

## 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.

Please refer to the EHRIA [guidance](#) before completing this form. If you need any further information about undertaking and completing the assessment, 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>	SEND & Inclusion Partnership Board Strategy 2020 to 2023
<b>Department and section:</b>	Children and Families Department
<b>Name of lead officer/ job title and others completing this assessment:</b>	Caroline Davis (SEND Partnerships, Quality and Projects Officer)
<b>Contact telephone numbers:</b>	0116 305 5858
<b>Name of officer/s responsible for implementing this policy:</b>	SEND & Inclusion Partnership Board members
<b>Date EHRIA assessment started:</b>	28 <sup>th</sup> February 2020
<b>Date EHRIA assessment completed:</b>	2 <sup>nd</sup> March 2020

### **Section 1: Defining the policy**

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You should begin this assessment by defining and outlining the scope of the 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><b>1</b></p>	<p>What is new or changed in the policy? <i>What has changed and why?</i></p> <p>The Special Educational Needs and/or Disability (SEND) Partnership Strategy has been in place from 2017 to 2020. Developments have taken place over the length of the strategy to meet the needs of those children and young people identified as having Special Educational Needs. It has been agreed that it is now appropriate to broaden the responsibility of the SEND Board to include Inclusion. Helping children and young people that have special educational needs requires lots of different people supporting at the earliest point.</p> <p>The SEND &amp; Inclusion Strategy 2020 to 2023 is a plan to help bring together the work of a number of agencies like, the local authority, health, Parent Carer Forum, Early Years settings, schools and colleges across Leicestershire to ensure that services work together in the best possible way to support children and young people with SEND aged 0-25 to achieve the best possible outcomes.</p> <p>There are now five priorities that include:</p> <p><b>Priority 1 - To identify and meet children's special educational needs as early as possible.</b></p> <p><b>Priority 2 – Responsive, inclusive and effective provision for all children and young people with SEND.</b></p> <p><b>Priority 3 – Understanding and preparation for change (Transitions)</b></p> <p><b>Priority 4 - Strategic partnerships, joint working, joint commissioning and consultation</b></p> <p><b>Priority 5 - Develop the workforce</b></p> <p>Priority 1 and priority 4 will include those areas that the SEND inspection felt were of a cause for concern and require a Written Statement of Action to be monitored.</p>
<p><b>2</b></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 SEND &amp; Inclusion Strategy:</p> <ul style="list-style-type: none"> <li>- is evidence-based taking the recommendations for action from the Joint Strategic Needs Assessment (JSNA). The JSNA is currently being reviewed. As the JSNA also underpins the Health and Wellbeing Strategy, there will be direct links.</li> <li>- links in to the Children and Families Partnership Board Plan, particularly in relation to Joint Commissioning.</li> <li>- will deliver on aspects of the Children and Families Departmental Plan.</li> <li>- links in with the SEND Transport Policy</li> <li>- links in with the Adult and Communities Department Strategy and Ambitions</li> </ul>

2020 to 2024			
3	Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?		
	<p>The strategy is aimed at children and young people and their families that have a Special Educational Needs and/or have a Disability (SEND) aged 0-25 years.</p> <p><b>Background information for children and young people with SEND in Leicestershire</b></p> <p>There are approximately 290,231 children and young people living in Leicestershire aged 0-25 years. This represents 30.3% of the total population of Leicestershire.</p> <p>The Department for Education receives each year, from each Local Authority, numbers of children and young people with an Education Health and Care Plan. As this information is taken from a large number of authorities, it takes until June each year before the information is published so that we can see how we do against national and regional figures. In January 2019, there were 10,872 pupils on a SEN support plan. This equates to 10.4% of the school population in Leicestershire. This is below the national average of 11.9%. In January 2019, there were 3304 children and young people in Leicestershire schools with an Education Health and Care Plan (EHCP). This equates to 3.2% of the school population. This is just above the national average of 3.1%. However, the local authority has a responsibility for a much higher number of Education Health and Care Plans due to our children and young people in Leicestershire that attend mainstream schools, independent schools and independent specialist schools that are outside of Leicestershire. This then increases the number of EHCPs in January 2019 to 4222.</p>		
4	Will the 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	Yes	All agencies/services described above in point 1 that work with children and young people with SEND have to follow what is set out in the SEND Code of Practice (2014). This sets out the process for working with children and young people with SEND and their parents and carers and includes reference to the Equality Act 2010, particularly in relation to Reasonable Adjustments and Best Endeavours that settings, schools and colleges should be putting in place. The Strategy now includes the commitment to work with children and young people at the earliest point when an educational need is identified.
	Advance equality of opportunity between different groups		<p>A change within the Children and Families Act 2014 was to replace the Statement of Educational Need to an Education Health and Care Plan, bringing together the aspects of education, health and care when impacting on education. These are to help to raise aspirations for children and young people identified with SEND.</p> <p>The increase in the age range up to the age of 25 years was to ensure that those children and young people with SEND had the opportunity to have additional time to achieve the same as their peers, e.g. some young people may need to stay on in education longer than up to 19 years to have the skills and qualifications that will enable them to participate in adult life.</p> <p>Within the SEND Code of Practice (2014) there is reference to preparation for adulthood. There</p>

				are four independent living skill indicators that all agencies need to consider when working with young people to enable them to be prepared for adulthood.
	Foster good relations between different groups			The SEND Board has broadened their brief to ensure that all children and young people's needs are met at the lowest level. A programme of work has been set up to ensure that pupils needs can be met within mainstream education provision. It is also an aim to reduce distance travelled to an educational provision so that children and young people with SEND can be educated within their own community. Additional support is being developed through a joined-up network of services.

## 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 a 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?	Yes	No*
	a) their current needs and aspirations and what is important to them;	Consultation for the 2017 to 2020 strategy.	
	b) any potential impact of this change on them (positive and negative, intended and unintended);	Consultation during 2018/9 took place relating to new provision	
	c) potential barriers they may face	Consultation for the 2017 to 2020 strategy.	
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	National research and ongoing consultations within services	
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?	Ongoing feedback from the Leicestershire Parent Carer Forum reported into the SEND & Inclusion Board (standing item)	
8.	<p>*If you answered 'no' to the questions above, please use the space below to outline either what consultation you are planning to undertake or why you do not consider it to be necessary.</p> <p>It is an additional priority within the SEND &amp; Inclusion strategy to include co-production with children and young people and parents and carers. Therefore there will be regular opportunities during the time period of the strategy to continue to collect the experiences of children and young people and parents and carers to ensure that their needs are able to be met.</p>		

## Section 2

## B: Monitoring Impact

9.	Are there systems set up to:  a) monitor impact (positive and negative, intended and unintended) for different groups;  b) enable open feedback and suggestions from different communities	<b>Yes</b>	<b>No</b>
		As part of the ongoing monitoring of the strategy, different groups and the impact of the strategy will be considered	
		Ongoing feedback from the Leicestershire Parent Carer Forum. Focus groups to assess impact	

**Note: If no to Question 9, 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 ' <a href="#">protected characteristics</a> ' may <b>potentially</b> be affected by the policy and describe any positive and negative impacts, including any barriers.			
		<b>Yes</b>	<b>No</b>	<b>Comments</b>
	<b>Age</b>	<b>Yes</b>		Children and young people aged 0-25 are considered as part of this strategy. This requires closer working with adult services as the age range crosses the current working age boundaries between Children's and Adult Services within the Local Authority and health.  There will be a positive impact as the Local Authority Adult Transition team has seen an increase in capacity and there are continued developments to work with Children's Services.
	<b>Disability</b>	<b>Yes</b>		Within the Children and Families Act 2014, children and young people with disabilities were included within the definition. The strategy includes reference to Short Breaks, whereby children and young people with a disability can access additional support throughout the year along with any additional support from the Children and Family Service.  Recognition for the need to plan for transition throughout education transition points and transition to adult services is referred to within the Strategy.

			<p>Implementation of the strategy will reduce the barriers faced by children with disabilities and their families.</p> <p>Consideration that the First-Tier SEND Tribunal considers cases of disability discrimination in addition to those associated with an Education, Health and Care Plan.</p> <p>There will be a positive impact as there is work planned to remodel the Short Break offer and Local Authority Adult Transition team has seen an increase in capacity and there are continued developments to work with Children's Services.</p>
	<b>Gender Reassignment</b>	<b>Yes</b>	There is a neutral impact on Gender reassignment within the SEND & Inclusion Partnership Board strategy. However, considerations will be given to those young people stating gender reassignment within their SEND Needs.
	<b>Marriage and Civil Partnership</b>	<b>Yes</b>	There is a neutral impact on marriage or civil partnerships.
	<b>Pregnancy and Maternity</b>	<b>Yes</b>	There is a neutral impact on pregnancy or maternity. However, individual circumstances would be assessed within their SEND needs.
	<b>Race</b>	<b>Yes</b>	<p>There is a neutral impact on race, but considerations are given to those young people's race within their SEND Needs.</p> <p>An example would be that Leicestershire does have a large population of Gypsy/Roma. However, the data is not readily available. The strategy does include work bring together more information on our children and young people.</p>
	<b>Religion or Belief</b>	<b>Yes</b>	There is a neutral impact on religion or belief, but considerations are given to those young people's religion or belief within their SEND Needs.
	<b>Sex</b>	<b>Yes</b>	<p>The statistics point to more males being identified as having SEND needs than females. However, as further research is undertaken, different gender groups can show SEND in different ways, e.g. girls have been considered to be less likely to be autistic, but new research is showing that girls are more likely to mask their autism at school but present very different in the home environment.</p> <p>There will be a positive impact as the strategy includes a priority on workforce development.</p>
	<b>Sexual Orientation</b>	<b>Yes</b>	The strategy has a positive impact on sexual orientation with the increase of specialist provision across the county and the development of the Inclusion

				service that directly supports and guides schools.
	<b>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</b>	<b>Yes</b>		<p>Schools in deprived areas (according to the Income Deprivation Affecting Children Index (IDACI)) are more likely to have higher numbers of children and young people with SEND, particularly with an EHCP. Some of the new provision has been sited in these areas to ensure that children and young people with SEND do not have to travel longer distances than their peers.</p> <p>Looked After Children educational needs are overseen in Leicestershire by The Virtual School. Processes within Social Care and Education should be aligned for these children and young people to ensure that needs are being met. This should also apply to those children and young people on a Child Protection Plan and Child in Need plan.</p> <p>The specific primary needs of Autism Spectrum Disorder and Social, Emotional and Mental Health are being met with new provision being developed on current mainstream school sites, including new build.</p> <p>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.</p>
	<b>Community Cohesion</b>			There are a significant number of children and young people who may experience difficulties in accessing community activities or experience a misunderstanding of their behaviours. This strategy seeks to support children and young people to participate fully in community life through increasing specialist educational provision across the localities.
<b>11.</b>	<p>Are the human rights of individuals <b><i>potentially</i></b> 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 the 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>Yes</b>		There are children and young people identified with SEND that will have life-limiting conditions. Consideration will be given through the Education Health and Care Plan to ensure that children and young people can participate as fully as possible in all aspects of life.
<b>Article 3: Right not to be tortured or treated in an inhuman or degrading way</b>	<b>Yes</b>		Within the SEND cohort, there are a significant number of children and young people who require personal care and could potentially be placed in a safeguarding position due to the nature of their needs by accessing commissioned services. The strategy has been developed to ensure that all children and young people are treated with respect.
<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>Yes</b>		The work within the strategy will reduce the barriers faced by children with disabilities and their families and therefore improve family life, e.g. through working with families on support at home, Short Breaks and Respite Care.
<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>Yes</b>		The work within the strategy will extend the opportunities for children and young people with SEND to access an education to meet their needs within their local community.
<b>Article 3: Right to free elections</b>			
<b>Section 2</b>			
<b>D: Decision</b>			

13.	Is there evidence or any other reason to suggest that:  a) the 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	Yes	No	Unknown
			No	
			No	
13.	Based on the answers to the questions above, what is the likely impact of the 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>				
14.	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.

**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.