



Equality Analysis Toolkit

Developing the Approach and Provision for Children
and Young People with Special Educational Needs
and Disabilities

For Decision Making Items

September 2020

Question 1 - What is the nature of and are the key components of the proposal being presented?

The proposal relates to the SEND Sufficiency Strategy. The strategy has been developed to support the implementation of the SEN reforms that were introduced with the Children and Families Act 2014. There are two key elements to this strategy. The first is to support children and young people's right to participate in mainstream education within their local community. The second relates to a number of capital projects designed to ensure there is sufficient specialist provision for pupils with special educational needs across the county.

Question 2 - Scope of the Proposal

Is the proposal likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected?

The capital projects part of the proposal is likely to affect people across the county in different ways. Each of which are considered in turn below.

The development of 12 special educational needs units attached to mainstream primary schools and 12 to mainstream secondary schools. It is being proposed that these will be created in specific locations across the county. The locations are Lancaster/Morecambe, Fleetwood/Lytham, Accrington/Burnley, Colne/Nelson, Preston/Leyland and Ormskirk/Skelmersdale.

The creation of more special school places for children with social emotional and mental health needs at Stepping Stones Short Stay School and on the Haven site in Thornton-Cleveleys.

The expansion and relocation of Broadfield Specialist School in Accrington to the Hameldon site in Burnley.

The expansion of Sir Tom Finney Community High School in Preston.

The creation of 14 additional special school places in 2 secondary special schools for pupils with social, emotional and mental health needs in Preston and Skelmersdale.

Question 3 – Protected Characteristics Potentially Affected

Could the proposal have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

And what information is available about these groups in the County's population or as service users/customers?

This proposal will have a particular impact on children and young people with disabilities and their families for the children who attend these schools currently and also those who might attend in the future.

It could also have an impact on pupils attending the mainstream schools where special educational needs units are developed.

Question 4 – Engagement/Consultation

How have people/groups been involved in or engaged with in developing this proposal?

13 separate consultations were undertaken between 15th October and 5th November 2019. These were as follows:

- 1 meeting with 6 young people who were representatives of the POWAR group
- 5 meetings with a total of 25 parents and carers at different locations across the county that were organised in collaboration with the Parent Carer Forum
- 7 meetings with a total of 52 headteachers at different locations across the county that were organised in collaboration with the Lancashire headteachers' associations

The information was also presented to Schools Forum at a meeting 17th October 2019 and the SEND Partnership Board on 14th November 2019.

- Further consultation was undertaken through an online survey between 6th July and 18th September 2020. Lancashire residents were made aware of this through notifications on Lancashire County Council website, Twitter and Facebook websites, the Local Offer website and Facebook page and via the Parent Carer Forum. Notification was provided in the SEND Partnership update in July 2020. In addition a letter was sent directly to each of the following stakeholders advising them of the consultation:
 - POWAR
 - Lancashire Parent Carer Forum chair
 - Governing bodies of maintained schools and maintained nursery Schools in Lancashire via the Schools Portal
 - Governing bodies, proprietors or principals of post-16 institutions in Lancashire
 - Providers of relevant early years education in Lancashire
 - Governing bodies of non-maintained special schools in Lancashire and those attended by Lancashire residents
 - Proprietors of Academies in Lancashire via School Portal
 - Advisory boards of children's centres in Lancashire via the Children, Family and Well-being Service who have responsibility for children's centres

- Youth offending team
- Local Members of Parliament
- Diocesan/Church Authorities
- The Regional Schools Commissioner
- Governing bodies, proprietors or principals of other schools and post-16 institutions in England and Wales that the authority thinks are or are likely to be attended by children or young people for whom it is responsible and children or young people in its area who have a disability

Individual meetings have been held with the headteachers of all of the schools implicated in all of these proposals as required since the strategy was first introduced in October 2019.

The consultation held between 6 July and 18 September 2020 resulted in 232 responses of which 65% either strongly agreed or tended to agree with the proposal, 25% either tended to disagree or disagreed with the proposal and 10% neither agreed nor disagreed with the proposal. However, where respondents commented on the proposal there were views which recognised that the proposal would be beneficial overall and that an increase in provision was needed but also concerns about the time this may take to achieve, the immediate impact of change on individual pupils and concerns about whether the proposed changes would be "right" for all pupils. Some comments were also made about whether there would be enough provision for both primary and secondary age pupils with special educational needs and disabilities, those aged between 16 and 19 and about arrangements in specific parts of Lancashire for example, West Lancashire.

Question 5 – Analysing Impact

Could this proposal potentially disadvantage particular groups sharing protected characteristics and if so which groups and in what way? This pays particular attention to the general aims of the Public Sector Equality Duty:

- To eliminate unlawful discrimination, harassment or victimisation because of protected characteristics;

- To advance equality of opportunity for those who share protected characteristics;
- To encourage people who share a relevant protected characteristic to participate in public life;
- To contribute to fostering good relations between those who share a relevant protected characteristic and those who do not/community cohesion;

Elements of this proposal could disadvantage some children and young people with and without special educational needs and their families.

In relation to the creation of special educational needs units this could have an impact on pupils already attending the schools, as additional pupils with special needs join the schools the schools concerned. Each school will have a dedicated space some of which will involve the repurposing of existing accommodation thereby reducing the space and potentially facilities to pupils already attending the schools concerned.

The expansion to any existing provision will create additional school places and so will increase the number of pupils attending a school and therefore could affect those already on roll. It is not anticipated this will lead to an increase in class size however it will place an extra demand on resources, such as IT equipment, space in the dining hall and access to other facilities. It is also possible this will require repurposing existing accommodation in some schools and therefore could reduce space and facilities available to pupils attending the school. This likely to be relevant to the proposals to increase the number of special school places at Stepping Stones Short Stay School, the expansion of Sir Tom Finney High School and the creation of additional places at the two secondary special schools for pupils with social, emotional and mental health needs.

The proposal to develop provision for pupils with social, emotional and mental health needs on the Haven site is likely to have an impact on pupils attending Northfold Community Primary School and the school itself. Northfold Community Primary School is located on the same

school site as the Haven building. The Haven building was used as alternative provision for primary age pupils with social, emotional and mental health needs. The headteacher and chair of governors of Northfold Community Primary School have expressed concerns their school would become known as the 'naughty school' again and this would have an adverse effect on admissions.

The proposal to expand and relocate Broadfield Specialist School is likely to have an adverse effect on some pupils and their families who currently live closer to the school in its current location than they will if it moves to the Hameldon site in Burnley. The effects could include increased travelling time for pupils and for families if they need to attend meetings at the school and/or collect their child to attend medical appointments. In addition it might limit some pupils' abilities to be able to attend out of school activities. This would have a particular impact on families who are not able to drive and also for whom there are other children in the family with or without disabilities that do not attend the school. The proposed relocation of the school could have an adverse effect on those young people who find it difficult to adjust to change particularly those who have been at the school for a number of years or who have recently moved to the school and those for whom if the move were to take place might only attend the school for their final year.

Some respondents commented that equality of opportunity could be advanced for some pupils with special educational needs who were academically able as they could have greater opportunity to access the full curriculum and potentially achieve in line with their ability, whilst the units would provide the support such pupils needed at a social or emotional level to function in a mainstream environment.

However, other respondents were concerned that the size, scale, noise and bustle of a mainstream school might be too stimulating or distracting for some pupils with neuro-diverse conditions to function effectively in.

There were also a number of respondents who, whilst supporting the proposal, were concerned that training for all staff, resources and other

features would need to be fully in place for the proposal to have the positive outcomes desired for pupils and potential pupils.

Some respondents were supportive of the proposal because they felt it would increase acceptance and understanding between pupils with special educational needs and those who did not have special educational needs, which could help more widely in fostering good relations between groups who have/share protected characteristics and those who do not have/share them. It should be noted however that some respondents were concerned that pupils with special educational needs might be bullied because of their disabilities or might not feel included in the wider group.

Question 6 –Combined/Cumulative Effect

Could the effects of this proposal combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

Other factors and decisions that might have a combined and/or cumulative effect include the redesign of the short breaks offer that is currently underway as this is a service that is provided for children and young people with disabilities, many of whom will attend some of the specialist provision that is being considered as part of this proposal. The covid-19 pandemic has also affected the short breaks offer as it has not been possible to provide all of the short break activities and day time and overnight breaks that are usually available during this period. It is also not possible to foresee how provision in schools and in relation to short breaks will develop overtime in the light of any changes that will need to be made in response to the pandemic.

Question 7 – Identifying Initial Results of Your Analysis

As a result of the analysis has the original proposal been changed/amended, if so please describe.

The proposal has not been changed or amended.

Question 8 - Mitigation

Will any steps be taken to mitigate/reduce any potential adverse effects of the proposal?

In terms of the units and schools where there are plans to increase the number of pupils attending Inclusion would work closely with the assets teams to ensure there is good quality accommodation available for these units and that every effort is made to minimise the impact on other pupils in terms of the loss of space and access to facilities. This could include adding modular buildings in some instances and repurposing accommodation that is not currently used or not used for teaching and learning wherever possible.

Training and support for staff who will be deployed in the special needs units will be provided by members of the specialist teaching and educational psychology teams within the Inclusion Service as this is required by the schools involved. This offer has been extended to include the whole school staff of these schools as needed.

The headteacher at Broadfield Specialist School has said that arrangements will be made to transport pupils wishing to attend some out of school activities to a central point in Accrington close to the current site to limit the amount of additional travelling families may incur because of the school's relocation. This is unlikely to be possible for all out of school activities.

There will be a period of phased transition for all pupils who currently attend Broadfield Specialist School should the proposed relocation go ahead. Ideally this will be over the course of a term however it will be dependent upon the availability of both school buildings during the transition period.

Some respondents who took part in the online survey expressed a view that the implementation of the SEND Sufficiency Strategy might result in a reduction in specialist provision available either to individuals or groups of pupils who need it. It is important to be clear

that specialist provision and special school places will continue to be available to those who need them.

Question 9 – Balancing the Proposal/Countervailing Factors

This weighs up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of the analysis.

The SEND Sufficiency Strategy is designed to have a positive overall impact on children and young people with SEND as it reflects the overall objectives of the SEND reforms that were introduced with the Children and Families Act 2014. It will increase the options available to children and young people with special educational needs and enable more pupils to attend schools within their local community, particularly where any additional support required can be provided within a special educational needs unit. It will increase the number of special school places and places in special educational units attached to mainstream primary and secondary schools, thus ensuring greater consistency with the national picture with respect to special educational needs provision. This in turn should improve outcomes for children and young people but also reduce dependency on out of county special educational provision and the demand for high needs funding. It is however fair to acknowledge that for some pupils during the implementation stage it might create some disruption and uncertainty that they and their families may find has an adverse impact on them.

Question 10 – Final Proposal

In summary, what is the final proposal and which groups may be affected and how?

The proposal relates to the SEND Sufficiency Strategy. The strategy has been developed to support the implementation of the SEN reforms

that were introduced with the Children and Families Act 2014. There are two key elements to this strategy. The first is to support children and young people's right to participate in mainstream education within their local community. The second relates to a number of capital projects designed to ensure there is sufficient specialist provision for pupils with special educational needs across the county.

Question 11 – Review and Monitoring Arrangements

What arrangements will be put in place to review and monitor the effects of this proposal?

Each of the capital projects identified in the SEND Sufficiency Strategy is a prescribed alteration and as such there are statutory processes that must be completed before any change can be implemented. Each of these will involve periods of informal pre-statutory consultation and then statutory consultation. Currently each individual proposal would be presented for Cabinet approval and three points in this process, during the initial introductory phase, between the informal and formal statutory consultation periods and again following the statutory consultation period. Cabinet is being asked to delegate responsibility for the second of these decisions to the Executive Director for Education and Children's Services in consultation with the Lead Member.

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Position/Role Head of Service Inclusion/Equality & Cohesion Manager

Equality Analysis Endorsed by Line Manager and/or Service Head

Decision Signed Off By

Cabinet Member or Director

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