

## **WCC Equality Impact Analysis Tool**

### **Conducting an Equality Impact Analysis**

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

## General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. If your EqIA does not require you to carry out additional consultation, please omit section 04.
7. Further advice and guidance can be accessed from the separate guidance document (link), as well as from your service or borough lead:

<p><b>RBKC</b> Corporate Equalities Officer: <a href="mailto:angela.chaudhry@rbkc.gov.uk">angela.chaudhry@rbkc.gov.uk</a> 020 7361 2654</p>
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## Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
<b>Financial Year and Quarter</b>	From 2014/Q3
<b>Name and details of policy, strategy, function, project, activity, or programme</b>	<p>Title of EIA: CHILDREN AND FAMILIES ACT, IMPLEMENTATION PLAN. (New)</p> <p>Short summary:</p> <p>The Children and Families Act requires Education, Health and Social Care services to work more closely together and undertake a combined assessment process for young people with complex needs. This assessment process will result in a combined Education, Health and Care plan that will, in effect, replace current 'Statements' of special educational need.</p> <p>As part of our preparation for the implementation of the Act, we have reviewed the systems and processes used within the Special Educational Needs Service. This process has required a review of the eligibility guidelines for Special Educational Needs to ensure that they meet the requirements of the new Act.</p> <p>The initial guidelines have been implemented as a working document in line with the Children and Families Act to guide our decision making process under the new system. However, each case will be judged on its merits on the basis of the child's / young person's needs.</p> <p>The government has stated that all young people who currently have statements of SEN will be entitled to transfer to an Education Health and Care Plan. There is four-year period of transition for this to take place and, during this period, statements of SEN will continue to have the same legal status as they did before the Act was implemented. This entitlement to transfer to and Education, Health and Care Plan means that only children and young people who are new to the system will be subject to the revised eligibility guidelines.</p> <p>During the next 12 months we will work closely with parents and Parent Representative Groups to review the effectiveness of the initial guidelines and will consider amendments as required. This process will start following the implementation of the initial guidelines for a six month period.</p>
<b>Lead Officer</b>	<p>Name: Ian Heggs            Position: Director of Schools            Email: <a href="mailto:ian.heggs@lbhf.gov.uk">ian.heggs@lbhf.gov.uk</a>            Telephone No: 020 7745 6465</p>
<b>Date of completion of final EIA</b>	23/07/2014 – EIA will be updated and redrafted as guidelines are reviewed (update – 21/11/2014)

Section 02	Scoping of Full EIA																		
Plan for completion	<p><b>Timing:</b> Initial EIA first draft in July 2014, with regular updates as we progress towards September 2014 implementation and review of guidelines throughout the first 12 months of operation.</p> <p><b>Resources:</b> Time from the SEN Management Team. Standing agenda item at the SEN Project Board and to be addressed at the Parents' Reference Group, which meets on a monthly basis. Both groups report into the Children and Families Act Executive Board who will oversee the project and are responsible for this EIA.</p>																		
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>The government has stated that <b>all young people who currently have statements of SEN will be entitled to transfer to an Education Health and Care Plan</b>. There is a four-year period of transition for this to take place and, during this period, statements of SEN will continue to have the same legal status as they do currently. This entitlement to transfer to and Education, Health and Care Plan means that <b>only children and young people who are new to the system will be subject to the revised initial eligibility guidelines</b>.</p> <p>During the next 12 months we will work closely with parents and Parent Representative Groups to review the effectiveness of the initial guidelines and will consider amendments as required. This process will start following the implementation of the initial guidelines for a six month period.</p> <table border="1" data-bbox="497 767 2130 1437"> <thead> <tr> <th data-bbox="497 767 743 914">Protected characteristic</th> <th data-bbox="743 767 1910 914">Analysis</th> <th data-bbox="1910 767 2130 914">Impact: Positive, Negative, Neutral</th> </tr> </thead> <tbody> <tr> <td data-bbox="497 914 743 1437">Age</td> <td data-bbox="743 914 1910 1437"> <p>The eligibility guidelines are applicable to children aged 0-25. As per the latest SEN2 return, there are currently 1009 young people who have a statement in the borough, the vast majority of which are aged between 11 and 15.</p> <table border="1" data-bbox="757 1066 1585 1294"> <tbody> <tr> <td data-bbox="757 1066 1469 1110">Total number of children with a statement</td> <td data-bbox="1469 1066 1585 1110">1009</td> </tr> <tr> <td data-bbox="757 1110 1469 1155">Number of children with a statement aged 5</td> <td data-bbox="1469 1110 1585 1155">121</td> </tr> <tr> <td data-bbox="757 1155 1469 1200">Number of children with a statement aged 5 to 10</td> <td data-bbox="1469 1155 1585 1200">289</td> </tr> <tr> <td data-bbox="757 1200 1469 1244">Number of children with a statement aged 11 to 15</td> <td data-bbox="1469 1200 1585 1244">407</td> </tr> <tr> <td data-bbox="757 1244 1469 1294">Number of children with a statement aged 16-19</td> <td data-bbox="1469 1244 1585 1294">192</td> </tr> </tbody> </table> <p>The government has stated that all young people who currently have statements of SEN will be entitled to transfer to an Education Health and Care Plan. There is four-year period of transition for this to take place and, during this period,</p> </td> <td data-bbox="1910 914 2130 1437">Neutral</td> </tr> </tbody> </table>			Protected characteristic	Analysis	Impact: Positive, Negative, Neutral	Age	<p>The eligibility guidelines are applicable to children aged 0-25. As per the latest SEN2 return, there are currently 1009 young people who have a statement in the borough, the vast majority of which are aged between 11 and 15.</p> <table border="1" data-bbox="757 1066 1585 1294"> <tbody> <tr> <td data-bbox="757 1066 1469 1110">Total number of children with a statement</td> <td data-bbox="1469 1066 1585 1110">1009</td> </tr> <tr> <td data-bbox="757 1110 1469 1155">Number of children with a statement aged 5</td> <td data-bbox="1469 1110 1585 1155">121</td> </tr> <tr> <td data-bbox="757 1155 1469 1200">Number of children with a statement aged 5 to 10</td> <td data-bbox="1469 1155 1585 1200">289</td> </tr> <tr> <td data-bbox="757 1200 1469 1244">Number of children with a statement aged 11 to 15</td> <td data-bbox="1469 1200 1585 1244">407</td> </tr> <tr> <td data-bbox="757 1244 1469 1294">Number of children with a statement aged 16-19</td> <td data-bbox="1469 1244 1585 1294">192</td> </tr> </tbody> </table> <p>The government has stated that all young people who currently have statements of SEN will be entitled to transfer to an Education Health and Care Plan. There is four-year period of transition for this to take place and, during this period,</p>	Total number of children with a statement	1009	Number of children with a statement aged 5	121	Number of children with a statement aged 5 to 10	289	Number of children with a statement aged 11 to 15	407	Number of children with a statement aged 16-19	192	Neutral
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Disability	<p>The latest data we have that breaks down the number of young people who have a statement by need is from 2013. The most prevalent need in the borough is by Speech, Language and Communication Needs, followed by Moderate Learning Difficulties and Autistic Spectrum Disorder.</p> <table border="1"> <thead> <tr> <th><b>Need</b></th> <th><b>Number of YP</b></th> </tr> </thead> <tbody> <tr> <td><b>Autistic Spectrum Disorder</b></td> <td>171</td> </tr> <tr> <td><b>Behaviour, Emotional and Social differences</b></td> <td>67</td> </tr> </tbody> </table>	<b>Need</b>	<b>Number of YP</b>	<b>Autistic Spectrum Disorder</b>	171	<b>Behaviour, Emotional and Social differences</b>	67	Neutral				
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	<b>Hearing impairment</b>	27		
	<b>Moderate learning difficulties</b>	183		
	<b>Physical disabilities</b>	62		
	<b>Severe learning difficulty</b>	40		
	<b>Specific learning difficulty</b>	41		
	<b>Speech language and comm. needs</b>	242		
	<b>Visual impairment</b>	23		
	<b>Other</b>	14		
	<b>Total</b>	<b>870</b>		
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	Gender reassignment	This category does not apply for school-aged children	Not applicable
	Marriage and Civil Partnership	This category does not apply for school-aged children	Not applicable
	Pregnancy and maternity	There are very few pregnant school girls within the borough. The guidelines do not address pregnancy as an influencing factor in decision making during the assessment process.	Neutral
	Race	The current breakdown of race within the borough's school population is outlined below. The guidelines do not address race as an influencing factor in decision making during the assessment process.	Neutral

  

	Phase			
	pri	sec	spec	Total
Bangladeshi	166	134	11	311
Indian	95	68	3	166
Asian-Other	343	309	21	673
Pakistani	146	114	6	266
Black-African	2066	1252	71	3389
Black-Caribbean	751	537	47	1335
Black-Other	211	187	18	416
Chinese	35	23	2	60
Mix-Other	516	312	26	854
Mix-White/Asian	167	119	1	287
Mix-White/African	170	101	7	278
Mix-White/Caribbean	433	203	28	664
Other	1186	1021	77	2284
Unclassified	210	158	4	372
White-British	2717	2351	139	5207
White-Irish	97	185	5	287
Traveller of Irish Heritage	13	12	3	28
White-Other	1396	889	35	2320
WhiteGypsyRoma	23	24	1	48

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	Religion/belief (including non-belief)	<p>The current breakdown of religions within the borough's school population is outlined below. The guidelines do not address religion as an influencing factor in decision making during the assessment process.</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Phase</th> </tr> <tr> <th>pri</th> <th>sec</th> <th>spec</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Buddhist</td> <td>48</td> <td>36</td> <td>3</td> <td>87</td> </tr> <tr> <td>Christian</td> <td>5004</td> <td>1065</td> <td>239</td> <td>6308</td> </tr> <tr> <td>Hindu</td> <td>58</td> <td>17</td> <td>5</td> <td>80</td> </tr> <tr> <td>Jewish</td> <td>11</td> <td>0</td> <td>0</td> <td>11</td> </tr> <tr> <td>Muslim</td> <td>2629</td> <td>1692</td> <td>123</td> <td>4444</td> </tr> <tr> <td>No Religion</td> <td>1309</td> <td>314</td> <td>75</td> <td>1698</td> </tr> <tr> <td>Not Known</td> <td>1382</td> <td>4713</td> <td>28</td> <td>6123</td> </tr> <tr> <td>Other Religion</td> <td>286</td> <td>156</td> <td>31</td> <td>473</td> </tr> <tr> <td>Sikh</td> <td>14</td> <td>6</td> <td>1</td> <td>21</td> </tr> <tr> <td>Total</td> <td>10741</td> <td>7999</td> <td>505</td> <td>19245</td> </tr> </tbody> </table>		Phase				pri	sec	spec	Total	Buddhist	48	36	3	87	Christian	5004	1065	239	6308	Hindu	58	17	5	80	Jewish	11	0	0	11	Muslim	2629	1692	123	4444	No Religion	1309	314	75	1698	Not Known	1382	4713	28	6123	Other Religion	286	156	31	473	Sikh	14	6	1	21	Total	10741	7999	505	19245
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Sex	<p>There are slightly more boys than girls in the nursery/primary phase and considerably more boys than girls in the borough's special school population. This may indicate that a change in the guidelines would impact boys more than girls, but the guidelines do not address gender as an influencing factor in decision making during the assessment process.</p> <p>At secondary phase, there are more girls than boys, but the overall gender split is fairly even.</p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Phase</th> </tr> <tr> <th>pri</th> <th>sec</th> <th>spec</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>5328</td> <td>4085</td> <td>126</td> <td>9539</td> </tr> </tbody> </table>		Phase				pri	sec	spec	Total	Female	5328	4085	126	9539	Neutral																																													
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		Male	5413	3914	379	9706		
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	Sexual Orientation	This data is not routinely collected for school-aged children and the guidelines do not address sexual orientation as an influencing factor in decision making during the assessment process.						Not applicable
<p><b>Human Rights or Children's Rights</b>          If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998?          No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)?          No</p>								

<b>Section 03</b>	<b>Analysis of relevant data</b> Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
<b>Documents and data reviewed</b>	The latest SEN2 return figures, which show the numbers of young people with statements in the borough and other key SEN data.
<b>New research</b>	If new research is required, please complete this section

<b>Section 04</b>	<b>Consultation</b>
<b>Consultation</b>	<p><b>With parents</b></p> <p>Consultation and co-production with parents is a key principle of the new legislation. In order to undertake this effectively, we have established a Parents' Reference Group, which contains representatives from the local Parents' Support Group (Westminster Parent Participation Group) and the Independent Advice and Support Service.</p> <p>The initial eligibility guidelines were presented to the Parent Reference Group on Monday 21 July 2014.</p> <p>We will work closely with parents and Parent Representative Groups and in six months from the date of implementation we will review the effectiveness of the initial guidelines and will consider amendments as required for September 2015.</p>

We recognise that there are also separate eligibility guidelines for access to Children’s Social Care, Adult’s Social Care and Health Services and that each of these guidelines will be referred to independently during the single assessment process. We have started a process of reviewing the guidelines for each of these services and understanding how they can be aligned in order to simplify the overall assessment process. From September, the current guidelines for these areas have been used. The government recognise that this is a significant task that all local authorities will need to undertake during the period of transition, which runs until April 2018.

We will be converting Statements of SEN throughout the four-year transition period. The transition process and resulting EHC plans will reflect the principles of the Children and Families Act. We will ensure that the process is person-centred and outcome focused. The number of children and young people that will have a transfer review in 2014/15 is outlined below, broken down by year group:

2014/15	
Year Group	Total
Year 11	76
Year 13	46
Year 14	32
<b>Total</b>	<b>154</b>

Children with Statements of special educational needs who are looked after by the Local authority will be transferred to an EHC plan in the year 2014/2015 irrespective of the year group that they are in.

The year groups below have been identified as transferring to EHC plans in the years 2015 to 2017. This will be reviewed following the implementation and learning from the 2014/2015 transfers. This plan will be reviewed in the summer term of 2015 and updated accordingly.

2015/16		2016/17	
Year Group	Total	Year Group	Total
Reception	25	Year 3	58
Year 1	45	Year 4	49
Year 3	58	Year 5	57
Year 5	57	Year 7	55
Year 7	55	Year 9	77

Year 11	81	Year 10	93
Year 13	65	Year 11	81
<b>Total</b>	<b>386</b>	<b>Total</b>	<b>470</b>

Recognising the challenges of implementing the new system and the converting of current statements to EHC Plans, the Government have introduced the SEN Reform Grant and Additional Burdens Fund, which are being used by the local authority to ensure that we have the required resources to undertake these conversions effectively and on time to ensure a consistent service for all young people engaged with the SEN Service.

### **With schools**

The principles underpinning the new eligibility guidelines have been outlined in discussions with all headteachers of special schools and additionally resourced units via the Tri-borough Special Heads' Meeting. The direction of travel has also been referenced as part of the discussions at the High Needs Block reference meetings in each borough. All heads understand the expected impact and are expecting a final version of the guidelines to be distributed in September 2014.

The new guidelines have also been taken to the Secondary Inclusion Managers meeting, which includes representation from SEN Coordinators, in order to gain feedback from frontline practitioners during its development.

The Special Schools Headteacher Representative on the Children and Families Act Executive Board welcomed the introduction of the guidelines, stating that it is much clearer and straightforward in its approach to assessment that what is currently used in schools.

We will continue to work with schools to ensure they understand the new guidelines and work effectively within its framework. In order to do this effectively we will be allocating some of the SEN Reform Grant to fund SENCOs from schools across the three boroughs to lead on this.

### **Analysis of consultation outcomes**

The representatives on the Parents' Reference Group recognised the increased focus on those young people with the most severe and complex needs and that this will require a robust mainstream local offer for those that have less severe needs. They highlighted that there is a risk that some children may not qualify for an Education, Health and Care Plan, but could struggle to have their needs met in a mainstream school. The parents' representatives have been reassured that this new guidelines will not impact anyone who currently has a statement of special educational needs and will only apply to those who are new to the system.

<b>Analysis</b>	As part of our preparations for the implementation of the Act and the new ways of working in the SEN team, a full modelling exercise is planned to establish a more detailed outline of the impact that the guidelines will have. This will be undertaken by SEN Management Team and will be undertaken throughout 2014/15.
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<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	The intention of the legislation is to ensure that the local offer of provision that is usually available for children with special educational needs and disabilities is of a high quality and can support young people with a range of difficulties. The successful implementation of a high quality local offer will enable the local authority to focus additional resourcing on those young people with the most complex needs.

<b>Section 07</b>	<b>Action Plan</b>					
<b>Action Plan</b>	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan

<b>Section 08</b>	<b>Agreement, publication and monitoring</b>					
<b>Chief Officers' sign-off</b>	Name: Ian Heggs Position: Director for Schools Email: <a href="mailto:ian.heggs@lbhf.gov.uk">ian.heggs@lbhf.gov.uk</a> Telephone No: 020 7745 6465					
<b>Key Decision Report (if relevant)</b>	Date of report to Cabinet/Cabinet Member: 15/10/2014 Key equalities issues have been included: Yes					
<b>Opportunities Manager (where involved)</b>	Name: Position: Date advice / guidance given: Email: Telephone No:					