

Initial equality impact assessment screening form

This form is an equality screening process to determine the relevance of equality to an activity, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate:	Children and Adults Services
Service Area:	Education
Activity being screened:	<p>Special Educational Needs and/or Disabilities (SEND)</p> <ul style="list-style-type: none"> • SEND Strategy • SEND Funding (Top up funding) • SEND Provision and SEND Capital Funding Assistance
Officer(s) carrying out the screening:	Eleanor Marshall School Forum Monitoring and Support Officer
What are you proposing to do?	<ul style="list-style-type: none"> • Implement a new SEND Strategy – 6 key objectives • Implement changes to SEND top up funding – implementation of a new banding model. • Develop new provision for pupils with a primary need of Social, Emotional and Mental Health (SEMH) and Moderate Learning Difficulties (MLD). Undertaking an Expressions of Interest for use of SEND capital funding in order to deliver this provision.
Why are you proposing this? What are the desired outcomes?	<p>The LA has a statutory responsibility under the Children and Families Act 2014 to keep its special educational needs provision under review, to ensure sufficiency in placements to meet the needs of children and young people with special educational needs, and/or disabilities (SEND) working with parents/carers, young people and providers.</p> <p>A review of Special Educational Needs commenced in late 2017 and identified the Special Educational Needs (SEN) of children and young people in Darlington are changing and increasing in different areas of need. Darlington also have a shortage of high quality provision places to meet the increasing need for SEN placements. The funding received by the LA to support most vulnerable pupils is insufficient to meet demand.</p> <p>An initial review into all of the mainstream and specialist provision in Darlington was undertaken in</p>

	<p>2017/18. The analysis of this review led to the development of a draft SEND Strategy in August 2018.</p> <p>These strands of activity became the focus of a public consultation in October-November 2018 in order to inform the SEND Strategy and funding arrangements for children and young people with EHCP's (top-up funding).</p> <p>An outcome of adopting a new SEND Strategy and a new top up funding model will be to ensure:</p> <ul style="list-style-type: none"> • that the right children and young people are in the right placement with the right support • we build capacity in mainstream settings to reduce reliance on specialist and out of authority placements 0-25 • that children and young people are educated in their local community and have an effective preparation for adulthood and access to work and leisure opportunities • delivering a more sustainable funding model which addresses the current significant overspend on high needs funding <p>New provision funded by the SEND Capital Funding grant will ensure there is increased capacity to meet demand by planning for the growth.</p>
<p>Does the activity involve a significant commitment or removal of resources? Please give details</p>	<p>The changes in the mainstream top up system are projected to save in the region of £490,000 once fully implemented.</p> <p>A consideration is required to the reassignment / restructure of resources and potential reduction in resources for individual educational settings.</p> <p>A process to support settings to apply for SEND Capital Provision funding will support the LA's ability to deliver the objective of increasing the number of specialist provision places in Darlington.</p>

Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or any other socially excluded groups?

As part of this assessment, please consider the following questions:

- **To what extent is this service used by particular groups of people with protected characteristics?**
- **Does the activity relate to functions that previous consultation has identified as important?**

- Do different groups have different needs or experiences in the area the activity relates to?

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate.

Protected characteristic	Yes	No	Don't know/ Info not available
Age			X
Disability			X
Sex (gender)		X	
Race		X	
Sexual Orientation		X	
Religion or belief		X	
Gender reassignment		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
Other			
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.		Yes – this activity relates to young people with special educational needs and/or disabilities and therefore will have potential impacts relating to Age and Disability	
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.		Possibly the application for SEND Capital Funding may require Academy schools to undertake a change to Academy status and submit a business plan for agreement to Department for Education. A change to the top up funding model may affect some education providers as they adjust budgets to reflect changes in practice.	
Decision (Please tick one option)	EIA not relevant or proportionate:	Continue to full EIA: Yes	
Reason for Decision		Due to impacts to any child or young person with SEND and impact on settings.	
Signed (Assistant Director)		Tony Murphy Head of Education and Inclusion	
Date		26.03.18	



Equality Impact Assessment Record Form

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. EIAs are public documents, accompany reports going to Councillors for decisions and are published with committee papers on our website and are available in hard copy at the relevant meeting.

Title of activity:	SEND Consultations – Strategy and Funding, including Provision
Name of Directorate and Service Area:	Children and Adults services
Lead Officer and contact details	Eleanor Marshall, 01325 406134
Assistant Director accountable for this EIA	Tony Murphy
Who else will be involved in carrying out the EIA:	Natasha Telfer, Policy Development Manager (Advice and Guidance) Education Project Board – Head of Education and Inclusion, Finance Manager, Head of SEND, Admissions and Transport Manager, Principal Solicitor, Assistant Director – Performance and Commissioning

When did the EIA process start?	March 2018	
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Section 2 – The Activity and Supporting Information

<p>Details of the activity (describe briefly - including the main purpose and aims) (e.g. are you starting a new service, changing how you do something, stopping doing something?)</p>
<p>The LA are proposing:</p> <ol style="list-style-type: none"> 1. Implementation of a SEND Strategy 2. Implementation of a new SEND top up funding model for children and young people with Education, Health and Care plans (EHCPs) 3. Development of new provision for children and young people with EHCPs in mainstream primary and secondary schools, for children and young people with Social Emotional and Mental Health Needs and Moderate Learning Difficulties. <p>The reasons for these proposals are that there is currently a shortage of specialist high quality provision in the local area to meet the increasing need for placements for children and young people with Special Educational Needs and/or Disability (SEND). In addition, the funding received by the local authority to support our most vulnerable children and young people with SEND is insufficient to meet demand. Therefore, the Council has undertaken an extensive review of SEND, and has worked with partners, to establish:</p> <ul style="list-style-type: none"> • what additional educational provision is required to meet the increasing needs of learners with complex SEND • what, if any, improvements or changes to current provision are required • how best to get value for money from the limited resources available and how to best use our resources (financial, human and physical) • how to best support changing needs for children and young people with SEND and prepare them for adulthood
<p>Why is this being proposed? What are the aims? What does the Council hope to achieve by it? (e.g. to save money, meet increased demand, do things more efficiently)</p>
<p>The aims of the SEND Strategy, top up funding changes and development of new provision, is to make sure there is a high quality offer to meet the needs of current and future children and young people with SEND, at a cost that is sustainable. The SEND Strategy, top up funding changes and the use of SEND Capital funding to support new provision development, has been subject to a public consultation.</p> <p>The purpose of Darlington's Local Area Special Educational Needs and Disability (SEND) Strategy 2019-2022 for improving outcomes for Children and Young People with SEND 0-25 is to outline our shared vision, aims and key priorities for supporting Darlington's Children and Young People with SEND and their families.</p> <p>Our aim for all Children and Young People with SEND is that they have the right support and opportunities at the right time so that they become resilient, happy and successful adults.</p> <p>The proposed new funding model for high needs top-up funding will aim to facilitate a more open and transparent process that is a consistently applied approach for all primary and secondary educational settings.</p>
<p>What will change? What will be different for service users/ customers and/ or staff?</p>

- The SEND Strategy will be adopted
- Create new specialist provision attached to mainstream schools (resourced provision) for children and young people with Social Emotional and Mental Health difficulties in primary and secondary mainstream settings; and children and young people with Moderate Learning Difficulties in secondary settings. This may include provision for children and young people who find the demands of the curriculum difficult and for whom a more practical and vocational route is more appropriate. Using the opportunity of the DfE SEND Capital Funding providers have been identified through an open expression of interest to all settings in Darlington.
- Implement a new funding top up model for primary and secondary aged pupils where 'money follows the child' linked to the Darlington SEND ranges of need. This will ensure that limited resources are allocated to an individual child or young person's needs rather than to the education provision as a whole.

What data, research and other evidence or information is available which is relevant to the EIA?

A full data analysis was undertaken on the most current school census data Spring 2018.

This is available in a strategic analysis which can be found here:

<https://livingwell.darlington.gov.uk/Documents/Download/137/SEN-Strategic-Analysis>

Other data considered includes case load data relating to SEND need assessments and identifying trends of need.

Engagement and consultation (What engagement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

There has been on-going engagement with stakeholders on data and needs analysis. The review commenced in December 2017 and had a number of distinct phases. Throughout the first phase (Dec-March), meetings were held with our school partners, and other stakeholders were invited to a 'high needs conference' on 22nd February 2018. This included health, social care, parent/Carer Forum. Dialogue continued at relevant Forums and with individual schools / Academy Trusts that host the existing Special Education Needs provision throughout Spring/Summer 2018. The final phase has been the development of the draft SEND Strategy and top up funding model proposals, and the consultation on these key policy areas.

Formal consultation commenced on 17 October 2018 and concluded on 28 November 2018. The consultation methods included a dedicated website page, which contained all the consultation documentation, on line survey's and public meetings were arranged. Consultation responses were also welcomed in writing to the Education team. Specific meetings were also held with schools, social care and health leads.

During Consultation Darlington Parent Care forum raised the need to provide more detail in particular on the top up funding model in order for an informed response to be made. This was addressed and a briefing was provided and made available on the website and at all public meetings. Additional public events were organised in response to requests by parents and carers. All parents and carers of children and young people with EHCPs were individually contacted to let them know about the consultation.

The Local Authority recognised that the consultation on three key policy areas was significant however all these policies (see separate EIA for SEND Transport Assistance Policy), are inter-related and therefore the consultations were split into two key themes – SEND Strategy and Funding, and SEND Transport Assistance Policy. A variety of public meetings were held. Some focussed on one of the consultations and longer meetings were also held addressing both consultations. Meetings were held at different times to give the widest possible choice for the public.

What impact will this activity have on the Council's budget? (e.g. cost neutral, increased costs or reduced costs? If so, by how much? Explain briefly why this is the case)

SEND FUNDING

Darlington's allocation for high needs budget (HNB) in 2019/20 was £12.25M. An overspend of £1.40m is projected for this year based on the current profile of high needs expenditure. In addition to this, £1.6m of overspend has been carried forward from 2017/18, therefore a combined overspend of over £3m is expected to be carried forward into the 2019/20 financial year. This level of expenditure against the HNB is financially unsustainable, therefore a more affordable system of funding high needs, in line with the level of funding Darlington receives from Central Government is essential. The demand for High Needs top up funding must be more financially predictable and more closely linked to the needs of individual pupils.

The changes to the mainstream top up system are projected to save in the region of £490,000 once fully implemented, which will relieve some of the pressures on resources as a result of the continuing overspend in this area. A further £1.5m of savings will however still be required in the HNB in order to balance the budget in future years. Further changes to the delivery of high needs support are currently being investigated to deliver the savings required to balance the budget in year and recover previous years overspends.

SEND STRATEGY AND PROVISION

The development of new provision will be supported through the use of the DFE Special Provision Grant (capital funding).

Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Age		yes	yes	<p>As the review aims to align provision to need and to improve outcomes for children and young people with SEND, with the aim that all children and young people with SEND, no matter what their age, will positively benefit..</p> <p>In particular, children and young people of primary and secondary ages with the specific SEND needs of Social Emotional and Mental Health and Moderate learning difficulties will positively benefit from the proposals as new provision will be developed which will increase their opportunities to be educated locally.</p> <p>The proposals for top up funding relate to Children and young people with SEND of primary and secondary ages. At least some schools and establishments will see a reduction in their funding allocation as a result of this proposal, which could negatively impact on attendees – both those with SEND and those without – as a result of a reduction in overall resources. However, the new funding model will ensure that SEND top up funding is targeted rather than allocated to education provision as a whole and that all children with SEND are allocated sufficient funding to meet their needs. In addition, some schools and establishments may benefit from an increase in their funding allocation as a result of the new model which means their pupils will be positively impacted by the proposals.</p>
Disability (Mobility Impairment, Visual		yes	yes	<p>The proposals aim to positively impact children and young people with disabilities and their families by ensuring that pupils with disabilities are attending a school most appropriate to their individual needs.</p>

<p>impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)</p>				<p>This would be done through proposals to update the role and function of the resource bases and to create new provision which is likely to provide more places in Borough which will enable pupils with disabilities to be educated locally who may otherwise be based in distant placements. The proposed SEND Strategy includes key objectives directly supporting the aim to provide suitable provision locally for children and young people with SEND to support the family and encourage the integration of young people in their community, as part of preparation and transition planning to adulthood.</p> <p>The Strategy also aims to address gaps in provision, for example, we do not currently have specialist provision in mainstream schools for children and young people with social, emotional and mental health difficulties, or moderate learning difficulties. There are proposals to introduce this provision and invest in school buildings to increase and improve provision for children and young people with SEND. This is to ensure sufficient and appropriate classrooms and spaces for children and young people with SEND and will therefore positively impact on children with SEND who are as a result able to attend this increased provision.</p> <p>This positive impact was confirmed consultation with children and young people where a number of respondents reported that there would be positives for them in attending their local mainstream schools including integrating, socialising, making/being friends and being part of their local community.</p> <p>The consultation raised concerns regarding the potential effect on changes to funding for individual children or young people with SEND. The embedding of the SEND ranges and associated processes in order to evaluate support that would be expected to be in place will ensure that children and young people's needs must be proven to be met with any funding allocated and settings to</p>
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				<p>be held accountable for meeting children and young people's needs.</p> <p>However the change to the top up funding model will result in reductions in allocations to at least some schools and settings through the proposed new funding allocation model.</p> <p>However the level of any negative impacts will be limited due to the LA's statutory duty to meet assessed needs through the EHCP, which will ensure that all children with identified SEND are allocated sufficient funding to meet their needs. Furthermore, requests for assessment will be accompanied by clear evidence of need, e.g. through use of the SEND ranges and costed provision maps this will ensure that the LA can monitor and challenge to ensure that CYP receives the provision and support that they require.</p>
Sex (Gender)	yes			There is no anticipated impact upon Sex (Gender) as a protected characteristic group with regard to this proposed activity
Race	yes			There is no anticipated impact upon Race as a protected characteristic group with regard to this proposed activity.
Gender Reassignment	yes			There is no anticipated impact upon Gender Reassignment as a protected characteristic group with regard to this proposed activity.
Sexual Orientation	yes			There is no anticipated impact upon Sexual Orientation as a protected characteristic group with regard to this proposed activity.
Religion or belief	yes			There is no anticipated impact upon Religion or belief as a protected characteristic group with regard to this proposed activity.
Pregnancy or maternity	yes			There is no anticipated impact upon Pregnancy or maternity as a protected characteristic group with regard to this proposed activity.
Marriage or civil partnership	yes			There is no anticipated impact upon Marriage or Civil partnership as a protected characteristic group with regard to this proposed activity.

How will the activity affect people who:	No impact	Positive Impact	Negative Impact	Why will it have this effect? (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Live in a rural location?	yes			There is no anticipated impact upon people living in a rural location with regard to this proposed activity
Are carers?	yes			<p>The parent / carer of any child or young person with SEND should positively benefit from their child receiving the right support, in the right place at the right time particularly if as a result of the change in funding models their child's school or establishment receives an increase in high needs funding to support them.</p> <p>There is also, however, a potential for carers to be negatively impacted if the new funding model were to mean their child's school received less high needs funding per SEND pupil in future, although sufficient funding to meet the needs of pupils with an EHCP will be ensured in line with our statutory duty. Furthermore during the consultation feedback was received from some parents that the proposed changes would cause them anxiety and therefore negatively impact them.</p>
Are on a low income?	yes			All children and young people with SEND, regardless of the family income will positively benefit as the review aims to align provision to need and to improve outcomes for children and young people in existing provision.

Section 4: Cumulative Impacts

Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc)

Are there any other activities of which you are aware which might also impact on the same protected characteristics?

The nature of new proposals means it is exclusive to Children and young people with SEND and therefore people affected will, by definition, have a combination of these Protected Characteristics. A consultation on a

new SEND Travel Assistance Policy has taken place which also may impact on the same Protected Characteristics.

SEND STRATEGY - Children and young people with Complex Learning Difficulties and Disabilities (CLDD) have conditions that co-exist. These conditions overlap and interlock creating a complex profile. The Strategy aims to support any child or young person with SEND, whether they have complex needs or not.

SEND PROVISION - SEND provision will be developed for children and young people with different needs (i.e. disability) at the relevant educational phases (i.e. age), however, the activity will not affect them adversely. Provision will be developed to meet the appropriate needs despite a combination of protected characteristics.

SEND FUNDING - All mainstream schools receive notional SEND funding allocated as part of delegated budgets. All mainstream school governing bodies are asked to ensure that SEND notional funding is carefully prioritised for pupils with SEND. This funding could be used in relation to resources and support for individual pupils as well as wider staff training and professional development to meet the needs of children and young people with SEND. Through provision maps, settings will be required to evidence how this funding is spent in line with the SEND graduated response, and guidance as set out in the SEND ranges. Transition funding has been allocated in the current academic year to support schools that are financially impacted by the move to a money follows the child model.

Section 5: Analysis

a) How will the activity help to eliminate discrimination, harassment and victimisation?

SEND FUNDING - The purpose of the new funding model is to ensure that children and young people with SEND have the right support for their needs. This will provide a clear and transparent method to ensure children and young people with SEND are treated fairly. There were previously different funding models for primary and secondary settings. The proposal is to bring together all the funding under one model. This would result in a fair, transparent and consistent funding route.

SEND STRATEGY AND PROVISION - The draft SEND Strategy promotes a clear and strong vision to ensure all children and young people with SEND in Darlington have the Best Start in Life. The objectives support strong multi agency working and co-operation to meet the needs of children and young people with SEND.

b) How will the activity help to advance equality of opportunity?

The development of new provision will support mainstream inclusion, it will open up more options for pupils to be taught in mainstream schools. By increasing mainstream inclusion and local school SEND places it is likely to reduce travel time for more pupils.

The provision of more placements in Darlington will enable children and young people with SEND to make friends and socialise in their community.

c) How will the activity help to foster good relations?

The development of a joint local area draft SEND Strategy will enforce the local area partnerships. The Strategy will help all schools to prepare more, meet the needs of individual children and young people and support schools to ensure teachers are appropriately trained through the implementation of the SEND ranges.

During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

As part of the consultation responses it was highlighted that consideration should also be given to the impact on education providers as they adjust budgets to reflect changes in practice. A series of information sessions were held for head teachers throughout 2018 to consider financial models and to obtain feedback from schools which informed the final banding proposals. Transition funding arrangements have been put in place for the current academic year to support schools impacted by a move to a money follows the child model.

The consultation raised the need to review the level of bandings, particularly at the lower banding levels, to ensure that there was not a wide gap between lower to moderate needs and higher needs. In response to the consultation response changes have been made to the banding proposals to reflect respondents' views that the gaps between banding rates could impact on outcomes. A higher rate has been added to the banding rates to reflect the need of pupils with Profound and Multiple Learning Disabilities (PMLD) in specialist settings

Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed	Name:	Eleanor Marshall
	Date:	11.12.18
	Job Title:	School Forum Monitoring and Support Officer
Assistant Director:		
Signed	Name:	Tony Murphy Head of Education and Inclusion
	Date:	22.02.18
	Service:	Childrens and Adults Services

Section 7 – Reporting of Findings and Recommendations to Decision Makers

<p>Next Steps to address the anticipated impact (Select one of the following options and explain why this has been chosen – remember we have a duty to make reasonable adjustments so that disabled people can access services and work for us)</p>
<p>Negative impact identified – recommend continuing with the activity</p>
<p>Explanation of why the option above has been chosen (Including any advice given by legal services)</p> <p>Children and young people with SEND may be negatively impacted due to potential changes in the level of top up funding allocated to them however we are confident that any negative impacts can be successfully managed/mitigated. A robust implementation plan will be implemented including transitional funding and we will ensure that each CYP's needs are met and suitable provision identified through the statutory EHCP process. In recognition that changes may cause anxiety for a thorough management process will be utilised including a clear communication strategy that sets out clear paths to implementation, which should help to reduce anxieties for parents/carers and children and young people.</p> <p>We will also continue to monitor the impact these changes may have on children and young people and their families in accessing their education provision.</p> <p>Overall these proposals seek to positively benefit children with SEND and their families. The Local Area SEND strategy provides a clear framework for all partners to drive improvement for children and young people with SEND and the recommended funding proposals will provide a clear, transparent and accountable system for families and education settings. Moreover, the current level of overspend of high needs funding is not sustainable and therefore retaining the current funding model is not viable.</p>
<p>If the activity is to be implemented how will you find out how it is affecting people once it is in place? (How will you monitor and review the changes?)</p>

The SEND Strategy will be governed through the SEND multi-agency Steering Group. The next steps is to develop an implementation plan which will be supported by these Governance arrangements.

The school(s) affected will work with the LA to ensure placements are appropriate, that the right child is in the right place with the right support. The LA will be undertaking a quality assurance review of its placement and monitoring frameworks and this will review on a regular basis the effects of the changes to children and young people with SEND.

The impact on any funding changes will be reviewed with settings on an ongoing basis.

Section 8 – Action Plan and Performance Management

List any actions you need to take which have been identified in this EIA, including post implementation reviews to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
Top up funding, potential impact on schools budgets	Mapping of impact that the new funding model will have on a school basis.	Brett Nielsen	Complete
Continued review with settings	Reports through School Forum		Ongoing – March; May; October 2019 2020 dates to be set
Impact of changes to top up funding on individual children and young people	Individual needs will continue to be met through the statutory EHCP process		

Performance Management	
Date of the next review of the EIA	September 2020
How often will the EIA action plan be reviewed?	Every 6 months until full implementation of new provision.
Who will carry out this review?	Head of Education and Inclusion