



Derby City Council

Equality impact assessment form

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| Directorate | Peoples Services |
| Service area | Learning Inclusion and Skills/ Inclusion |
| Proposal | To consider the proposals put forward in the SEND Capital Programme consultation. |
| Reason for proposal | |
| Sign off (Director/Head of Service) | Pauline Anderson/ Paula Nightingale |
| Date of assessment | 11/01/2022 |

Please read the support notes to help you in Appendix 1 before completing your assessment

The form

You need to attach the completed form to any report to help councillors and colleagues make their decisions by taking equality implications into account.

The assessment team or name of individual completing this form

Team leader's name and job title Paula Nightingale, Head of Inclusion Service

Other team members if appropriate

| Name | Job title | Organisation | Area of expertise |
|----------------------|--|--------------------------|--------------------------------------|
| Michelle Lowe | SENDIASS Co-ordinator | SENDIASS, Derby City | Family/CYP support |
| Pauline Anderson OBE | Service Director- Learning, Inclusion and Skills | Derby City Council (DCC) | SEND, Education, Learning and Skills |
| Darren Morris | Deputy Headteacher and SENDCO | Cherry Tree Hill school | Primary education and SEND |
| Ian Armstrong | Headteacher | Ivy House School | Profound and Multiple Learning Needs |
| Coral Golding | PACE and EY Quality Improvement service manager | DCC | Early Years |
| Adem Repesa | Achievement Co-ordinator | NCAT manager - DCC | New Communities |

| Name | Job title | Organisation | Area of expertise |
|--------------------|---|---|----------------------------------|
| Alistair Crawford | Teaching School Strategic Lead | St Martins and St Andrews special schools | Secondary SEND |
| Sarah Le- Good | Director of Inclusion | Derby College | Post -16 Inclusion and SEND |
| Janine Cherrington | Head of Service | T2 | Post-16 Inclusion and SEND |
| Wendy Forte | Deputy Headteacher and SENDCO | Ashgate primary | SEND in primary education |
| Peter Cade | SEND Governor | Ivy House Chair of Governors | SEND in Special Schools and LAC |
| Becky Barker | PCT SEND Navigator and Director | PCT chair | Children and Families with SEND |
| Daniel Marson | SEND Team Manager | SEND Team Manager - DCC | Statutory SEND processes |
| Rachel Rule | PCT SEND Navigator and Director | PCT chair | Children and Families with SEND |
| Graeme Ferguson | Headteacher Virtual School LAC | Virtual School Head - DCC | LAC |
| Kirstie Large | Inclusion Lead, Manager of ER | Springfield Primary | SEND |
| Ellen Wilkinson | In Year fair Action and Exclusion Manager | In- Year Fair Access and Exclusions - DCC | Exclusions |
| Diane Harrison | Senior SEND Commissioning Project Officer | SEND Commissioning - DCC | Commissioning provision for SEND |

Step 1- setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side- tracked.

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| <p>1. What are the main aims, objectives and purpose of the decision you want to make?</p> | <p>SEND Capital Programme Let's Talk Derby proposals:</p> <ol style="list-style-type: none"> 1. Primary Provision - A new 'Primary Inclusion Hub' proposed at Cotton's Farm Primary School. 2. Secondary Specialist Provision – Expand the school by 14 places (from 146 to 160 places). 3. Improved provision in mainstream secondary schools: |
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| | <p>a. Murray Park Community: 15 places for autism needs with Social Emotional and Mental Health (SEMH) support</p> <p>b. Landau Forte: 15 places for autism needs with SEMH support</p> <p>c. City of Derby Academy: 15 places for autism needs with SEMH support</p> <p>d. Chellaston Academy: 10 places for autism needs with SEMH support</p> <ul style="list-style-type: none"> • The main aim is to help to improve both mainstream and specialist provision for children and young people with SEND in Derby. • The demand for special school places in Derby is much higher than national and regional authorities. In developing the Enhanced Resource provision and strengthening inclusive practice more CYP will be included in aspects of mainstream education and their outcomes, independence and social skills can benefit. |
| <p>2. Why do you need to make this decision?</p> | <ul style="list-style-type: none"> • To ensure that the £8.882m of SEND capital funding available to invest is done so appropriately, fairly and equitably to reflect the needs and wishes of our SEND community, with the greatest impact. |
| <p>3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?</p> | <ul style="list-style-type: none"> • Department for Learning, Inclusion and Skills • Commissioning • Finance |
| <p>4. Who are the main customers, users, partners, colleagues or groups affected by this decision?</p> | <ul style="list-style-type: none"> • Children, young people and their families • Schools and settings • Post-16 providers • Voluntary and Community sector providers • Health and Social care professionals |

Step 2 – collecting information and assessing impact

5. Who have you consulted and engaged with so far about this change, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.

Proposals were developed following a 'Call for Views' which received 147 responses.

This concluded that people would like us:

1. to strengthen the support that is provided through the ['graduated response'](#)([External link](#))
2. to support children with SEND earlier in their lives to reduce the need for specialist support later on
3. to provide more Enhanced Resource places in mainstream schools across the city.
4. to provide more support for children and young people with social, emotional, and mental health needs
5. to quality assure the specialist schools and settings that we have in Derby, and those we use outside of the city

Proposals were co-produced with parent representatives, partners and headteachers, and Local Area SEND Governance.

Proposals currently part of an open consultation - [SEND Capital Programme | Let's Talk Derby](#). Survey available online, in paper copy and accessible versions.

Details of how to participate in the consultation have been shared across numerous platforms -the Local Offer, via parent carer representative groups, with all SEND governance partners for them to share across their stakeholder networks.

6. Using the skills and knowledge in your assessment team or what you know yourself, and from any consultation you have done, what do you already know about the equality impact of the proposed change on particular groups? Also, use any other information you know about such as any customer feedback,

surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. Only fill in the mitigation box if you think the decision will have a negative impact and then you'll need to explain how you are going to lessen the impact.

| People with protected characteristics | What do you already know? | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact? | Comments to note |
|--|--|-------------------|-----------------|---|---|
| <p>Age – older and younger people</p> | <p>JSNA, School Census, SEN2 data, and the findings of the Call for Views, all used to develop the proposals in co-production. JSNA - Document downloads - Derby City Council</p> <p>Department for Education statistical release on special educational needs June 2021- surveys and benchmark data: https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england</p> <p>Proposals directed at primary and secondary age due to demand and needs of those ages ranges: Number of autistic youngsters with SEMH Is increasing at secondary school age. Demand for specialist support around these needs is also increasing. Improvements in Specialist secondary provision needed to improve outcomes for CYP. Provision needed to strengthen the graduated response at the earliest opportunity.</p> | <p>Yes</p> | | | <p>No funding/proposals for post-16 settings and so initial concerns over fairness. Post-16 provider representative noted that improving provision and support at a younger age will actually benefit post-16 sector as a lot of issues tackled earlier in CYP journey.</p> <p>No proposals for early years- with decommissioning of Lord St and Central Nurseries could this be an issue? Assurances given that these plans are just the beginning and what is urgently needed now.</p> |
| <p>Disability – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning</p> | <p>As above</p> | <p>Yes</p> | | | <p>Mainstream proposals viewed as positive as going some way to address the SEMH needs of city and the JSNA</p> |

| People with protected characteristics | What do you already know? | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact? | Comments to note |
|---|---------------------------|-----------------|-----------------|---|---|
| difficulties, people living with autism and people with physical impairments | | | | | |
| Gender identity - trans and those people who don't identify with a particular gender, for example, non-binary, genderfluid, genderqueer, polygender and those who are questioning their gender or non-gendered identity. | As above | Yes | | | High % of CYP with ASD also have GI questions alongside SEMH needs. Proposals addressing SEMH needs in the city therefore viewed as positive. |
| Marriage and Civil Partnership | As above | Yes | | | Secondary school age CYP receiving better support earlier through appropriate provision in the city will be more likely to get involved in all aspects of civil and general life like marriage and CP |
| Pregnancy and maternity - women who are pregnant or who have recently had a baby, including breast feeding mothers | As above | Yes | | | More SEMH support in mainstream is positive as there will therefore be better support for pregnant/post-natal teens – addressing potential traumatic pregnancy/birth, post-natal depression. |
| Race - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community | As above | Yes | | | Mainstream proposals viewed as positive – Noted that more needs to be done to make mainstream be more inclusive in general – this could be supported and encouraged if built |

| People with protected characteristics | What do you already know? | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact? | Comments to note |
|---|---------------------------|-----------------|-----------------|---|---|
| | | | | | into the design of the ER provision. Assurances given that this would be the case. |
| Religion or belief or none - the effects on religious and cultural communities, customers and colleagues | As above | Yes | | | There is no provision to be proposed that is faith-based. |
| Sex - the effects on both men and women and boys and girls | As above | Yes | | | Positives viewed as being the same as for Gender ID and Marriage/CP |
| Sexual orientation - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality | As above | Yes | | | Positives viewed as being the same as for Gender ID and Marriage/CP |
| Other issues considered- "Disadvantage" Deprivation indicators | As above | | | Another EIA will be conducted once the results of the consultation are known. | For all who are advantaged by proposals – those cyp who attend the schools, who will get the potential additional places- there will be those that do not advantage from them. Improvements in provision still not in their catchment etc . This needs to be noted and mitigated against. Was agreed that more detailed data around deprivation indicators – FSM, income etc would be available at the next stage of the process. |

| People with protected characteristics | What do you already know? | Positive impact | Negative impact | Mitigation - what actions will you take to lessen impact? | Comments to note |
|---------------------------------------|---------------------------|-----------------|-----------------|---|--|
| | | | | | <p>Positive comments around increase of specialist places and the hope that they will keep more children in the area and start to reduce OOA placements.</p> <p>Equity of opportunity and aspiration</p> |

Important - For any of the equality groups you don't have any information about, then please contact our Lead on Equality and Diversity for help. You can also get lots of information on reports completed from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

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| Outcome 1 | Yes | No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken |
| Outcome 2 | | Adjust the proposal to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified? |
| Outcome 3 | | Continue the proposal despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact. |
| Outcome 4 | | Stop and rethink the proposal when the EIA shows actual or potential unlawful discrimination |

Why did you come to this decision?

There were no clear negative impacts identified by the group. All concerns were discussed and debated with mitigation and assurances given that they would be considered in more detail at the next stage of the process and a further EIA to be conducted once the outcome of the consultation is known.

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the proposal. You also need to make sure that there are actions in the Mitigation Box to lessen the effect of the negative impact. This is so important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is so important that the equality impact assessment is done thoroughly, as this is what the Judge will consider

Appendix 1

Equality impact assessment form– please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact, you need to do an equality impact assessment whenever a decision is needed about our services and functions that affects people and **before** that decision is made. This also includes quick Covid 19 related decisions.

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures.
- Key decisions such as allocating funding to voluntary organisations, budget setting.
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to complete them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t. The nine protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race religion and belief, sex and sexual orientation.

Having ‘due regard’ means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

This completed form should be attached to any Corporate Leadership, Senior Leadership, Cabinet or Personnel Committee report to help decision makers take the equality implications into account when they make the decision. Equality impact assessments **must be done before** decisions are made.

You’ll find that completing these assessments will help you to:

- understand your customers’ and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Unless this is a quick Covid 19 decision, don’t do the form by yourself. Get a small team together and make sure you include key people in the team such as representatives from our Equality Hubs and Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You’ll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you’ll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

Remember, we need to complete these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010. If in doubt – it's better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website.** It is a public document so must not contain any jargon and must be easy to understand.

Contact for help

Ann Webster – Lead on Equality and Diversity

ann.webster@derby.gov.uk

Tel 01332 643722 mobile 07812301144

[Sign Language Service](#)

We can give you this information in any other way, style or language that will help you access it. Please contact us on **01332 643722, 07812301144** or **derby.gov.uk/signing-service/**

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਇੱਥੇ ਸੰਪਰਕ ਕਰੋ: **01332 64XXXX** ਜਾਂ **derby.gov.uk/signing-service/**

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: **01332 64XXXX** lub **derby.gov.uk/signing-service/**

Slovak

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Prosím, kontaktujte nás na tel. č.: **01332 64XXXX** alebo na stránke **derby.gov.uk/signing-service/**

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم **01332 640000** یا **derby.gov.uk/signing-service/** پر ہم سے رابطہ کریں