



London Borough of Hammersmith & Fulham

Cabinet

6 OCTOBER 2014

EQUALITY IMPACT ASSESSMENTS

Item

Pages

7. CHILDREN AND FAMILIES ACT : IMPLEMENTATION PLAN

1 - 12

LBHF 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. Further advice and guidance can be accessed from the separate guidance document (link), as well as from the Opportunities Manager: PEIA@lbhf.gov.uk or ext 3430

LBHF Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	From 2014/Q3
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: SPECIAL EDUCATIONAL NEEDS ELIGIBILITY CRITERIA AND THE LINKS TO EDUCATION, HEALTH AND SOCIAL CARE ASSESSMENT. (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 criteria for Special Educational Needs to ensure that they meet the requirements of the new Act.</p> <p>The attached initial criteria will be implemented in line with the Children and Families Act in September 2014 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 do currently. This entitlement to transfer to an 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 criteria.</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 criteria and will consider amendments as required for September 2015.</p>
Lead Officer	<p>Name: Ian Heggs Position: Director of Schools Email: ian.heggs@lbhf.gov.uk Telephone No: 020 7745 6465</p>

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Date of completion of final EIA	23/07/2014 – EIA will be updated and redrafted as criteria are reviewed.
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Section 02	Scoping of Full EIA											
Plan for completion	<p>Timing: Initial EIA first draft in July 2014, with regular updates as we progress towards September 2014 implementation and review of criteria throughout the first 12 months of operation.</p> <p>Resources: Time from the SEN Management Team. Standing agenda item at the SEN Project Board and to be addressed at Parents' Reference Group, which meets monthly. Both groups report into the Children and Families Act Executive Board who will oversee the project and be responsible for this EIA.</p>											
Analyse the impact of the policy, strategy, function, project, activity, or programme	<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 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 only children and young people who are new to the system will be subject to the revised initial eligibility criteria.</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 criteria and will consider amendments as required for September 2015.</p>											
Page 4	Protected characteristic	Analysis										
	Age	<p>This eligibility criteria is applicable to children aged 0-16. As per the latest SEN2 return, there are currently 647 young people who have a statement in the borough, the vast majority of which are aged between 5-15.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Total number of children with a statement</td> <td style="text-align: center;">647</td> </tr> <tr> <td>Number of children with a statement aged 5</td> <td style="text-align: center;">31</td> </tr> <tr> <td>Number of children with a statement aged 5 to 10</td> <td style="text-align: center;">288</td> </tr> <tr> <td>Number of children with a statement aged 11 to 15</td> <td style="text-align: center;">274</td> </tr> <tr> <td>Number of children with a statement aged 16-19</td> <td style="text-align: center;">54</td> </tr> </table> <p>The government has stated that all young people who currently have statements</p>	Total number of children with a statement	647	Number of children with a statement aged 5	31	Number of children with a statement aged 5 to 10	288	Number of children with a statement aged 11 to 15	274	Number of children with a statement aged 16-19	54
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	Impact: Positive, Negative, Neutral	Neutral										

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Of the 647 young people who have a statement in 2014, 77 were new to the system in 2013. Of these the majority were aged 5-10. It is expected that a similar number will be new to the system in 2014/15

Total number of children who are new to the system in 2013.	77
Number of children aged under 5	21
Number of children aged 5 to 10	43
Number of children aged 11 to 15	12
Number of children aged 16-19	1

When applying the revised initial criteria, there is the potential that fewer young people than the 77 in the previous year would be assessed to be entitled to an Education, Health and Care plan, however, their needs will continue to be met via what is ordinarily available through the local authority and mainstream schools local offer, which will be published locally and nationally at LA and at school level for the first time from September 2014.

Disability

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 Autistic Spectrum Disorder, closely followed by Speech, Language and Communication Needs.

	2013
Autistic Spectrum Disorder	180

Neutral

	Behaviour, Emotional and Social differences	52		
	Hearing impairment	26		
	Moderate learning difficulties	81		
	Physical disabilities	20		
	Severe learning difficulty	76		
	Specific learning difficulty	23		
	Speech language and comm. needs	153		
	Visual impairment	10		
	Other	9		

		Total	630	
		<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 do currently. 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 initial eligibility criteria.</p> <p>Of the 647 young people who have a statement in 2014, 77 were new to the system in 2013. It is expected that a similar number will be new to the system in 2014/15</p> <p>When applying the revised initial criteria, there is the potential that fewer young people than the 77 in the previous year would be assessed to be entitled to an Education, Health and Care plan, however, their needs will continue to be met via what is ordinarily available through the local authority and mainstream schools local offer, which will be published locally and nationally at LA and at school level for the first time from September 2014.</p>		
	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 criteria 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 criteria 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
Total	10741	7999	505	19245

Religion/belief (including non-belief)

The current breakdown of religions within the borough's school population is outlined below. The criteria do not address religion as an influencing factor in decision making during the assessment process.

Neutral

	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

	<table border="1"> <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> </table>	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.</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> <tr> <td>Male</td> <td>5413</td> <td>3914</td> <td>379</td> <td>9706</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	Female	5328	4085	126	9539	Male	5413	3914	379	9706	Total	10741	7999	505	19245	Neutral						
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Sexual Orientation	This data is not routinely collected for school-aged children and the criteria do not address sexual orientation as an influencing factor in decision making during the assessment process.	Not applicable																														

Human Rights or Children's Rights

If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice

Will it affect Human Rights, as defined by the Human Rights Act 1998?

Yes / No

Will it affect Children's Rights, as defined by the UNCRC (1992)?

Yes/No

Section 03

Analysis of relevant data

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.

Documents and data reviewed	The latest SEN2 return figures, which show the numbers of young people with statements in the borough and other key SEN data.
New research	If new research is required, please complete this section

Section 04 Consultation

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With parents

The initial eligibility criteria were presented to the Parent Reference Group on Monday 21 July 2014.

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 criteria and will consider amendments as required for September 2015.

We recognise that there are also separate eligibility criteria for access to Children’s Social Care, Adult’s Social Care and Health Services and that each of these criteria will be referred to independently during the single assessment process. We have started a process of reviewing the criteria for each of these services and understanding how they can be aligned in order to simplify the overall assessment process. From September, the current criteria for these areas will be 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. Given our aim to undertake conversions using the principles of the new Act (i.e. person-centred and outcome focused) and given the capacity of the SEN Team our approach will be to convert every child’s statement of SEN during the year prior to changing Key Stage phase. The number of young people that will have their statement converted each year is outlined below, broken down by year group:

2014/15		2015/16		2016/17	
Year Group	Total	Year Group	Total	Year Group	Total
Nursery	11	Nursery	0	Nursery	0
Year 2	55	Year 1	43	Reception	26
Year 6	49	Year 5	39	Year 3	46
Year 9	54	Year 8	47	Year 4	43
Year 11	46	Year 10	65	Year 7	45
Year 13	29	Year 12	32		

Beyond 13	17				
Total	261	Total	226	Total	160

Individual personalised letters were sent to parents in July 2014 to ensure that they are informed of the transition plan for their child. The letters outline the year that conversions will take place, in line with the child's transition through a Key Stage.

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 criteria 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 criteria to be distributed in September 2014.

The new criteria 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 criteria, 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 criteria 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 criteria 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.

Section 05	Analysis of impact and outcomes
Analysis	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 criteria will have. This will be undertaken by SEN Management Team and will be complete by the end of August 2014.

Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	

Section 07	Action Plan												
Action Plan Page 12	Note: You will only need to use this section if you have identified actions as a result of your analysis												
	<table border="1"> <thead> <tr> <th>Issue identified</th> <th>Action (s) to be taken</th> <th>When</th> <th>Lead officer and borough</th> <th>Expected outcome</th> <th>Date added to business/service plan</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan						
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Section 08	Agreement, publication and monitoring
Chief Officers' sign-off	Name: Ian Heggs Position: Director for Schools Email: ian.heggs@lbhf.gov.uk Telephone No: 020 7745 6465
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 25/07/2014 Key equalities issues have been included: Yes
Opportunities Manager (where involved)	Name: Position: Date advice / guidance given: Email: Telephone No: