

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Special School Funding 2022-23 (High Needs Block Funding)

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	North Yorkshire County Council: Central Services
Lead Officer and contact details	Howard Emmett - Assistant Director – Strategic Resources
Names and roles of other people involved in carrying out the EIA	Sally Dunn – Head of Finance (Schools, Early Years & High Needs)
How will you pay due regard? e.g. working group, individual officer	The proposal was subject to a special school only consultation process from 22nd September 2021 ending 22nd October 2021

	and this EIA has been updated during and following the consultation responses. The item was discussed at the North Yorkshire School Forum meetings on 16th September 2021 and 11th November 2021
When did the due regard process start?	In setting Special School Funding each year, it is necessary to consider the level at which the Minimum Funding Guarantee (MFG) is set within the parameters determined by the DfE. This EIA considers this issue in respect of 2022-23 School Funding.

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

Minimum Funding Guarantee (MFG) is a protection for special schools against seeing a reduction in funding from year to year assuming that the number and type of places in the school remain the same. The Department for Education has proposed a protection level of 0% for 2022-23. The Local Authority is also considering an alternative option of setting a higher MFG (+2%) and is seeking views of the special schools on this issue.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

MFG has a vital role to play in protecting special schools where either (a) the aggregate needs of pupils in their schools have changed substantially or (b) the level of funding provided to pupils has been systematically reduced. The Local Authority is concerned that applying a 0% MFG for special schools may:

- a) Disadvantage special schools compared to the MFG protection level of between +0.5% and +2% for mainstream schools
- b) Lead to a reduction in funding to schools in real terms, which may have an impact on their current pupils

Section 3. What will change? What will be different for customers and/or staff?

Customers

If the +2% MFG option is selected, it may result additional funding for a special school in North Yorkshire. This may have a positive impact on current pupils attending the school.

If the 0% MFG option is selected, it may result in a reduction in funding in real terms for a special school, which may mean changes will be made to the provision of current pupils attending that school.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The consultation document was sent to all special schools inviting responses to be returned to the LA by 22nd October 2021. The responses and results from the consultation exercise were presented to, and considered by, the Schools Forum on 11th November 2021. This EIA was monitored during the consultation and during the process of collating and analysing all consultation feedback.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

A 0% MFG is estimated to increase the High Needs Budget expenditure by c. £153k and a +2% MFG is estimated to increase the High Needs Budget expenditure by around £379k, contributing to the underlying funding gap on the High Needs Block which, based on current information, is projected to be between £1.5m to £2.5m.

The resulting deficit will be cashflowed by the Local Authority and carried forward, with the expectation that it will be repaid by surpluses in High Needs Block funding in future years.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		✓	✓	There are around 1,100 children and young people aged 0-19 in North Yorkshire special schools who are affected by the proposal. The level of the MFG could positively or negatively impact on the level of funding for a special school, which may mean changes will be made to the provision of current pupils attending that school.
Disability		✓	✓	The level of the MFG could positively or negatively impact on the level of funding for a special school, which may mean changes will be made to the provision of current pupils attending that school.
Sex (Gender)		✓	✓	The population of young people attending special schools in North Yorkshire is higher among boys; proportionally more boys may be negatively affected than girls.

Race	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Gender reassignment	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Sexual orientation	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Religion or belief	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Pregnancy or maternity	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
Marriage or civil partnership	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.
...have a low income?	✓			No data available at time of writing to show there is a greater impact on those children with SEND and families with low incomes.

Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

It is anticipated proposed changes to the current provision will impact more on the following:
Young people with special educational needs and disabilities

If the 0% MFG option is selected, it may result in the reduction in funding in real terms for pupils attending a special school, which may mean changes will be made to their current provision. The Local Authority is providing an inflationary uplift in the top-up and contextual funding rates as a possible mitigation. Further work will be undertaken, once proposal has been through the decision making process.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these	

adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	✓
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	
The actual impact will not be known until the budget determinations are made.	
During the consultation and decision making process there will be ongoing consideration to any equality impacts that arise, and how these can be mitigated.	

Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

In addition to the regular monitoring and reporting of finances to the School Forum, the Strategic SEND Plan sets out a comprehensive countywide North Yorkshire Inclusion Partnership model which will make sure there is a strategic vision across North Yorkshire.

The membership will include as well as LA senior officers both senior representatives from education providers across the 0-25 age range and parents/carers.

Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
1. To consider a formal consultation responses received from special schools	Howard Emmett – Asst. Director	Ongoing	Done	
2. To present results for discussion at Schools Forum	Howard Emmett – Asst. Director	11 th November 2021	Done	
3. Outcome of consultation considered by CYPS Executive Members in conjunction with Corporate Director and associated proposals approved	Howard Emmett – Asst. Director	7 th December 2021	Done	
4. Final Decision by Full Executive on the High Needs Budget 2022/23	Final Decision by Full Executive on	11 th January 2022		

	the High Needs Budget 2022/23			
--	--	--	--	--

Section 12. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The Equality Impact Assessment has assessed the impact of the proposal namely

- To apply MFG of 0% or +2% for special schools budget in 2022-23
- To consider consultation responses received from all special schools in North Yorkshire over this proposal

Although it has identified that certain groups with protected characteristics are likely to be adversely affected if the 0% MFG option is selected, further work on possible mitigation will be undertaken, once the proposal has been through the decision making process.

Section 13. Sign off section

This full EIA was completed by:

Name: Sally Dunn
Job title: Head of Finance – Schools, Early Years & High Needs
Directorate: Central Services
Signature: Sally Dunn

Completion date: 15/09/2021

Authorised by relevant Assistant Director (signature): Howard Emmett

Date: 13/12/2021