

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

(form updated June 2023)

### 2024/25 School Funding Consultation

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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。

آرآپ 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 find completed EIAs, we also publish them in our website's Equality and Diversity section. 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	Central Services - Resources
Lead Officer and contact details	Howard Emmett – Assistant Director – Resources <a href="mailto:howard.emmett@northyorks.gov.uk">howard.emmett@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	Sally Dunn – Head of Finance – Schools. Early Years & High Needs <a href="mailto:sally.dunn@northyorks.gov.uk">sally.dunn@northyorks.gov.uk</a>
How will you pay due regard? for example, working group, individual officer	The proposal will be subject to a school wide consultation process from 22 <sup>nd</sup> September 2023 ending 27 <sup>th</sup> October 2023 and this EIA will be updated during and following the consultation responses. The item will be discussed at the North Yorkshire School Forum meetings on 21 <sup>st</sup> September 2023 and 23 <sup>rd</sup> November 2023.
When did the due regard process start?	In setting 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 and to consider any other local school funding formula decisions for the following financial year. This EIA considers these issues in respect of 2024-25 School Funding.

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

The EIA considers the review of the level of the MFG and school funding decisions to be considered for the 2024/25 financial year.

In setting 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. The DfE school funding guidance for 2024/25 allows local authorities to continue to be able to set a MFG in local formulae, which in 2024/25 must be between 0% and +0.5%. This allows every school, dependent on the local decision on the level of the MFG, the opportunity to benefit from 0.5% more pupil-led funding per pupil compared to its 2023/24 National Funding Formula (NFF) baseline.

In the event of there being a funding shortfall or funding surplus in the Schools Block Dedicated Schools Grant (DSG) after the school funding formula allocations have been calculated using the NFF values as determined by the DfE, the methodology which will be used to allocate funding to or clawback funding from school budgets needs to be considered.

Local authorities are required to comply with the requirement to identify, for each mainstream school in their area, a notional amount within a school's delegated budget to guide schools in their spending to meet the costs, up to £6,000 per pupil, of additional support for the school's pupils with special educational needs (SEN). Although this is an indicative amount, the DfE identify that it is important that it is sufficient for the reasonable additional costs that may be incurred by schools. Each local authority determines the calculation for the notional SEN budget within their local school funding formula. For the 2024/25 financial year, DfE recommend that local authorities undertake a check of the notional SEN budget calculation for 2024-2025 to ensure that it is in line with the latest DfE guidance. The notional SEN budget calculation for NYC needs to be considered for the 2024/25 financial year.

NYC is intending to consult schools on a request to transfer 0.5% funding from the Schools Block DSG to the High Needs budget for the 2024-25 financial year. This request is based on the continued and increasing cost pressures on the High Needs block in North Yorkshire; the High Needs cumulative budget deficit is forecast to be c£13m by March 2024 and the deficit position is forecast to continue to escalate for future financial years if the present demand trend for high needs support continues. The transfer of 0.5% of the 2024-25 Schools Block funding is estimated to be £2.2m. The in-year deficit on the High Needs Block for 2024-25 is estimated to be £7.6m based on assumptions on the continued trend for an increase in the number of children and young people assessed as requiring a funded Education, Health and Care Plan (EHCP), inflationary pressures, the mix of placements across different types of education provision, and the likely increase in High Needs Block DSG funding notified by the DfE. The transfer represents less than 30% of the currently estimated in-year deficit for 2024-25.

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

The DfE require each local authority to determine the level of the MFG to be used within their local school funding formula each financial year.

In order to ensure the effective and affordable use of the Schools Block DSG funding, consideration needs to be given to the methodology for managing any surplus or shortfall in funding after the calculation of school funding formula allocations using the NFF values as determined by the DfE.

The DfE requires each local authority to set a notional SEN budget calculation that is sufficient for the reasonable additional costs that may be incurred by schools. The notional SEN budget calculation within the NYC school funding formula has not been reviewed for a number of years. The calculation methodology is required to be reviewed and, where identified appropriate, updated to reflect the increasing numbers of pupils with SEN within North Yorkshire mainstream schools (over 100% increase in pupils assessed as requiring an EHCP between 2017 and 2023) and to ensure compliance with the latest DfE guidance.

The deficit on the High Needs Block DSG for NYC is forecast to be £13m at the end of the 2023/24 financial year. This position is forecast to deteriorate further for the 2024/25 financial year by a further £7.6m based on assumptions on the continued trend for an increase in the number of children and young people assessed as requiring a funded EHCP, inflationary pressures, the mix of placements across different types of education provision, and the likely increase in High Needs Block DSG funding for 2024/25 notified by the DfE. It is recognised that the proposed 0.5% funding transfer from the Schools Block to the High Needs budget for the 2024/25 financial year presents a cost pressure to school budgets. However, given the significance of the levels of concern, at both local authority level and national DfE level, in relation to the High Needs budget deficit position within North Yorkshire, the local authority feels that this option must be considered as part of the overall financial recovery plan strategy for the High Needs budget.

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

The impact on individual schools may vary in relation to:

- the proposed level of the MFG to be implemented in 2024/25 and the methodology used for managing any surplus or shortfall in funding on the Schools Block DSG after the calculation of school funding formula allocations using the NFF values as determined by the DfE
- the notional SEN budget calculation will be more reflective of the increased number of pupils with SEN within North Yorkshire schools and is sufficient for the reasonable additional costs that may be incurred by schools.
- the level of deficit on the DSG high needs budget will be partially mitigated by a transfer of funding from the Schools Block DSG and the High Needs budget. The transfer is reflective of the shared budget responsibility within the high needs system for the provision of support for pupils with SEN. However, it is recognised that any funding transfer will result in an additional cost pressure on school budgets.

### **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 released their 2024/25 funding announcement and the associated detailed funding information required to model funding formula options for the next financial year in July 2023. The

North Yorkshire Schools Forum will be updated on the 2024/25 funding arrangements and notified on the intention to consult with schools at its meeting the 21 September 2023.

A consultation will be undertaken with schools and academies will be undertaken between 22 September 2023 and 27 October 2023.

The responses and results from the consultation exercise will be presented at the Schools Forum on 23 November 2023. This EIA will be updated during and following the consultation responses. Schools will be notified of the outcome of this process in early / mid-December 2023

**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 specific proposal in the EIA is cost neutral as all costs will be contained within the ring-fence of the 2024/25 Schools and High Needs Block DSG

<b>Section 6. How will this proposal affect people with protected characteristics?</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>
Age	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic. The proposal will be applied to both primary and secondary schools.
Disability		✓		It is anticipated that the proposal will increase funding levels identified through a school's notional SEN budget. A school's notional SEN budget provides a guide for spending decisions on the school's duty to use its 'best endeavours' to secure special provision for its pupils with SEND
Sex	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic.
Race	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
Gender reassignment	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
Sexual orientation	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic

Religion or belief	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
Pregnancy or maternity	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
Marriage or civil partnership	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic

<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 will be no specific identifiable impact as a result of this proposal for this characteristic
...have a low income?	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
...are carers (unpaid family or friend)?	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic
..... are from the Armed Forces Community	✓			It is anticipated there will be no specific identifiable impact as a result of this proposal for this characteristic

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	✓
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
<b>If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	

<b>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (for example, 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.</b>
None identified

<b>Section 10. 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>
<b>1. No adverse impact - no major change is needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	✓
<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.	
<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)	
<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.	
<b>Explanation of why the option has been chosen</b> (include any advice given by Legal Services.)  No significant adverse impacts have been identified from the EIA affecting one or more protected characteristic. Whilst it is acknowledged that the proposed 0.5% funding transfer from the Schools Block DSG to the High Needs budget for the 2024/25 financial year presents a cost pressure to school budgets, the funding reduction will be implemented proportionately across all primary and secondary schools. It is considered that the impact will be across all mainstream schools with North Yorkshire and no greater adverse impact will be experienced by anyone with a protected characteristic.  The consultation with schools will conclude on the 27 October 2023. This EIA will be updated during and following the consultation responses should this be required.	

<b>Section 11. If the proposal is to be implemented how will you find out how it is really affecting people?</b> (How will you monitor and review the changes?)  The school financial governance processes operating within the LA monitor the position of school budgets and the associated impact on the operations of schools.  The high needs budget is monitored on a monthly basis, with quarterly formal reporting.
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<b>Section 12. Action plan.</b> 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 undertake a formal consultation with schools	Howard Emmett – Asst. Director	27 October 2023		
2. To report outcomes to School Forum	Howard Emmett – Asst. Director	23 November 2023		

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**Section 13. 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 consider MFG levels of 0% and 0.5% for the 2024/25 financial year
- To consider the methodology to be used, if required, for managing any surplus or shortfall in funding after the calculation of school funding formula allocations using the NFF values as determined by the DfE.
- To consider the review and updating of the local notional SEN budget calculation to reflect current support requirements for pupils with SEN in mainstream schools and to meet the DfE stated budget requirements.
- To consider a transfer of 0.5% from the Schools Block DSG to the High Needs budget for the 2024/25 financial year.
- To hold a consultation with all schools and academies in North Yorkshire over these proposals
- To report findings, conclusions and recommendations to the School Forum

At this stage of the EIA there is no evidence to suggest that the proposal made will significantly disadvantage one or more protected characteristics

#### **Section 14. 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 - Resources**

**Signature: Sally Dunn**

**Completion date: 12/09/2023**

**Authorised by relevant Assistant Director (signature): Howard Emmett**

**Date: 20/09/2023**



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

(form updated June 2023)

### *Special School Funding 2024-25 (High Needs Block Funding)*

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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۔

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Name of Directorate and Service Area	North Yorkshire Council: Resources
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Lead Officer and contact details	Howard Emmett - Assistant Director – Resources
Names and roles of other people involved in carrying out the EIA	Leanne Stables – Head of Finance (Children & Families, Inclusion & Education & Skills)
How will you pay due regard? for example, working group, individual officer	The proposal is subject to a special school only consultation process from 29th September 2023 ending 27th October 2023 and this EIA will be updated during and following the consultation responses. The item will be discussed at the North Yorkshire School Forum meetings on 21 <sup>st</sup> September 2023 and 23 <sup>rd</sup> November 2023.
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 2024-25 School Funding.

**Section 1. Please describe briefly what this EIA is about.** (for example, 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 between 0% and 0.5% for 2024-25. The Local Authority 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?** (for example, 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 aims to ensure the views of the special schools around the rate applied are considered in the decision process.

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

Customers

If the 0.5% 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 is being sent to all special schools inviting responses to be returned to the LA by 27<sup>th</sup> October 2023. The responses and results from the consultation exercise will be presented to the Schools Forum on Thursday 23<sup>rd</sup> November 2023. This EIA will be monitored during the consultation and will continue 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.

The difference between a 0% and 0.5% MFG will increase the High Needs Budget expenditure, the level of which will be dependant on the level of banding increase and pupil numbers in January.

The resulting deficit will be cash flowed 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 1080 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		✓	✓	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.

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<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?	✓			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.
...are carers (unpaid family or friend)?	✓			No data available at time of writing to show there is a greater impact on those children with SEND and unpaid carers..
..... are from the Armed Forces Community	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools.

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
North Yorkshire wide	
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	

<b>Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)</b>	
Scarborough district	
Selby district	
<b>If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	

<p><b>Section 9. Will the proposal affect anyone more because of a combination of protected characteristics?</b> (for example, older women or young gay men) <b>State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</b></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>
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<b>Section 10. 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>
<b>5. No adverse impact - no major change is needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	
<b>6. 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.	
<b>7. 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)	✓
<b>8. Actual or potential unlawful discrimination - stop and remove the proposal –</b> The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p><b>Explanation of why the option has been chosen</b> (include any advice given by Legal Services.)</p> <p>The actual impact will not be known until the budget determinations are made.</p> <p>During the consultation and decision making process there will be ongoing consideration to any equality impacts that arise, and how these can be mitigated.</p>	

**Section 11. 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?)**

Regular monitoring and reporting of finances to the School Forum

**Section 12. 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
To consider a formal consultation responses received from special schools	Howard Emmett – Asst. Director	Ongoing		
To present results for discussion at Schools Forum	Howard Emmett – Asst. Director	23 <sup>rd</sup> Nov 2023		
Outcome of consultation considered by CYPS Executive Members in conjunction with Corporate Director and associated proposals approved	Howard Emmett – Asst. Director	Dec 2023		
Final Decision by Full Executive on the High Needs Budget 2024/25	Final Decision by Full Executive on the High Needs Budget 2024/25	Jan 2024		

**Section 13. 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 0.5% for special schools budget in 2024-25
- 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 14. Sign off section**

This full EIA was completed by:

**Name: Leanne Stables**

**Job title: Head of Finance – Children & Families, Inclusion and Education & Skills**

**Directorate: Central Services**

**Signature: Leanne Stables**

**Completion date: 27/09/23**

**Authorised by relevant Assistant Director (signature): Howard Emmett**

**Date:28/09/23**