

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

***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 - Consultation
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/Sharon Townsend Pupil Place Planning Officer
Contact telephone numbers:	0116 252 6661
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:	March 2019

Section 1: Defining the policy

Section 1: Defining the policy

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>1</p>	<p>What is new or changed in the 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>Therefore a strategy is proposed which would provide the basis for planning, commissioning, and delivering SEND services, seek to improve the quality and sufficiency of provision and address the overspend. The proposals 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 Council is required to keep under review the special educational and social care provision made in its area for children and young people with SEN or a disability and the provision made outside of its area for such children and young people for whom the Council is responsible. In meeting this duty the Council is required to have regard to sufficiency and must consult those likely to be affected and this will enable the final proposals to be informed by the views of parents/carers, schools' governing bodies and Trustees, school staff and pupils and other stakeholders having an interest in SEND provision.</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 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),</p>

from their birth to 25 years.

The High Needs Block funds includes funding for;

- Placements for children and young people with SEND (£57.4m)
- Specialist Teaching Services (£2.5m)
- Secondary Education Inclusion Partnerships – supporting secondary aged pupils excluded, or at risk of exclusion, from school (£2.1m)
- Oakfield – primary Pupil Referral Unit (£1m)
- Children and young people unable to access school because of medical needs (£0.6m).

The benefits to the target groups of this strategy will be to increase provision (where one of the challenges in the past has been that of not having enough suitable provision in the Local Authority Area) and improve choice for parents and pupils within the overall funding constraints.


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4	Will the policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)			
		Yes	No	How?
	Eliminate unlawful discrimination, harassment and victimisation	✓		Enhanced provision will enable pupils to be educated in supportive facilities within their locality / community with the likelihood that this will in turn have added benefits to relationships and quality of life of family units. 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 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? 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*
		✓	
		✓	
		✓	
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	✓	
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?	✓	
8.	*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.		

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	Yes	No
		✓	
		✓	

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 ' protected characteristics ' may potentially be affected by the 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 that have an Educational Health Care Plan. They will have access to more choice and local provision, reduced travel and closer friendship groups.
Gender Reassignment		✓	<p>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.</p> <p>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.</p> <p>Support would be offered by the education provider regardless of gender reassignment the focus is to identify and support the needs of the pupil not to discriminate against.</p>
Marriage and Civil Partnership		✓	The proposal does not make any differentiation between pupils based on this protected characteristic and therefore no potential or actual impact is expected.
Pregnancy and Maternity		✓	The proposal does not make any differentiation between pupils based on this protected characteristic and therefore no potential or actual impact is expected.
Race		✓	<p>The change is not expected to impact of this characteristic.</p> <p>12.9% of the SEND cohort is BME, against 18.2% in the general population.</p>
Religion or Belief	✓		The proposal could mean a negative impact on a child as it is recognised that the vast majority of students are

			<p>ethnically white British (81.8%) so there is the potential for overrepresentation of Christian faiths.</p> <p>Apart from that aspect, there is no known reason to believe that a disproportionate number of children or parents of any particular religion would be affected.</p>
	Sex	✓	<p>The proposed increased provision should have a positive impact for boys as both locally and nationally boys are more likely to have identified SEN need either through SEN support or an EHCP as a proportion of their total population which in Leicestershire is 67% boys compared to 33% girls.</p> <p>Therefore any additional provision may have a disproportionate positive effect on male students.</p>
	Sexual Orientation		<p>✓</p> <p>There is no evidence available to the Council to suggest that there are a disproportionately high number of parents who classify themselves as gay, lesbian or bisexual, or that such individuals/groups would be disproportionately affected.</p>
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	✓	<p>The proposed changes should have a positive impact on children that have an Educational Health Care Plan particularly those described in 'other groups'. They will have access to more choice and local provision, reduced travel and closer friendship groups.</p>
	Community Cohesion	✓	<p>Although SEND belonging to a particular community is not a 'protected characteristic' within the Equality Act 2010, the Council recognises social cohesion (the promotion of a sense of connection, trust and belonging both within and across communities and groups) as a priority. 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, good links to the wider community to support social mobility and independence.</p>

11.	<p>Are the human rights of individuals <i>potentially</i> 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 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>		
		Yes	No
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	✓		Improved Quality of 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

13.	Is there evidence or any other reason to suggest that:	Yes	No	Unknown
	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		✓	
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"/>
<p>Note: If the decision is ‘Negative Impact’ or ‘Impact Not Known’, an EHRIA Report is required.</p>				
14.	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input 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.

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 the policy and to critically examine whether it is **likely** to have a positive or negative impact on different groups within our diverse communities. It should also identify any barriers that may adversely affect under-represented communities or groups that 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)

16. 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?

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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.

17.	Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you further consulted with those affected on the likely impact and what does this consultation tell you about each of the diverse groups?
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18.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?
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**Section 3
B: Recognised Impact**

19.	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 likely to be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.	
		Comments
	Age	
	Disability	
	Gender Reassignment	
	Marriage and Civil Partnership	
	Pregnancy and Maternity	
	Race	
	Religion or Belief	
	Sex	
	Sexual Orientation	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	
		Community Cohesion

20.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are likely to apply to the policy. Are
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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?	
	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 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.

NB:

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 consultation 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 the 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 the Digital Services Team via web@leics.gov.uk 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: