

## Equality Impact Assessment (EqIA) Screening Template

**Proposal/Brief Title:** Consultation on how we will allocate top – up funding for pupils with special educational needs and disabilities

**Date:** 7<sup>th</sup> February 2020

### Type of strategy, policy, project or service

Please tick one of the following:

- Existing
- New or proposed**
- Changing, update or revision
- Other (please explain)

### This report was created by

**Name** Christine Preston

**Job Title** Commissioner: Education and Sufficiency

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### Briefly describe the aims and objectives of the proposal

We want to develop a robust and transparent funding model that will meet the needs of our children and young people and therefore enhance their learning. Our main objective is that the high needs top-up funding is available to the individual school or setting and is used to provide appropriate additional provision to support the ambition that we have to improve outcomes for our students with SEND.

We are reviewing the current provision and the way in which we use our high needs funding in order to:

- Bring funding in line with government guidance to ensure funding is allocated on a needs led basis
- Deliver on the Council's priorities and our SEND Strategy
- Ensure the way we allocate top-up funding is fair, simple, consistent and transparent, and enables us to plan how we meet the increasing number of children and young people with SEND within the funding available

### What outcomes do we want to achieve?

We want to implement a funding model that is needs led and provides the appropriate level of funding dependent on the needs of each child or young person. We want the way we allocate top up funding to be fair, consistent and transparent with the overall objective that a child or young person is funded at the correct level regardless of what school or setting they are in.

Screening Questions	Yes	No	Please explain your answer
Does this proposal plan to withdraw a service, activity or presence?		No	The proposal seeks to make the process of allocating funding fair, consistent and transparent
Does this proposal plan to reduce a service, activity or presence?	Yes		Whilst there is no overall reduction in the budget or service, the proposal seeks to change the way in which the top up element of special needs funding is allocated to make the process of allocating funding fair, consistent and transparent. As the proposed model is needs led this will result in some schools receiving an increase in the allocation they receive whilst other schools may see a reduction in their allocation. Transition arrangements would be put into place where this is the case to ensure children continue to be appropriately supported.
Does this proposal plan to introduce, review or change a policy, strategy or procedure?	Yes		The consultation aims to change the current allocation system to make it fair, consistent and transparent to ensure children can be appropriately supported.
Does this proposal affect service users and/or customers, or the wider community?	Yes		Schools with children with SEND are directly affected. The Local Authority remains under a statutory duty under section 42 of the Children and Families Act to secure the special educational provision set out in a child or young person's EHCP.
Does this proposal affect employees?	Yes		Not directly. Changes to funding for schools could have an impact on how staff carry out their work.
Will employees require training to deliver this proposal?	Yes		Training on the moderation process, and on the banding model itself will be required for schools
Has any engagement /consultation been carried out?	Yes		Various modelling and engagement sessions have been carried out to inform the proposals. Formal consultation with headteachers, governors and senior leaders from our special and mainstream schools, further education providers and pupil referral units planned for Feb/March 2020
<b>Are there any concerns at this stage which indicate that this proposal could have negative or unclear impacts on any of the group (s) below? (*protected characteristics)</b>			
<b>Groups</b>	<b>Yes</b>	<b>No</b>	<b>Comments</b>
Age*		No	The proposal meets the SEND code of practice relating to age
Disability*		No	The proposal meets the SEND code of practice

			<p>relating to age. The proposal is intended to fund provision for CYP with SEND. It is not envisaged that the impact of this change will be negative; transition arrangements will be in place to mitigate impact where funding may reduce.</p> <p>The Local Authority remains under a statutory duty under section 42 of the Children and Families Act to secure the special educational provision set out in a child or young person's EHCP. The proposal seeks to meet this duty by ensuring that pupils with EHCP are funded on an equivalent basis irrespective of setting in accordance with the Government Guidance on the allocation of funding.</p>
<b>Gender Reassignment*</b>		No	The proposal meets the SEND code of practice and the protected characteristics of this cohort
<b>Pregnancy &amp; maternity*</b>		No	The proposal meets the SEND code of practice and the protected characteristics of this cohort
<b>Race &amp; Ethnicity*</b>		No	The proposal meets the SEND code of practice and the protected characteristics of this cohort
<b>Religion &amp; Belief*</b>		No	The proposal meets the SEND code of practice and the protected characteristics of this cohort
<b>Sex*</b>		No	The proposal meets the SEND code of practice and the protected characteristics of this cohort
<b>Sexual Orientation*</b>		No	The proposal meets the SEND code of practice and the protected characteristics of this cohort
<b>Marriage &amp; Civil Partnership*</b>		No	The proposal meets the SEND code of practice and the protected characteristics of this cohort
<b>Carers</b>		No	The proposal would not impact negatively on this group
<b>Rural isolation</b>		No	The proposal would not impact negatively on this group
<b>Single parent families</b>		No	The proposal would not impact negatively on this group
<b>Poverty (social &amp; economic deprivation)</b>		No	The proposal would not impact negatively on this group
<b>Military families / veterans</b>		No	The proposal would not impact negatively on this group
<b>Gender identity</b>		No	The proposal would not impact negatively on this group

**As a result of this screening, is an EqIA required?**

**(If you have answered yes to any of the screening questions or any of the group (above), a full EqIA should be undertaken)**

- Yes
- No

**Briefly explain your answer**

The proposal is to make the top up funding allocated to children and young people with Special Educational Needs and Disabilities fair, more equitable and transparent. The proposed funding model will ensure that additional provision required will be properly funded; with the aim that children and young people have improved outcomes as a result.

A full EqIA will be completed to ensure that all aspects of the proposed model have been fully considered in accordance with equalities duties.

**EqIA Screening Sign off**

<b>Officer completing this Screening Template</b>	Christine Preston	Date	7 February
<b>Equality Lead</b>		Date	
<b>Shadow Buckinghamshire Corporate Board sign off</b>		Date	

**Please continue to the next page to complete a full EqIA.**

## EqIA – Full Equality Impact Assessment

### Step 1: Introduction

**Policy or Service to be assessed:** The allocation of top up funding for pupils with Special Educational Needs and Disabilities (SEND)

**Service and lead officer:** Hero Slinn, Integrated SEND Service

**Officers involved in the EqIA:** Christine Preston and Lucy Pike

**What are you impact assessing?**

- Existing
- New/proposed
- Changing/Update-revision

**Other, please list:**

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- 
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### Step 2: Scoping – what are you assessing?

**What is the title of your service/strategy/policy/project?**

The allocation of top up funding for pupils with Special Educational Needs and Disabilities (SEND)

**What is the aim of your service/strategy/policy/project?**

The approach to the allocation of top up funding for pupils with Special Educational Needs and Disabilities (SEND) is variable according to the type of setting a child attends. The current provision based mechanism for funding pupils with an EHCP in Buckinghamshire allows for pupils with similar needs to be funded very differently according to the school in which they are placed. Pupils within an individual special school are funded at the same value regardless of any differential in their needs as a single top-up value for each such pupil is paid to each school. Funding for pupils with EHCPs placed in mainstream schools is based on hours of support, and funding for Additional Resourced Provision (ARPs) is based on a Locator system. This means that a pupil of similar needs may be funded differently according to the individual school or type of provision in which they are

placed.

A consultation to seek the views of headteachers, governors and senior leaders from our special and mainstream schools and pupil referral units on a new approach to funding pupils in a range of education settings was undertaken between 20<sup>th</sup> February and 6<sup>th</sup> March 2020.

The recommended option in the consultation paper would:

- i. Bring funding in line with government guidance to ensure funding is allocated on a needs led basis;
- ii. Deliver on the Council's priorities and the Local Area SEND Strategy;
- iii. Ensure the way that top-up funding is allocated is fair, simple, consistent and transparent, and enables us to plan.

**Who does/will it have an impact on? E.g. public, visitors, staff, members, partners?**

If the recommended model is adopted the new approach would impact on schools and other education settings (i.e. pupil referral units). Settings would be required to work alongside local authority officers to review the needs of all children with Education, Health and Care Plans with a view to allocating them to a banding descriptor. This would determine the level of funding the school/setting receives, according to the identified needs. Schools/settings would also be engaged in a moderation process to ensure equity and transparency. This would aim to ensure that senior education leaders work in partnership with the local authority to quality assure the banding process. It would also mean that schools and settings are central to the process and instrumental in making it fair and consistent.

The proposed model would result in some schools receiving an increase in funding and some schools would receive a decrease in funding. A phased approach would be taken to minimise the impact on any schools where their allocation of funding is reduced. Once funding levels are agreed and transition arrangements in place, schools would continue to work with families and other support agencies in the same way that they do currently to provide appropriate support to enable children to progress and achieve educationally. Council Officers and school/setting staff may require training on a new model to ensure they are able to participate effectively in the process of funding allocation.

The proposed funding model allocates funding based on needs of children so that children with similar needs are funded at a similar level irrespective of the educational setting they attending. This would have the outcome of ensuring funding is more equitably distributed across the various settings. The Local Authority remains under a statutory duty under section 42 of the Children and Families Act to secure the special educational provision set out in a child or young person's EHCP. The Local Authority considers that the proposed model which is in accordance with Government Guidance on the allocation of high needs funding is aligned with this statutory duty.

**Will there be an impact on any other functions, services or policies? If so, please provide more detail**

Following the consultation with education leaders in Buckinghamshire and analysis of the outcome of the consultation, 85% of Respondents agreed or strongly agreed with the Council's proposal to adopt a needs led banded funding model. The Council's preferred option is therefore being put

before, the Cabinet Member for a decision on whether this will be adopted. If agreed permission will need to be sought from the Secretary of State to be exempted from the Special Schools Minimum Funding Guarantee (MFG) so that the appropriate reductions in funding, as well as increases can be managed.

The MFG is the level at which funding for special schools can change from year to year. The DfE has increased the MFG from minus 1.5% to 0% for 2020-2021. Disapplication from the MFG is provided for within the High Needs Operational Guidance 2020-21 and can be applied in cases where local authorities are proposing to change their banding systems. A transition process and level of support therefore needs to be determined and Schools Forum would need to be consulted as part of the process. The following principles are key to an equitable model:

1. That gaining schools need to move as quickly as possible to the new model to ensure they are appropriately funded for the needs of pupils in the school;
2. That schools facing a reduction in funding will have a longer transition period in order to manage reductions, with less disruption to staffing and provision.

This would need to be modelled and determined in consultation with schools based on the final banding. Recommendations would need to be made to Schools Forum in June 2020.

Any new approach to funding will impact on those Service areas directly involved, in particular, the Integrated SEND Service, supporting decision making around placements, with arrangements reviewed through the annual review process. Processes will need to be developed, in collaboration with schools/settings to ensure the model can be rolled out effectively.

**Are there any potential barriers to implementing changes to your service/strategy/policy/project?**

If the proposed model is agreed, a phased approach to implementation would be adopted. As the model has been trialled in Special Schools only, there may be some further work to complete regarding implementation in mainstream schools and Additionally Resourced Provisions (ARPs). This would be completed in partnership with schools and ARPs to ensure that the model is understood and easy to implement for each setting. A phased approach is therefore proposed with roll out to special schools first in September 2020 and subsequent implementation for mainstream schools and ARPs.

Timescales for allocation of high needs funding in September 2020 are critical to ensure continuity of budgets and planning for school/settings. To be in a position to implement the proposed model, the Task and Finish group has continued to work with Head Teachers of special schools to develop the banded funding model, taking into account any feedback that is received during the consultation period. This work has been undertaken in parallel with planning by the Local Authority to deliver the high needs budget in the event the proposed model is not agreed.

**Step 3: Information gathering – what do you need to know about your customers?**

<b>What data do you already have about your service users, or the people your policy or strategy will have an impact on, that is broken down by equality strand?</b>	
Age/Disability:	Data about service users impacted (i.e. children and young people with SEND) is contained within their Education, Health and Care Plans and captured on the ONE system. Data on current funding arrangements with schools is held within Finance.
Gender re-assignment:	As above
Race:	As above
Religion or belief:	As above
Sex:	As above
Sexual orientation:	As above
Pregnancy and maternity:	n/a
Marriage & Civil Partnership:	n/a

**Do you need any further information broken down by equality strand to inform this EqIA?**

Yes  
 No

If yes, list here with actions to help you gather data for the improvement plan in Step 5

**Is there any potential for direct or indirect discrimination?**

Yes  
 No

If yes, please provide more detail on how you will monitor/overcome this

## Step 4: Making a judgement about impacts

<b>What data do you already have about your service users, or the people your policy or strategy will have an impact on, that is broken down by equality strand?</b>	
Age:	See section 3
Disability:	
Gender re-assignment:	



Race:	
Religion or belief:	
Sex:	
Sexual orientation:	
Pregnancy and maternity:	
Marriage & Civil Partnership:	

**Conclusion:**

As the project is focused on developing a new funding model for schools/settings, any impact on service users is minimal, and transition arrangements would be put in place if the proposed model is implemented to minimise disruption to any impacted school. These arrangements would ensure children and young people are not disadvantaged in any way and would be a result of collaboration with individual schools/ settings.

It is not anticipated that the new approach would have any detrimental effect, rather it aims to provide a fairer, more transparent and equitable approach to funding allocation, based on need so that children presenting with similar needs are funded at the same rate.

**Step 5: Improvement plan – what are you going to change?**

Issue	Action	Performance target (what difference will it make)	Lead Officer	Achieved

<b>EqIA approved by:</b>	Joanna Cassey
<b>Date:</b>	12 May 2020
<b>Next review date:</b>	TBC