

# Equality Impact Assessment [version 2.9]



Title: Specialist Provision Project	
<input type="checkbox"/> Policy <input checked="" type="checkbox"/> Strategy <input type="checkbox"/> Function <input checked="" type="checkbox"/> Service <input type="checkbox"/> Other [please state]	<input type="checkbox"/> New <input checked="" type="checkbox"/> Already exists / review <input checked="" type="checkbox"/> Changing
Directorate: People	Lead Officer name: Emma Lloyd
Service Area: Education & Skills, Accessible City	Lead Officer role: Interim Head of Service (Inclusive City)

## Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](https://sharepoint.com).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the [Equality and Inclusion Team](#) early for advice and feedback.

### 1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use plain English, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

The SEND Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014. It relates to Children and Young People (aged 25 and under) with special educational needs (SEN) and disabled children and young people (CYP). The specialist provision project and the proposed increase in special school provision is designed to ensure that we continue to comply with our statutory duties and improve our services for children and families with SEN.

A child or young person has special educational needs if they have a learning difficulty or disability which calls for special educational provision to be made for them. Special educational provision is provision that is additional to or different from that which would normally be provided for children or young people of the same age in a mainstream education setting.

An Education, Health and Care Plan (EHCP) describes the child or young person's special educational needs and/or disability (SEND) and the provision to be implemented to help them meet their outcomes. An EHCP also includes any health and care needs and the provision required. It is a legal document written by the local authority and names the setting where the child and young person will be or is enrolled. This setting has a legal duty to provide all the provisions in the plan.

A small proportion of our children and young people with Education, Health and Care Plans will require specialist education provision, e.g., special schools or resource bases. However, currently the supply of specialist provision does not meet the demand for all the children and young people in Bristol who require it. This has led to many issues including:

- Children and young people attending mainstream settings which are not appropriate, thus receiving fixed term exclusions
- Children and young people travelling across Bristol every day to attend a provision
- Children and young people being educated out of county

- The Local Authority has had to engage with the independent market, resulting in a strain on finances
- Some children and young people have been missing education.

The specialist provision project aims to identify the types and location of learning need within Bristol and engage with specialist settings who would be willing to expand their provision. This will increase the number of children and young people who will be able to access a specialist provision. By approaching special schools and asking them to increase their capacity, the specialist provision project aims to:

- Minimise travel time for children attending/requiring specialist placements
- Result in less children being educated in out of county schools and educated within their own local communities
- Provide flexible Specialist Resource Base provision across the city that is able to meet the city's forecasted demand presently and in future years
- Offer increased and more comprehensive local offer, in Bristol.

## 1.2 Who will the proposal have the potential to affect?

<input checked="" type="checkbox"/> Bristol City Council workforce	<input checked="" type="checkbox"/> Service users	<input checked="" type="checkbox"/> The wider community
<input checked="" type="checkbox"/> Commissioned services	<input checked="" type="checkbox"/> City partners / Stakeholder organisations	
Additional comments:		

## 1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

<input checked="" type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>	[please select]
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n/a

## Step 2: What information do we have?

### 2.1 What data or evidence is there which tells us who is, or could be affected?

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: <https://www.bristol.gov.uk/people-communities/measuring-equalities-success>.

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data e.g. from national or local research, available data or previous consultations and engagement activities.

Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here [Data, statistics and intelligence \(sharepoint.com\)](#). See also: [Bristol Open Data \(Quality of Life, Census etc.\)](#); [Joint Strategic Needs Assessment \(JSNA\)](#); [Ward Statistical Profiles](#).

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as [HR Analytics: Power BI Reports \(sharepoint.com\)](#) which shows the diversity profile of council teams and service areas. Identify any over or under-representation compared with Bristol economically active citizens for different characteristics. Additional sources of useful workforce evidence include the [Employee Staff Survey Report](#) and [Stress Risk Assessment Form](#)

<b>Data / Evidence Source</b> [Include a reference where known]	<b>Summary of what this tells us</b>
Special Schools Place Planning Spreadsheet	This spreadsheet combines data around all of the children and young people who have an EHCP maintained by Bristol and either want to be placed in a special school, need to be placed in a special school, or want to change from one special school to another. Personal data is captured, type of needs of the child or young person and which special schools have been consulted and their responses. Placement Planning Panel looks at this data and prioritises the children and young people when allocating spaces in special schools. The spreadsheet also includes a map of the different wards across Bristol showing how many children and young people with social, emotional and mental health needs, autistic spectrum condition needs, cognition and learning needs, speech language and communication needs and physical disabilities are in each ward.
Decision Spreadsheet	This spreadsheet records any decisions made by placement panel as to which children and young people are placed in special schools and the reasons for the decisions.
LAS: Liquid Logic Children System (live reporting schedule).	EHM holds all of the data about the population in Bristol. It is possible to run a report at any time to analyse how many children and young people have EHCPs, areas of need, location and education settings attended.
Bristol City Council Corporate Strategy 2018 - 2023	The Bristol City Council Corporate Strategy for 2018 – 2023 highlights the importance to improve educational outcomes and reduce educational inequality, whilst ensuring there are enough school places to meet demand and a transparent admissions process. The plan sets out to reduce the gap between disadvantaged pupils (including pupils with special educational needs, disabilities and children in care) and the Bristol Average at Key Stage 4 and increase overall educational performance (Attainment 8). The ambition is for all children in Bristol to enjoy equality of access to good or better schools and to achieve excellent outcomes that places Bristol schools in the top quartile of schools nationally. With a growing population we also need more school places. Following a large increase in pupil numbers in primary schools, the focus has moved to secondary schools as the increased numbers of pupils get older. In order to meet growing demand, we are working with partner schools and academies and the Education

	and Skills Funding Agency to increase the supply of secondary school places across the city.
<a href="#">Bristol Key Facts 2021</a>	Bristol has 41 areas in the most deprived 10% in England, including 3 in the most deprived 1%. The greatest levels of deprivation are in Hartcliffe & Withywood, Filwood and Lawrence Hill.
Ward Profiles <a href="http://167.71.132.100/wards/Ashley/education">167.71.132.100/wards/Ashley/education</a>	This website shows how many children and young people who have Special Education Needs live in each ward across Bristol. Hartcliffe and Withywood has the highest percentage of children and young people with SEND, and Clifton has the lowest. It is possible to analyse the disproportionate percentage of SEND across the different communities in Bristol. The average percentage of children and young people with SEND in Bristol is 16%, with 15 wards exceeding this average. It is also possible to see the general trend line, and the increase in SEND in Bristol over the years.
<ul style="list-style-type: none"> <li>• <a href="#">The Local Authority Interactive Tool (LAIT)</a></li> <li>• <a href="#">National school census and published DfE statistics</a></li> <li>• <a href="#">Bristol SEND data dashboard</a></li> </ul>	<ul style="list-style-type: none"> <li>• Around 1 in 20 children and young people in Bristol have been identified as needing SEN support; just over 1.5% with an EHCP (Education Health and Care Plan)</li> <li>• In education for 5-19 year olds in Bristol<sup>1</sup>: <ul style="list-style-type: none"> <li>○ Just over a quarter of children and young people with EHCPs are in mainstream schools</li> <li>○ 42.2% of children and young people with EHCPs are in special schools (England average: 38.6%).</li> <li>○ 22.9% of children and young people with EHCPs are in post 16 provision (England Average: 16.2%).</li> <li>○ 0.61% of children and young people with EHCPs attend hospital education (England Average: 4.3%).</li> <li>○ 23% of pupils receiving SEN support achieved the expected standard in reading, writing and maths combined in Key Stage 2 (KS2), just below the England average of 24%.</li> <li>○ 5% of children with EHCPs achieved the expected standard in reading, writing and maths combined in KS2, compared to 9% for England.</li> <li>○ 13.3% of children received SEN support at Key Stage 4 (KS4) where the average score was 32 at Attainment 8, in line with the England average of 32.2.</li> </ul> </li> </ul> <p>4.3% of children with EHCPs in KS4 where the average score was 12.5 at Attainment 8, below the England average of 13.5.</p>
<b>Additional comments:</b>	

## 2.2 Do you currently monitor relevant activity by the following protected characteristics?

<input type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender Reassignment
<input type="checkbox"/> Marriage and Civil Partnership	<input type="checkbox"/> Pregnancy/Maternity	<input type="checkbox"/> Race
<input type="checkbox"/> Religion or Belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual Orientation

<sup>1</sup> Based on pre-COVID-19 data from SEND JSNA Spotlight Report [e6eb9ce1-688b-ca40-fe94-c4821b03f152 \(bristol.gov.uk\)](https://www.bristol.gov.uk/e6eb9ce1-688b-ca40-fe94-c4821b03f152)

Every school in England has a statutory duty to complete the school census each term. The characteristics which are to be reported on include gender, ethnicity, free school meal eligibility and pupil SEN provision.

### 2.3 Are there any gaps in the evidence base?

Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out in section 4.2 below. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. If you are unable to fill in the gaps, then state this clearly with a justification.

For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller teams diversity data may be redacted. A high proportion of not known/not disclosed may require an action to address under-reporting.

There are gaps in overall diversity data at a local and national level for some characteristics where this is not included in statutory reporting. EHM collects data about the population of Bristol, but there are gaps in this data when running a report and there is not available data for all 9 of the protected characteristics.

The Special Schools Place Planning Spreadsheet requires officers to update the data accurately, therefore there may be anomalies and gaps.

### 2.4 How have you involved communities and groups that could be affected?

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of Bristol's diverse communities. See <https://www.bristol.gov.uk/people-communities/equalities-groups>.

Include the main findings of any engagement and consultation in Section 2.1 above.

If you are managing a workforce change process or restructure please refer to [Managing change or restructure \(sharepoint.com\)](#) for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g. staff-led groups and trades unions as well as affected staff.

- Detailed dialogue with education settings, as well as with children, young people and families – Various, as required
- Regional Delivery Directorate: South West, Department for Education - Fortnightly
- People Scrutiny Commission – 19/07/21
- Schools Forum - Various
- Special Schools Head Teachers – 03/02/21
- Corporate Leadership Board – 02/02/21, 01/07/21
- Head Teachers Update – Various, as required
- Collaborative Problem Solving as City Leaders – 09/03/20
- Head Teachers Briefings - Various, as required

### 2.5 How will engagement with stakeholders continue?

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation is required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality and Inclusion Team for help in targeting particular groups.

- Continue to analyse data across the city as to which types of need are more prevalent in certain areas.
- Target special schools in the most densely populated areas of Bristol with children and young people with SEND, to ascertain whether they would be interested in expanding their provision.
- The specialist places manager oversees the development and expansion of special schools in Bristol and leads on communication with stakeholders about the specialist provision project.
- Detailed dialogue with individual education settings to establish the quality of proposed specialist placements.

### Step 3: Who might the proposal impact?

Analysis of impacts must be rigorous. Please demonstrate your analysis of any impacts of the proposal in this section, referring to evidence you have gathered above and the characteristics protected by the Equality Act 2010. Also include details of existing issues for particular groups that you are aware of and are seeking to address or mitigate through this proposal. See detailed guidance documents for advice on identifying potential impacts etc. [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#)

#### 3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

Consider sub-categories (different kinds of disability, ethnic background etc.) and how people with combined characteristics (e.g. young women) might have particular needs or experience particular kinds of disadvantage.

Where mitigations indicate a follow-on action, include this in the 'Action Plan' Section 4.2 below.

<b>GENERAL COMMENTS</b> (highlight any potential issues that might impact all or many groups)	
<p>Whilst we have not identified any significant negative impacts from this project, we are aware of existing disparities for children and young people with special educational need and disabilities which we will aim to mitigate where possible through this and wider approaches outside the scope of the proposal. The project will impact the following groups:</p> <ul style="list-style-type: none"> <li>• All existing and prospective children and young people (CYP) with SEND who may go on to need an EHC Plan and their families.</li> <li>• Schools and staff within schools (SENCO's) who have responsibilities for CYP with SEND.</li> <li>• All professionals, i.e. Educational Psychologists, caseworkers, senior inclusion officers, health and social care colleagues who support CYP with SEND.</li> </ul> <p>In relation to those with protected characteristics under the Equalities Act, the group affected by this proposal are those with disabilities.</p> <p>As such, this project effects children in educational settings who have or need an EHC Plan.</p>	
<b>PROTECTED CHARACTERISTICS</b>	
<b>Age: Young People</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	Young people will be affected by this project as EHCPs are written for CYP between the ages of 0 and 25. As the project is about creating more school places, the people it impacts most will be of school age.
Mitigations:	See above.
<b>Age: Older People</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Disability</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	SEND provision has a disproportionate impact on disabled people. The most common primary needs by SEND provision in Bristol for school age children are Social, Emotional and Mental Health needs, Autistic Spectrum Condition; Moderate Learning Difficulty; and Multi-sensory impairment.
Mitigations:	See above.
<b>Sex</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Potential impacts:	Disproportionate impact on boys. As of January 2019 (school census data); 3,227 (35.4%) pupils with SEN are female and 6,289 (64.6%) are male. Of those with EHCPs, 26.6% are female and 73.4% are male.
Mitigations:	See above.
<b>Sexual orientation</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Pregnancy / Maternity</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Gender reassignment</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Race</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	There are significant inequalities in SEND across the city by ethnicity <sup>2</sup> . The support in schools for families from minority ethnic groups (including Gypsy, Roma and Traveller communities) that have a high incidence of special educational needs may not be sufficient or suitable.
Mitigations:	See above
<b>Religion or Belief</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Marriage &amp; civil partnership</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>OTHER RELEVANT CHARACTERISTICS</b>	
<b>Socio-Economic (deprivation)</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	A disproportionate number of children with SEND are eligible for free school meals. Nationally 30.9% of pupils with an EHC plan and 24.5% of pupils on SEN Support are eligible for free school meals compared to 13.6% with no special educational need.
Mitigations:	See above.
<b>Carers</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Other groups</b> [Please add additional rows below to detail the impact for other relevant groups as appropriate e.g. Asylums and Refugees; Looked after Children / Care Leavers; Homelessness]	
Potential impacts:	
Mitigations:	

### 3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our Public Sector Equality Duty to:

- ✓ Eliminate unlawful discrimination for a protected group
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ Foster good relations between people who share a protected characteristic and those who don't

<sup>2</sup> SEND JSNA Spotlight Report [e6eb9ce1-688b-ca40-fe94-c4821b03f152 \(bristol.gov.uk\)](https://www.bristol.gov.uk/e6eb9ce1-688b-ca40-fe94-c4821b03f152)

This project has significant benefits for CYP with SEND and their families. More children and young people with SEND will be educated in appropriate specialist settings with access to resources to support their inclusion. There will be fewer CYP travelling out of Bristol to attend specialist placements, therefore less children will be educated in out of county schools. By having more specialist placements where they are needed, CYP will have shorter distances to travel to their education setting.

There are positive impacts if staff see that they are providing an improved service for children and young people with SEND. Greater job satisfaction, less anxiety and stress due to CYP's needs not being met in provisions which are not appropriate. All capital works in education settings will comply with fair access legislation.

## Step 4: Impact

### 4.1 How has the equality impact assessment informed or changed the proposal?

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This summary can be included in decision pathway reports etc.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this.

#### Summary of significant negative impacts and how they can be mitigated or justified:

- New developments within existing education settings could cause disruption to staff and students within the setting. Capital works will be planned around the school's timetable with works being planned in school holidays where possible.
- For CYP with SEND that are currently in a mainstream placement, the Mainstream Awaiting Placement Panel will discuss each case in detail and create a plan to support the CYP in the interim.

#### Summary of positive impacts / opportunities to promote the Public Sector Equality Duty:

- All developments will adhere to public sector equalities duties including fair access.
- CYP will have appropriate provision in their area of the city, will have an increases sense of belonging and will spend less time travelling.
- CYP with SEND will have access to appropriate provision leading to better educational outcomes.

### 4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group please specify this.

Improvement / action required	Responsible Officer	Timescale
We have identified a need for a panel process for children, young people and their families who require a specialist setting but are not able to access one at this time. This panel (Mainstream Awaiting Placement Panel) will discuss each case in detail and create a plan to support the CYP in the interim.	SEND Operational Manager	Ongoing
The SEND team have created a new panel process where CYP are allocated to each specialist provision fairly. This provides robust scrutiny, so that when a provision increases its capacity, the CYP chosen to attend that setting will be the most vulnerable.	SEND Operational Manager	Ongoing
Projections of future need for specialist provision in each area of the city inform the location of future developments.	Specialist Placements Manager	Ongoing
All legal agreements between the local authority and education settings will reinforce public sector equality duties regarding fair access.	Specialist Placements Manager	Ongoing



### 4.3 How will the impact of your proposal and actions be measured?

How will you know if you have been successful? Once the activity has been implemented this equality impact assessment should be periodically reviewed to make sure your changes have been effective your approach is still appropriate.

The LA continues to engage with DfE and NHS England advisers regularly where they review progress, and a revisit inspection in the autumn is anticipated.

There is a SEND partnership plan currently in development that will take actions forward from the original Written Statement of Action based on priorities identified in consultation with parents and stakeholders.

The indicator of the success of the Specialist Provision project will be a reduction in Out of Authority placements and use of Independent non-maintained provision.

#### Parent Carer Surveys

In August 2021 the LA published the results of a parent carers survey. The survey was co-designed with Bristol parent carers and Supportive Parents. A similar survey was designed with young people's groups at the same time. The report was completed by 370 parents and carers who took parent carer survey that will be run by BCC and the Parent Carers forum. This survey contains questions that are directly related to the EHCP process. The first survey was in March and has given the LA some benchmark responses from which the LA can gauge future successes. The surveys will be carried out every six months so that the LA can continue to monitor progress and impact.

The Ordinarily Available Provision (OAP) document sets out what provision should be available as a minimum in all Bristol Schools. This document is key to identifying gaps and inconsistencies in relation to what is being offered across all Bristol schools for CYP with SEND. There will also be some training and development packages to train SENCOs in schools so that every school has had some support to understand the OAP document and OAP provision.

#### Internal governance arrangements

An Education Group meets weekly to monitor progress on delivery of specialist placements. This group will ensure good quality placements are delivered in the right parts of the city to ensure all CYP have appropriate provision. The SEND Improvement Board is the formal mechanism for reviewing impact, led by independent LGA chair. Corporate KPIs identifies 450 specialist places and is reported quarterly.

#### Scrutiny

The specialist provision project regularly reports data for scrutiny purposes.

## Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the Equality and Inclusion Team before requesting sign off from your Director<sup>3</sup>.

<b>Equality and Inclusion Team Review:</b> <i>Reviewed by Equality and Inclusion Team</i>	<b>Director Sign-Off:</b> Richard Hanks
Date: 22/08/2022	Date: 22.08.22

<sup>3</sup> Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.