

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

(Form updated Jan 2018)

Capital Plan – Special Provision Capital Fund January 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	Jane Harvey - Senior Planning & Development Officer (SEND) Sarah Whorlton – 2020 Project Manager
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 Children and Young People's Leadership Team. All changes are going through the formal public consultation process, following this any changes to be made to Special Educational Needs/Disabilities (SEND) education provision will be signed off by The Executive on 20 th March 2018.

	The EIA will be reviewed and finalised depending on the outcome of the consultation.
When did the due regard process start?	Project started June 2017 with ongoing informal engagement to December 2017. Public consultation commences 8 th January 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?)

Local authorities must ensure there are sufficient good school places for all pupils, including those with SEND. The Government has committed £215 million of special provision capital funding (SPCF) to help local authorities develop provision for children and young people with SEND, in consultation with parents and providers.

Local authorities can invest their share of the SPCF in:

- Creating new (additional) places at good or outstanding provision
- Improving facilities or developing new facilities

The funding is for a range of provision types where this benefits children and young people with education, health and care (EHC) plans between 0 and 25.

North Yorkshire County Council (NYCC) has been allocated a total of £500,000 SPCF funding over a 3 year period.

The Department for Education (DfE) states that local authorities must publish a short plan that sets out how they intend to invest their SPCF allocation, which is visible to parents, carers and other local groups. The plan for local authorities' SPCF allocations should sit coherently with their wider plan, and must be published on the Local Offer by 14th March 2018.

This EIA considers the impact of the proposed allocation of SPCF funding which is set out in the NYCC SPCF Plan.

The changes proposed which NYCC is intending to go out to public consultation on, is in relation to:

- Small scale works to improve special school facilities and increase capacity, at;
 - Springwater School, Starbeck;
 - Springhead School, Scarborough;
 - The Dales Schools, Morton-on-Swale.
- Funding for a feasibility study at one special school;
 - The Forest School, Knaresborough.
- Further decisions about allocation of funding based on the outcome of the feasibility study.

It is important to understand that the local authority is also in the process of developing an overarching strategic plan for SEND education provision, which will go out for public consultation from April 2018. There has been significant informal consultation undertaken with parents, carers, and professionals to shape final proposals for the strategic plan, which includes increasing provision within special schools.

Receipt of this SPCF will directly support proposal 3, d) set out in the document 'Draft proposals for the Strategic Plan for SEND provision for informal consultation Autumn 2017'. This proposal

states “The LA to secure capital investment (including Special provision capital funding) to increase capacity and improve facilities at special schools,” and was supported by parents, carers and education professionals across the county during informal consultation. (A link to the draft proposals for the strategic plan can be found at [Appendix 1](#))

The overall strategic plan will identify additional opportunities for capital funding to further develop different kinds of SEND education provision across the county.

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 proposals put forward are to ensure that the local authority can receive the allocated £500,000 SPCF and ensure this is effectively used to create additional special school places for children and young people with SEND in North Yorkshire.

The changes aim to:

- Increase the number of special school places by between at least 37 places for young people with SEND within North Yorkshire;
- Improve facilities at identified special schools.

The authority hopes to achieve;

- Receipt of £500,000 of funding from the Department for Education, to implement the above changes;
- An increase in special school places to allow more children and young people with SEND to be educated in North Yorkshire.

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

Increased places for SEND provision in special schools will enable more young people with SEND to be educated in their local area and/or in North Yorkshire.

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?)

Involvement and consultation has been undertaken through a phase of informal engagement, followed by a formal consultation process.

Informal consultation – June – December 2017

June – October 2017

Meetings and informal consultation by email with North Yorkshire special school Head Teachers;

Meeting with NY Parent and Carer forum (NYPACT);

November – December 2017

Face to face events with parents and carers;

Further informal email consultation with special school head teachers.

Engagement on how SPCF funding should be used has taken place in the context of the wider Strategic Plan.

Draft proposals for the overarching strategic plan were shared in face to face events across the county, and on the NYCC website set out in a document called 'Draft proposals for the Strategic Plan for SEND provision for informal consultation Autumn 2017' (Please see [Appendix 1](#)). The proposal "*The LA to secure capital investment (including Special provision capital funding) to increase capacity and improve facilities at special schools*" is a proposal which was supported by parents, carers and education professionals across the county, and through an online survey during informal consultation in November 2017.

Formal consultation - January 2018 – February 2018

- Following approval by Executive Members of the proposals set out in the SPCF plan, a public consultation is scheduled to take place from 8th January 2018 to 18th February 2018;
- There will be an online survey available on the NYCC website with signposting via the Local Offer. Paper copies and alternative formats can be made available for those who require this;
- Easy Read versions can also be made available.

Existing communication methods will be used to promote the consultation through the e-Red Bag to schools, Local Offer, NYPACT, NYCC website.

We will be ensuring that a clear message is delivered to ensure customers understand the context of this consultation – which is to receive £500,000 SPCF from the DfE over a 3 year period, and how this supports proposals in the wider work to develop a strategic plan for SEND education provision. There will be a separate public consultation on the strategic plan from April 2018.

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

If the SPCF plan is published by 14th March 2018, and approved by the DfE, NYCC will receive a total of £500,000 set out in equal payments 2018/2019, 2019/2020, and 2020/2021.

This funding will need to be spent according to the guidelines of the SPCF. (Please see [Appendix 2](#) for a link to the DfE guidelines).

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: It is anticipated there would be no negative impact on specific age groups as a result of the project. However, for some young people of school age increased places and improved facilities for special education provision will provide more opportunity for children and young people to be educated in North Yorkshire/locally and improve outcomes.</p>

	✓			Staff: No identified impact.
Disability		✓		Customer: For some young people with a disability and special educational needs, increased places and/improve facilities for special education provision which will provide more opportunity for children and young people to be educated in North Yorkshire/locally and improve outcomes. Staff: No identified impact.
Sex (Gender)		✓		Customer: Whilst it is anticipated there will no negative impact, 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. Staff: No identified impact.
Race	✓			Customer: It is anticipated there would be no identifiable impact on specific ethnic groups as a result of the project. Staff: No identified impact
Gender reassignment	✓			Customer: It is anticipated there would be no identifiable impact in relation to gender reassignment as a result of the project. Staff: No identified impact.
Sexual orientation	✓			Customer: 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: At this early stage it is not possible to identify specific impacts on people who use the services, carers or staff, as proposals are still being formulated. There may however be a beneficial impact on those living in rural areas if more local places are created. Further work will be undertaken to identify the demographics and any potential impacts for those who live in rural locations, as part of the work on the wider strategic plan. Staff: No identified impact.
...have a low income?	✓			Customer: No identified impact. 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 not anticipated that these proposals will affect anyone more because of a combination of protected characteristics.

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.	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>
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)	<input type="checkbox"/>
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	<input type="checkbox"/>
Explanation of why option has been chosen. (Include any advice given by Legal Services.) Actual impact will not be known until consultation and decision on proposals is made. 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?)</p> <p>We will monitor the effectiveness of the proposals through the wider strategic plan for SEND education provision.</p> <p>We will be able to evidence more children and young people with SEND have sustained places in local settings, schools and colleges that are judged good or outstanding by Ofsted.</p> <p>An SEND Strategic Plan Project Board meets on a monthly basis which provides a further forum to discuss issues and provide direction and resolution.</p>
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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	18 th February 2018		Through the Project Board.
Publication of SPCF plan	Jane Le Sage	14 th March 2018		Through the Project Board.

Review and/or publish of the SPCF plan	Jane Le Sage	December 2018		Through the Project Board.
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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: Sarah Whorlton
Job title: Project Manager
Directorate: Technology and Change
Signature: S. Whorlton

Name: Jane Harvey
Job title: Strategic Planning and Development Officer
Directorate: Children and Young People's Service
Signature: J. Harvey

Completion date: 4.1.18.

Authorised by relevant Assistant Director (signature):

J Le Sage

Date: 8.1.18

Appendix 1 – Draft proposals on the wider strategic plan for SEND

You can read the draft proposals at the following link:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Children%20and%20families/SEND%20-%20local%20offer/Proposals for strategic plan for informal consultation.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Children%20and%20families/SEND%20-%20local%20offer/Proposals%20for%20strategic%20plan%20for%20informal%20consultation.pdf)

Appendix 2 – SPCF guidance from the DfE

You can read the DfE guidance on the Special Provision Capital Funding at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/635760/Special-Provision-Capital-Fund-Guidance.pdf