

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

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

Key Details

Name of policy being assessed:	SEND Strategy – High Needs Block Development Plan
Department and section:	Children & Families Service, School Organisation Service, Leicestershire County Council
Name of lead officer/ job title and others completing this assessment:	Mhairi McDonald, Lead Officer SEN & Disability Inclusion Officer
Contact telephone numbers:	
Name of officer/s responsible for implementing this policy:	David Atterbury Head of Service, Education Sufficiency and Tom Common; Head of Service, SEND & Children with Disabilities
Date EHRIA assessment started:	November 2018
Date EHRIA assessment completed:	

Section 1: Defining the policy

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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.

<p>1</p>	<p>What is new or changed in this policy? <i>What has changed and why?</i></p> <p>The High Needs Block, part of the Dedicated Schools Grant, funds SEND provision and is currently overspent. There are insufficient reserves to offset the 2018/19 overspend and an overall DSG deficit is forecast.</p> <p>The strategy proposed, would provide the basis for planning, commissioning, and delivering SEND services, seek to improve the quality and sufficiency of provision and address the overspend. This would ensure that the growth in demand for places could be met and that best use is made of the resources available.</p> <p>The Schools Budget, which includes the High Needs Block, is set at zero, i.e. expenditure is set at the level of grant received. The High Needs Block has been under financial pressure in recent years and moved from an under-spend of £2.8m in 2013/14 to a projected overspend of £3.6m in 2018/19.</p> <p>Whilst to date overspends have been met from funding held in the Dedicated Schools Grant Reserve this is now fully expended and, with no funding in addition to the grant, it is necessary to realign expenditure to the resources available. If no action is taken the cumulative overspend on the grant in 2022/23 is estimated to be over £40m.</p>
<p>2</p>	<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 High Needs Block is a finite resource which is under significant pressure to meet increases in demand for services from the most vulnerable pupils and therefore needs to be prioritised according to assessed need.</p> <p>The Children and Families Act 2014 introduced a number of new duties for local authorities and Clinical Commissioning Groups (CCGs). The County Council's SEND Strategy 2017-2020, agreed by the Cabinet on 10th April 2018, outlines these responsibilities and sets out how the Council and its CCG partners will work together to meet these.</p> <p>In December 2017 the County Council approved the Strategic Plan 2018 to 2022 and the Single Outcomes Framework. These outline the Council's long-term vision for the Leicestershire and are underpinned by other key policies and strategies including the Medium Term Financial Strategy (reviewed annually) and the Council's Transformation Programme.</p>
<p>3</p>	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>High Needs funding provides the funding for support packages for an individual with special educational needs (SEN) in a range of settings. It is also intended to support good quality</p>

alternative provision for pupils who cannot receive their education in schools. The High Needs funding system supports provision for pupils and students with SEN and disabilities (SEND), from their birth to 25 years.

Over the next four years it is proposed that SEND provision in Leicestershire will be increased significantly. New provision (detailed in the table below) will be put in place across the county, enabling children to access provision locally to meet their needs.

Provision	Sept 2019	Sept 2020	Sept 2022/23	Total places
SEMH Bases	5 x 10 place units	5 x 10 place units		100
SEMH Special School	50 places	50 places		100
Communication and Interaction Bases	3 x 10 place units	2 x 10 place units		50
Specialist FE	1 x 30 place	1 x 30 place		60
Communication and Interaction Difficulties Special School		80 place school		80
Additional Area Special School or expansion of existing Special Schools			125 places (if required)	125
Expansion of Special Schools/Units/Oakfield PRU	65 Special School Places 25 increased Autism Spectrum Disorder Unit Places (Sept. 2018 onwards)	48		138
	Total		653	

The intended outcome for our children and young people is a strategy that focuses on:

1. Developing an embedded and inclusive approach to practice amongst schools, LA Staff and other settings including:

- Improved early support and inclusion in early years and mainstream schools.
- Reviewing the scheme for top-up funding within mainstream schools.
- Develop effective partnership working to support the transition from school to post 16 and post 19 provision.
- Implement robust systems to encourage, support and challenge schools in making reasonable adjustments and using 'best endeavours' to support children with SEN and Disabilities.
- Offering a range of improved options for Children and Young People to move to their home locality.

2. Modernisation of the service

- Improved (joint) commissioning
- Improved processes/decision making
- Improved Quality & Assurance
- Digitisation to support improved partnership working

3. Development of a range of cost effective high quality provision for children with SEN:

- Increasing the number of Units attached to mainstream schools
- Development of Special Schools
- Expand existing or build new Area Special School
- Development of FE specialist provision.

4	Will this proposed decision meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following objectives? (Please tick and explain how)			
		Yes	No	How?
	Eliminate unlawful discrimination, harassment and victimisation	✓		The completion of the EHRIA and consultation with those affected by the proposals will ensure that Cabinet will have all the information required to ensure proper consideration is given to any equality issues arising.
	Advance equality of opportunity between different groups	✓		
Foster good relations between different groups	✓			

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

5.	Have the target groups been consulted about the following? a) their current needs and aspirations and what is important to them; b) any potential impact of this change on them (positive and negative, intended and unintended); c) potential barriers they may face	Yes	No*
			✓
			✓
			✓

A Cabinet paper (18th December 2018) will seek approval for the Director of Children and Family Services to conduct a formal consultation process as required by common law and the Children and Families Act 2014. The Act requires that the Local Authority must keep under review SEND sufficiency and provision within its area, and in exercising this responsibility consult with a number of people and groups. The Local Authority is also keen to hear views on the plans from all stakeholders before a decision is taken around the development of new provision.

6.	<p>If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?</p> <p>Initial discussions with schools (Academies and Maintained) across Leicestershire to support the delivery of the Development Plan have been very well received and the Plan has been welcomed by the Schools' Forum.</p> <p>Some early work on the development of the new provisions has commenced. For example, expressions of interest have been invited from schools across Leicestershire to gauge the levels of interest in establishing the new units, and it is intended that the Council will commence work early in the New Year on the feasibility of establishing a new special school, under the DfE process for establishing new schools (known as the 'free school presumption').</p>	
7.	<p>Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?</p>	No
8.	<p>*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.</p> <p>The following groups will form the target audience for this consultation –</p> <ul style="list-style-type: none"> • Children and young people in Leicestershire with SEND and their parents/carers; • Governing bodies of maintained schools and maintained nursery schools; • Governing bodies of non-maintained Special Schools; • Governing bodies, proprietors or principals of post-16 institutions; • Proprietors of Academies; • Advisory boards of Children's Centres; • Providers of relevant Early Years education; • Governing bodies, proprietors or principals of other schools and post-16 institutions in England and Wales that are likely to be attended by children and young people from Leicestershire. • The Schools' Forum. • The Youth Offending Service <p>The Local Authority will also have regard to the relevant Joint Strategic Needs Assessment and Health and Well-being Strategy as part of the consultation and developments.</p> <p>As part of the consultation, a report setting out the proposals will be presented to the Children and Families Overview and Scrutiny Committee.</p> <p>The Schools' Forum comprising representatives from schools and academies and some non-school organisations, such as the respective Diocesan authorities and 16-19 education providers. It is consulted on a number of issues, including arrangements for pupils with SEND.</p> <p>Subject to the permission of Cabinet, the public consultation process will be undertaken over 3 months between the beginning of January 2019 and the end of March 2019 through a range of channels including on-line and direct contact with service users and their families, educational establishments and other interested parties.</p> <div style="text-align: center;">  <p>EEH Briefing 3rd December DA.ppt</p> </div>	

Section 2				
B: Monitoring Impact				
9.	Are there systems set up to:	Yes	No	
	a) monitor impact (positive and negative, intended and unintended) for different groups;	✓		
	b) enable open feedback and suggestions from different communities	✓		
The planning process for the proposed changes will be designed to ensure that at all stages there are opportunities for people to be engaged in the process of decision making. At all stages feedback is monitored and will continue to be so to identify the impact of the proposal on those who may be affected.				
Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.				
Section 2				
C: Potential Impact				
10.	Use the table below to specify if any individuals or community groups who identify with any of the ‘protected characteristics’ may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age	✓		The High Needs funding system supports provision for pupils and students with SEN and disabilities (SEND), from their birth to 25 years. The proposed changes should have a positive impact enabling children to access provision locally to meet their needs
	Disability	✓		The proposed changes should have a positive impact on children with disabilities They will have access to local provision, reduced travel and closer friendship groups.
	Gender Reassignment		✓	There is no known evidence which suggests that a higher percentage of SEND children wish to change their gender than would be found in comparable age groups in the wider population. Nor is there available evidence to suggest that the percentage of parents or guardians, who have undergone a gender reassignment or who intend to do so, is above the level that may be found within the wider population.
	Marriage and Civil Partnership		✓	The proposal will have a Neutral impact on this characteristic.

	Pregnancy and Maternity		✓	The change will have a Neutral impact on this characteristic.
	Race		✓	The change will have a Neutral impact on this characteristic.
	Religion or Belief		✓	The change will have a Neutral impact on this characteristic.
	Sex		✓	The change will have a Neutral impact on this characteristic.
	Sexual Orientation		✓	The change will have a Neutral impact on this characteristic.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities		✓	The change will have a Neutral impact on this characteristic.
	Community Cohesion	✓		Positive impact. The proposed new units and schools will provide opportunities for the community to engage with the new provision benefitting both the community, staff and pupils i.e. potential work experience, use of buildings.
11.	<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? (Please tick)</p> <p>Explain why you consider that any particular article in the Human Rights Act 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>			
		Yes	No	Comments
	Part 1: The Convention- Rights and Freedoms			
	Article 2: Right to life		✓	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way		✓	

	Article 4: Right not to be subjected to slavery/ forced labour		✓	
	Article 5: Right to liberty and security		✓	
	Article 6: Right to a fair trial		✓	
	Article 7: No punishment without law		✓	
	Article 8: Right to respect for private and family life		✓	
	Article 9: Right to freedom of thought, conscience and religion		✓	
	Article 10: Right to freedom of expression		✓	
	Article 11: Right to freedom of assembly and association		✓	
	Article 12: Right to marry		✓	
	Article 14: Right not to be discriminated against		✓	
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment		✓	
	Article 2: Right to education		✓	
	Article 3: Right to free elections		✓	
Section 2				
D: Decision				
12.	Is there evidence or any other reason to suggest that:	Yes	No	Unknown
	a) this policy could have a different affect or adverse impact on any section of the community;		✓	
	b) any section of the community may face barriers in benefiting from the proposal		✓	
13.	Based on the answers to the questions above, what is the likely impact of this policy			

	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input checked="" type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				
14.	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

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, 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

1st Authorised Signature (EHRIA Lead Officer):

Date:

2nd Authorised Signature (DEG Chair):

Date:

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