

## Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service\*\* for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service\*\* may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or [equality@leics.gov.uk](mailto:equality@leics.gov.uk)

*\*\*Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

| <b>Key Details</b>  |  |
|---|--|
| <b>Name of policy being assessed:</b>   | Special Educational Needs and Disabilities (SEND ) Strategy 2017 to 2020                             |
| <b>Department and section:</b>  | Children and Family Services   |
| <b>Name of lead officer/ job title and others completing this assessment:</b> | Chris Finnigan, Interim Manager – Strategy, SEN Sufficiency and Specialist Teaching Services         |
| <b>Contact telephone numbers:</b>   | 0116 3056767<br>Mobile: 07949 353048   |
| <b>Name of officer/s responsible for implementing this policy:</b>            | Jane Moore, Assistant Director, Education and Early Help<br><br>Tom Common, Head of Service for SEND |
| <b>Date EHRIA assessment started:</b>   | 19 <sup>th</sup> December 2017   |
| <b>Date EHRIA assessment completed:</b>                                       | 15 <sup>th</sup> February 2018   |

## Section 1: Defining the policy

### Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

|          |   |
|----------|---|
| <b>1</b> | <p>What is new or changed in this policy? <i>What has changed and why?</i></p> <p>The purpose of the strategy is to set out the vision, aspiration and priorities in Leicestershire for developing support and provision for children and young people with special educational needs and disabilities. There has not been such a strategy in place before.</p> <p>It is a high level document that sets out how partners across Leicestershire plan to support children and young people with SEND aged 0-25 to achieve their best possible outcomes. It sets out four priorities for the period from 2017 to 2020, and is underpinned by a strategic plan setting out how these priorities will be achieved.</p> <p>Detailed changes will be outlined in the project plans that will achieve the actions in the strategy.</p> |
| <b>2</b> | <p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>The Children and Young people's Plan<br/>Whole Life Disability Strategy</p>  |
| <b>3</b> | <p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>Children and young people with special educational needs and disabilities and or complex health needs aged 0 to 25 and their families.</p> <p>The document primarily sets out the vision, aspiration and priorities in</p>   |

|   |  |             |   |
|---|--|-------------|---|
|   | Leicestershire for developing support and provision for children and young people with special educational needs and disabilities. There are a number of actions underneath each priority that will be taken forward via workstreams which will detail the intended change or outcome. |             |   |
| 4 | Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? <b>(Please tick and explain how)</b>   |             |   |
|   |  | <b>Yes</b>  | <b>No</b>   |
|   |  | <b>How?</b> |   |
|   | Eliminate unlawful discrimination, harassment and victimisation  | x           |   |
|   |  |             | <p>The Strategy is for children and young people with SEND. It is underpinned by these key principles:</p> <ul style="list-style-type: none"> <li>• Early Intervention: Support, assessment and intervention at the earliest possibility</li> <li>• Personalisation: A shift towards personalisation and empowerment</li> <li>• Inclusion: A continued commitment to promote inclusion across all services and sectors</li> <li>• Integration: The development of a coherent joined up service system, increased joint commissioning and integrated delivery</li> <li>• Transition: Recognition for the need to plan for transition throughout key education stages and transfer to adulthood.</li> </ul> |
|   | Advance equality of opportunity between different groups   | x           |   |
|   |  |             | See above   |

|  |  |   |  |           |
|--|--|---|--|-----------|
|  | Foster good relations between different groups | x |  | See above |
|--|--|---|--|-----------|

## Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

### Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

### Section 2

#### A: Research and Consultation

|           |  | Yes | No* |
|-----------|--|-----|-----|
| <b>5.</b> | Have the target groups been consulted about the following?   |     |     |
|           | a) their current needs and aspirations and what is important to them;  | x   |     |
|           | b) any potential impact of this change on them (positive and negative, intended and unintended);   | x   |     |
|           | c) potential barriers they may face  | X   |     |
| <b>6.</b> | If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?   | NA  |     |
| <b>7.</b> | Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?   | x   |     |
| <b>8.</b> | *If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary. |     |     |
|           |  |     |     |

### Section 2

#### B: Monitoring Impact

|           |  | Yes | No |
|-----------|--|-----|----|
| <b>9.</b> | Are there systems set up to:   |     |    |
|           | a) monitor impact (positive and negative, intended and unintended) for different groups; | x   |    |

|   |  |            |   |
|---|--|------------|---|
|   | b) enable open feedback and suggestions from different communities   | x          |   |
| <b>Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.</b> |  |            |   |
| <b>Section 2</b>  |  |            |   |
| <b>C: Potential Impact</b>  |  |            |   |
| <b>10.</b>  | Use the table below to specify if any individuals or community groups who identify with any of the ' <a href="#">protected characteristics</a> ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers. |            |   |
|   |  | <b>Yes</b> | <b>No</b>   |
|   | <b>Age</b>   | X          |   |
|   | <b>Disability</b>  | x          |   |
|   |  |            | <p>The SEND Code of Practice supports all children and young people from 0-25 years.</p> <p>The purpose of this strategy is to set out the vision, aspiration and priorities in Leicestershire for developing support and provision for children and young people with special educational needs and disabilities.</p> <p>It is underpinned by these key principles:</p> <ul style="list-style-type: none"> <li>• Early Intervention: Support, assessment and intervention at the earliest possibility</li> <li>• Personalisation: A shift towards personalisation and empowerment</li> <li>• Inclusion: A continued commitment to promote inclusion across all services and sectors</li> </ul> |

|  |                                       |  |   |
|--|---------------------------------------|--|---|
|  |                                       |  | <ul style="list-style-type: none"> <li>• Integration: The development of a coherent joined up service system, increased joint commissioning and integrated delivery</li> <li>• Transition: Recognition for the need to plan for transition throughout key education stages and transfer to adulthood.</li> </ul> <p>Ideally implementation of the strategy will reduce the barriers faced by children with disabilities and their families but the details of positive and negative impacts, including any barriers, will be developed through the individual workstreams</p> |
|  | <b>Gender Reassignment</b>            |  | <b>X</b><br>The strategy would not have a direct or indirect impact on Gender Reassignment.   |
|  | <b>Marriage and Civil Partnership</b> |  | <b>X</b><br>The strategy would not have a direct or indirect impact on marriage or civil partnerships.  |
|  | <b>Pregnancy and Maternity</b>        |  | <b>X</b><br>The strategy would not have a direct or indirect impact on pregnancy or maternity.  |
|  | <b>Race</b>                           |  | <b>X</b><br>The strategy would not have a direct or indirect impact on race   |
|  | <b>Religion or Belief</b>             |  | <b>X</b><br>The strategy would not have a direct or indirect impact on  |

|  |   |            |           |   |
|--|---|------------|-----------|---|
|  |   |            |           | religion or belief  |
|  | <b>Sex</b>  | <b>X</b>   |           | Males are more likely to be identified with SEND compared to females  |
|  | <b>Sexual Orientation</b>   |            | <b>X</b>  | The strategy would not have a direct or indirect impact on sexual orientation.  |
|  | <b>Other groups<br/>e.g. rural isolation,<br/>deprivation, health<br/>inequality, carers, asylum<br/>seeker and refugee<br/>communities, looked after<br/>children, deprived or<br/>disadvantaged<br/>communities</b>   | <b>X</b>   |           | There are a significant number of children and young people within the SEND cohort that will have health needs. Therefore they are more at risk of health inequalities. The strategy seeks to address these needs.  |
|  | <b>Community Cohesion</b>   | <b>X</b>   |           | There are a significant number of children and young people who may experience difficulties in accessing community activities or experience misunderstanding of needs. This strategy seeks to support children and young people to participate fully in community life. |
| <b>11.</b>   | <p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? <b>(Please tick)</b></p> <p>Explain why you consider that any particular <a href="#">article in the Human Rights Act</a> may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p> |            |           |   |
|  |   | <b>Yes</b> | <b>No</b> | <b>Comments</b>   |
| <b>Part 1: The Convention- Rights and Freedoms</b> |   |            |           |   |

|  |   |  |   |
|--|---|--|---|
| <b>Article 2: Right to life</b>  |   |  |   |
| <b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b> | x |  | Within the SEND cohort, there are a significant number of children and young people who require care and could potentially be placed in a safeguarding position due to the nature of their needs. The strategy has been developed to support these children and young people.             |
| <b>Article 4: Right not to be subjected to slavery/ forced labour</b>                |   |  |   |
| <b>Article 5: Right to liberty and security</b>                                      |   |  |   |
| <b>Article 6: Right to a fair trial</b>  |   |  |   |
| <b>Article 7: No punishment without law</b>  |   |  |   |
| <b>Article 8: Right to respect for private and family life</b>                       | x |  | Ideally implementation of the strategy will reduce the barriers faced by children with disabilities and their families and therefore improve family life - but the details of positive and negative impacts, including any barriers, will be developed through the individual workstreams |
| <b>Article 9: Right to freedom of thought, conscience and religion</b>               |   |  |   |
| <b>Article 10: Right to freedom of expression</b>                                    |   |  |   |
| <b>Article 11: Right to freedom of assembly and association</b>                      |   |  |   |
| <b>Article 12: Right to marry</b>  |   |  |   |
| <b>Article 14: Right not to be discriminated against</b>                             |   |  |   |
| <b>Part 2: The First Protocol</b>  |   |  |   |
| <b>Article 1: Protection of</b>  |   |  |   |



|  |   |   |   |   |
|--|---|---|---|---|
|  | <b>property/ peaceful enjoyment</b>   |   |   |   |
|  | <b>Article 2: Right to education</b>  | <b>x</b>  |   | Ideally implementation of the strategy will extend the opportunities for children and young people with SEND to access an education that meets their needs - but the details of positive and negative impacts, including any barriers, will be developed through the individual workstreams |
|  | <b>Article 3: Right to free elections</b>   |   |   |   |
| <b>Section 2</b>   |   |   |   |   |
| <b>D: Decision</b>   |   |   |   |   |
| <b>12.</b>   | Is there evidence or any other reason to suggest that:  | <b>Yes</b>  | <b>No</b>                               | <b>Unknown</b>  |
|  | a) this policy could have a different affect or adverse impact on any section of the community; |   |   | <b>x</b>  |
|  | b) any section of the community may face barriers in benefiting from the proposal               |   |   | <b>x</b>  |
| <b>13.</b>   | Based on the answers to the questions above, what is the likely impact of this policy           |   |   |   |
|  | No Impact <input type="checkbox"/>  | Positive Impact <input checked="" type="checkbox"/> | Neutral Impact <input type="checkbox"/> | Negative Impact or Impact Unknown <input type="checkbox"/>  |
| <b>Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.</b> |   |   |   |   |
| <b>14.</b>   | Is an EHRIA report required?  | Yes <input type="checkbox"/>                        | No <input checked="" type="checkbox"/>  |   |

### Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

**Option 1:** If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

**Option 2:** If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

### Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

#### Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

#### Section 3

##### A: Research and Consultation

When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

- 15.** Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you now explored the following and what does this information/data tell you about each of the diverse groups?
- a) current needs and aspirations and what is important to individuals and community groups (including human rights);
  - b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);
  - c) likely barriers that individuals and community groups may face (including human rights)

|   |   |
|---|---|
| <b>16.</b>  | Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?  |
|   |   |
| When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal. |   |
| <b>17.</b>  | Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups? |
|   |   |
| <b>18.</b>  | Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?   |
|   |   |

| <b>Section 3</b>  |   |
|---|---|
| <b>B: Recognised Impact</b>   |   |
| <b>19.</b>  | Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face. |
|   | <b>Comments</b>   |
| <b>Age</b>  |   |
| <b>Disability</b>   |   |
| <b>Gender Reassignment</b>  |   |
| <b>Marriage and Civil Partnership</b>   |   |
| <b>Pregnancy and Maternity</b>  |   |
| <b>Race</b>   |   |
| <b>Religion or Belief</b>   |   |
| <b>Sex</b>  |   |
| <b>Sexual Orientation</b>   |   |
| <b>Other groups<br/>e.g. rural isolation, deprivation,<br/>health inequality, carers,<br/>asylum seeker and refugee<br/>communities, looked after<br/>children, deprived or<br/>disadvantaged communities</b> |   |
| <b>Community Cohesion</b>   |   |

|  |   |  |
|--|---|--|
| 20.  | Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics? |  |
|  | <b>Comments</b>   |  |
| <b>Part 1: The Convention- Rights and Freedoms</b>                                   |   |  |
| <b>Article 2: Right to life</b>  |   |  |
| <b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b> |   |  |
| <b>Article 4: Right not to be subjected to slavery/ forced labour</b>                |   |  |
| <b>Article 5: Right to liberty and security</b>                                      |   |  |
| <b>Article 6: Right to a fair trial</b>  |   |  |
| <b>Article 7: No punishment without law</b>  |   |  |
| <b>Article 8: Right to respect for private and family life</b>                       |   |  |
| <b>Article 9: Right to freedom of thought, conscience and religion</b>               |   |  |
| <b>Article 10: Right to freedom of expression</b>                                    |   |  |
| <b>Article 11: Right to freedom of assembly and association</b>                      |   |  |
| <b>Article 12: Right to marry</b>  |   |  |
| <b>Article 14: Right not to be discriminated against</b>                             |   |  |
| <b>Part 2: The First Protocol</b>  |   |  |
| <b>Article 1: Protection of property/ peaceful enjoyment</b>                         |   |  |
| <b>Article 2: Right to education</b>   |   |  |
| <b>Article 3: Right to free elections</b>  |   |  |

**Section 3****C: Mitigating and Assessing the Impact**

Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.

- 21.** If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.

N.B.

i) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.

ii) If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

- 22.** Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.
- a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination
  - b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed
  - c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why

**Section 3****D: Making a decision**

- 23.** Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.

**Section 3****E: Monitoring, evaluation & review of your policy**

- 24.** Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?
- 25.** How will the recommendations of this assessment be built into wider planning and review processes?  
*e.g. policy reviews, annual plans and use of performance management systems*

**Section 3:  
F: Equality and human rights improvement plan**

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

| Equality Objective | Action | Target | Officer Responsible | By when |
|--------------------|--------|--------|---------------------|---------|
|                    |        |        |                     |         |
|                    |        |        |                     |         |
|                    |        |        |                     |         |
|                    |        |        |                     |         |
|                    |        |        |                     |         |
|                    |        |        |                     |         |



## Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to [louisa.jordan@leics.gov.uk](mailto:louisa.jordan@leics.gov.uk), Members Secretariat, in the Chief Executive's department for publishing.

### Section 4

#### A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

**Equality and Human Rights Assessment Screening**

**Equality and Human Rights Assessment Report**

1<sup>st</sup> Authorised Signature (EHRIA Lead Officer):

Date: .....15<sup>th</sup> February 2018 .....

2<sup>nd</sup> Authorised Signature (DEG Chair): .....

Date: .....

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