

Equality impact assessment form

Directorate: People Services

Service area: Integrated Commissioning

Title: Consultation with schools on Proposals C, D, and E to reduce pressures on the Special Educational Needs and Disability (SEND) High Needs Block (HNB) to achieve a balanced budget for 2019-2020

Date of assessment: 05 February 2019

Name of Director: Andy Smith, Director of People Services

Decision of Cabinet:

Date published on website:



Derby City Council



Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender identity
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website**. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender identity – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

Contact for help

Ann Webster – Lead on Equality and Diversity

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Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

The form

We use the term 'policy' as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt – it's better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

What's the name of the policy you are assessing?

Proposals C, D, and E to reduce pressures on the Special Educational Needs and Disability (SEND) High Needs Block (HNB) to achieve a balanced budget for 2019-2020. (The document)

The assessment team

Diane Whitehead, Head of School Organisation & Provision (Acting)

Other team members

Name	Job title	Organisation	Area of expertise
Ann Webster	Lead on Equality and Diversity	Derby City Council	Policy Writing; Equalities and Diversity
		Umbrella Derby and Derbyshire	Support and advice for Children, Young People with SEND and Families with SEND
		African Caribbean Partnership	Support and Advice
		SENDIASS	
Voices in Action	Children and Young	A range of schools	A range of SEND

Name	Job title	Organisation	Area of expertise
Youth Council	People	and colleges	issues and experiences

In addition, the proposals were discussed at a meeting of the Voices in Action (VIA) Focus Group on 23 January 2019. The VIA Focus Group identified positives and negatives relating to the proposals. The views of the young people have been included in this Equalities Impact Assessment.

Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.

Aim

The aim of this Equalities Impact Assessment is to consider the proposals within a funding consultation being held between the Council and Derby schools, specifically the proposals C,D and E set out within The document that we want parents groups to be aware of.

National Context

On 14 November 2018, the Local Government Association (LGA) announced its findings of a national projected shortfall of £536 million in 2018-19 across local authorities for Special Educational Needs and Disabilities provision.

The national shortfall of funding can be seen in the context of recently released Government data which shows the following:

- The number of children and young people with Education, Health and Care Plans (EHCPs) or statements has increased by 35 per cent in five years, from 237,111 in 2013/14 to 319,819 in 2017/18.
- The number of children and young people educated in special schools and specialist colleges has risen by 24 per cent during the same period, from 105,442 in 2013/14 to 131,230 in 2017/18.

The LGA's research shows that local authorities have overspent their allocated budgets for children with SEND, known as the High Needs Block (HNB) for the last four years. This has seen them "top up" budgets with funding from the other blocks of the Dedicated Schools Grant such as the Schools Block which funds general schools budgets. This flexibility to transfer funding has, however, now been restricted. In addition, the reserves of the Dedicated Schools Grant have diminished over the years, in view of SEND demand and pressures.

Derby Context

The High Needs Block budget allocations for 2018/19 are set out below.

High Needs Block	2018/2019 Forecast Outturn £'000	Percentage of overall spend
Additional High Needs Top Up in Schools (Element 3 support in mainstream schools)	3,750	10%
Enhanced Resource Schools	2,904	8%
Special Schools and Pupil Referral Units	16,610	44%
Independent Special Schools (Out of Authority)	7,730	21%
Other LA Special Schools(Out of Authority)	2,060	5%
Academy PRU	100	
Post 16 High Needs Other Providers and Colleges	1,900	5%
High Needs Contingency for new in year costs	755	2%
Other High Needs Support (STEPS and Inclusion)	1,497	4%
Hospital Education	249	1%
TOTAL Spend	37,555	100%

The bullet points below set out a summary of the key messages and proposals outlined in The document.

- There are significant pressures on the High Needs Block (HNB) for 2018-19. The pressures are increasing for 2019-20, with a £2.6m forecast funding gap.
- The funding gap of £2.6m assumes that the Council is successful in an application to the Secretary of State to transfer additional funding from the Schools' Block to the High Needs Block.
- Proposals have been developed to reduce pressures on the HNB budget for 2019-20 looking across all areas of HNB spend and with a collective responsibility across schools to achieve a balanced budget.
- Schools are invited to comment on the proposals and put forward alternative suggestions for reducing budget pressures on the HNB.
- Independent out of authority placements are a key area where costs continue to rise, putting significant pressure on the HNB. The city-wide specialist provision review has developed strategies for increasing local school placements for children with SEND.
- If placements in out of area independent schools don't reduce, there will continue to be implications for school budgets as the High Needs Block budget must balance.
- Pressures on HNB funding are likely to continue and work will start in April 2019 on identifying future pressures and proposals for addressing these as part of 2020-21 budget setting process.

Proposals for consideration within this Equalities Impact Assessment

Proposal C: To apply 2018-2019 bandings to all Special School allocations for 2019-2020, with a 7% reduction with an additional 37 commissioned places funded from April 2019.

A significant proportion of the HNB is allocated to Special Schools and the Pupil Referral Unit (PRU) (48% of the overall budget based on 2018-19). In order to achieve a balanced HNB budget, the proposal is to apply 2018-19 bandings to Special School allocations for 2019-20, with a 7% reduction from April 2019. In developing the proposal, consideration has been given to national minimum funding guarantees.

As background information, the table below sets out the overall funding for Special Schools in 2017-18, 2018-19 and 2019-20 (proposed).

Year	Total Commissioned Special School Places	Overall Special Schools Budget
2017-18	737	£15,908,000
2018-19	766	£16,622,000
2019-20 (proposed)	803	£16,832,000

Due to an increase in the number of commissioned places (37 additional commissioned places), the overall budget for special schools, would remain broadly similar in 2019-20 as in 2018-19, with an overall increase of £210,000. It is also important to note, there has been a £1m growth in the overall special schools budget in comparison to 2017/18 (£15.9m in 2017-18 to £16.8m in 2019-20).

The 2019-20 overall Special School allocation based on original bandings was £17,469,000 and the proposed allocation based on the reduced bandings is £16,832,000. The proposal would result in an estimated reduction in pressure on the HNB of £637,000 (4% reduction in overall Special School budget).

Proposal D: To consider a restructure of the STEPS and Inclusion Team realising a reduction in pressure on the HNB of £220,000

The important role played of the Steps and Inclusion Team is recognised and valued by the Council.

The proposal to consider a restructure in this area is due to the significant pressures on the SEND HNB budget for 2019-20. Very careful consideration will be given to minimising any impact on schools and pupils as far as possible, as the proposals are developed.

Subject to approval, there will be a separate re-structuring consultation with the staff likely to be affected by these the proposals, and all consultation comments will be very carefully considered.

Proposal E: To reduce the In-Year Fair Access budget realising a reduction in pressure on the HNB of £70,000

The budget for in-year placements was provisionally allocated as £300,000 in 2019-20. The proposal is to reduce this budget to £230,000 to achieve a £70,000 reduction in pressure on the HNB whilst maintaining high level support for children and young people. Note: Children and young people with EHCP's are not impacted by this proposal.

2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?

- Derby City Council People Directorate Management Team
- All Derby Schools
- Parents/Carers/Young People
- CCG's

3 Who are the main customers, users, partners, employees or groups affected by this proposal?

- Children and young people with special educational needs and disabled people resident in Derby, particularly those aged/approaching 0-19 years.
- All Derby Schools
- Families/Parents/Carers,
- CCG's
- Parent Carer Representative groups
- Disability Equality related groups

Step 2 – collecting information and assessing impact

4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.

Pre- consultation engagement

- Meeting with Parent Group Representatives – SENDIASS, Parents and Carers Together, Umbrella.
- Meeting with representative headteachers.
- Meeting with the Trade Unions was held on Thursday 24 January 2019 including NAHT on all proposals set out within the consultation document.

Formal consultation

- Engagement with the Council's Voices in Action Youth Council to understand views of children and young people.
- Engagement with schools at headteacher meetings, via email, and a detailed presentation at Headteachers and Senior Leadership Meeting (HSLM) group (23 January 2019).
- Presentation at SEND Strategic Board (23 January 2019)
- Meeting with a representative of the British Deaf Association on Monday 04 February with BSL interpreter.

5

Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.

Age

What do you already know?	Positive impact	Negative impact	Mitigation
The proposals being considered as part of this EIA are primarily focused on children and young people aged 0-19 years with SEND.		X	Due to an increase in the number of commissioned places (37) the overall budget for special schools would remain broadly similar in 2019-2020 as in 2018-2019, with an overall increase of £210,000.
STePS is already a small team which provide highly skilled professional advice to educational settings. They support the most complex and vulnerable children and fight for their rights and needs. Have an important involvement with young children.		X	It is anticipated that the implementation of proposals D would include a detailed restructure consultation to seek and identify any potential negative impact which would be carefully considered before any implementation.
Feedback from BDA STePS provide an important		X	A full EIA will be done with regards to proposal D.

What do you already know?	Positive impact	Negative impact	Mitigation
<p>service for young deaf children with initial reports and support before starting school. It is important that have that constant support for the child, not just at a certain age. Concern that access to this will be lost with the reshuffle. Know that these changes will negatively impact deaf children.</p> <p>The Council is committed to inclusive education for all children and young people with SEND in our mainstream schools, enhanced resource schools and special schools.</p> <p>Key Themes from the ViA group meeting identified areas where the felt schools could do more to help CYP with SEND in mainstream schools (see Appendix A Notes of ViA Youth Council Meeting)</p>	X		<p>Note: Proposal E would not impact the support available for children and young people with SEND. Note: children and young people with an EHCP's are not impacted by proposal E at all.</p>

Disability

What do you already know?	Positive impact	Negative impact	Mitigation
<p>The proposals aim to support children, young people and their families by ensuring that pupils with SEND are attending a school most appropriate to their individual needs. Aware of the importance of provision being specific for each child and the importance of the improvement of TA services and inclusion in schools.</p> <p>STePS is already a small team which provide highly skilled professional advice to educational settings. They support the most complex and vulnerable children and fight for their rights and needs. Have an important involvement with young children.</p> <p>Feedback from the BDA STePS team vital for deaf children – they provide good reports and support within schools and they don't want to lose access to this support. Concern about losing specialised skills. Know that these changes will negatively impact deaf children.</p>	X	<p>X</p> <p>X</p>	<p>A full EIA will be done with regards to Proposal D</p> <p>A full EIA will be done with regards to Proposal D.</p>

What do you already know?	Positive impact	Negative impact	Mitigation

Gender identity- trans

What do you already know?	Positive impact	Negative impact	Mitigation
Trans children's needs will continue to be taken into account along with their identified SEND	X		

Marriage and Civil Partnership

What do you already know?	Positive impact	Negative impact	Mitigation
No impact identified for this equality group.			

Pregnancy and maternity

What do you already know?	Positive impact	Negative impact	Mitigation
There are already procedures in place for young people at school who are pregnant, including those with SEND.	X		

Race

What do you already know?	Positive impact	Negative impact	Mitigation
Where there are identified language barriers e.g. children with English as a second language, cases may need to be looked at. There are growing numbers of children with SEND that are an ethnic minority or with English as a second language Funding is allocated in line with need not with race. Information about the Local Offer is available in various languages.	X		

Religion or belief or none

What do you already know?	Positive impact	Negative impact	Mitigation
It is important to recognise and respect religion and culture when considering the needs of children with SEND.	X		

Sex

What do you already know?	Positive impact	Negative impact	Mitigation
It is important to recognise and respect sex and gender when considering the needs of children with SEND	X		

Sexual orientation

What do you already know?	Positive impact	Negative impact	Mitigation
The sexual orientation of children and young people will be taken into account when assessing need and they can be supported by Derbyshire LGBT+	X		

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

Specific actions and comments are set out in the mitigation sections of the equality group assessment tables above.

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1		No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2	X	Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3		Continue the policy despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

2	
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Why did you come to this decision?

Where negative impacts were recorded, actions have been identified to mitigate the potential implications.
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If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

Step 4 – equality action plan – setting targets and monitoring

8 Fill in this table with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.

Equality Action Plan –setting targets and monitoring

Age

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Look to increase inclusion in our mainstream schools so that places in special schools can be used only for the children and young people who really need them	Increased opportunities for children and young people with SEND to attend a mainstream school	Derby City Council Parent/carer representative groups	Annual Review/Evaluation of any inclusion type programmes
Improve parents’ confidence and empower them by sharing information	This will support parents to understand and be aware of their rights and where they can go for help and advice.	Parent carer representative groups SENDIASS	
A separate EIA will be done regarding proposal D for the STePS restructure	Identify potential impact and service reduction	HoS - Inclusion	

Disability

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Support children, young people and their families by ensuring that pupils with SEND are attending a school most appropriate to their needs. Information regarding the Local Offer is already available in alternative formats.	The proposals will help ensure that pupils are able to access the most appropriate settings based on their identified needs.	Derby City Council	

Gender identity - trans

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Careful consideration will be given when developing Education Health and Care Plans to support trans children and young people to attend a school with or without a particular ethos.	Ensure views are carefully considered when making placements or any other decisions about provision	This is already the case and it is important that this continues	Annual review

Marriage and Civil Partnership

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
None identified for this equality group.			

Pregnancy and maternity

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Schools must provide funding for ensuring children and young people with SEND are included. This may consist of wider staff training and professional development relating to teaching and supporting children with SEND, as well as training on the wellbeing of staff.	SEND Funding to be specifically prioritised in schools for the benefit of children and young people with SEND and also to support staff in teaching pupils, accommodating needs as well as ensuring their own wellbeing.	Schools to demonstrate in budget planning	Financial reports/audits

Race

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Careful consideration will be given when developing Education Health and Care Plans to support children and young people to attend a school	Local placements for children and young people with SEND are important in order to support the family and encourage the integration of young people	Derby City Council Schools	Annual reviews

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
The Local Offer provides detailed information in various different languages.	in the local community, as part of the preparation and transition planning to adulthood.		

Religion or belief or none

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Careful consideration will be given when developing Education Health and Care Plans to support children and young people with certain religion, belief or neither of these to attend a school with or without a particular ethos.	Ensure views on religion/ethos are carefully considered and taken account of in making placements.	Derby City Council	Annual Reviews

Sex

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Careful consideration will be given when developing Education Health and Care Plans to support children and young people of all sexes to attend a school with or without a particular ethos.	Ensure are treated in accordance with the all relevant procedures and policies		.

Sexual orientation

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Careful consideration will be given when developing Education Health and Care Plans to support children and young people of all sexual orientation to attend a school with or without a particular ethos.			

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt:

Tel. tekstowy: 01332 640666

Punjabi

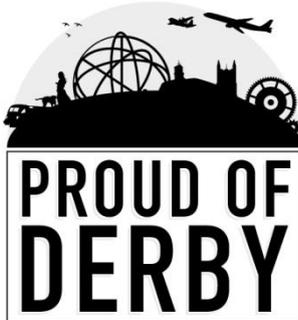
ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: Minicom 01332 640666

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council

