

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

(Form updated May 2015)

Brompton Residential Proposals

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	Inclusion - CYPS
Lead Officer and contact details	Jane Le Sage, AD Inclusion
Names and roles of other people involved in carrying out the EIA	Sarah Jane Hill, SEND Strategic Plan Implementation Officer Wendy Butterfield, Lead SEND Development Officer Alice Wild, Project Manager Linda Wilson, Project Manager Lucy Wade, Project Manager Chris Reynolds, Head of SEND Provision and Resources
How will you pay due regard? e.g. working group, individual officer	Working Group

When did the due regard process start?	July 2021 June 2022 updates in Blue August 2022 updates in Green October 2022 updates in Red
--	---

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?)

~~It is proposed to seek permission to further consult with proposals to cease the existing residential offer at Brompton Hall school, with no further residential placements from September 2023 and a phasing out period for existing placements. It is also proposed to seek permission to further consult with proposals to change the designation of the school to co-educational in order to be able to admit girls into the school.~~

It is proposed to seek permission to cease the existing residential offer at Brompton Hall school, with no further residential placements from September 2023 and a phasing out period for existing placements. It is also proposed to change the designation of the school to co-educational in order to be able to admit girls into the school, and to increase the number of day places at Brompton Hall School from 67 to up to 85, no sooner than September 2023.

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.)

The LA has a statutory responsibility under the Children and Families Act 2014 to keep its special educational provision under review, to ensure sufficiency in placements to meet the needs of children and young people with special educational needs and/or disabilities (SEND), working with parents/carers, young people and providers.

Our vision is for all children and young people with SEND in North Yorkshire:

- To have the best educational opportunities so that they achieve the best outcomes.
- To be able to attend a school or provision locally, as close to their home as possible, where they can make friends and be part of their local community.
- To make progress with learning, have good social and emotional health, and to prepare them for a fulfilling adult life.

The number of children requiring the current maintained residential offer is declining, and is forecast to continue to fall, and will therefore present a viability issue within the next few years. There is currently no maintained provision for girls with SEMH needs in the Scarborough, Whitby, Ryedale locality.

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

Currently the LA commissions seventy day places at Brompton Hall school of which 24 pupils currently access four-night boarding provision. Criteria for residential placement was updated in 2017, and since that time the number of new placements has fallen to an average of 2 per year.

Subject to consultation process, if the proposals are implemented the following differences will be seen from the current model:

- There will be no residential provision at Brompton Hall school (once the existing pupils' residential provision has been phased out)

- Girls, and those who identify as non-binary, with an assessed primary need of SEMH will be able to attend the school on a day / extended day placement.
- There will be an increase in the number of day and extended day places available for more children with these needs

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?)

Key stakeholders have been involved in the development of the proposal and have included:

- NYCC Children and families service, including Disabled Children's Service

Under section 27 of the Children & Families Act 2014 public consultation with all stakeholders has taken place. This took place in February and March and gave all stakeholders and residents of North Yorkshire the opportunity to respond in a variety of ways.

~~Under section 19 of the Education & Inspections Act 2006 further consultation will be required for any proposed change of designation to move forward.~~

The second consultation took place across July, August and early September and gave all stakeholders and residents of North Yorkshire the opportunity to respond in a variety of ways.

Statutory notice was given, closing 27th October, four weeks from date of publication.

Details of all the consultations, were published on the North Yorkshire County Council website and followed the agreed procedure.

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

This proposal is likely to **reduce costs** across council budgets. By having a maintained offer for girls who have an assessed of SEMH there will be a more cost effective option than the current independent and out of county placements which need to be used. It will also create more places for both boys and girls so more young people can access the provision they need.

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			✓	It is anticipated that this will make things worse for SEND pupils due to their age as there will no longer be a maintained school option to meet residential needs of boys aged 8-16 years old with SEMH. However, this will be mitigated by the fact that no child or young person will lose their provision as the residential provision at Brompton Hall will be phased out, in addition

				<p>the requirement for residential is assessed on an individual basis with a statutory duty by the local authority to make the required provision. For each pupil impacted by this proposal, there will be further consideration as to the appropriate setting to meet their assessed needs.</p> <p>It is anticipated that for girls, there may be a positive impact due to age.</p>
Disability			✓	<p>It is anticipated that this will make things worse for SEND pupils due to their disability as there will no longer be a maintained school option to meet residential needs of boys aged 8-16 years old with SEMH. However, this will be mitigated by the fact that no child or young person will lose their provision as the residential provision at Brompton Hall will be phased out, in addition the requirement for residential is assessed on an individual basis with a statutory duty by the local authority to make the required provision. For each pupil impacted by this proposal, there will be further consideration as to the appropriate setting to meet their needs.</p> <p>It is anticipated that for girls, there may be a positive impact due to disability.</p>
Sex		✓		<p>There would be a new special school option for girls with SEMH needs living in the Scarborough, Whitby, Ryedale area which would allow them to be educated close to their families and communities. This would be a significant improvement for girls in the local area</p>
Race	✓			<p>It is anticipated there would be no identifiable impact on SEND pupils due to their race.</p>
Gender reassignment		✓		<p>The school would admit young people identifying as female with SEMH needs living in the Scarborough, Whitby, Ryedale area which would allow them to be educated close to their families and communities.</p>
Sexual orientation	✓			<p>It is anticipated there would be no identifiable impact on SEND pupils due to sexual orientation</p>
Religion or belief	✓			<p>It is anticipated there would be no identifiable impact on SEND pupils due to religion or beliefs.</p>
Pregnancy or maternity	✓			<p>It is anticipated there would be no identifiable impact on SEND pupils due to pregnancy or maternity.</p>
Marriage or civil partnership	✓			<p>It is anticipated there would be no identifiable impact on SEND pupils due to marriage or civil partnership.</p>

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?		✓		It is anticipated there would be no identifiable impact on SEND pupils due to living in a rural area. <i>It is anticipated that for girls living in rural area there may be a positive impact.</i>
...have a low income?	✓			It is anticipated there would be no identifiable impact on SEND pupils due to their family receiving a low income.

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.

This proposal may adversely affect those who have protected characteristics of gender (male), age and disability more than others, however steps will be taken to mitigate any adverse impacts. As provision for special educational needs and disabilities is made on an individual basis and the local authority has a statutory duty to deliver this, any adverse impact will be mitigated therefore no one will lose provision as a result of these proposals. *Further individual consultation will be undertaken with those pupils and families in addition to their Annual Reviews where alternative education options will be explored if these are required.*

The proposal will positively affect those who have protected characteristics of gender (female), age and disability as it is likely that they will be able to be educated within their local community as if the proposals are implemented there will be new provision.

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.) There may be adverse impacts as discussed above, if these proposals are taken through consultation to be implemented.	

Adverse impacts have been identified, however, steps will be taken to mitigate adverse impacts, and as provision is made for pupils on an individual needs basis this provides further steps to mitigate any identified adverse impact. Further individual consultation will be undertaken with those pupils and families in addition to their Annual Reviews where alternative education options will be explored if these are required.

Whilst it is recognised that there are adverse impacts, the consultation has also indicated that there will be positive impacts on particular groups including both girls and boys have been identified and outlined above.

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?)

This EIA will be kept under review during the consultation and decision making process, and post implementation if decisions are made on these proposals. Number of placements at independent or out of county residential settings for children and young people with SEMH primary needs will be monitored, as will placements of girls with SEMH needs.

Feedback will be sought from parents/carers of children and young people with SEND to determine lived experience impact. This is likely to be through EHCP annual reviews and ongoing engagement with North Yorkshire Parent Carer Voice.

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

Section 12. Summary

Following the second consultation period, steps will be taken to make decisions to implement these proposals, there may be adverse impacts for those people who fall under the protected characteristics of age, gender and disability.

During the second consultation and decision making process, any identified adverse impact will be fully considered and identified how this can be mitigated. Mitigations are already identified if proposals are taken though residential provision will be phased out to ensure that this impacts the least amount of pupils, and as each pupil has assessed needs and provision to meet their needs, they will have individual consideration as to how any adverse impacts can be mitigated in their individual case.

This proposal is likely to make things **better** for girls with SEND as there will be a special school offer within the Scarborough, Whitby, Ryedale locality which may enable them to remain closer to their families and allow them to be educated in their local community. This is currently not an option for girls with primary assessed needs of SEMH.

This proposal is likely to **reduce costs** across council budgets. By having a maintained offer for girls who have an assessed of SEMH there will be a more cost effective option than the current independent and out of county placements which need to be used. It will also create more places for both boys and girls so more young people can access the provision they need.

Key stakeholders have been involved in the development of the proposal and have included:

- NYCC Children and families service, including Disabled Children's Service

Under section 27 of the Children & Families Act 2014 public consultation with all stakeholders was required and has taken place.

Under section 19 of the Education & Inspections Act 2006 consultation will be required for any proposed change of designation to move forward. It is proposed that the consultation take place over 7 weeks and will give all stakeholders and residents of North Yorkshire the opportunity to respond in a variety of ways.

Further consultation has now taken place over 7 weeks. It is proposed that the preferred option is now given permission to proceed to publication of statutory proposals. This will give a further four weeks for representations to be made, before a final decision is taken by the County Council's Executive on 8 November 2022.

Following the completion of the consultations, the four week representation period is currently underway before a final decision is taken by the County Council's Executive on 8th November 2022.

Section 13. Sign off section

This full EIA was completed by:

Name: Sarah-Jane Hill

Job title: SEND Strategic Plan Implementation Officer

Name: Wendy Butterfield

Job title: Lead SEND Development Officer

Directorate: Inclusion

Signature:

Completion date: 23.07.2021

Updated: 6.6.22

Updated: 8.9.22

Updated: 21.10.22

Authorised by relevant Assistant Director (signature): Jane Le Sage

Date: 9.9.22