
<p>(Source, School Census January 2023- EHCPs and SEN Support, DfE Statistics 2022)</p> <p>In terms of staffing, no record of disability is maintained by the LA or school, but disability would not be a hindrance to recruitment or redeployment from Ann Bernadt to other schools.</p>					
Mitigating and/or improvement actions to be taken					
As there have been no negative impacts relating to disability identified, no mitigating or improvement actions are proposed.					
<p>Gender reassignment: - The process of transitioning from one gender to another.</p> <p>Gender Identity: Gender identity is the personal sense of one's own gender. Gender identity can correlate with a person's recorded sex or can differ from it.</p>					
Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.			Potential socio-economic impacts/needs/issues arising from socio-economic disadvantage (positive and negative)		
Gender reassignment is unlikely to involve children of nursery age. As regards staffing, gender reassignment would form no part of the recruitment or indeed the redeployment process, so would not negatively impact on staffing.			Children or staff with a gender reassignment background are no more or less likely to have a particular socio-economic background, so the impact either way is unlikely to be disproportionate		
Equality information on which above analysis is based.			Socio-economic data on which above analysis is based		
Data is not collected locally for children, parents or carers on gender reassignment though numbers are likely to be small. In the 2021 Census, 0.6% of the UK population identified themselves as not having the same gender they were born with. In London, this rose to 1.4%, and Southwark, 1.2%. Such a percentage would mean that the lack of a transgender staff member would not be statistically significant. (Source, ONS Census 2021)			As there is no perceptible potential socio-economic impacts/needs/issues arising from socio-economic disadvantage for people with gender reassignment, no appropriate or useful data has been identified.		
Mitigating and/or improvement actions to be taken					
As there have been no negative impacts relating to gender reassignment identified, no mitigating or improvement actions are proposed.					

Marriage and civil partnership – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same-sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. (Only to be considered in respect to the need to eliminate discrimination.)															
Potential impacts (positive and negative) of proposed policy/decision/business plan		Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)													
<p>Marriage or civil partnership will not directly involve children of nursery age, although they may be the children of married or unmarried parents or civil partners. The marital status of the parents or carers of school pupils forms no part of the admissions process for schools and early years settings.</p> <p>As regards staffing, no records of the marital status of staff are kept at either school at present, but, were this to be the case, the marital or civil partnership status of a staff member or potential applicant would form no part of the recruitment or indeed the redeployment process, so would not negatively impact on staffing.</p>		<p>As mentioned in the adjacent “potential impacts of the proposed policy”, the marital status of the parents or carers of school pupils forms no part of the admissions process. Children are admitted based on sibling, medical or distance criteria alone. Therefore there are no realistic socio-economic impacts, needs or issues arising from socio-economic disadvantage relating to marital status.</p>													
Equality information on which above analysis is based		Socio-economic data on which above analysis is based													
<p>No records are maintained on the marital or civil partnership status of parents and carers, or staff members of the school. Figures at a ward, borough, regional and national level for the percentage of the local population by marital and civil partnership status are given below. Peckham ward is slightly higher than the Southwark average, but some way adrift on London and England averages (<i>Source, ONS Census 2021</i>)</p> <table border="1"> <thead> <tr> <th>Area</th> <th>%</th> <th>Area</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Peckham</td> <td>27.5</td> <td>England</td> <td>44.5</td> </tr> <tr> <td>Southwark</td> <td>26.4</td> <td>London</td> <td>39.7</td> </tr> </tbody> </table>		Area	%	Area	%	Peckham	27.5	England	44.5	Southwark	26.4	London	39.7	<p>As there is no perceptible potential socio-economic impacts/needs/issues arising from socio-economic disadvantage for people with marital status, no appropriate or useful data has been identified.</p>	
Area	%	Area	%												
Peckham	27.5	England	44.5												
Southwark	26.4	London	39.7												
Mitigating actions to be taken															
As there have been no differential negative impacts relating to marriage or civil partnership status, no mitigating or improvement actions are proposed.															

Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

<p>Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.</p>	<p>Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)</p>
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<p>Pregnancy and maternity will not directly involve children of nursery age,</p> <p>As regards staffing, school employees contracts mean that they are paid for some of their pregnancy and maternity leave; the pregnancy status of a staff member or potential applicant would form no part of the recruitment or indeed the redeployment process, so would not negatively impact on staffing</p>	<p>As mentioned in the adjacent “<i>potential impacts of the proposed policy</i>”, pregnancy/ maternity status of the parents/carers of school pupils forms no part of the admissions process, and children not are admitted based this status. Similarly, this status is not part of the recruitment process. Therefore there are no realistic socio-economic impacts, needs or issues arising from socio-economic disadvantage relating to pregnancy or maternity status</p>
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<p>Equality information on which above analysis is based</p>	<p>Socio-economic data on which above analysis is based</p>
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<p>Fertility is measured at a range of rates and geographies by the ONS. These include the “GFR” and “TFR”. The “<i>General Fertility Rate (GFR)</i>” is the number of live births per 1,000 women aged 15-44. The Total Fertility Rate (TFR) is the number of births per woman aged 15-44</p>	<p>As there is no perceptible potential socio-economic impacts/needs/issues arising from socio-economic disadvantage for people with pregnancy or maternity status, no appropriate or useful data has been identified.</p>
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Area	GFR	TFR
Southwark	44	1.14
Inner London	48	1.28
London	56	1.52
England	56	1.62

(Source, GLA/ONS 2021 (latest figures))

From this, we can see Southwark has low fertility rate compared the rest of London and England. This is another explanation, together with outmigration – why pupil numbers in Southwark are falling.

Mitigating and/or improvement actions to be taken

As there have been no negative impacts relating to pregnancy or maternity status identified, no mitigating or improvement actions are proposed.

Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups and their needs should be considered alongside all others

Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.

Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)

A potential impact of the closure of Ann Bernadt could be that schools and early years provision that its pupils transferred to were to become more diverse racially than they are at present. Presently, Ann Bernadt Nursery School is **86.8%** Global Ethnic Majority (GEM) (i.e. non-White UK). For the local ward (Peckham), the GEM population is **81.1%**. As a whole, Southwark primary pupils are **78.5%** GEM as regards of Southwark's population as a whole is **62.5%**. There is no evidence therefore to show that closure of Ann Bernadt would be likely to contribute to de-diversification of other schools or early years provisions. The schools in the same locality are almost as diverse each other, and the same with the Peckham ward population

A potential impact of the closure of Ann Bernadt could be that the school were to become less diverse socio-economically than it is at present. This is thought unlikely, as there has been no major development near the school, and the school's intake is predominately from Peckham. What is evident is that people in Southwark are having less children. Those that are tend to be from the families that have remained, and are the same socio-economic class as the present parents and carers – just fewer of them.

In terms of staffing, the school's workforce will – over time – adapt and fall to match a smaller intake of pupils. As race will not form part of the selection process of staff, then no discernible effects as regards race will be noted or action required.

Equality information on which above analysis is based

Socio-economic data on which above analysis is based

A table giving the relative percentages of the local population at schools and in the locality is given below

Ethnic Group	Ann Bernadt	Peckham population	Southwark pupils	Southwark population
Bangladeshi	3.9%	2.1%	2.3%	1.8%
Indian	0.0%	0.9%	0.7%	2.0%
Pakistani	0.0%	0.8%	0.7%	0.7%
Other Asian Background	5.3%	3.0%	1.8%	2.7%
Black African	31.6%	29.8%	25.2%	15.7%
Black Caribbean	3.9%	10.6%	6.3%	5.9%
Any Other Black Background	9.2%	6.4%	5.2%	3.5%
Chinese	1.3%	3.2%	1.3%	2.7%

Mixed - White & Black African	0.0%	1.5%	2.2%	1.2%
Mixed - White & Caribbean	0.0%	2.7%	3.3%	2.1%
Mixed - White & Asian	2.6%	0.7%	1.7%	1.5%
Any Other Mixed Background	13.2%	2.4%	6.5%	2.4%
White British	9.0%	18.9%	21.1%	35.5%
White Irish	0.0%	1.2%	0.4%	2.0%
Gypsy / Roma	0.0%	0.3%	0.1%	0.5%
Traveller of Irish Heritage	0.0%	0.1%	0.1%	0.1%
Any Other White Background	9.2%	9.2%	9.3%	13.4%
Any Other Ethnic Group	6.6%	8.0%	7.7%	1.0%
Unknown / Missing	0.0%	6.7%	4.1%	5.3%
Non-White UK/GEM	86.8%	81.1%	78.5%	62.5%

(Source, Pupil Census, 2023)

Mitigating and/or improvement actions to be taken

As there have been no negative impacts relating to race identified, no mitigating or improvement actions are proposed.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.

Statutory guidance when deciding this type of decision requires the Council to consider the balance of religious places in the borough, and the balance between different denominations. As the school does not have a religious foundation, the closure of Ann Bernadt will not affect that balance. As regards staffing, there is no requirement for staff to practice (or not) any religion, so a reduction in the number of staff would not differentially effect one group of staff (religious or not) over another.

Potential socio-economic impacts/needs/issues arising from socio-economic disadvantage (positive and negative)

As outlined opposite, the school does not have a religious foundation, so the closure of Ann Bernadt will not affect the balance religious provision that exists. There are no potential religion-based socio-economic impacts/ needs/issues arising the change, nor any socio-economic disadvantage

Equality information on which above analysis is based

The percentages of religious/non-religious places (Non-R) in Southwark are given in the table below, both before (2022 and 2023) and after the proposals in 2024

Type	2022	2023	2024
RC	16%	16%	17%
CE	14%	13%	14%
Non-R	70%	70%	70%

No change in the percentage of non-religious places has been identified. As noted above, as regards staffing, there is no explicit requirement for staff to be practicing Christians, and no record of staff's religious belief is maintained. It is therefore unlikely that a

Socio-economic data on which above analysis is based

As outlined above, the school is not religious - the closure of Ann Bernadt Primary School will not affect religious provision that exists. This means there will no potential socio-economic impacts/needs/issues arising the change, nor any socio-economic disadvantage resulting from that change. A table below shows level of religious observance extracted from the 2021 Census. No breakdown of Christian faith is recorded

closure will have any discernible differential effect on staff's religious belief in Southwark. Similarly, any restructuring as regards staff is also unlikely to have repercussions on one religious group or another.	Religion	Peckham	LBS
	Christian	51%	46%
	Buddhist	1%	1%
	Hindu	0.5%	10%
	Jewish	0.1%	0%
	Muslim	14%	7%
	Sikh	0.1%	0%
	Other/ No religion /not stated	33%	37%

(Source, ONS Census 2021)
This shows that there is a slightly higher level of Christian and Muslim religious belief in the Peckham, but no solid conclusions can be drawn from this.

Mitigating and/or improvement actions to be taken

As there have been no negative impacts relating to religion or belief identified, no mitigating or improvement actions are proposed.

Sex - A man or a woman.

Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.	Potential socio-economic impacts/ needs/issues arising from disadvantage (positive and negative)
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If there was a significant imbalance (there is not) in the provision or uptake of places at the school, then the closure of Ann Bernadt could disproportionately affect one or other gender. However, the school is co-educational and there is no entrance requirement based on gender.	There are no potential socio-economic impacts or issues arising from disadvantage as regards the closure of Ann Bernadt with respect to the gender of pupils. As regards staffing, it could be that female staff are affected more, due to their prevalence in the workforce
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Equality information on which above analysis is based	Socio-economic data on which above analysis is based
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Prevalence of male to female pupils in the school is broadly 55:45. Pupil percentages shown below by school by year group	As there is no gender based socio-economic impact for pupils, no data has been sourced.
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Yr	N1	N2	Total	%
F	12	28	40	56%
M	14	17	31	44%
	26	45	71	100%

Similarly as regards staffing, a large proportion of the staff are female, but this is normal for primary schools of any type across the UK

Mitigating and/or improvement actions to be taken

As there have been no negative impacts relating gender identified, no mitigating or improvement actions are proposed.

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Potential impacts (positive and negative) of proposed policy/decision/business plan; this also includes needs in relation to each part of the duty.

Potential socio-economic impacts/ needs/issues arising from socio-economic disadvantage (positive and negative)

At age 2-4, it is unlikely that children will have identified with one sexuality or another, but they *may* have parents or carers who identify as LGBTQ+. In either case, admissions do not take into account the sexuality of the child or the parent/carer. Closing the school will therefore have no differential effect on parents whatever their sexuality. Similarly, with regard to staff, sexuality or sexual orientation forms no part of the selection for recruitment or redundancy, so a closure will not disproportionately affect staff members as regards their sexual orientation

There are no potential socio-economic impacts as regards the closure of Ann Bernadt Primary School, nor issues arising from disadvantage with respect to the sexual orientation of pupils, parents/carers or staff.

Equality information on which above analysis is based

Socio-economic data on which above analysis is based

The prevalence of different sexualities was covered in the 2021 Census for the first time. This is not (yet) available at a ward level, but the figures for Southwark show the following figures for the population over 16.

As mentioned above, there are no potential socio-economic impacts as regards the closure of Ann Bernadt, nor issues arising from disadvantage with respect to the sexual orientation of pupils, parents/carers or staff. The figures for prevalence are given in the column adjacent to this one.

Area	Straight or Heterosexual	Gay/Lesbian	Bisexual	Pansexual	Asexual	Queer	All other sexual	Not answered	Non heterosexual
LBS	82.7	4.5	2.6	0.7	0.1	0.2	0.1	9.2	8.1
LDN	86.2	2.2	1.5	0.4	0.1	0.1	0.04	9.5	4.3
England	89.4	1.5	1.3	0.2	0.1	0.03	0.02	7.5	3.2

Southwark is lower than the national and London-average for heterosexuality and more than twice the London average for gay and lesbian residents over 16

Mitigating and/or improvement actions to be taken

As there have been no negative impacts relating to sexual orientation identified, no mitigating or improvement actions are proposed or required.

Human Rights

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour, Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

Potential impacts (positive and negative) of proposed policy/decision/business plan

In respect of the 16 rights listed, the proposal to close Ann Bernadt Nursery School will not affect any of those listed.

This said, the "First Protocol", this states "*The first sentence of Article 2 of Protocol No. 1 guarantees an individual right to education. The second guarantees the right of parents to have their children educated in conformity with their religious and philosophical convictions*". Closure of a school will not endanger this freedom, as there are numerous places available in other schools and early years provision nearby.

There are two maintained nursery schools located within walking distance of Ann Bernadt. [Nell Gwynn Nursery school](#) ([approximate distance and walking time](#) 0.9 miles and 18 minutes), which is the federation partner of Ann Bernadt Nursery school and Grove Nursery school ([approximate distance and walking time](#) 0.3 miles and 6 minutes). There are also two maintained primary schools that have teacher led nursery provision within walking distance. [Oliver Goldsmiths Primary school](#) ([approximate distance and walking time](#) 0.3 miles and 5 minutes) and [Brunswick Park Primary school](#) ([approximate distance and walking time](#) 0.5 miles and 10 minutes). In addition there is a choice of Private, Voluntary and Independent providers in the local area who offer early years provision. [Further information may be found on the Family Information Service website pages](#)

Information on which above analysis is based

The closure of Ann Bernadt nursery school will not interfere with "a [...] right to education", as there are numerous other school run and privately run nurseries with spaces available in the immediate locality. This plethora of choice would also cover the right of parents to have their children "educated in conformity with their religious and philosophical convictions".

[STATS ABOUT NUMBER OF SPACES AVAILABLE]

Mitigating and/or improvement actions to be taken

As there have been no negative impacts relating to human rights identified, no mitigating or improvement actions are proposed or required.

Conclusions

Summarise main findings and conclusions of the overall equality impact and needs analysis for this area:

Section 5: Further equality actions and objectives

5. Further actions				
Based on the initial analysis above, please detail the key mitigating and/or improvement actions to promote equality and tackle inequalities; and any areas identified as requiring more detailed analysis.				
Number	Description of issue	Action	Timeframe	
As no mitigating or improvement actions to promote equality and tackle inequalities have been proposed, no further actions are required or proposed				
5.1 Equality and socio-economic objectives (for business plans)				
Based on the initial analysis above, please detail any of the equality objectives outlined above that you will set for your division/department/service. Under the objective and measure column, please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
Objective and measure	Lead officer	Current performance (baseline)	Targets	
			Year 1	Year 2
Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
6. Review of implementation of the equality objectives and actions				
As no mitigating or improvement actions to promote equality and tackle inequalities have been required or proposed, no further reviews of the equality objectives and actions are required				

7. Implementation Equality Impact and Needs Analysis

No issues as regards equalities and needs have been identified – therefore no mitigating or improvement actions to promote equality and tackle inequalities have been proposed as a result of this analysis

In any event Ann Bernadt is a nursery school at which most children attend for one year only. As such children currently attending the School would move on to primary school at the end of the school year whether or not the School remains open. Any impact on children currently attending the School would therefore be minimal.