

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:	Proposal to close residential facilities at Maplewell Hall Special School. Amended EHRIA following initial round of consultation and publication of Statutory Notice
Department and section:	Children & Families Service, School Organisation Service, Leicestershire County Council
Name of lead officer/ job title and others completing this assessment:	Sharon Townsend; School Place Planning Officer
Contact telephone numbers:	0116 305 6661
Name of officer/s responsible for implementing this policy:	Tom Common; Head of Service, SEND & Children with Disabilities
Date EHRIA assessment started:	14 th August 2017
Date EHRIA assessment completed:	1 st September 2017 Revised after initial consultation 8 th November 2017 Amended after Statutory Notice 19 th February 2018

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.

1 What is new or changed in this policy? *What has changed and why?*

Maplewell Hall Special School admits pupils from 11-19 years old. The school has maintained status and remains directly controlled by the Local Authority.

The school caters predominantly for pupils with Moderate Learning Difficulties (MLD) having 183 pupils on roll, including 20 pupils within a designated Autism Spectrum Disorder (ASD).

The Council faces significant financial pressures across all services but particularly in respect of children's services. The residential facility at Maplewell Hall is funded from the High Needs Block of the Dedicated Schools Grant (DSG). This budget overspent by £2 million in 2016/17. The £63 million budget is forecast to overspend again in 2017/18 by £1 million. This is despite an approved increase in the budget of £2.8 million. To date these overspends have been met from a withdrawal from DSG reserves. This is unlikely to be possible after next year as reserves will be depleted.

The residential provision referred to in this EHRIA is defined as overnight stays for pupils. In the case of Maplewell Hall this will follow afterschool activities normally ending at 7.30pm and covers the evening meal, social activities that may follow, overnight sleeping and preparation for school the next day. There are some children who attend Maplewell who participate in the afterschool activities but do not stay overnight. These children are either collected by parents or transport arrangements are made for them.

The residential facilities comprise bedrooms located on the first and second floors of the main school building which was constructed in 1857. This originally offered 24 beds to pupils for overnight stays but has recently been reduced to 20 beds as a consequence of two bedrooms (four beds) being taken out of use as a consequence of concerns raised during a Fire Risk Assessment.

Recent information provided by the school confirms that for the last academic year 69 pupils used the residential facilities, this equates to 37% (approximately 1 in 3) of the school population.

The school currently receives an allocation of £287,852 per annum (from the High Needs Block) to support the residential provision, however no pupils currently attending the school have any requirement for residential provision identified within their Education, Health or Care Plan (EHCP).

Cabinet authorised consultation on the proposal to close the residential facilities on 15th September 2017. The consultation subsequently commenced on 18th September. By the close of consultation on 29th October there had been 252 responses received. Approximately 125 people attended one of two 'drop in' sessions held at the school along with 15 students via the student council meeting.

The majority of respondents (215) completed the survey online, with the remainder returning a paper response (37). Responses to demographic questions indicate that the majority of respondents were aged between 25 and 54 and of White ethnicity. The results also indicate a higher proportion of females than males responded to the survey and a notable proportion of respondents identified themselves as a parent or carer of a young person aged 17 or under. The majority of respondents who provided a valid postcode were from the Borough of Charnwood.

Most people who completed the survey were responding as members of the public (89) or parents/carers of a child attending the school (63). The majority of respondents (94%) indicated that they 'strongly disagree' with the proposal.

Respondents highlighted positive benefits of the residential provision and their concerns about the impact of the proposal. The most recurring comments being:

- Benefit of / impact on independent living skills / life skills.
- General positive comment re. benefit / impact of provision
- Benefit of / impact on social skills / socialising opportunities
- Benefit of / impact on family support / respite

In addition to the responses received 11,592 people have signed an online petition at 'change.org' to object to the proposals. Alongside this letters have been received from Rt Hon Nicky Morgan MP and Edward Argar MP.

The findings were reported to Cabinet on 24th November 2017 where it was agreed to proceed with the publication of a Statutory Notice as the next step to implement the proposal to close the residential facilities in September 2018.

Following the publication of the Statutory Notice a total of 131 responses were received. The majority (113) responded to the email address provided, with the remainder returning a paper response (18).

The highest proportion of people who responded to the Statutory Notice are parent/carers of pupils attending Maplewell Hall School (52). Some pupils also responded (18) with the majority of the remainder being members of the public.

All respondents (100%) sent in objections to the Statutory Notice.

	<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. Maintaining the residential provision at Maplewell Hall could therefore mean that other pupil needs considered as a higher priority are not met.</p> <p>Ensuring that resources available in the HNB are appropriately targeted to those pupils most in need forms a key strand of the recently developed SEND Strategy.</p> <p>The proposal is not linked to changes proposed to SEND transport provision, which relates more to change for non-statutory age pupils.</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>The proposed changes would mean that there would be no residential facilities at Maplewell Hall. However, information provided by the school confirms that for the last academic year 69 pupils used the residential facilities, this equates to 37% (1:3) of the school population.</p> <p>Additional figures provided by the school indicate that the use of the residential facility is up to 24 students (recently reduced to 20 students due to 2 bedrooms containing 4 beds being taken out of use) per night Monday to Thursday, with each pupil having on average 12-14 nights' attendance per school year.</p> <p>All children that attend Maplewell Hall School who are able to stay at the residential facilities will be affected by the proposal.</p> <p>Respondents from the consultation and Statutory Notice have indicated that the proposals would have a 'very negative impact' the most important factors being detailed as an adverse impact on :</p> <ul style="list-style-type: none"> • confidence / other skills (including independence) • family support / respite • social skills / socialising opportunities <p>Pupils (not having a residential requirement in their EHCP) that currently access the residential facilities will be offered an assessment to identify their needs including overnight short break provision noting that such provision can only be accessed via an assessment of need by the Disabled Children Service.</p> <p>To be eligible for such an assessment a child or young person must have a disability that has been formally diagnosed and which is permanent or long term and meets at least one of the following criteria:</p> <ul style="list-style-type: none"> • A severe or profound learning disability;

- A severe or profound physical disability;
- Significant or profound sensory disability;
- Complex and permanent medical needs;
- Life threatening illness;
- Severe communication disabilities or behavioural difficulties but related to the child's disability;
- Severe developmental delay;
- A combination of disabilities, which individually are not severe but together cause as much stress as a very severe disability;

And

- Be identified as a child in need or a child in need of protection

Our offer of support to all families whose children use the residential facility at Maplewell Hall will be the same as that for all children with SEND, including those children and young people who currently attend other special schools across Leicestershire. The Local Authority will offer each family an assessment of their needs and circumstances. Depending upon the wishes and needs of the family this will either be an Early Help Assessment or a Social Care Assessment. The assessment would include consideration of the carer's needs and the needs of siblings, as well as the needs of the child/young person who attends Maplewell Hall School.

Where a family already has a social worker or Early Help family worker that person would be best placed to undertake this assessment as they will already be familiar to the family. The assessment would consider the need for regular short breaks, summer activities and any other support needs in the home or local community. If such needs are identified a plan of support would be agreed, drawing from the Leicestershire 'Local Offer', which describes the range of services and support available to children in Leicestershire who have special educational needs or a disability (SEND).

Given that all children at Maplewell Hall have a special educational need or a disability, our intention would be to coordinate this work through the Disabled Children's Service. We anticipate that most of the assessments would take place during the summer school term and we will work closely with the school to estimate demand and bring in additional staff if necessary.

Our aim would be to undertake this work in a supportive and flexible way. We would write to all the families that use the residential facility and offer them an assessment. We would also provide information about the Local Offer and about Short Breaks.

It should be noted that overnight short breaks would only be provided following an assessment and only to children with the most significant and profound needs i.e. where support or care would be needed during the night.

The majority of children with severe and profound disabilities do not attend Maplewell Hall but go to Area Special Schools, none of which have overnight residential education provision.

The need for overnight residential provision will be set out in a Child in Need

	Plan; these are reviewed twice yearly. Parents are entitled to raise objections under the Children Act complaint procedure if they consider their child is being denied entitlement to an overnight short break from social care.		
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	✓	
	Advance equality of opportunity between different groups	✓	
	Foster good relations between different groups	✓	
The completion of the EHRIA and consultation with those affected by the proposed closure will ensure that Cabinet will have all the information required to ensure proper consideration is given to any equality issues arising.			

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?	Yes	No*
	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	✓	
<p>The public consultation (copy attached) launched on 18th September 2017 for six weeks ending 29th October 2017. This included two drop in sessions at Maplewell Hall Special School, discussions with representatives of the student council, and the opportunity to respond online to the attached consultation document.</p> <p> Maplewell Hall School consultation.pdf</p> <p>A copy of the consultation results considered by the Cabinet are provided below;</p> <p> Appendix C - MHS Survey report.docx</p> <p>The Statutory Notice was published on 15th January 2018, and invited comments and objections until 12th February 2018. A copy of the Statutory Notice and summary of the comments/objections received to this is provided below;</p> <p> Response to Statutory Notice repc</p>			
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	Consultation has been carried out with those likely to be affected by the proposal.	
7.	<p>Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?</p> <p>Stakeholders who have been consulted are listed below:</p> <ul style="list-style-type: none"> • Teachers and other staff at the school • Parents with children at Maplewell Hall Special School • Pupils • Local residents • Lead member • Local member • The Local MP • Leicestershire Special School Headteacher (LSSH) group • Charnwood BC • DfE 	<p>There is evidence from the consultation results to date that representatives from the majority of these groups have responded. Consultees have been able to respond through drop -in meetings, on line and by the return of in paper forms to ensure that there were no barriers to anyone responding if they wished to do so.</p>	

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 consultation undertaken has been both thorough and comprehensive involving both an initial consultation period and formal Statutory Notice as set out in section 5 above.</p>

Section 2
B: Monitoring Impact

		Yes	No
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	✓	

The planning process for this proposed change has been 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.

To date there have been 252 responses to the initial consultation and a further 131 objections to the Statutory Notice, these have been analysed by the Communications Team and officers in the School Organisation Service. The responses have enabled a robust assessment of the impact of the proposals. The majority of comments submitted assert that the residential provision should be kept open and not closed. Specific suggestions include:

- Provide comparable/residential alternative
- Communicate plans / talk to those affected
- Reduce / change existing scope of provision
- Generate income / charge
- Provide after-school activities

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.	<p>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.</p>
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	Yes	No	Comments
Age	✓		<p>The proposed changes could potentially have a negative impact on children aged 11 to 16 years who currently access the residential provision. Worth noting here only 1 in 3 children use the residential facility.</p> <p>They would no longer be able to access the service. Alternatively, they may have to travel further to receive alternative provision. The initial consultation has identified concerns over the impact on the socialisation of the children.</p> <p>Consideration will be given to identifying if impact is likely and options for mitigation if possible when Section 3 of this EHRIA is completed.</p>
Disability	✓		<p>The proposed changes could potentially have a negative impact on children with disabilities who can currently access the residential service.</p> <p>They may have to travel further to receive other services. It is possible that comparable services may not be available or they or their parents or guardians may not consider other services to be adequate or appropriate.</p> <p>Consideration will be given to identifying if impact is likely and options for mitigation if possible when Section 3 of this EHRIA is completed.</p>
Gender Reassignment		✓	<p>There is no known evidence which suggests that a higher percentage of children at Maplewell Hall School 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>
Marriage and Civil Partnership	✓		<p>Clearly none of the children themselves will be married or in civil partnerships.</p> <p>However, a significant percentage of their parents or guardians will be married or in civil partnerships.</p> <p>It is recognised that the reduction in service brought about by the removal of residential</p>

			<p>provision has the potential to impact on affected parents¹ by increasing their caring responsibilities which may affect their relationships.</p> <p>Parents may have to seek substituted services (<i>which may be unavailable or further away</i>).</p> <p>The reduction in services may present an adverse financial impact for families who may feel it necessary to fund any substituted services privately.</p> <p>On an individual basis, the impact of the proposed closure on married parents or those in civil partnerships may not be felt more acutely than by those parents who are single or co-habiting.</p> <p>However, in numerical terms, the group which is married or in a civil partnership may be disproportionately affected when compared to the wider population.</p> <p>Consideration will be given to identifying if impact is likely and options for mitigation if possible when Section 3 of this EHRIA is completed.</p>
	Pregnancy and Maternity	✓	<p>The Council knows of no evidence to suggest that any female children at the school are pregnant or have recently given birth.</p> <p>However, the cohort of parents and guardians who already have children at the school may potentially include a greater number of women of childbearing age or mothers with maternity responsibilities than the wider population.</p> <p>To this extent, it is reasonable to conclude that the reduction in services offered may disproportionately affect persons with the protected characteristics of <i>“pregnancy and maternity”</i>.</p> <p>Consideration will be given to identifying if impact is likely and options for mitigation if possible when Section 3 of this EHRIA is completed.</p>
	Race	✓	<p>The majority of respondents to the initial on-line survey were of white ethnicity. However, they were a self-selecting group and some caution needs to be exercised in assuming that any particular racial group is likely to be disproportionately affected.</p> <p>In Leicestershire the number of “White British”</p>

¹ The definition of a “parent” (*for the purposes of Section 576 of the Education Act 1996*) is not linked to the parents being married or in a civil partnership.

			<p>persons runs to some 89% (<i>albeit 45% in Leicester City</i>)². It was reasonably to be expected that the majority respondents would categorise themselves as white.</p> <p>The School's admissions policy focuses on the necessity for an Education Health and Care Plan as a basis for admission. It does not describe itself as catering to the needs of particular ethnic groups (<i>indeed its statement of values embraces diversity</i>)³. However, the school does recognise that the "<i>vast majority</i>" of their students are White British males. The Spring Term Census 2016/17 data return identifies that 88.3% of pupils attending Maplewell Hall School are white british. (ethnicity data is collected annually in the spring term census)</p> <p>Although those of white ethnicity are in the majority locally and nationally. In 2014, Parliament has recognised educational underachievement in working class white males and the transformative effect of education⁴. It may fairly be said that decision makers should be aware of this aspect.</p> <p>Consideration will be given to identifying if impact is likely and options for mitigation if possible when Section 3 of this EHRIA is completed.</p>
	<p>Religion or Belief</p>	<p>✓</p>	<p>The proposed changes could mean a negative impact on any child, regardless of their religion or belief, if he or she is no longer able to access the residential provision.</p> <p>Although GCSE religious studies B is taught within the school, the school is not a faith school. The School describes the content of the course as follows:- "<i>This specification is suitable for candidates of any religious persuasion or none.</i>"</p> <p>It is however, recognised that insofar as the vast majority of students are ethnically white British (88.3%), there is the potential for overrepresentation of Christian faiths amongst the body of students who attend the School.</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 by the closure.</p> <p>Consideration will be given to identifying if impact is likely and options for mitigation if possible when</p>

² <http://www.lsr-online.org/uploads/code-leicestershire-geographies-of-diversity-census-briefing.pdf>

³ <http://www.maplewell.leics.sch.uk/about/british-values/>

⁴ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/education-committee/news/white-working-class-report/>

			Section 3 of this EHRIA is completed.
	Sex	✓	<p>The closure of the school or the reduction in service could disproportionately affect both genders (<i>albeit in different ways</i>):-</p> <p>Male Students The school deals with pupils with MLD and autism. The school recognises that the vast majority of their students are male (157 equating to 75%).⁵</p> <p>Locally and nationally boys are more likely to have an identified SEN Need either through SEN support or a EHCP as a proportion of their total populations (which is 51% Boys and 49% Girls locally and nationally). In Spring 2017, this proportionality was approx. 1.9:1 (almost double the percentage of Boys to Girls with SEN). In terms of Statement / EHCP the ratio is 2.3:1 in Leicestershire schools compared to 2.6:1 nationally.</p> <p>Accordingly, any decision to close the residential provision may have a disproportionately greater effect on male students.</p> <p>Female Carers The closure of the residential provision may mean a greater level of caring responsibilities for families. In general terms, insofar as mothers or female guardians/carers are likely to undertake a greater proportion of caring responsibilities within family units, then the closure may have a disproportionate effect on women.</p> <p>Consideration will be given to identifying if impact is likely and options for mitigation if possible when Section 3 of this EHRIA is completed.</p>
	Sexual Orientation	✓	<p>There is no evidence available to the Council to suggest that there is a disproportionately high number of parents who classify themselves as gay, lesbian or bisexual, or that such individuals/groups would be disproportionately affected.</p>

⁵ <http://www.maplewell.leics.sch.uk/about/british-values/>

<p>Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities</p>	<p>✓</p>		<p>The proposed changes could have a negative impact on any child at the school who is seeking support from Social Care (e.g. SEND children, children with a child protection plan, Child in Need) who can currently access the residential provision no longer being able to do so.</p> <p>Consideration will be given to identifying if impact is likely and options for mitigation if possible when Section 3 of this EHRIA is completed.</p>
<p>Community Cohesion</p>	<p>✓</p>		<p>Although 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 removal of the residential provision could impact on the community of the school.</p>
<p>11. 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>			
	<p>Yes</p>	<p>No</p>	<p>Comments</p>
<p>Part 1: The Convention- Rights and Freedoms</p>			
<p>Article 2: Right to life</p>		<p>✓</p>	
<p>Article 3: Right not to be tortured or treated in an inhuman or degrading way</p>		<p>✓</p>	
<p>Article 4: Right not to be subjected to slavery/ forced labour</p>		<p>✓</p>	
<p>Article 5: Right to liberty and security</p>		<p>✓</p>	
<p>Article 6: Right to a fair trial</p>		<p>✓</p>	
<p>Article 7: No punishment without law</p>		<p>✓</p>	
<p>Article 8: Right to respect for private and family life</p>	<p>✓</p>		<p>Consultation responses have indicated that families rely on this facility for respite and if the proposal goes ahead this could have a</p>

				negative impact on their 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	✓		If the proposed changes go ahead certain groups may feel discriminated against in the way in which services are provided to them, however this would not constitute illegal discrimination.
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment		✓	
	Article 2: Right to education		✓	The proposal relates only to the removal of the residential provision not the enhanced curriculum resource provided through the after school activities.
	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 type="checkbox"/>	Negative Impact or Impact Unknown <input checked="" 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
		Section 3 of the EHRIA will be completed as this will enable the EHRIA to be taken into account before any decisions are made about the future of the residential provision.	

Section 2: Completion of EHRIA Screening

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

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

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

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

Section 3: Equality and Human Rights Impact Assessment Report

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

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

Section 3 A: Research and Consultation

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

14. 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)

The purpose of residential provision within a school is to meet an educational need through curriculum enrichment that has to be identified as a requirement within a pupil's EHCP. It is not appropriate to use such facilities for the provision of respite care which is provided via children's social care and subject to a different regulatory framework. In other SEN schools in the County curriculum enrichment is undertaken after school hours without the need for residential provision. The funding provided to Maplewell Hall School is additional to that made to other SEN schools, it is not designated as either respite or short break provision and should not be used for this purpose, particularly when there is such pressure on the HNB budget.

Respondents to the consultation and Statutory Notice have highlighted positive benefits of the residential provision and their concerns about the impact of the proposal. The most recurring comments being:

- Benefit of / impact on independent living skills / life skills.
- General positive comment re. benefit / impact of provision
- Benefit of / impact on social skills / socialising opportunities
- Benefit of / impact on family support / respite

15. 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?

As previously stated the proposed changes would mean that there would be no residential facilities at Maplewell Hall. Information provided by the school confirms that for the last academic year 69 pupils used the residential facilities, this equates to 37% (1:3) of the school population.

Additional figures provided by the school indicate that the use of the residential facility is up to 24 students (recently reduced to 20 students due to 2 bedrooms containing 4 beds being taken out of use) per night Monday to Thursday, with each pupil having on average 12-14 nights' attendance per school year.

The school population is currently 157 male pupils (75%) and 52 female pupils (25%) 11-19 pupils. Accordingly it is reasonable to consider that male pupils use the overnight stays more frequently.

It is expected that the school will continue to provide after school activities in the event of closure of the residential provision. In such circumstances pupils would be transported home using minibuses available at the school or directly collected by their parents after the activities.

Throughout the informal and formal consultation, data collection and evidence gathering has taken place from:

- Information received from stakeholders (including responses from staff, pupils, Councillors, and the general public)
- Results from consultation exercise (including responses from, staff, pupils, Councillors and the general public)
- Information on previous use of the residential facilities provided by the school

As described above, this data gathering has allowed a relatively comprehensive assessment of risks and impacts and those specific to the Equalities Act and Human Rights have been described above (see Section 2).

Particular work will take place with stakeholders to ensure that the correct referral routes are identified and that appropriate signposting to specialist and alternative service provision is identified. This further work will also enable other risks or impacts to be identified and resolved.

Education Health and Care Plans were introduced in September 2014 and replaced Statements of Special Educational Needs. EHCPs are written by the Council's Special Educational Needs Assessment Service following statutory guidance in the SEND Code of Practice and using information provided by all professionals involved with the child as well as information from the child and their family. The professionals will indicate in their reports the child's assessed needs, the outcomes that should be met and the provision to meet these needs. This will include the need, if assessed, for any social care provision including overnight short breaks. All of this information is then shown in the EHCP.

It is a statutory requirement to review EHCPs annually. Appeals in relation to EHCPs are heard before an independent SEND tribunal.

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.

16.	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?
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Consultation on the proposals commenced on 18th September for 6 weeks, closing on 29th October 2017.

The consultation involved writing to a wide group of individuals having an interest in the Maplewell Hall School to seek their views. A bespoke document setting out the proposals and a questionnaire to enable consultees to provide feedback was available

as hard copy at the school and on request. This information was also made available on the County Council's and school's websites.

To support the consultation exercise, two open meetings were held at the school, which also provided an opportunity for parents to talk on a one-to-one basis about their child's needs. The meetings were also open to staff and residents and were attended by approximately 125 people overall. In addition there have been briefings for the local divisional member, and discussions with representatives of the school's student council, which were attended by 15 pupils.

The responses to the consultation have included:

- A joint letter from the Rt Hon Nicky Morgan MP for Loughborough and Edward Argar MP for Charnwood (attached as Appendix B),
- 252 responses to the consultation questionnaire ,
- A petition to '*Save Maplewell Hall special needs school residential from closure*' signed by 11,592 people.

Respondents to the consultation survey included 63 people who identified as a parent/carer of a child attending the school (25% of all responses), 20 members of staff, and 20 pupils at the school. Respondents also included 17 parent/carers who are considering sending their child to the school and 12 members of staff at other schools. The largest group of people (89) who responded to the survey identified as members of the public, with a further 31 responding in other roles, including as family members or friends, ex-staff, and parents of ex-pupils.

Analysis of the 252 written or online responses to the consultation shows:

- Very clear disagreement with the proposed closure of the residential facilities, with at least 97% of respondents strongly disagreeing or tending to disagree with the proposals;
- The majority of all respondents (86%) indicated that the proposal would have a 'very negative impact' or 'somewhat negative impact' on them, their child and/or their family. Responses from parents or carers of children attending the school or who are considering sending their children to the school show that all but one respondent indicated that the proposal would have either a 'very' or 'somewhat' negative impact. All responses from students indicate that the proposal would have either a 'very' or 'somewhat' negative impact.

An e-petition and paper petition, signed by 11,592 people was presented to officers of the County Council on 27 October 2017. The e-petition in particular has attracted support across the country and indeed the globe, although almost 50% of the signatories of the e-petition live in Leicestershire or Leicester. 1,771 signatories included a comment as part of signing the petition. The feedback contained in these comments broadly echoes the feedback received through the consultation survey.

The above findings were reported to Cabinet on 24th November 2017 where it was agreed to proceed with the publication of a Statutory Notice as the next step to implement the proposal to close the residential facilities in September 2018.

Following the publication of the Statutory Notice a total of 131 responses were received. The majority (113) responded to the email address provided, with the remainder

returning a paper response (18).

The highest proportion of people who responded to the Statutory Notice are parent/carers of pupils attending Maplewell Hall School (52). Some pupils also responded (18) with the majority of the remainder being members of the public.

All respondents (100%) sent in objections to the Statutory Notice.

17. Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

Yes—As specified above (Section 3.15), some further engagement will occur with individuals to ensure that the correct referral routes are identified if required.

The consultation will be a review of Education Health and Care Plans as previously stated EHCPs are written by the Council's Special Educational Needs Assessment Service following statutory guidance in the SEND Code of Practice and using information provided by all professionals involved with the child as well as information from the child and their family. The professionals will indicate in their reports the child's assessed needs, the outcomes that should be met and the provision to meet these needs. This will include the need, if assessed, for any social care provision including overnight short breaks. All of this information is then shown in the EHCP.

There are two ways in which a child may access overnight provision -

- (i) on educational grounds via an EHCP assessment, or
- (ii) via a social care assessment (overnight short break provision).

For a child to be assessed as needing residential education provision, an Educational Psychologist assessment would have to indicate the need for a 24-hour curriculum to meet that child's educational needs. None of the children attending Maplewell Hall School and using the residential unit have been assessed as needing this.

Section 3

B: Recognised Impact

18. 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 be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.

	Yes	No	Comments
Age	✓		<p>The proposed changes could potentially have a negative impact on children aged 11 to 19 years who currently access the residential provision.</p> <p>However, there are two ways in which a child may access overnight provision: on educational grounds, or via a social care assessment (overnight short break provision).</p> <p>For a child to be assessed as needing residential education provision, an Educational Psychologist assessment would have to indicate the need for a 24-hour curriculum to meet that child's educational needs. None of the children attending Maplewell Hall School and using the residential unit have been assessed as needing this.</p>
Disability	✓		<p>The proposed changes could potentially have a negative impact on children with disabilities who can currently access the residential service.</p> <p>However, no other school in Leicestershire catering for children with special educational needs, including those catering for children with high or severe needs, has residential provision or funding for residential provision.</p>
Gender Reassignment		✓	<p>There is no known evidence which suggests that a higher percentage of children at Maplewell Hall School 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>
Marriage and Civil Partnership	✓		<p>However, a significant percentage of their parents or guardians will be married or in civil partnerships.</p> <p>It is recognised that the reduction in service brought about by the removal of residential provision has the potential to impact on affected parents⁶ by increasing their caring responsibilities which may affect their relationships.</p> <p>Parents may have to seek substituted services (<i>which may be unavailable or further away</i>).</p>

⁶ The definition of a "parent" (for the purposes of Section 576 of the Education Act 1996) is not linked to the parents being married or in a civil partnership.

		<p>The reduction in services may present an adverse financial impact for families who may feel it necessary to fund any substituted services privately.</p> <p>On an individual basis, the impact of the proposed closure on married parents or those in civil partnerships may not be felt more acutely than by those parents who are single or co-habiting.</p> <p>However, in numerical terms, the group which is married or in a civil partnership may be disproportionately affected when compared to the wider population.</p>
Pregnancy and Maternity	✓	<p>The Council knows of no evidence to suggest that any female children at the school are pregnant or have recently given birth.</p> <p>However, the cohort of parents and guardians who already have children at the school may potentially include a greater number of women of childbearing age or mothers with maternity responsibilities than the wider population.</p> <p>To this extent, it is reasonable to conclude that the reduction in services offered may disproportionately affect persons with the protected characteristics of <i>“pregnancy and maternity”</i>.</p>
Race	✓	<p>The majority of respondents to the initial on-line survey were of white ethnicity. However, they were a self-selecting group and some caution needs to be exercised in assuming that any particular racial group is likely to be disproportionately affected.</p> <p>In Leicestershire the number of “White British” persons runs to some 89% (<i>albeit 45% in Leicester City</i>)⁷. It was reasonably to be expected that the majority respondents would categorise themselves as white.</p> <p>The School’s admissions policy focuses on the necessity for a Education Health and Care Plan as a basis for admission. It does not describe itself as catering to the needs of particular ethnic groups (<i>indeed its statement of values embraces diversity</i>)⁸. However, the school does recognise that the “vast majority” of their students are White British males.</p> <p>Although those of white ethnicity are in the majority locally and nationally. In 2014, Parliament has recognised educational underachievement in working</p>

⁷ <http://www.lsr-online.org/uploads/code-leicestershire-geographies-of-diversity-census-briefing.pdf>

⁸ <http://www.maplewell.leics.sch.uk/about/british-values/>

			class white males and the transformative effect of education ⁹ . It may fairly be said that decision makers should be aware of this aspect.
Religion or Belief	✓		<p>The proposed changes could mean a negative impact on any child, regardless of their religion or belief, if he or she is no longer able to access the residential provision.</p> <p>Although GCSE religious studies B is taught within the school, the school is not a faith school. The School describes the content of the course as follows:- “<i>This specification is suitable for candidates of any religious persuasion or none.</i>”</p> <p>It is however, recognised that insofar as the vast majority of students are ethnically white British, there is the potential for overrepresentation of Christian faiths amongst the body of students who attend the School.</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 by the closure.</p>
Sex	✓		<p>The closure of the school or the reduction in service could disproportionately affect both genders (<i>albeit in different ways</i>):-</p> <p>Male Students The school deals with pupils with MLD and autism. The school recognises that the vast majority of their students are male.¹⁰</p> <p>Locally and nationally boys are more likely to have an identified SEN Need either through SEN support or a EHCP as a proportion of their total populations (which is 51% Boys and 49% Girls locally and nationally). In Spring 2017, this proportionality was approx. 1.9:1 (almost double the percentage of Boys to Girls with SEN). In terms of Statement / EHCP the ratio is 2.3:1 in Leicestershire schools compared to 2.6:1 nationally.</p> <p>Accordingly, any decision to close the residential provision may have a disproportionately greater effect on male students.</p> <p>Female Carers The closure of the residential provision may mean a greater level of caring responsibilities for families. In</p>

⁹ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/education-committee/news/white-working-class-report/>

¹⁰ <http://www.maplewell.leics.sch.uk/about/british-values/>

			general terms, insofar as mothers or female guardians/carers are likely to undertake a greater proportion of caring responsibilities within family units, then the closure may have a disproportionate effect on women.
Sexual Orientation		✓	There is no evidence available to the Council to suggest that there is a disproportionately high number of parents who classify themselves as gay, lesbian or bisexual.
Community Cohesion	✓		Although 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 removal of the residential provision will impact on the community of the school.

19.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?			
		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		✓	The purpose of residential provision within a school is to meet an educational need through curriculum enrichment and it has to be identified within a pupil's EHCP. It is not intended to use such facilities for the provision of respite care

			which is provided via children's social care and subject to a different regulatory framework.
	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	✓	No other school in the County catering for pupils with special educational needs including those educating children with profound and multiple difficulties have been provided with funding which is being used for a residential element. The closure of the residential facilities will allow savings to be made and funding to be directed to other areas of increased demand and greater priority as appropriate, recognising the range of pupils with SEND across the County.
Part 2: The First Protocol			
	Article 1: Protection of property/ peaceful enjoyment	✓	
	Article 2: Right to education	✓	The removal of the residential funding will not have an adverse impact on the afterschool activities that precede overnight stays for pupils, as these are operated separately by the school.
	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.			

20.	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.
<p>As discussed above (Section 2), the principal impact of the proposal will be the closure of the residential facilities and whilst there are no pupils placed at Maplewell Hall who have been assessed as having a need for educational residential provision stated in their Education Health and Care Plans (EHCP) the impact will be negative.</p> <p>The school currently receives funding from the High Needs Block to support the residential provision. The high needs funding system, funded by the High Needs Block of the Dedicated Schools Grant, supports provision for pupils and students with special educational needs and disabilities (SEND) from their early years to 25. The Children and Families Act 2014 extends local authorities' statutory duties relating to SEND across the 0 to 25 age range.</p> <p>This negative impact will not affect any one protected characteristic or article in particular– it will be an impact experienced across the board and arises from the need to make savings as set out in the Council's MTFS. In the context of the savings that the Council has to make, this is a legitimate impact and in so much as it will not adversely affect any particular group (rather it will have an impact to all) and will not directly impact on the Department's statutory responsibilities, it is an impact that it is justifiable.</p>	
<p>N.B.</p> <p>i) If you have identified adverse impact or discrimination that is <u>illegal</u>, you are required to take action to remedy this immediately.</p> <p>ii) If you have identified adverse impact or discrimination that is <u>justifiable or legitimate</u>, you will need to consider what actions can be taken to mitigate its effect on those groups of people.</p>	
21.	<p>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.</p> <ul style="list-style-type: none"> a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why
<p>There are a number of ways in which the negative impact of these proposals have been considered, as follows:</p> <ul style="list-style-type: none"> • No pupils placed at the school, now or in recent years, have residential education provision named in their EHCP, i.e. this is not considered to be required for their needs. • Evidence indicates that only one in three pupils at Maplewell Hall School have accessed the residential facility. This represents just 1.9% of the overall number of 	

Leicestershire pupils (3603) having an EHCP.

- No other Local Authority Maintained Special School or Academy Special School in Leicestershire that caters for SEND pupils has a residential facility or is funded for residential provision.
- The HNB budget is a finite resource and is under significant pressure to meet increases in demand for the most vulnerable children. It therefore needs to be prioritised according to assessed need. Pupils having MLD are defined as being within an area of low SEND need. If the residential provision at Maplewell Hall is not closed then this will lead to pressures elsewhere in the HNB and in turn impact on the provision for children and young people with more significant assessed needs.
- The estimated increase in home to school transport costs for the Council arising from the proposals are expected to be low - no more than £5000 overall.
- On consideration of the concerns expressed during the consultation, it is not considered that they represent any material change to the original reasons set out above for the proposal to close the residential provision at Maplewell Hall.

Section 3

D: Making a decision

22. 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.

The Children and Families Service (C&FS) has achieved Medium Term Financial Strategy (MTFS) savings totalling £28.2 million between 2010/11 and 2016/17. The 2017/18 MTFS savings for the C&FS total £1.9 million, rising to £8.1 million in 2021.

An updated SEND Strategy is being developed to ensure the Council is using the finite resources available within the HNB to best effect to meet rising demand for services and to ensure services are targeted towards those in greatest need. As part of this a review of the eligibility criteria for services is being undertaken and as a result it is probable that some services will need to be reduced or cease. This will mean some families and children will no longer be able to access services they have previously received. The proposed removal of residential facilities at Maplewell School falls into this category.

It is considered that, despite the negative impact of the proposals for some, the Council will still observe its responsibilities in relation to equality, diversity, community cohesion and human rights, and ensure all due process is followed.

Section 3

E: Monitoring, evaluation & review of your policy

23. 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?

The Local Authority recognises that the proposed closure of the residential facility at Maplewell Hall Special School, would be likely to have some impact upon those families who currently use the facility. The nature and extent of the impact would vary from family to family depending upon the parent/carer needs and circumstances, their child's needs and the needs of any siblings.

All children benefit from the opportunity to have some time away from their parents/carers, just as all parents/carers usually benefit from the chance to have a break from the day to day demands of parenting and caring. Most families also vary in terms of the family, friendship and other support networks around them. Opportunities for short breaks are all the more important when a child has additional needs, such as a special educational need or a disability (SEND).

Our offer of support to all families whose children use the residential facility at Maplewell Hall will be the same as that for all children with SEND, including those children and young people who currently attend other special schools across Leicestershire. The Local Authority will offer each family an assessment of their needs and circumstances. Depending upon the wishes and needs of the family this will either be an Early Help Assessment or a Social Care Assessment. The assessment would include consideration of the carer's needs and the needs of siblings, as well as the needs of the child/young person who attends Maplewell Hall School.

The assessment process is detailed in the attached document.



EHC Plans
Process.doc

If required, an up-date will be provided to the Departmental Equality Group (DEG) after this review.

- 23.** 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

The recommendations will be built into the wider SEND strategy and Local Offer Website where appropriate.

<https://www.leicestershire.gov.uk/education-and-children/special-educational-needs-and-disability/activities-and-groups/short-breaks-for-disabled-children>

If required, an up-date will be provided to the Departmental Equality Group (DEG).

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: 27.02.2018

2nd Authorised Signature (DEG Chair):



Date: 27.02.2018