

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

(Form updated December 2022)

### Welburn Hall Temporary withdrawal of Residential Proposals

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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	Inclusion - CYPS
Lead Officer and contact details	Jane Le Sage, AD Inclusion

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Names and roles of other people involved in carrying out the EIA	<p>Martin Surtees, Senior Finance Projects Officer, CYPs</p> <p>Lucy Wade, Project Manager</p> <p>Chris Reynolds, Head of SEND Provision and Resources</p>
How will you pay due regard? e.g. working group, individual officer	Working Group
When did the due regard process start?	November 2022

**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 temporarily pause the existing residential offer at Welburn Hall school, for a period of two academic years from 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.)**

This is a specific response to an emergency scenario that the main house building at Welburn Hall school has been identified as having major shortcomings in its heating and drainage systems. Our assessment is that we need to plan on the basis of undertaking a two year programme of urgent works to address buildings failure, placing the House out of action, and that it is not possible for us to replicate the specific environment required on a temporary basis.

Our objectives are to ensure that Welburn Hall school can operate in the future with effective buildings, and that during the transitional period that there is no adverse impact on outcomes for children and young people.

Whilst the vast majority of young people currently accessing residential provision at Welburn Hall will naturally leave in July 2023 due to their age, we recognise that a small number of pupils will have been expecting to access residential provision until July 2024. The council's SEN Case Work Team have made contact with those families affected and are continuing to provide support to assess all available provision options to continue to meet their assessed needs, (including identifying the possibility of transitioning prior to September 2023, where young people would be moving onto different programmes)

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

In the current academic year, 2022-23, the local authority is commissioning 12 residential places at Welburn Hall school, with those young people residing in the Main House building and they access four-night boarding provision

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

- There will be no residential provision at Welburn Hall school during the academic years 2023-24 and 2024-25.
- it is planned that the functions currently undertaken in the House building relating to day provision can be replicated through the provision of temporary accommodation on the school site.

The implications for the team of 12 residential care staff who work to support the young people in their residential environment will need to be assessed by the School Governing Body and consultation proposals developed for the team

### 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 Young People's Service
- NYCC Corporate Property team
- School leadership team

Under Education & Inspections Act 2006 public consultation with all stakeholders will be taking place during January 2023, to give all stakeholders, and in particular families with young people currently supported in residential provision, and the residential care staff group an opportunity to contribute to the formulation of this proposal.

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

The most immediate short-term impact will be that the acquisition of temporary accommodation units (subject to planning permission being secured) and the adaptation works required at the school will require an estimated £300,000 million of capital outlay.

The cost of the planned maintenance programme has been estimated at £4 million to £5 million. Whilst the current working assumption is that this work will be undertaken, necessitating the closure of the House, it needs to be emphasised that at this stage funding has not been identified at this stage to enable these works to proceed – and the

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evaluation of those funding requirements form part of the evaluation of longer-term solutions for the school buildings.

In the interim period, it is recognised that additional costs may be incurred in making alternative arrangements for the small number of families who would otherwise have been accessing residential provision during the 2023-24 academic year (this cost has been estimated at £250k. In addition, the local authority will not have the flexibility to deploy that accommodation, should cases develop in such a way that Welburn Hall would have offered an effective new placement

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 a very small number of families (less than five) where placements for young people would have continued into the 2023-24 academic year. For each pupil impacted by this proposal, there will be further consideration as to the appropriate setting to meet their assessed needs, and we would be confident that we can find placements that effectively meet the young person's needs as defined in their EHCPs. However, the local authority's objective was to use the residential provision at Welburn Hall to meet demand for new placements, which would otherwise have required independent residential provision. That flexibility will be unavailable for a two year period, and might result in it being more challenging to find high quality appropriate placements in these scenarios
Disability			✓	It is anticipated that this will make things worse for SEND pupils due to their disability because the local authority will have fewer choices for new cases of pupils and families requiring residential provision or each pupil impacted by this proposal, there will be further consideration as to the appropriate setting to meet their needs.

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Sex	Tick			It is anticipated that there would be no identifiable impact on SEND pupils due to their gender.
Race	✓			It is anticipated there would be no identifiable impact on SEND pupils due to their race.
Gender reassignment	tick	✓		It is anticipated there would be no identifiable impact on SEND pupils due to gender reassignment
Sexual orientation	✓			It is anticipated there would be no identifiable impact on SEND pupils due to sexual orientation
Religion or belief	✓			It is anticipated there would be no identifiable impact on SEND pupils due to religion or beliefs.
Pregnancy or maternity	✓			It is anticipated there would be no identifiable impact on SEND pupils due to pregnancy or maternity.
Marriage or civil partnership	✓			It is anticipated there would be no identifiable impact on SEND pupils due to marriage or civil partnership.

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Live in a rural area?		✓		It is anticipated there would be no identifiable impact on SEND pupils due to living in a rural area.
...have a low income?	✓			It is anticipated there would be no identifiable impact on SEND pupils due to their family receiving a low income.

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**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.**

Given the very small numbers of families impacted by these proposals, it is anticipated that there will be no further impacts from a combination of protected characteristics

<b>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)</b>	<b>Tick option chosen</b>
<p><b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.</p>	
<p><b>2. Adverse impact - adjust the proposal</b> - 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.</p>	
<p><b>3. Adverse impact - continue the proposal</b> - 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)</p>	✓
<p><b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.</p>	
<p><b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)</p> <p>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.</p>	

**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.

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.

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**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

During the consultation process in January 2023 and subsequent decision making process, any identified adverse impact will be fully considered and identified how this can be mitigated.

This proposal is being brought forward directly as a result of the local authority technical assessments regarding the condition of the building and the necessary maintenance works identified, and it has been assessed that the local authority is unable to support residential provision at Welburn Hall through the academic years 2023-24 and 2024-25

However, the local authority considers that the proposals being brought forward at this point in time, and the timing of this consultation exercise offer the most constructive response to the challenges faced, and are compatible with supporting Welburn Hall to remain a highly effective Special school, and to enable the local authority to assess how residential provision at the school can potentially be maintained into the future.

### Section 13. Sign off section

This full EIA was completed by:

**Name: Martin Surtees**

**Job title: Senior Finance Projects Officer**

**Directorate: CYPS**

**Signature:**

**Completion date: 01/02/2023 authorised by relevant Assistant Director (signature): Jane Le Sage**

**Date: 01/02/2023**

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