

## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

*Changing the way provision for secondary aged pupils who are permanently excluded or at risk of permanent exclusion is commissioned and funded*

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Children and Young People's Service – NYCC Inclusion Service
Lead Officer and contact details	Jane Le Sage - Assistant Director – Inclusion
Names and roles of other people involved in carrying out the EIA	Chris Reynolds – SEND Placement Officer Jane Harvey - Strategic Planning & Development Officer (SEND) Sarah Whorlton – Project Manager
How will you pay due regard? e.g. working group, individual officer	This work is overseen by the High Needs Funding Officer Group and is governed through a strategic Programme Board. Monitoring takes place via the Children and Young People's Leadership Team.

	<p>A High Needs Funding Sub Group of the Schools Forum and the Schools Forum itself have advisory roles.</p> <p>Proposals will be subject to a formal public consultation process and this EIA will be updated during and following consultation responses.</p> <p>Following proposals (including any changes following consultation) will be placed for approval by Executive Members of the Council with responsibility for Children and Young People's Services.</p>
<p>When did the due regard process start?</p>	<p>Work on the proposals started July 2018. Initial discussions with High Needs Funding Sub Groups and Schools Forum took place in September 2018. CYPLT report presented in September 2018. Public consultation planned for October/November 2018. One consultation will take place and with three different proposals consulted on, including this one.</p>

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The local authority has a statutory responsibility, under the Children and Families Act 2014, to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with Special Education Needs/Disabilities (SEND), working with parents/carers, young people and providers.

In order to meet this statutory duty, North Yorkshire developed its Strategic Plan for SEND Education Provision 2018-2023 (the Strategic Plan). The plan was approved for implementation by The Executive on 4<sup>th</sup> September 2018, following an extensive period of engagement and informal and formal consultation.

The Strategic Plan includes a range of actions in respect of targeted provision, including changes to the current arrangements for Pupil Referral Service ('PRS')/Alternative Provision ('AP'). This provision in North Yorkshire comprises:

- Craven PRS
- Sunbeck (Hambleton/Richmondshire)
- The Grove Academy (Harrogate/Knaresborough/Ripon)
- Scarborough PRS
- Ryedale Out Of School Education (ROOSE)
- Whitby Outreach
- The Rubicon Centre (Selby)

Provisions in Ryedale and Whitby are alternative provisions overseen by schools and are not registered as pupil referral services.

These changes include:

- A changed role for PRS/AP
- Commissioning provision on a place basis in line with other LA models and NYCC Special School commissioning.

- Making changes to the way provision for children and young people with medical needs is commissioned.

The Strategic Plan also includes actions to develop the North Yorkshire Inclusion Partnership - a county and locality based approach to joint accountability and decision making. This approach will introduce more local decision making in respect of children and young people with SEND through local area steering groups and inclusion panels. An agreed amount of funding will be available for each local area to shape provision in the area with the aim of meeting needs locally and reducing exclusion.

The Strategic Plan is clear that provision for children and young people with SEND needs to be made within the High Needs Budget available. This includes PRS and AP funding. The High Needs Budget is currently projecting an overspend of £5.5 million.

This EIA considers the impact of changes to the PRS/AP which will be introduced during phase 1 of the Strategic Plan in years 2018-2021.

These changes are:

- The PRS/AP budget model will move to a place based model. Each place will be funded at £10,000 plus a set amount of top up funding which will be in line with the overall arrangements for top up funding in the LA, in particular arrangements for SEMH special school day places.
- There will be a specified number of places commissioned at each PRS/AP. These will be flexible preventative places/for pupils who have been permanently excluded (secondary pupils). There will also be places at PRS only for pupils with EHCPs (late KS3/KS4)
- The PRS/AP will not be commissioned to provide home tuition for pupils with medical needs from academic year 2019/20.
- The PRS/AP will be commissioned to provide in reach support for pupils with medical needs for academic year 2019/20 and then this will cease. Places will be funded at £10, 000 per place.

Alongside this, a contingency fund will be held centrally, and a set amount of funding will be allocated to each local area: Craven; Hambleton/Richmondshire; Harrogate/Knaresborough/Ripon; Scarborough/Whitby Ryedale; Selby.

These changes will bring about a fundamental change to the budget modelling for PRS/AP as well as the introduction of funding allocated to local areas. This is in line with the Strategic Plan actions to review and reshape the systems and process for allocating the High Needs Budget and to ensure that the LA makes the best provision possible with the funding it has.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The Strategic Plan aims to ensure that a continuum of SEND education provision is in place across the county to meet the needs of as many children and young people as early as possible and within their local areas. There is a strong emphasis on early identification of need and appropriate intervention to meet needs. As a result the plan aims to strengthen the offer from universal and targeted mainstream provision in the county. The plan also aims to develop a wider alternative provision offer across the county, and to enable local areas to develop provision and services tailored to the needs of the young people in their area. More details about this are set out in the Plan at [www.northyorks.gov.uk/sendplan](http://www.northyorks.gov.uk/sendplan) .

As the Plan is implemented there should be little, if any, need for a young person to be excluded from school.

The changes to PRS and AP set out in section 1 are in this context, and seek to clarify and streamline the offer from these provisions, as well as the commissioning and budget/funding model underpinning them. They aim to ensure that available funding is used in the most efficient and effective way to meet needs, and as a result efficiencies can be made within the High Needs Budget. They aim to rationalise the funding model for PRS/AP and to bring it in line with other LA models and NYCC Special School commissioning.

The changes will also allow funding to be allocated to local areas, and for a contingency to be centrally retained.

### **Section 3. What will change? What will be different for customers and/or staff?**

With regard to customers it is anticipated that any impact arising from changes to current provision will be mitigated by achieving better outcomes for individual young people with SEND and by having a better range of educational provision. The introduction of targeted mainstream provision across the county will increase provision for pupils with SEMH needs, and it is anticipated that this will provide support earlier for the pupils, reduce exclusions and ensure pupils are maintained in mainstream provision.

The widening of the alternative provision offer means there are more options available to schools looking for a different type of provision to meet young people's needs.

The changes to provision for pupils with medical needs will give greater flexibility to the provision of home tuition, and therefore more opportunity for pupils to engage with and benefit from this provision. Pupils will be encouraged to return to school as soon as possible and be supported to do this. The introduction of a 'virtual school' for pupils with medical needs will ensure pupils are monitored and reviewed regularly and that they are achieving appropriate outcomes. Care will be taken to ensure that changes to provision for pupils with medical needs are carefully planned and implemented so that the needs of these pupils are met and the LA delivers its statutory duty.

The proposed revised governance arrangements for SEND provision will support local approaches, for example towards alternative provision, meaning more decisions can be taken in individual localities, and for example may enable faster decision making, leading to earlier intervention. Proposals will also enable localities to identify training needs and provide peer support and challenge to better meet the needs of young people. Local approaches to governance would also enable parent/carer representation to ensure customer perspectives to be considered in relation to provision.

The review and reshaping of High Needs Budget allocation for PRS/AP will ensure funding is allocated and used as effectively as possible and SEND education provision is delivered within the available budget. There will be an impact on budgets for individual PRS/AP which will be mitigated by:

- The widening of the AP offer
- The introduction of targeted mainstream provision
- Clarity of commissioning of places and expectations
- Funding allocated to local areas
- Introduction of locality based multi-disciplinary teams

The impact on a child/young person would also be mitigated as the Authority will continue to make provision for all assessed needs.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The Strategic Plan was subject to extensive engagement and informal and formal consultation from May 2017 to June 2018 prior to approval by The Executive. Some initial proposals, for example in respect of pupils with medical needs were amended in the final plan following consultation.

As part of this there were number of engagement meetings with Headteachers across all areas, including some specifically with secondary Headteachers to discuss alternative provision, and a number with Headteachers of PRS/AP throughout informal and formal consultation.

The following has taken place in respect of the budget modelling/funding:

- High Needs Funding Sub Group 10.9.18.
- Schools Forum 27.9.18.

Formal consultation will take place in October/November 2018 and will consist of locality public meetings and an online survey.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

The Council receives around £44.8m million in high needs budget to deliver provision for children and young people with SEND. There is significant pressure on this budget as a result on the increase in numbers of children and young people with SEND and the demand for specialist placements. Currently the budget overspends by around £5.5 million. Therefore these proposals are aimed to reduce costs.

The proposals in the strategic plan are designed to strengthen provision at universal and targeted levels, to reduce the number of children and young people needing specialist places, and to have a better offer within North Yorkshire. This should enable provision to be delivered to meet children and young people's needs, with more focus upon better outcomes for them whilst also being delivered more efficiently and within budget.

A saving of £1.5 million has been identified from the remodelling of the budget for the PRS/AP and the allocation of funding to local areas/contingency.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age		✓	✓	<b>Customer:</b> Things will improve as follows: <ul style="list-style-type: none"> <li>• A revised continuum of special education provision and a wider AP offer for North Yorkshire for secondary aged pupils will in the longer term mean a strengthened offer with improved early identification</li> </ul>

				<p>and intervention. This should reduce the numbers of pupils being excluded.</p> <ul style="list-style-type: none"> <li>• The development of targeted mainstream provision will increase provision for secondary pupils with SEMH.</li> <li>• Local approaches and funding will allow for tailored approaches to meet needs for the secondary age group.</li> </ul> <p>There may, however be negative impact in the shorter term during implementation as follows:</p> <ul style="list-style-type: none"> <li>• The impact on the budgets of the PRS/AP will require changes to organisation of provision and potential changes for secondary aged pupils. This will be mitigated by transitional support for the provisions as the changed model is implemented, and by planned work with the ISOS organisation to develop new provision models within the new budget model.</li> <li>• There may be an impact on secondary schools as provision models are changed and as other aspects of the Strategic Plan are introduced. This will be mitigated by clear communication and the work with ISOS outlined above.</li> <li>• There will be further mitigation in that for young people with an EHCP the LA have a statutory duty to make the provision contained in that plan.</li> <li>• This will be kept under review, and any adverse impact will be considered as the proposals develop in order to minimise any adverse impact.</li> </ul> <p><b>Staff:</b> These proposals will not introduce any change in terms of the current age profile. We will be compliant with the legislation to ensure that staff are not disadvantaged because of their age.</p>
Disability		✓	✓	<p><b>Customer:</b> Things will improve as follows:</p> <ul style="list-style-type: none"> <li>• For children and young people with a disability and special educational needs there will be a strengthened offer of special education provision</li> </ul>

				<p>which will increase the number of children and young people educated in North Yorkshire and improve outcomes.</p> <ul style="list-style-type: none"> <li>• For children and young people who may have a medical need and as a result are considered to have a disability, but not a special educational need the introduction of the virtual school will improve provision and monitoring. This will be supported by a clearer referral process and a strengthened home tuition model. In the short term 'in reach' provision will continue to be commissioned from the PRS/AP</li> </ul> <p>There may, however be negative impact during implementation as follows:</p> <ul style="list-style-type: none"> <li>• For children and young people who may have a medical need and as a result are considered to have a disability, but not a special educational need short and longer term proposed changes may impact on provision. This will be mitigated by careful planning for any changes, phased transition to the new model, ongoing engagement with schools, PRS/AP, health colleagues, young people and parents/carers and careful review during and following implementation of changes. The local authority's statutory duty will continue to be met.</li> <li>• There will be further mitigation in that for young people with an EHCP the LA have a statutory duty to make the provision contained in that plan.</li> <li>• This will be kept under review, and any adverse impact will be considered as the proposals develop in order to minimise any adverse impact.</li> </ul> <p><b>Staff:</b> No impact is anticipated. It is envisaged that these proposals will not introduce any change in terms of the current disability profile. We will be compliant with the legislation to ensure that staff is not disadvantaged because of their disability.</p> <p>This will be monitored and reviewed as the proposals are developed and, if the decision is taken to proceed with the proposals, implemented.</p>
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Sex (Gender)	✓	✓	<p><b>Customer:</b> Things will improve as follows:</p> <ul style="list-style-type: none"> <li>• A revised continuum of special education provision and a wider AP offer for North Yorkshire for secondary aged pupils of both genders will in the longer term mean a strengthened offer with improved early identification and intervention. This should reduce the numbers of pupils being excluded.</li> <li>• As the SEND population of young people with an EHCP plan is higher amongst boys, proportionately there may be an improvement for more boys than girls as additional provision is developed, but this will be in line with need.</li> </ul> <p>There may be a negative impact as follows:</p> <ul style="list-style-type: none"> <li>• As the SEND population of young people with an EHCP plan is higher amongst boys, proportionately there may be a greater impact for boys from the changes to provision and the budget changes as these are implemented. This will be mitigated by transitional support for the provisions as the changed model is implemented, and by planned work with the ISOS organisation to develop new provision models within the new budget model</li> <li>• There will be further mitigation in that for young people with an EHCP the LA have a statutory duty to make the provision contained in that plan.</li> <li>• This will be kept under review, and any adverse impact will be considered as the proposals develop in order to minimise any adverse impact.</li> </ul> <p><b>Staff:</b> No impact is anticipated.</p>
Race	✓		<p><b>Customer &amp; Staff:</b> It is anticipated there would be no identifiable impact on specific ethnic groups as a result of the project. This will be monitored and reviewed as the proposals are developed and, if the decision is taken to proceed with the proposals, implemented.</p>

Gender reassignment	✓			<b>Customer &amp; Staff</b> It is anticipated there would be no identifiable impact in relation to gender reassignment as a result of the project. This will be monitored and reviewed as the proposals are developed and, if the decision is taken to proceed with the proposals, implemented.
Sexual orientation	✓			<b>Customer &amp; Staff</b> It is anticipated there would be no identifiable impact in relation to sexual orientation as a result of the project. This will be monitored and reviewed as the proposals are developed and, if the decision is taken to proceed with the proposals, implemented.
Religion or belief	✓			<b>Customer &amp; Staff</b> It is anticipated there would be no identifiable impact on specific religious groups or beliefs as a result of the project. This will be monitored and reviewed as the proposals are developed and, if the decision is taken to proceed with the proposals, implemented.
Pregnancy or maternity	✓			<b>Customer &amp; Staff</b> It is anticipated there would be no identifiable impact as a result of the project. This will be monitored and reviewed as the proposals are developed and, if the decision is taken to proceed with the proposals, implemented.
Marriage or civil partnership	✓			<b>Customer &amp; Staff</b> It is anticipated there would be no identifiable impact as a result of the project. This will be monitored and reviewed as the proposals are developed and, if the decision is taken to proceed with the proposals, implemented.

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?		✓	✓	<b>Customer:</b> There may be a beneficial impact on those living in rural areas as more local places are created through the continuum of need.  There may be a negative impact due to the changes to provision and the budget changes as these are implemented. This will be mitigated by transitional support for the provisions as the changed model is implemented, and by planned work with the

				<p>ISOS organisation to develop new provision models within the new budget model This will be kept under review, and any adverse impact will be considered as the proposals develop in order to minimise any adverse impact.</p> <p><b>Staff:</b> It is anticipated there would be no identifiable impact as a result of the project.</p>
...have a low income?		✓	✓	<p><b>Customer:</b> Given that pupils in receipt of free school meals are overrepresented in pupils who are excluded, there may be a negative impact due to the changes to provision and the budget changes as these are implemented. This will be mitigated by transitional support for the provisions as the changed model is implemented, and by planned work with the ISOS organisation to develop new provision models within the new budget model</p> <p>This will be kept under review, and any adverse impact will be considered as the proposals develop in order to minimise any adverse impact.</p> <p><b>Staff:</b> No identified impact.</p>

**Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

It is anticipated proposed changes to the current provision will impact more on the following:  
Secondary aged pupils with special educational needs and disabilities, especially boys.

These groups are more likely to find change challenging as changes are made to current services and will need support to make the transition. This will be mitigated by transitional funding, careful planning for any changes, work with ISOS on new models, phased transition to the new models, ongoing engagement with schools, young people and parents/carers and careful review during and following implementation of changes. The overall development of the continuum of need will also provide mitigation. In addition for young people with an EHCP the LA have a statutory duty to make the provision contained in that plan.

<b>Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	

2. <b>Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	✓
3. <b>Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. <b>Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p><b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)</p> <p>Option 2 has been chosen because the EIA has identified possible negative impact for some groups, however mitigation actions have been indicated.</p> <p>Whilst anticipated adverse impacts upon those with protected characteristics has been identified and mitigating action is indicated, it may not be possible to mitigate all impact. Therefore this could easily fall under Option 3 – Adverse impact – continue the proposal. Given the nature of the young people receiving PRS/AP provision, any changes are likely to have adverse impacts upon them. It is not possible to adjust all the proposals to remove this adverse impact. However, the impacts have been identified, and will continue to be minimised wherever possible during the development of the proposals, decision making and implementation.</p> <p>As implementation takes place there will be ongoing review through the Strategic Plan and high Needs Budget Programme Board and Schools Forum and further mitigating actions will be taken as required. The impact on individual children and young people will also be mitigated as the Authority will continue to make provision for all assessed needs.</p>	

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

If proposals are approved we will monitor and review via:

- A monthly strategic Programme Board to discuss issues, resources and provide direction and resolution
- Monitoring by CYPLT
- Monitoring as part of ongoing review and monitoring of the Strategic Plan.
- For individual pupils, through annual reviews for EHCPs where appropriate.
- For pupils with medical needs, through the virtual school for those pupils.

**Section 11. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Formal consultation	Jane Le Sage	11 <sup>th</sup> November 2018	Due to start on 5 <sup>th</sup> October 2018	Through the Programme Board and Schools Forum.

Monitoring during formal consultation	Jane Le Sage	Ongoing between 5 <sup>th</sup> October 2018 and 11 <sup>th</sup> November 2018.	Ongoing between 5 <sup>th</sup> October 2018 and 11 <sup>th</sup> November 2018.	Through High needs Officer group and Programme Board.
Post implementation monitoring	Jane Le Sage	From April 2019	To begin	Through: - High Needs Officer group and Programme Board - High Needs Sub Group and Schools Forum - Strategic Plan monitoring - Individual Annual reviews

**Section 12. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The Equality Impact Assessment has identified that the proposals for the PRS/AP budget and funding, if approved, would have both a positive and negative impact upon those young people receiving their services.

Negative impact relating to the protected characteristic of age has been identified for secondary school pupils.

Negative impact relating to the protected characteristic of disability has been identified particularly relating to medical disabilities.

Negative impact has been identified for boys under the protected characteristic of gender.

These groups are more likely to find change challenging as changes are made to current services and will need support to make the transition. This will be mitigated by transitional funding, careful planning for any changes, work with ISOS on new models, phased transition to the new models, ongoing engagement with schools, young people and parents/carers and careful review during and following implementation of changes. The overall development of the continuum of need will also provide mitigation. In addition for young people with an EHCP the LA have a statutory duty to make the provision contained in that plan.

Positive impact has been identified in relation to the continuum of need which will be developed as part of the Strategic Plan in relation to the protected characteristics of age, disability and gender.

### Section 13. Sign off section

This full EIA was completed by:

**Name: Chris Reynolds**

**Job title: SEND Placement Officer**

**Directorate: CYPS**

**Signature:** C. Reynolds

**Name:** Jane Harvey

**Job title:** Strategic Planning and Development Officer

**Directorate:** CYPS

**Signature:** J.Harvey

**Completion date:** 2.10.18.

**Authorised by relevant Assistant Director (signature):**

**Signature:** Jane Le Sage

**Date:** 4.10.18

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