

# Equality Impact Assessment [version 2.9]



<b>Review into the effective and sustainable use of statutory and non-statutory high needs block ('Element 3') funding [Delivering Better Value in SEND, Workstream 2]</b>	
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input type="checkbox"/> Other [please state]	<input type="checkbox"/> New <input type="checkbox"/> Already exists / review <input checked="" type="checkbox"/> Changing
Directorate: Education & Skills	Lead Officer name: Reena Bhogal-Welsh
Service Area: Special educational needs and Disabilities (SEND)	Lead Officer role: Director

## 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 \(EqIA\) \(sharepoint.com\)](#).

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.

Bristol City Council is reviewing the way it and local partners use high needs funding for Disabled children and young people with Special Educational Needs (SEND); in order to achieve long-term sustainability and improve outcomes. We have sought feedback (via public consultation) from families, schools, and wider stakeholders, to understand the impact of potential changes and make decisions accordingly.

Bristol receives a fixed budget each year (high needs funding) from the Department for Education to spend on Disabled children with SEND, who are considered to require more support than what is ordinarily available in school. Some of the High Needs Block is used for top-up funding (also referred to as Element 3 funding). Top-up funding is one element of the support available for Disabled children and young people with SEND in Bristol.

Like every local authority in England, Bristol has seen rising levels of Disabled Children diagnosed with SEND in schools in recent years. Bristol City Council alongside schools, and other local partners need to change the way high needs funding is allocated to and used in schools to enable greater sustainability of funding and provision for Disabled children and young people with SEND.

As part of the consultation process, options were presented for using top-up funding differently, both the process for allocating it and how it is used in schools. Feedback was sought on the options regarding their potential suitability, impact and how they could help achieve sustainability. The consultation process ran from the 1<sup>st</sup> November 2023 – 13<sup>th</sup> December 2023, with an additional week available for those accessing the Easy Read version.

The options and proposals considered as part of the consultation were:

- **Options for changes to funding for children and young people that do not have an EHC plan:**

- a) **Retain the top-up funding process for children and young people without EHC plans but make improvements to make the system more streamlined and consistent.** Such improvements could include introducing an online portal for schools to create and submit funding applications, and greater support and training for SENCOs or any other teachers making top-up applications and sitting on decision-making panel. This might mean school staff spend much less time preparing funding applications and improve the consistency of decision-making and accountability of outcomes.
  - b) **Re-purpose a proportion of the funding currently being spent on top-up funding for children and young people that do not have an EHC plan, to create a targeted early intervention fund for mainstream schools.** A targeted intervention fund could look like a finite budget each year dedicated to early intervention for children and young people with emerging and/or lower levels of need, or funding targeted at specific priority groups. This should mean earlier and better targeted help, and that a proportion of the children and young people who are currently receiving top-up funding (with no EHC plan) may proceed to statutory assessment.
  - c) **Gradually phase out the use of top-up funding for children and young people who do not have an EHC plan.** Under this option, after an initial transition period (e.g. three years), mainstream schools would no longer be able to access additional top-up funding for children and young people who do not have an EHC plan. During this transition period, children and young people who have already been awarded funding would continue to receive it for the period agreed (usually up to three years) and there would be more limited opportunities to apply for additional funding to prepare the system for its eventual removal.
- **Changes to top-up funding for post-16 learners who were not previously in receipt of top-up funding.** The same three options presented for school-age children and young people, were also proposed for post 16 learners.

An initial Equalities Impact Assessment was completed pre-consultation and considered the overall change in its entirety, and potential equality impacts.

Now the consultation is complete, and the feedback analysed and synthesised, the detailed proposal/recommendation is as follows:

### **Using a proportion of current funding to create a Targeted Support Fund**

Bristol takes a proportion of the current annual funding for non-statutory top-up and creates a more targeted fund. The process would look quite similar to now although much more streamlined and improved. The objective is to provide flexible, short-term funding for pupils whose needs are beyond Ordinarily Available Provision (OAP), but who with effective early intervention do not need to proceed to statutory assessment or require long-term or indefinite funding and support.

**Funding type:** Per-pupil funding based on individual applications from schools.

**Process overview:** Applications reviewed each term. Single decision-making panel and increased resource to manage and oversee process.

**Eligibility:** Detailed evidence required that OAP / Element 2 funding exhausted and need for timely, specialist intervention.

**Funding amount:** Maximum of £1m over one academic year.

**Funding criteria:** Funding application based on a costed support plan (informed by Bristol Universal Descriptors, BUDs). There is ongoing work to review and update the BUDs, and there was a section on these in the consultation survey. These changes and the funding criteria will be co-produced with schools and families in the coming months.

**Governance/ scrutiny:** New specialist teacher roles support and challenge schools to use funding effectively.

Supporting rationale:

- Non-statutory funding still provided to schools to support young people, but with much clearer strategic purpose
- Funding used more effectively and in a targeted way to manage emerging needs

- Much more streamlined process reduces time required to manage process for both schools and the council
- Relatively straightforward to implement (i.e. in place from next academic year)
- Potential to target specific priority needs and parts of the system (e.g. emerging speech and language needs in primary, social, emotional and mental health (SEMH) in older primary school children)

The Targeted Support Fund would give non-statutory funding a much a clearer, tighter purpose. It would look to hold needs effectively at SEN Support level where appropriate. Some children would be supported to progress to statutory assessment where appropriate if short-term support is ineffective. We are proposing the same approach for post-16 learners.

## 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 type="checkbox"/> Commissioned services	<input checked="" type="checkbox"/> City partners / Stakeholder organisations	

Additional comments: The main impact of this proposal will relate to Disabled children and young people with SEND, their families and their schools; particularly those in receipt of non-statutory top up funding. There will also be changes to practice required by the Education & Skills workforce within the Council.

## 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.

**Yes**       **No**      [please select]

## 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>
<p><b>School census:</b> Data is from the Jan 2023 school census and provides information on the number of pupils in Bristol schools with SEND.</p> <p>Note: This does not include pupils who live in Bristol but attend a school out of area or young people not of school age.</p>	<p><b>Summary of what the below data tells us:</b> We know from Bristol’s school census data that for school age children – boys are more likely to receive support for non-physical SEND needs than girls, whilst Black African children are more likely to be in receipt of non-statutory top-up funding at mainstream schools; and more likely to be at a special school. Mixed White and Black African/Caribbean children are also overrepresented, whilst White British children are underrepresented compared to the Bristol population average. We also know that Disabled children with SEND are more likely to live in a deprived area and be eligible for free school meals.</p> <p><b>Pupils with SEND in schools</b></p> <p>Over 13,500 pupils in Bristol been diagnosed with special educational needs (SEN). This is an increase of 9% in the last year and 43% since 2016.</p> <ul style="list-style-type: none"> <li>• 2,877 school age pupils have an Education, Health and Care plan (EHC plan)</li> <li>• 10,944 pupils have SEND but no EHC plan – SEND support (SEND support means support that is additional to, or different from, the support generally made for other children of the same age in a school.)</li> </ul> <p>In Bristol, 4.1% of pupils have an EHC plan. The percentage of pupils with an EHC plan has been increasing since 2018 but is still below the national average (4.3%).</p> <p>The proportion of pupils in Bristol schools with SEND support continues to increase with 15.6% of pupils recorded with SEND support in 2023, higher than the national average of 13%.</p> <p><b>SEND provision by school type</b></p> <p>Rates of EHC plans and SEND support are higher in secondary schools than primary schools.</p> <ul style="list-style-type: none"> <li>• In primary schools, 2.1% of pupils have an EHC plan and 14.9% have SEND support</li> <li>• In secondary schools, 2.7% of pupils have an EHC plan and 16.7% have SEND support</li> </ul> <p><b>Pupil characteristics</b> (does not include independent schools)</p> <p>SEND Diagnosis is more prevalent in boys than girls, both locally and nationally.</p>

- 71% of pupils with an EHC plan are boys
- 62% of pupils with SEND Support are boys

In Bristol, EHC plans are most prevalent at age 12 and SEND support rates are highest for 9 and 10 year olds. The proportion of pupils with SEND support increase with age up until age 10. The proportion of pupils with an EHCP also increases with age from 3.5% at age 4 to 11.5% at age 12.

White British children make up a smaller proportion of the population in receipt of top-up funding than they do of the general British population of the same age (2021 Census data) by around 16%. Black African children are 27% more likely to be in receipt of non-statutory top-up at mainstream schools, and 60% more likely to be at a special school than the average child in Bristol. Mixed White and Black African/Caribbean children are also overrepresented. A full analysis of impact by ethnicity has not been possible due to data limitations.

Ethnic group	EHCP		SEN Support	
	Bristol	England	Bristol	England
White British	4.5%	4.5%	16.7%	14.3
Irish	4.2%	4.4%	12.1%	13.6
Traveller Of Irish Heritage	2.0%	6.1%	25.5%	25.5
Any Other White Background	2.7%	2.9%	10.8%	9.5
Gypsy Roma	3.3%	4.8%	27.5%	22.2
White And Black Caribbean	6.8%	5.4%	20.8%	17.0
White And Black African	4.6%	4.5%	15.9%	12.6
White And Asian	2.6%	3.4%	11.0%	10.1
Any Other Mixed Background	4.6%	4.3%	15.5%	11.5
Indian	2.0%	2.4%	7.3%	6.3
Pakistani	3.8%	3.9%	14.1%	11.2
Bangladeshi	5.2%	4.5%	12.4%	10.2
Any Other Asian Background	3.5%	3.7%	8.4%	8.0
Black Caribbean	7.0%	5.8%	26.0%	16.5
Black African	4.7%	4.5%	14.1%	10.4
Any Other Black Background	5.7%	5.6%	15.0%	12.7
Chinese	2.6%	2.1%	5.3%	4.9
Any Other Ethnic Group	4.1%	3.4%	11.4%	10.1
Unclassified	4.8%	4.7%	13.8%	11.6

cc	Mainstream (EHCP)	Mainstream (Non-Stat)	Special Scho
White\nBritish	0.85x	0.75x	0.9
Black\nAfrican	1.06x	1.24x	1.1
Any\nOther\nWhite\nBackground	0.83x	0.99x	0.9
White\nand\nBlack\nCaribbean	1.36x	1.43x	1.1
Any\nOther\nMixed\nBackground	1.69x	1.60x	1.1
Pakistani	0.67x	0.76x	0.9
Black\nCaribbean	1.87x	2.81x	1.1
Any\nOther\nBlack\nBackground	1.39x	1.03x	1.1
White\nand\nBlack\nAfrican	1.22x	1.28x	1.1
Any\nOther\nAsian\nBackground	0.91x	1.51x	2.1
Any\nOther\nEthnic\nGroup	0.92x	0.81x	0.9
White\nand\nAsian	0.46x	0.34x	0.9
Bangladeshi	1.21x	0.64x	1.1
Indian	0.58x	0.41x	0.9
Chinese	0.55x	0.44x	0.9
White\nIrish	0.77x	0.40x	1.1
Traveller\nof\nIrish\nHeritage	1.02x	2.15x	n

#### Primary type of need (does not include independent schools)

Speech, language and communication needs is the most common primary need type for SEND pupils in Bristol. For pupils with SEND support the most common primary need type is also speech, language and communication needs, but for pupils with an EHC plan it is Autistic Spectrum Disorder.

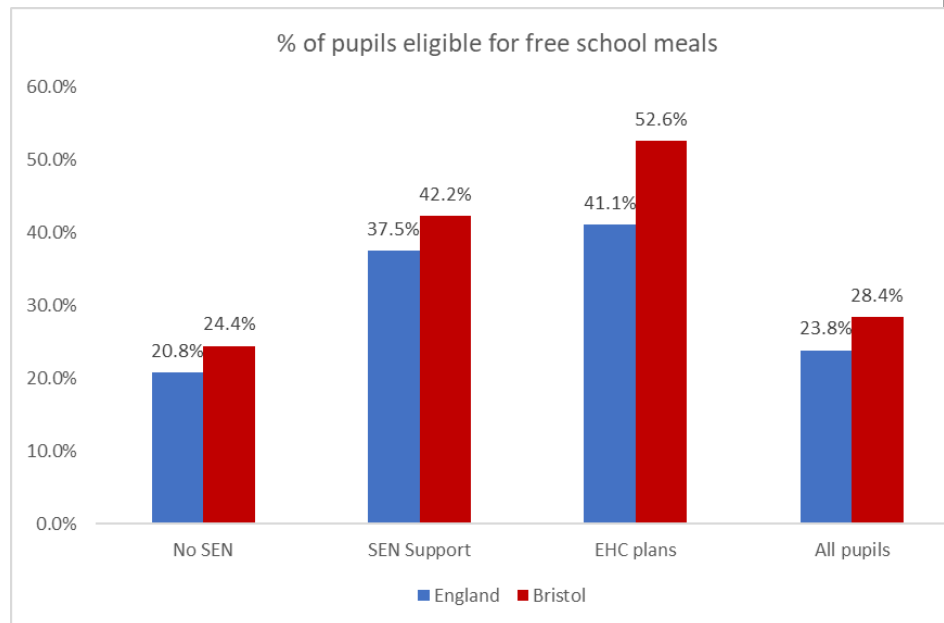
Primary Need	EHCP	SEN Support	Tot
Speech, Language and Communications needs	413	2943	3356
Social, Emotional and Mental Health	640	2467	3107
Autistic Spectrum Disorder	922	653	1575
Specific Learning Difficulty	113	1439	1552
Moderate Learning Difficulty	178	1020	1198
Other Difficulty/Disability	61	472	533
SEN support but no specialist assessment of need	0	364	364
Physical Disability	107	207	314
Hearing Impairment	82	131	213
Severe Learning Difficulty	129	34	163
Visual Impairment	33	67	100
Profound & Multiple Learning Difficulty	90	4	94
Multi- Sensory Impairment	5	23	28

The most common primary need in primary schools is speech, language and communication needs (2,236 pupils), with a much higher number of pupils with this need type compared to secondary schools (822 pupils).

In secondary schools the most common primary need type is social, emotional and mental health (1,320 pupils).

**Free school meal (FSM) eligibility** (does not include independent schools)

Pupils with SEND are more likely to be eligible for free school meals.



**SEN2:** data is from the SEND statutory return, SEN2, and includes information on Disabled children and young people with SEND from 0-25 years who live in a Bristol postcode.

<https://www.explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans>

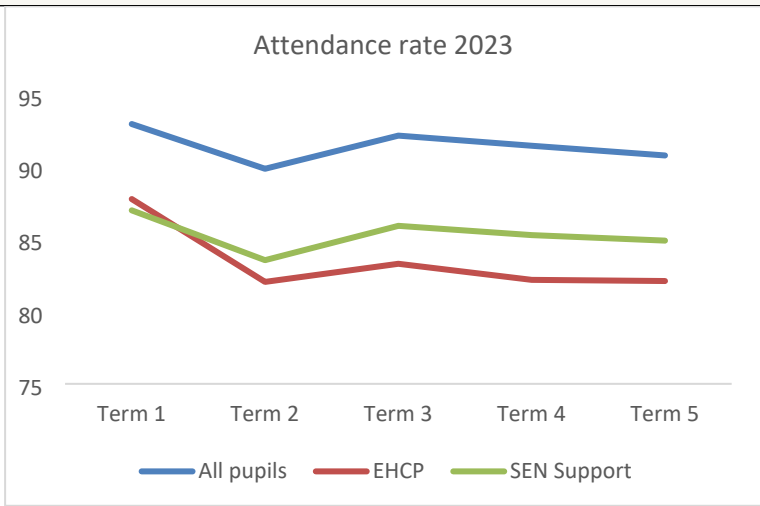
**Summary of what the below data tells us:** The children and young people for whom Bristol maintains an EHC Plan are distributed across the age ranges, with the vast majority (91%) aged between 5 and 19 years.

Of those 3,709 children and young people for whom Bristol maintains an EHC Plan in January 2023:

- 141 (3.8%) are aged under 5 years
- 1139 (30.7%) are aged 5 to 10 years
- 1413 (38.1%) are aged 11 to 15 years
- 839 (22.6%) are aged 16 to 19 years
- 177 (4.8%) are aged 20 to 25 years

**Attendance & Deprivation**  
(Source: Xvault)

**Summary of what the below data tells us:** The attendance rate for pupils with an EHCP or SEND support is consistently below the overall attendance rate for Bristol schools. We also know that Disabled children with SEND are more likely to live in a deprived area.

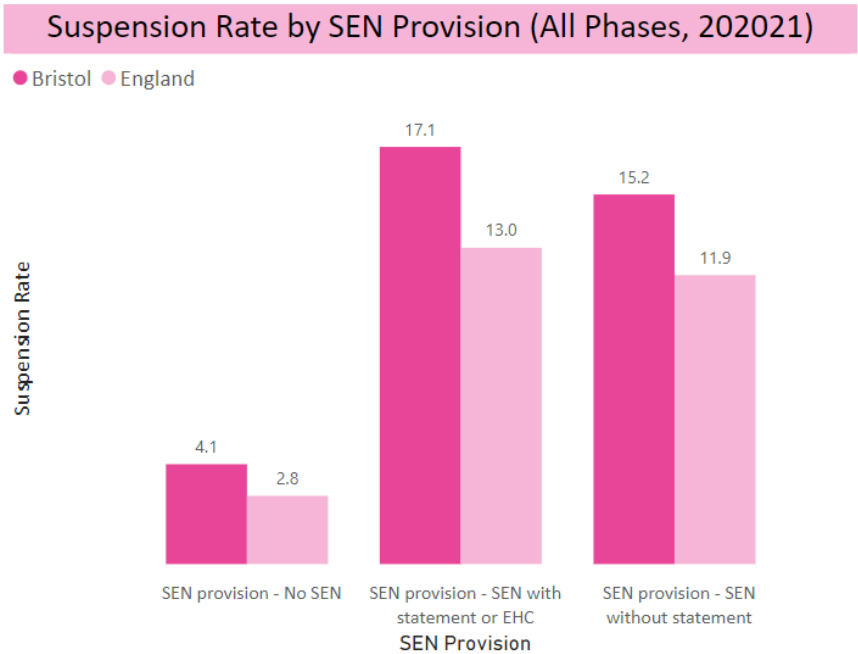


**Deprivation**

41.6% of pupils with SEND support live in a deprived area and 58.5% of pupils with an EHCP. This compares to 34.9% of all pupils in Bristol. NB: in this analysis a deprived area is an LSOA in the bottom 20% in the IDACI deprivation index. Totals do not include pupils who live outside of Bristol but attend a Bristol school. Excludes pupils who attend an independent school.

**Suspension rates** (source: Department for Education)  
<https://explore-education-statistics.service.gov.uk/find-statistics/permanent-and-fixed-period-exclusions-in-england>

**Summary of what the below data tells us:** Suspension rates were higher within SEN provision (both with and without EHC) in 2020/21; compared to “no SEN provision” category.

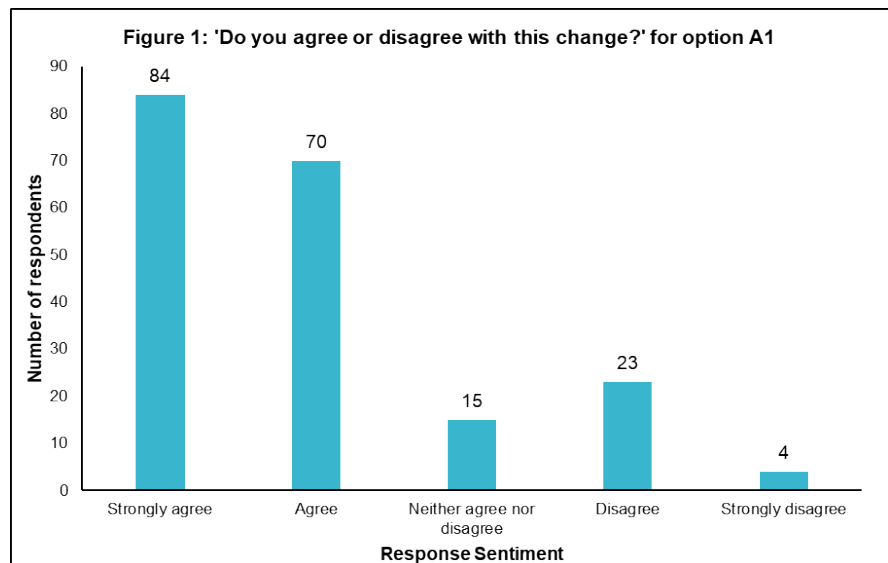


**SEND Top-up 2023/24 consultation survey summary report** (source: draft not yet published)

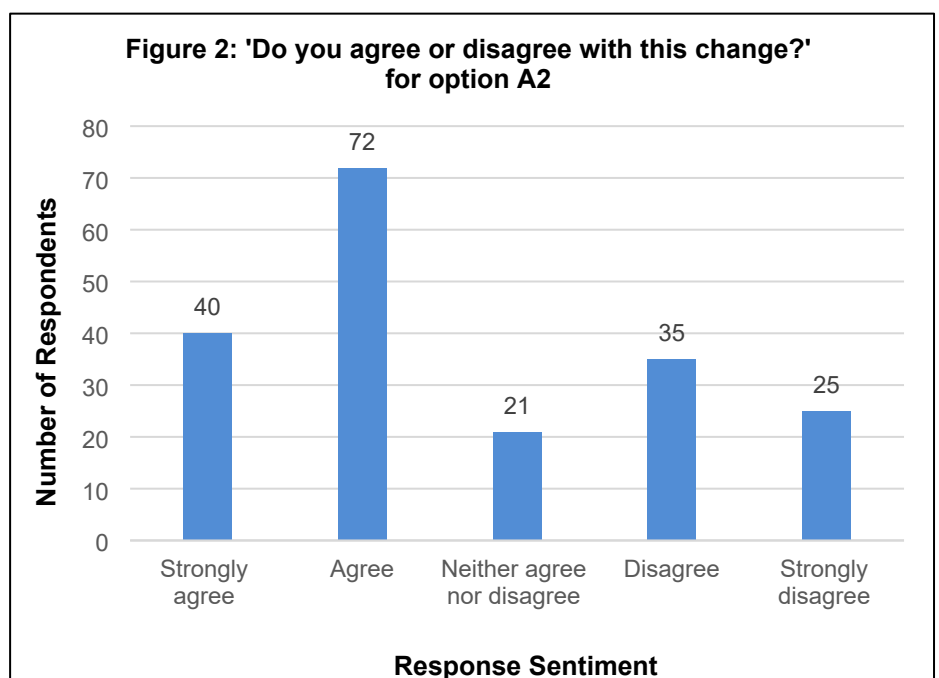
**Summary of what the below data tells us:** Across both the survey and Information and Engagement Sessions, Option A1 (retain process but make improvements) is the most popular option. In the survey it receives support (‘Strongly agree’ or ‘agree’) from more than three quarters of respondents. Option A2 (targeted early intervention fund) also receives support from many respondents. Option A3 (phase out non-statutory top-up funding) is strongly opposed, with more than three quarters of respondents indicating that they do not support this option.



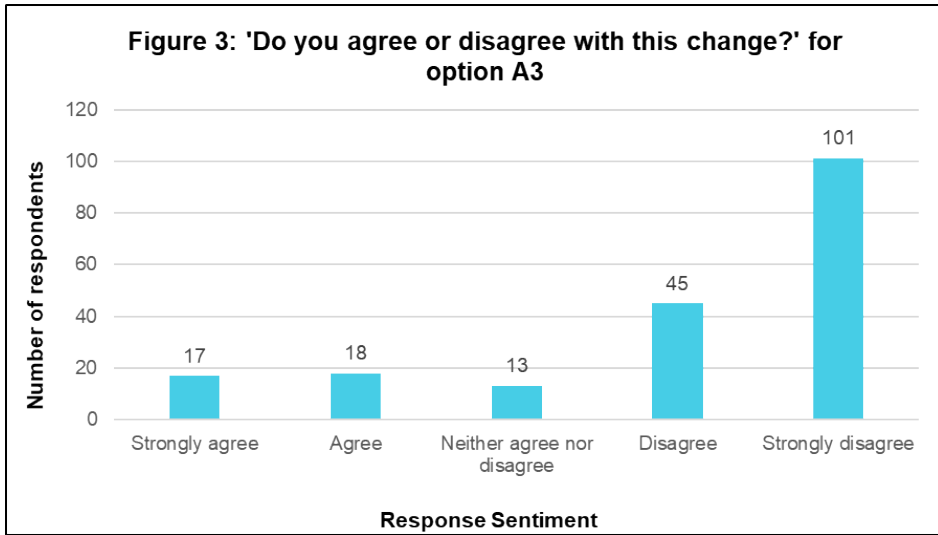
Most respondents agree with the proposals for Option A1, with more than 75% indicating that they agree or strongly agree with the change, compared to less than 15% who disagree or strongly disagree. (See Figure 1)



A majority of respondents agree overall with the proposals for A2, though not as many as those that agree with A1, and there is notably a smaller proportion who 'strongly agree' with A2 than those that strongly agree with A1. (See Figure 2)



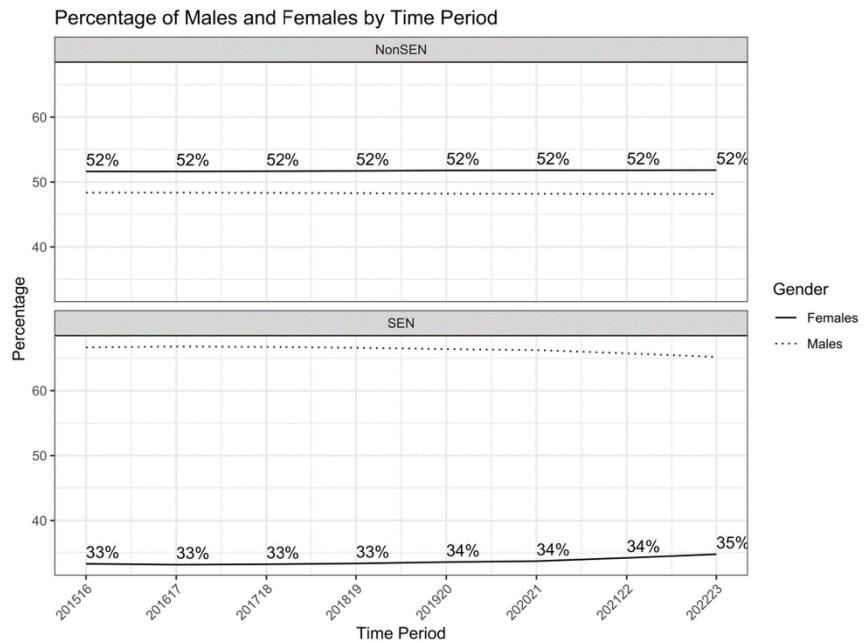
Most respondents disagree with option A3, with the majority saying that they 'strongly disagree' with this change. (See Figure 3).



**Gender differences in special educational needs identification, Daniel, J. & Wang, H.**

Source:  
<https://doi.org/10.1002/rev3.3437>

**Summary of what the below data tells us:** Of the roughly 1.5 million children in English schools identified for SEN services in 2022-23, only 0.5 million were girls. The same pattern is seen across the country, with girls making up between 34% to 36% of all students accessing SEN support in most regions. In some cases, this may be because certain disabilities are more common in boys. But it is likely to be also down to gender bias in assessment and from those referring children for assessment, as well as girls being better at hiding the challenges they face from some conditions.



**Additional comments:**

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

- |   |  |  |
|---|--|--|
| <input checked="" 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 checked="" type="checkbox"/> Race     |
| <input type="checkbox"/> Religion or Belief             | <input checked="" type="checkbox"/> Sex        | <input type="checkbox"/> Sexual Orientation  |

### 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.

Although our corporate approach is to collect diversity monitoring for all relevant characteristics, there are gaps in the available local diversity data for some characteristics, especially where this has not always historically been included in school census and statutory reporting e.g. for sexual orientation.

We also know there are currently some reporting gaps for age groups outside of the school census age (post-16 and early years). Our "Funding All Pupils" reports currently only report on sex, ethnicity, age and primary need; and do not report on religion or sexual orientation. This means we are unable to assess the equality impact of this proposal for the protected characteristics where data is not currently collected.

### 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.

In advance of the public consultation, there has been extensive informal engagement to develop the current proposals and options. This has included:

- 32 interviews with council officers across SEND, Top-Up, Finance, Post-16, and School improvement teams
- 12 interviews with a range of schools incl. head teachers and SENCOs, in mainstream, academies and special schools
- 10 interviews with other local authorities, consultants, voluntary, community and social enterprises (VCSE) orgs, Parent Carer Forum. This included West of England Centre for Inclusive Living (WECIL) and Ups and Downs South West, a Down Syndrome support charity serving children and young people, their parents/carers and all linked professionals dealing with the health and education of children and young people who have Down Syndrome

The formal 6-week consultation included:

- Online survey for all key stakeholders and wider public to provide feedback on options (equality profiling questions were included). The SEND Top-up 2023/24 consultation survey received 196 responses, all of which were completed online
- Briefing Note published on council website alongside survey

- Virtual and in-person engagement with key stakeholder groups running in parallel: Council staff, Headteachers and SENCOs, Parent Carers. Young People
- Easy Read materials available and options to request translation services
- Dedicated sessions with young people via schools/College and charitable partners

Respondents were asked in the survey if they were interested in the top-up funding consultation because they were a:

- Parent/carer of Disabled children or young person with SEND
- Teachers, Headteachers and Special Education Needs Coordinators (SENDCO's) working with Disabled children or young people with SEND
- Local Authority Staff Member working in SEND
- Child or young person with SEND
- Other (please specify)

<b>Respondent type</b>	<b>Responses</b>
Parent/carer of children or young person with SEND	57
Teachers, Headteachers and Special Education Needs Coordinators (SENDCO's) working with children or young people with SEND	97
Local Authority Staff Member working in SEND	33
Child or young person with SEND	1
All other responses	8
<b>Total</b>	<b>196</b>

## 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.

There are already established stakeholder engagement mechanisms and coproduction groups that were used when developing these proposals, and will continue to be used during implementation. Examples include the SENCO (special educational needs co-ordinator) cluster meetings, the Bristol Parent Carers Forum and Schools Forum. Our Community of Groups (meetings with a range of representative groups) continues to ensure diverse voices in terms of SEND, ethnicity and community are heard in the Local Area. We are also looking to establish a Schools Forum specifically for the high needs block ('top up funding').

Alongside this, there will be dedicated communication and engagement activity during the implementation phase (with the bulk of proposals taking effect from the next academic year, September 2024); a continuation of those outlined in 2.4. For example, a letter has already been sent to local SENCOs providing an update on the forthcoming changes. We intend to recruit a dedicated

Communication & Engagement resource into the implementation delivery team, who will lead/ support on the following areas:

- Communicating the new direction for non-statutory top-up funding following the consultation and Cabinet decision
- Sessions to co-design the new process with stakeholders
- Pre-implementation awareness & training sessions during the Summer
- Regular and dedicated stakeholder communications throughout
- Refresher training sessions post-implementation
- Ongoing post-implementation support offer

A detailed stakeholder engagement and communication plan will be developed as one of the first implementation activities following Cabinet decision. This will include any targeted work to seek the views of under-represented groups.

### 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.

#### **GENERAL COMMENTS** (highlight any potential issues that might impact all or many groups)

There continues to be a risk that some groups or individuals from specific backgrounds are over-represented in Bristol's Disabled Children and Young People with SEND population. We know from Bristol's school census data that for school age children – boys are more likely to receive support for non-physical SEND needs than girls, whilst Black African children are more likely to be in receipt of non-statutory top-up funding at mainstream schools; and more likely to be at a special school. Mixed White and Black African/Caribbean children are also overrepresented, whilst White British children are underrepresented compared to the Bristol average. We also know that Disabled children with SEND are more likely to live in a deprived area and be eligible for free school meals.

The primary impact of these proposals will be on the children and young people without EHC Plans who are currently, or potentially in the future, in receipt of non-statutory funding. Local authorities may provide top-up funding to children and young people who do not have an EHC plan and who have emerging or lower levels of support need, however this is not a statutory duty. As part of the [SEND Code of Practice 2014](#), education settings have a statutory requirement to use their core funding to make sure that any pupil with SEND gets the support they need. Any changes will continue to place the child or young person at the centre of the assessment process and ensure we consider their own unique individual characteristics, needs, strengths, resources, and culture.

There are currently 1,066 pupils funded under the current approach i.e. we have a current commitment in the system for non-statutory top-up funding (1 to 3 years in length), which will be paid as relevant

over the next three financial years. Our proposal would apply to new funding applications from September 2024 i.e. the next academic year; which will include brand new pupils and those when their current funding arrangement expires.

Our analysis/ modelling on the potential pupil journey under the new targeted support fund is:

- Circa 22% will likely require long-term support to achieve in school and will not be supported through the targeted support fund, these pupils are likely to proceed to statutory assessment
- Circa 43% will have needs beyond ordinarily available provision (OAP) and are likely to benefit from timely intervention through the targeted support fund. If the intervention is not effective, some will proceed to statutory assessment. If effective, these pupils will receive ongoing support through OAP
- Circa 35% will no longer be eligible for non-statutory funded support and will not be supported through the targeted support fund. They will receive ongoing support through OAP. There are additional recommendations to mitigate the impact on these individuals, including investing in a targeted outreach service to help improve wider mainstream school and staff practice

Note: This analysis is still being finalised and exact numbers subject to change

The current high needs funding model is unsustainable and this approach risks destabilising the whole school system in Bristol. The council, schools, and their local partners therefore need to make vital changes to the way it uses its High Needs Block funds to meet pupils' needs earlier and more effectively and enable greater inclusion in mainstream schools.

Bristol continues to have a legal duty to provide funding for Children and Young People (CYP) with a statutory EHC plan. Local Authorities are required by law (Section 42 of the Children's and Families Act 2014) to secure special educational provision and health care provision in accordance with an EHC plan. Where an EHC plan is maintained for the child or young person, the local authority must make sure that the special educational provision set out in it is delivered.

We will continue to monitor outcomes via demographic breakdowns and protected characteristics to see if the way we deliver SEND provision changes significantly. As well as identifying whether funding changes will have a disproportionate impact on particular groups, we need to pay particular attention to the risk of indirect discrimination: when an apparently neutral decision puts members of a given group at a particular disadvantage compared with other people because of their different needs and circumstances.

During the consultation process, the proposed changes were made publicly available for all citizens to review and comment on. An easy read version of the document was made available. This was not available at the start of the consultation period, but was available for an extended period upon request to allow full participation in the process. Consultation documents were also made available in alternative languages upon request.

Although these changes relate to the process for administering and allocating top-up funding locally, this isn't a blanket approach. Practitioners will always focus on the individual and how their needs can be met in the first instance. We will ensure we are treating each individual on a case by case basis.

#### PROTECTED CHARACTERISTICS

<b>Age: Young People</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	Disabled Children and young people with SEND are the focus of this proposal – more EHCPs start during primary school than at secondary ages, and the median age for an ECHP start is just under 10 years old.

Mitigations:	Any decisions around meeting needs of CYP with SEND will need to ensure we consider their wellbeing and clearly evidence how any provision of additional support promotes their wellbeing and doesn't impact on their Human Rights. Any decisions need to be on individual case by case basis. Detailed evidence will be gathered as part of the updated process, with increased resourcing to manage and ensure this. We will also be improving the monitoring and oversight of how the targeted support fund is used and its impact – this will included monitoring of protected characteristics which will enable us to reflect and adjust practice accordingly to tackle these disparities; aided by the targeted approach possible with the new fund.
<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:	As outlined in Section 2.1, CYP with SEND experience a range of impairments and are the focus of this proposal. Our research has shown that Autism Spectrum Disorder (ASD), Speech, Language, and Communication Needs (SLCN) and Physical Disability Communication and Interaction (PD) peak during transition periods as children reach the start of primary and secondary school, whilst there have been large increases in Social Emotional and Mental health needs (SEMH) needs across secondary school ages.
Mitigations:	Any decisions around meeting needs of CYP with SEND will need to ensure we consider their wellbeing and clearly evidence how any provision of additional support promotes their wellbeing and doesn't impact on their Human Rights. Any decisions need to be on individual case by case basis. Detailed evidence will be gathered as part of the updated process, with increased resourcing to manage and ensure this. Additional support may be needed around transition periods to ensure this; as this is when ASD, SLCN and PD peak. During the co-design of the new process, we will factor in this additional insight gained through this process. We will also be improving the monitoring and oversight of how the targeted support fund is used and its impact – this will included monitoring of protected characteristics which will enable us to reflect and adjust practice accordingly.
<b>Sex</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	Boys are more likely to be receiving support for SEND needs than girls for all non-physical needs.
Mitigations:	Any decisions around meeting needs of CYP with SEND will need to ensure we consider their wellbeing and clearly evidence how any provision of additional support promotes their wellbeing and doesn't impact on their Human Rights. Any decisions need to be on individual case by case basis. Detailed evidence will be gathered as part of the updated process, with increased resourcing to manage and ensure this. We will also be improving the monitoring and oversight of how the targeted support fund is used and its impact – this will included monitoring of protected characteristics which will enable us to reflect and adjust practice accordingly to tackle these disparities; aided by the targeted approach possible with the new fund.
<b>Sexual orientation</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Pregnancy / Maternity</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	
Mitigations:	

<b>Gender reassignment</b>	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	
Mitigations:	
<b>Race</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	White British children make up a smaller proportion of the population in receipt of top-up funding than they do of the general British population of the same age (2021 Census data) by around 16%. Black African children are 27% more likely to be in receipt of non-statutory top-up at mainstream school, and 60% more likely to be at a special school than the average child in Bristol. Mixed White and Black African/Caribbean children are also overrepresented. A full analysis of impact by ethnicity has not been possible due to data limitations.
Mitigations:	Any decisions around meeting needs of CYP with SEND will need to ensure we consider their wellbeing and clearly evidence how any provision of additional support promotes their wellbeing and doesn't impact on their Human Rights. Any decisions need to be on individual case by case basis. Detailed evidence will be gathered as part of the updated process, with increased resourcing to manage and ensure this. We will also be improving the monitoring and oversight of how the targeted support fund is used and its impact – this will include monitoring of protected characteristics which will enable us to reflect and adjust practice accordingly to tackle these disparities; aided by the targeted approach possible with the new fund.
<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:	Disabled children with SEND are more likely to live in a deprived area and be eligible for free school meals. Significant majorities of children classed as SEMH are on free school meals across genders, in both mainstream and special schools, and regardless of ECHP status. In mainstream schools there more children on free school meals classed as ASD, although this effect disappears in special schools.
Mitigations:	Any decisions around meeting needs of CYP with SEND will need to ensure we consider their wellbeing and clearly evidence how any provision of additional support promotes their wellbeing and doesn't impact on their Human Rights. Any decisions need to be on individual case by case basis. Detailed evidence will be gathered as part of the updated process, with increased resourcing to manage and ensure this. We will also be improving the monitoring and oversight of how the targeted support fund is used and its impact – this will included monitoring of socio-economic status which will enable us to reflect and adjust practice accordingly to tackle these disparities; aided by the targeted approach possible with the new fund.
<b>Carers</b>	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	Evidence shows a range of impacts on the carers of Disabled Children and Young People with SEND – including on finances, health and employment



Mitigations:	As outlined in Section 2.5, we will ensure that Parents and Carers are consulted when designing and developing the process for administering the new targeted support fund.
<b>Children in Care</b>	
Potential impacts:	<p>Children in care experience worse academic outcomes compared to the general population. Bristol is currently the corporate parent of nearly 800 children and young people. Circa 45% of these individuals have an identified Special Educational Need (far higher than the general population), with around half of these receiving support via a statutory Education, Health and Care Plan (EHCP); the other half receiving non-statutory top-up funding.</p> <p>Through our engagement we heard that any changes to top-up needs to be considerate of those who may be involved in the children’s social care system. Tightening of the top-up application needs to be considerate of those in receipt of the higher end of the top-up which includes those involved in youth justice support, whilst funding decision makers also need to be mindful of where there is family neglect and parents/carers not identifying needs earlier resulting in higher cost late applications for funding.</p> <p>SEMH is considered common for Children in Care (CIC) due to the trauma they have experienced. There are two contrary outcomes here. On one hand reducing non-statutory funding may result in CIC being less able to access support and funding. On the other hand, some conversations have suggested that EHCPs are leveraged for this cohort as a way to move these young people onto other settings, excluding them from mainstream education. By providing more targeted funding for these needs and this cohort; it may increase schools’ ability to provide inclusive support.</p>
Mitigations:	During the co-design of the new targeted support fund, explore the potential to ringfence a certain amount of money for Children in Care. Ensure The HOPE Virtual School are involved in the co-design of the new process, and that there is a dedicated route (if required) for Children in Care that meets the needs of this cohort.

### 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

The overall intention of the proposal is to achieve long-term sustainability within the local SEND system; and thereby improve outcomes for our children and young people. This is an opportunity to re-centre the whole SEND system towards early intervention and inclusion.

Other predicted benefits include:

- Shorter waiting times for schools to receive funding for CYP with EHC plans.
- Education professionals will not have to fill in a separate application form for statutory funding through the top-up process
- Earlier and better targeted help to CYP with SEND
- Much more streamlined and needs-led process for a Targeted Support Fund; reducing the time burden and improving the consistency of decision-making

- A comprehensive, cohesive package of guidance for schools and specialist support
- Increased oversight and scrutiny of spend
- Greater monitoring and oversight of the impact on groups with protected characteristics

## 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:

We know that Disabled children and young people who receive SEND services and support are more likely to be disproportionately impacted on the basis of Disability, race, ethnicity and socio-economic deprivation; as well as other protected characteristics which may be over-represented in the cohort. It is therefore essential that we assess people individually, and ensure that people do not experience any negative impact of any reduction in support that increases inequality.

We will make amendments to our co-design approach as a result of this assessment and analysis. We will introduce more targeted approaches e.g. with grassroots community-led organisations that work closely with the groups we know are at risk of being disproportionately impacted; to ensure that all voices are heard and feed into the process.

In terms of the impact of the proposed changes, the Equality Impact Assessment has identified key areas where we need to fill gaps in our evidence base; and improve oversight and scrutiny moving forward. This will enable us to respond to equality impacts “real time” as we monitor the new targeted support fund. We will also work close with The HOPE Virtual School to minimise the impact of the proposed changes on Children in Care.

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

There is an opportunity to ensure that we provide earlier and better targeted help to CYP with SEND, maximising the full range of Ordinarily Available Provision (OAP); and re-centring the whole SEND system towards early intervention and inclusion. The changes proposed will also introduce more guidance, training and partnership support to facilitate this.

### 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
Co-production of the new process for the targeted support fund, ensuring all groups and voices are represented	Reena Bhogal-Welsh	Feb – April 2024
Updated fields on the “Funding All Pupils” reports to collect data on the full range of protected characteristics moving forward	Reena Bhogal-Welsh	By September 2024
Establishing the monitoring mechanism and framework for the new targeted support fund which includes equality data	Reena Bhogal-Welsh	By September 2024

Improvement / action required	Responsible Officer	Timescale
Further review on findings from the analysis to understand reasons and impact e.g. why boys are more likely to be receiving support for SEND needs than girls for all non-physical needs	Reena Bhogal-Welsh	By September 2024

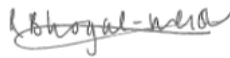
### 4.3 How will the impact of your proposal and actions be measured?

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.

We will continue to monitor equalities data in relation to Disabled Children and Young People with SEND to ensure there is not any adverse impact on any particular group. We will review the impact of the changes periodically with all relevant governance forums; and will share data on any changes to how we provide SEND services, in terms of numbers, type of services and demographic details of individuals who receive support. We will look to seek feedback direct from all stakeholders to see if there has been any discernible change to their experience once proposed changes are introduced. This EqIA will be reviewed and updated regularly during implementation.

## 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>1</sup>.

<b>Equality and Inclusion Team Review:</b> <b><i>Reviewed by Equality and Inclusion Team</i></b>	<b>Director Sign-Off:</b> 
Date: 9/1/2024	Date: 24/01/2024

<sup>1</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.