

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

(Form updated May 2015)

Special School Funding 2023-24 (High Needs Block Funding)

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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 item was discussed at the North Yorkshire School Forum meetings on 22 nd September 2022 and 17th November 2022.

	The High Needs Funding Sub-Group have also been consulted on Special School funding developments.
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 2023-24 Special 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 DfE prescribed MFG funding methodology for special schools for the 2023/24 financial year of +3% on the 2021/22 funding level.

In addition to considering the MFG protection, the EIA also considers the proposal for the modification of the Special Schools funding formula to provide an additional lump sum payment is made to special schools of £100k per annum (to be paid on an academic year calculation) where residential provision is operational at the school, and where there are fewer than 20 pupils in residential provision.

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 DfE prescribed MFG funding methodology for special schools for the 2023/24 financial year of +3% on the 2021/22 funding level. Any local deviation from the prescribed value requires Secretary of State approval.

An additional lump sum payment is proposed to support the financial viability of the residential provision in those special schools where the residential cohort is small (less than 20 residential pupils)

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

Customers

It may result additional funding for a special school in North Yorkshire. This may have a positive impact on current pupils attending the 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 DfE have set a 3% MFG for 2023/24 compared to the 2021/22 funding baseline for a special school. Given that the DfE are prescribing the level of the Special School MFG for 2023/24 through the DSG conditions of grant, NYCC consider that there is no requirement to undertake a consultation with special schools and academies within North Yorkshire on the level of the Special School MFG for 2023/24. Any local deviation from the prescribed value requires Secretary of State approval.

The special school funding proposals have been discussed and considered with the Schools Forum on the 22nd September 2022 and 17th November 2022. There has also been regular discussion with regard to the proposed developments with the High Needs Sub-Group. This EIA was monitored during this discussion and consideration.

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.

The DfE 2023/24 MFG determination is estimated to increase the High Needs Budget expenditure by c. £269.6k, contributing to the underlying funding gap on the High Needs Block which, based on current information, is projected to be at least £4.5m.

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 and the additional lump sum associated with small cohort residential provision should positively impact on the level of funding for a special school receiving this funding protection.
Disability		✓		The level of the MFG and the additional lump sum associated with small cohort residential provision should positively impact on the level of funding for a special school receiving this funding protection.
Sex (Gender)		✓		The population of young people attending special schools in North Yorkshire is higher among boys; proportionally more boys may be positively 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.

<p>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.</p> <p>It is anticipated proposed changes to the current provision will impact more on the following: Young people with special educational needs and disabilities</p> <p>The Local Authority is providing an assumed inflationary uplift in the top-up and contextual funding rates as an additional budgetary pressure mitigation.</p>

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 proposal is forecast to provide increased funding to Special Schools in the 2023/24 financial year.	

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 present funding proposals for discussion at Schools Forum	Howard Emmett – Asst. Director	17 th November 2022	Done	
2. Proposals considered by CYPS Executive Members in conjunction with Corporate Director and associated proposals approved	Howard Emmett – Asst. Director	13 th December 2022		
3. Final Decision by Full Executive on the High Needs Budget 2022/23	Final Decision by Full Executive on the High Needs Budget 2023/24	10 th January 2023		

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 implement the DfE prescribed MFG funding methodology for special schools for the 2023/24 financial year of +3% on the 2021/22 funding level.
- The modification of the Special Schools funding formula to provide an additional lump sum payment is made to special schools of £100k per annum (to be paid on an academic year calculation) where residential provision is operational at the school, and where there are fewer than 20 pupils in residential provision.

The Local Authority is providing an assumed inflationary uplift in the top-up and contextual funding rates as an additional budgetary pressure mitigation.

The EIA assessment found no anticipated adverse impacts.

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: 12/09/2022

Authorised by relevant Assistant Director (signature): 

Date: 21/12/2022