

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

(Form updated May 2015)

*Implementation of guidance that there should be 600
hours per year of Education for post 16 students –
August 2018*

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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	Nikki Joyce – Head of SEN
How will you pay due regard? e.g. working group, individual officer	This project has been governed through a strategic Project Board and monitored through High Needs Officer Budget Group. The proposals will be subject to a formal public consultation process during October and November 2018 and this EIA will be monitored during and at the end of this period.

	Following this any changes to the how post 16 provision is funded will be placed for approval by the Council's Executive / Corporate Director of Children and Young People's Services (TBC)
When did the due regard process start?	Initial discussions as part of the Transitions Project with Health and Adult Services (HAS) started in Spring 2018.

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?)

This EIA is about changing the way post 16 provision is funded and described so that there are 16 hours per week (or 600 hours per year) of education in line with guidance for children and young people with EHCPs. This may or may not be part of a five day package if that is required.

There are 2 key pieces of guidance and legislation covering post 16 education for young people with EHCPs. The SEND Code of Practice states that:

"Where young people have EHC plans, local authorities should consider the need to provide a full package of provision and support across education, health and care that covers five days a week where that is appropriate to meet the young person's needs."

Five-day packages of provision and support do not have to be at one provider and could involve amounts of time at different providers and in different settings. It may include periods outside education institutions with appropriate support, including time and support for independent study. A package of provision can include non-educational activities such as:

- volunteering or community participation
- work experience
- opportunities that will equip young people with the skills they need to make a successful transition to adulthood, such as independent travel training, and/or skills for living in semi-supported or independent accommodation, and
- training to enable a young person to develop and maintain friendships and/or support them to access facilities in the local community.

In terms of post-16 "full time" courses, the guidance updated in June 2018 clarifies that a "full time" education course is at least 540 hours per year. *'We expect that full time study programmes for 16 and 17 year olds will be 600 planned hours per academic year, and we set the funding rate on this basis. For funding purposes, the minimum threshold for 16 and 17 year olds' full time programmes is set at 540 planned hours.'*

<https://www.gov.uk/guidance/16-to-19-funding-planned-hours-in-study-programmes#planned-hours-and-funding-allocations>

Typical programmes are around 600 hours depending on the length of the academic year which equates to 3 days or 16 hours per week of education during the academic year.

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.)

We are proposing that NYCC accepts the guidance regarding 600 hours of education for young people post 16.

The aims are to ensure:

- That young people in mainstream post 16 education are funded for the 16 hours per week of direct education that they are receiving.
- That young people post 19 with EHCPs receiving specialist packages of education have a five day package developed in conjunction with Health and Adult Services.
- This will ensure a seamless transition into adult services and a clear description of both the Education and Care provision that the young person requires.

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

There will be no change in provision for young people with EHCPs who attend a 6th form within a school.

The change will be that the school will no longer receive 25 hours funding for the 16 hours of tuition per week that the young person receives, the school will receive the 16 hours of element 3 funding required.

There will not necessarily be a change in the provision for young people post 19, but there will be clearly identified Care provision and clearly identified next steps in terms of post education and adulthood. This is in line with both the Children and Families Act and the Care Act.

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?)

Consultation on the actual proposal will take place once the proposal is agreed through High Needs Sub Group and Schools Forum which meets at the end of September 2018.

This will consist of locality public meetings during October and November 2018 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?

There will be a reduction in costs to the High Needs Block budget of around £50k per year for the students with EHCPs in 6th form who receive 16 hours of education but the college receives 25 hours worth of their top-up. We will only give the schools the 16 hours of payment that that they are delivering which creates that saving to the High Needs Block budget.

There will be a reduction in costs to the High Needs block in terms of post 19 but a corresponding increase to Health and Adult Services funding so the overall impact on the council budget will be cost neutral. Alongside this proposal, there is a Transitions project looking at how to effectively transition between children's and adult's service with a recognition that effective transition may mean 2 services working together for a while with a child which may require additional funding and have increased costs. This is being worked through the Transitions project and this proposal to pay for 600 hours of Education per year as part of a 5 day package (if required) for post 19 students will impact on how much additional resource is required for that effective Transition. This proposal is supported by the AD for Health and Adult Services.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	✓	✓		<p>Customer: Young people aged 19 and over with an EHCP in education will have a more effective transition into adult services with a clearly articulated plan for how that transition will happen and Care provision built into their 5 day provision</p> <p>Staff: No identified impact.</p>
Disability	✓	✓		<p>Customer (school or CYP): Things will improve for young people aged 19 and over with EHCPs in education and for their families as there will be a removal of the “cliff edge” that they refer to between education and adult services. Care will be incorporated into the plan from age 18 and will be a clearly articulated part of their 5 day package (if required) in post 19 education. This will support the seamless transition into adulthood after the EHCP ceases with the young person and family fully aware and engaged with the support plan and what services and provision are available.</p> <p>Staff: No identified impact.</p>
Sex (Gender)	✓			<p>Customer: It is anticipated there would be no identifiable impact on gender as a result of the project.</p> <p>Staff: No identified impact.</p>
Race	✓			<p>Customer: It is anticipated there would be no identifiable impact on specific ethnic groups as a result of the project.</p> <p>Staff: No identified impact.</p>
Gender reassignment	✓			<p>Customer: It is anticipated there would be no identifiable impact in relation to gender reassignment as a result of the project.</p> <p>Staff: No identified impact.</p>
Sexual orientation	✓			<p>Customer:</p>

	✓			It is anticipated there would be no identifiable impact in relation to sexual orientation as a result of the project. Staff: No identified impact.
Religion or belief	✓			Customer: It is anticipated there would be no identifiable impact on specific religious groups or beliefs as a result of the project. Staff: No identified impact.
Pregnancy or maternity	✓			Customer: It is anticipated there would be no identifiable impact as a result of the project. Staff: No identified impact.
Marriage or civil partnership	✓			Customer: It is anticipated there would be no identifiable impact as a result of the project. Staff: No identified impact.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
...live in a rural area?	✓	✓		Customer: It is anticipated this will increase the range of options and the understanding of what is available in rural areas with a clear package into adulthood within the local rural community Staff: No identified impact.
...have a low income?	✓			Customer: It is anticipated there would be no identifiable impact as a result of the project. Staff: No identified impact.

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:
Young people with special educational needs and disabilities.

These groups are more likely to find change challenging if changes are made to current services they will need support to make the transition. We will ensure that any child in an existing programme of study with existing education arrangements maintains that package and we commit to working with Adult Social Care colleagues on the transition arrangements beyond the current package of education so that they can realise the benefits of this proposal without any changes to their existing package. For new programmes of study from September 19 we would ensure that young people and their families / carers are fully aware and are supported to understand what their five day package (if required) will be and how Education and Care will work together and with them throughout the duration of the education programme and to transition into adult services post education.

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)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	✓
2. Adverse impact - adjust the proposal - 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. Adverse impact - continue the proposal - 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. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>Initial analysis of the implementation of proposed changes indicate minimal impact on children and young people with SEND.</p> <p>However, actual impact will not be known until consultation and decision on proposals is made.</p> <p>During the consultation and decision making process there will be ongoing consideration to any equality impacts that arise, and how these can be mitigated.</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:

- Annual reviews for individual EHCPs to ensure that provision is still sufficient to meet need and that the Care package is clearly articulated with a clear transition to adulthood plan;
- Feedback from SENCOs on an ongoing basis and through regular SENCO Network Meetings to understand the user experience;
- Budget monitoring of both High Needs block and HAS budgets to understand any impact on funding;

- Feedback from young people and families on how this is working for them – not only through the annual review but through specific focus groups / surveys (method to be agreed as part of the transition project due to finish in January 2019).

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	Oct/Nov 2018		Through the Programme Board / HNB OG.
Review of implementation / impact	Jane Le Sage	Sept 2019		Through the Programme Board / HNB OG. Through SENCO Network Meetings
Review of RAS	Jane Le Sage	TBC		TBC

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.

This section will be updated during and following consultation to ensure any unidentified impacts can be considered.

Section 13. Sign off section

This full EIA was completed by:

Name: Nikki Joyce
Job title: Head of SEND
Directorate: CYPS Inclusion
Signature: N Joyce

Authorised by relevant Assistant Director (signature):

Signature: J Le Sage

Date: 4.10.18