

# Equality Impact Assessment [version 2.12]



Title: Safety Valve Programme	
<input type="checkbox"/> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input checked="" type="checkbox"/> Other [Programme]	<input checked="" type="checkbox"/> New <input type="checkbox"/> Already exists / review <input type="checkbox"/> Changing
Directorate: Children and Education	Lead Officer name: Reena Bhogal-Welsh
Service Area: Education	Lead Officer role: Director Education, Skills and Learning

## 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.

On 18 July 2023 Bristol City Council was invited by Department for Education (DfE) to apply for the Safety Valve Programme. The programme is designed to assist Local Authorities with significant pressures on their Dedicated Schools Grant (DSG) and supersedes the current Delivering Better Value in SEND Programme.

If accepted onto the Safety Valve programme, the authority will undertake all necessary means to reach a positive in-year balance on its Dedicated Schools Grant (DSG) account by the end of 2028/29 and in each subsequent year.

The objective is to produce a system which is fair, transparent, consistent, and financially sustainable, that achieves good outcomes for children and young people (CYP) with Special Educational Needs and Disability (SEND) through robust monitoring and accountability frameworks. This will be co-produced with parents/carers, children, and education partners to ensure the change process is collaborative, clearly communicated, understood, and fit for purpose – building a culture of shared responsibility and ownership.

Robust analysis of the key impact measures, relating to ensuring more CYP’s needs are effectively met earlier and within mainstream education will be key, along with the changes as a mechanism to increase parental confidence in Bristol’s mainstream provision.

As an inclusive culture becomes embedded in the system more C&YP will have their needs met earlier. This will result in less children requiring specialist provision, reducing the demand for specialist places and costly INMS. More children with EHCPs will be able to remain in mainstream provision and the impact of the early years and pathways to independence projects will reduce the number of children requiring support outside of element 1 & 2 funding in mainstream provision.

Ongoing priorities are focused on continuing the work undertaken to address the significant weaknesses identified in the 2019 inspection of SEND, as well as the findings of the deep dive analysis following BCC’s involvement in the Delivering Better Value (DBV) Programme.

Demand for statutory plans continue to increase and the use of provision outside of mainstream settings remains high - with a particular pressure on the use of costly INMS. Although the demand for specialist places is unlikely to decline in the next two years the LA has decided to follow a strategy which is not solely focused on the building of additional specialist provision.

Instead, a focus on a mixed strategy of addressing current specialist shortages, whilst building an inclusive culture where early intervention and prevention are engrained will be followed. The Pathways to Independence project is working with cross sector colleagues to enhance inclusive practice within early years and support inclusion for C&YP as they move through school age and post 16 provision - strengthening cross phase transition.

Training and support to effectively deliver a robust 'graduated approach', consistently across Bristol's schools and settings is key and central to the cultural change. Ensuring effective support and resources are routinely available, using Element 1 and 2 funding, is fundamental. Integrated, multi-agency models for early help and support have been strengthened following the WSoA and the Our Families Transformation Programme with the aim to provide timely and effective intervention and reduce escalating needs.

Successful SEND systems require a culture of shared responsibility, accountability, and learning – underpinned by trust. We intend to build a system where good education outcomes and sustainable finances are balanced. BCC will deliver this by:

- Creating a SEND system where more CYP with SEND can remain in mainstream provision for longer, by providing schools and early years settings with the support to strengthen practice and improve physical spaces
- Ensuring we have the right mix and level of provision to meet the needs of all children and young people when a specialist place is required
- Designing efficient and effective systems ensuring CYP with SEND receive timely support, and that schools receive the right level of funding to meet those needs
- Continuing to build, strengthen, and sustain relationships with key stakeholders engaging them in genuine collaboration and co-design

Although these reforms will take time to be fully delivered, the long-term impact of this will be significant and sustainable. Not only in securing improved outcomes for Bristol's children and young people with SEND, but also ensuring funding is appropriately used to deliver best value.

## 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: The main impact of this proposal will relate to Disabled children and young people with SEND, their families and their education settings; 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?

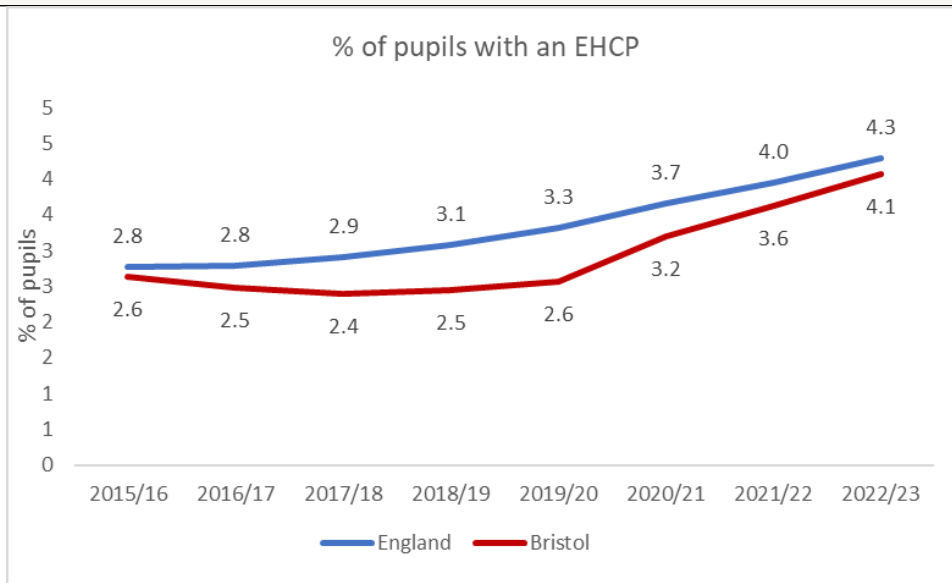
Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: [How we measure equality and diversity \(bristol.gov.uk\)](https://www.bristol.gov.uk/equality-diversity)

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.

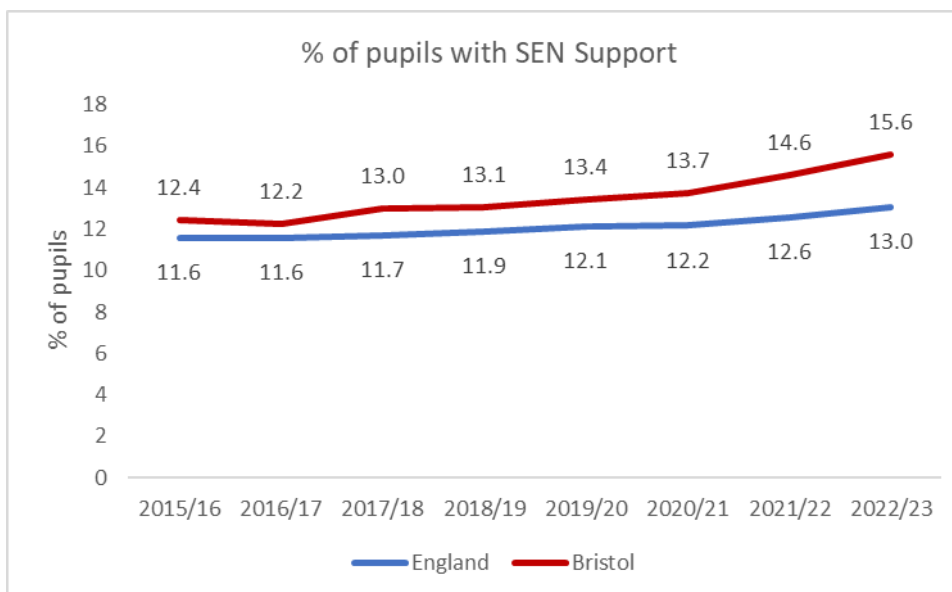
Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here [Data, statistics and intelligence \(sharepoint.com\)](#). See also: [Bristol Open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

Data / Evidence Source [Include a reference where known]	Summary of what this tells us
<p>School census: 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>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 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>



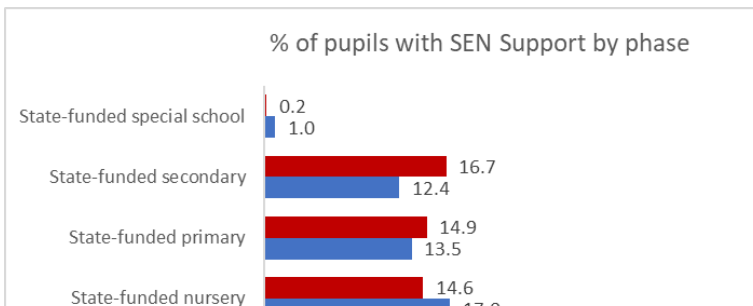
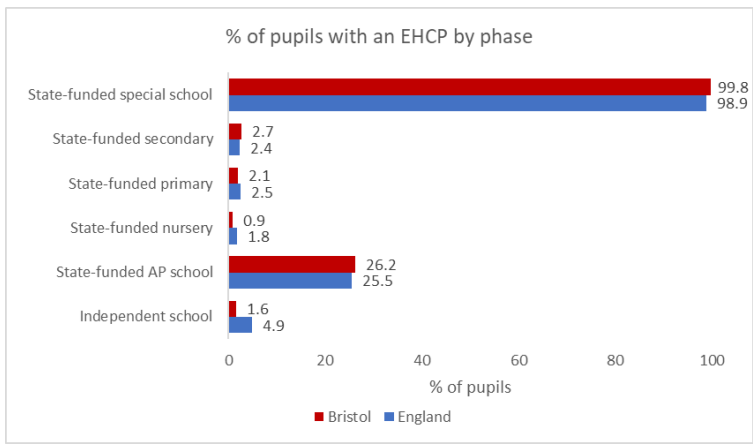
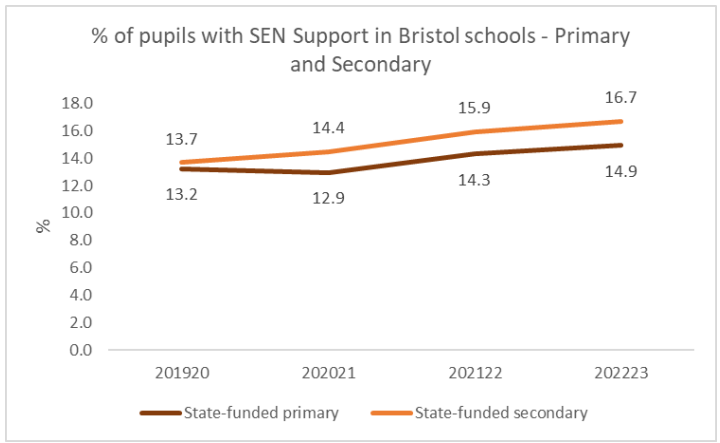
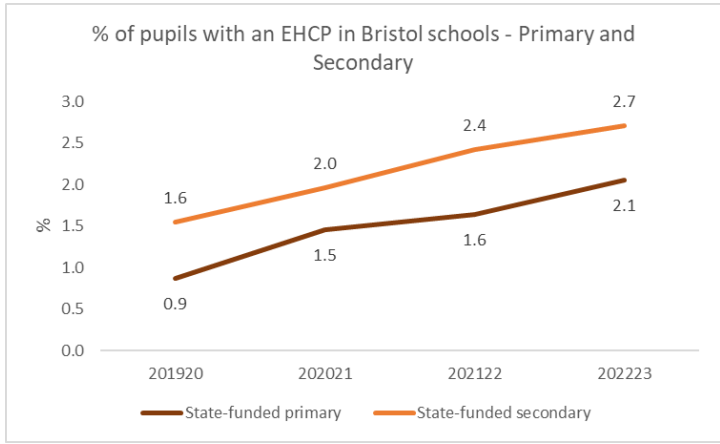
The proportion of pupils in Bristol schools with SEND support continues to increase with 15.6% of pupils recorded with SEND support in 2023, higher than the national average of 13%.



### SEND provision by school type

Rates of EHC plans and SEND support are higher in secondary schools than primary schools.

- In primary schools, 2.1% of pupils have an EHC plan and 14.9% have SEND support
- In secondary schools, 2.7% of pupils have an EHC plan and 16.7% have SEND support



**Pupil characteristics (does not include independent schools)**

SEND Diagnosis is more prevalent in boys than girls, both locally and nationally.

- 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 Schools
White\British	0.85x	0.75x	0.82x
Black\African	1.06x	1.24x	1.65x
Any\Other\White\Background	0.83x	0.99x	0.89x
White\and\Black\Caribbean	1.36x	1.43x	1.63x
Any\Other\Mixed\Background	1.69x	1.60x	1.32x
Pakistani	0.67x	0.76x	0.97x
Black\Caribbean	1.87x	2.81x	1.82x
Any\Other\Black\Background	1.39x	1.03x	1.62x
White\and\Black\African	1.22x	1.28x	1.19x
Any\Other\Asian\Background	0.91x	1.51x	2.00x
Any\Other\Ethnic\Group	0.92x	0.81x	0.64x
White\and\Asian	0.46x	0.34x	0.50x
Bangladeshi	1.21x	0.64x	1.69x
Indian	0.58x	0.41x	0.40x
Chinese	0.55x	0.44x	0.97x
White\Irish	0.77x	0.40x	1.08x
Traveller\of\Irish\Heritage	1.02x	2.15x	nanx

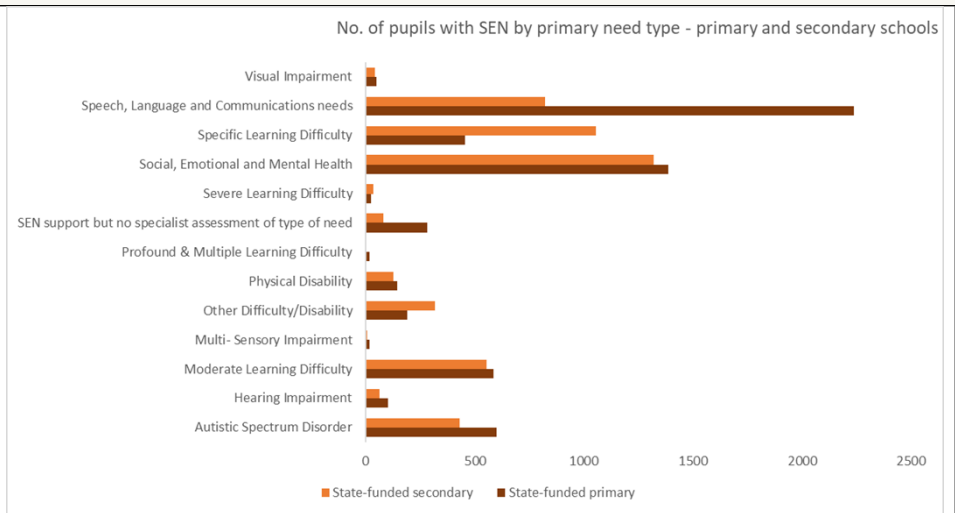
**Primary type of need** (does not include independent schools)

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.

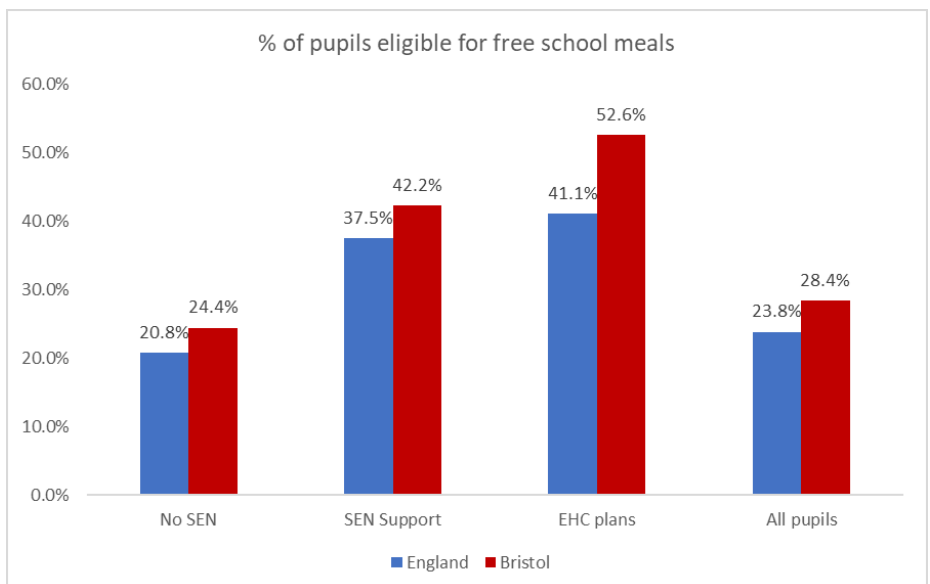
Primary Need	EHCP	SEN Support	Total
Speech, Language and Communications needs	413	2943	3356
Social, Emotional and Mental Health	640	2467	3107
Autistic Spectrum Disorder	922	653	1575
Specific Learning Difficulty	113	1439	1552
Moderate Learning Difficulty	178	1020	1198
Other Difficulty/Disability	61	472	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.

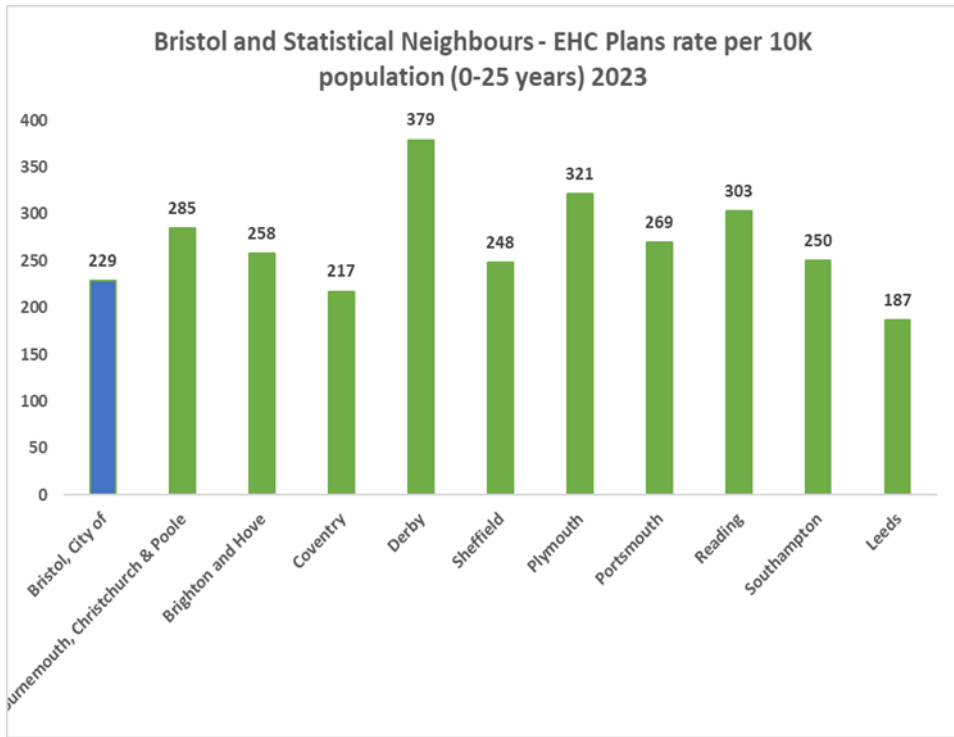
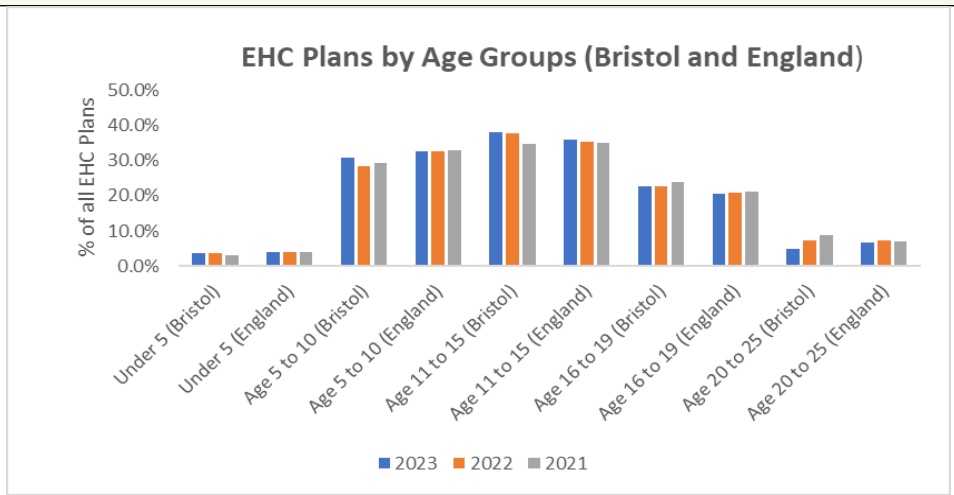
<https://www.explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans>

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.

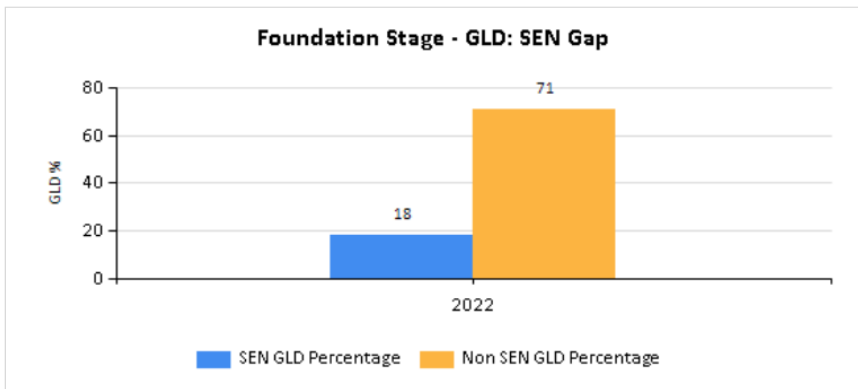
Of those 3,709 children and young people for whom Bristol maintains an EHC Plan in January 2023:

- 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





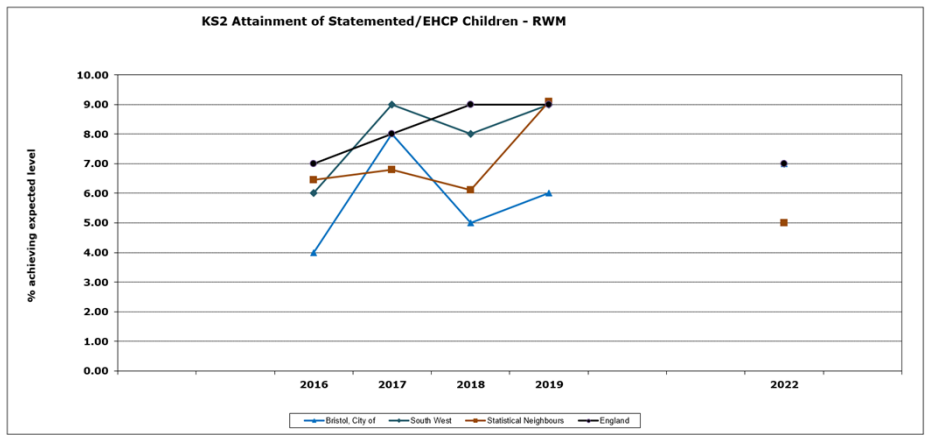
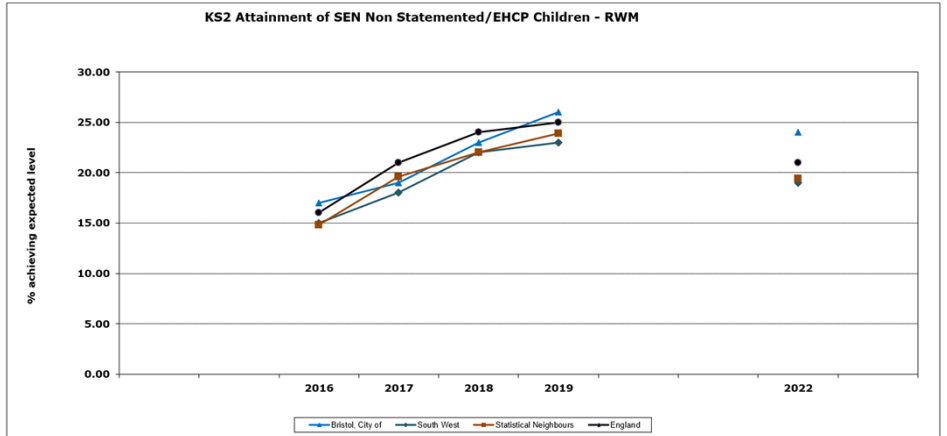
There is a large gap in the percentage of children achieving a good level of development in Early years between children with SEN and no SEN.



Pupils with SEND are significantly less likely to achieve the expected level at KS2 in reading, writing and maths than pupils with no identified SEN.  
 % of pupils in Bristol schools achieving the expected level at KS2 in reading, writing and Maths:

- 24% of children with a SEN Support achieve the, this is above the national average (21%).

- 7% of children with an EHCP, both locally and nationally
- 68% of pupils with no SEND

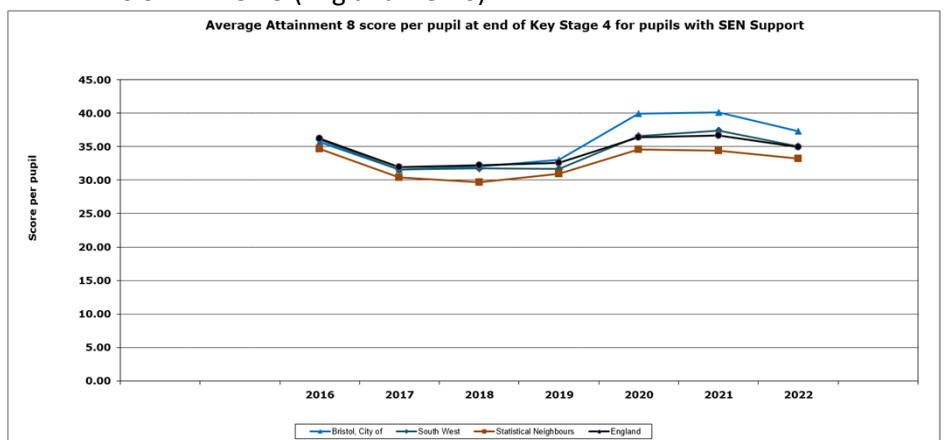


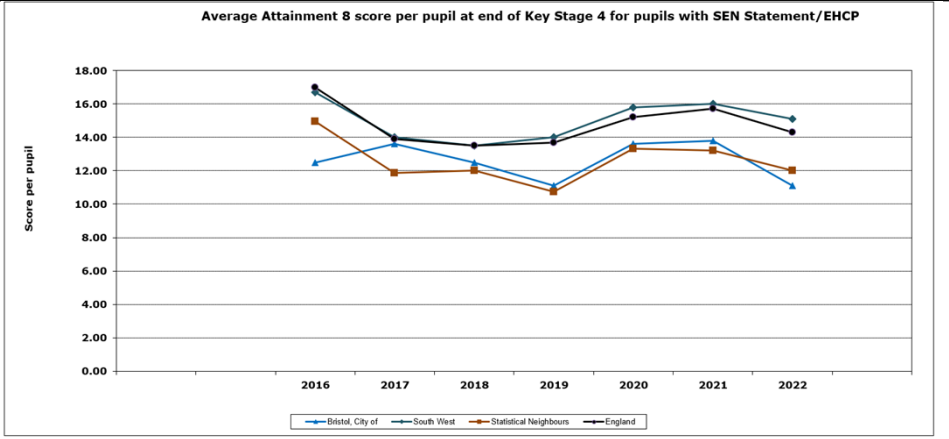
### Key stage 4

The average attainment 8 school for pupils in Bristol with SEND is significantly lower than pupils with no SEND

2022 Bristol average attainment 8 scores:

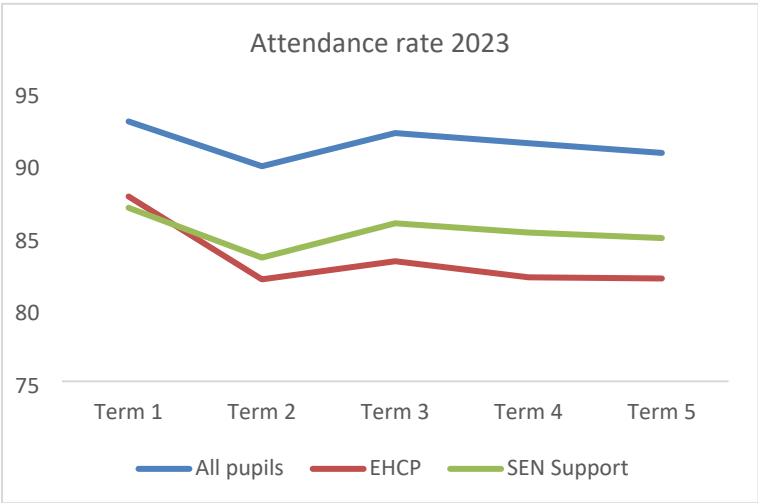
- SEN support- 37.3 (England 34.9)
- EHCP – 11.10 (England 14.3)
- No SEND – 52.9 (England – 52.6)





Attendance & Deprivation  
(Source: Xvault)

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.



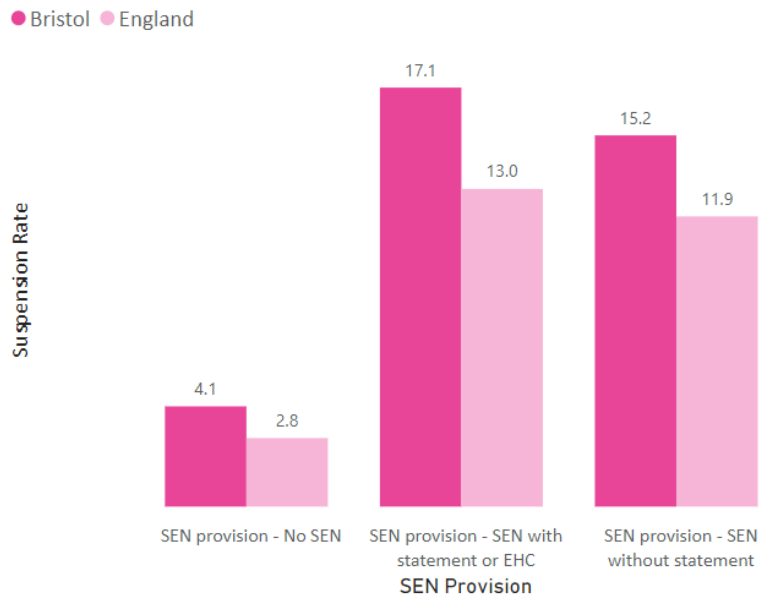
**Deprivation**  
41.6% of pupils with SEND support live in a deprived area and 58.5% of pupils with an EHCP. This compares to 34.9% of all pupils in Bristol.  
NB: in this analysis a deprived area is an LSOA in the bottom 20% in the IDACI deprivation index. Totals do not include pupils who live outside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

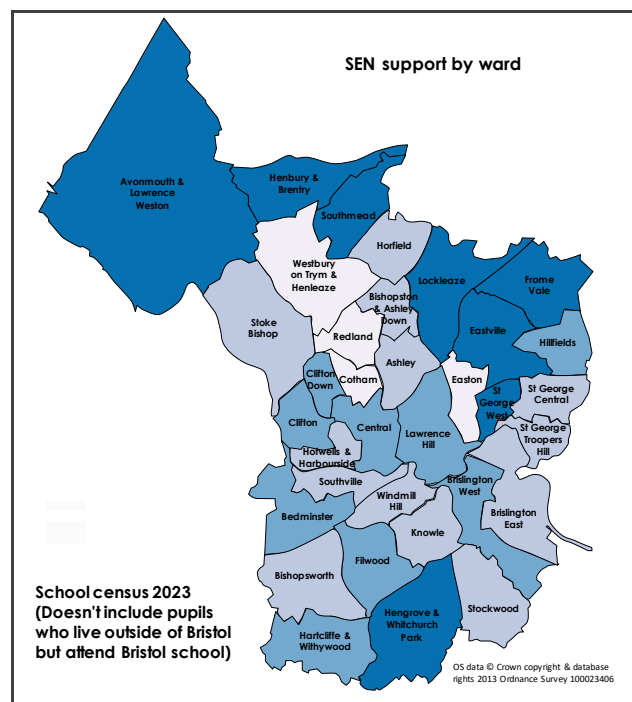
Suspension rates were higher within SEN provision (both with and without EHC) in 2020/21; compared to “no SEN provision” category.

## Suspension Rate by SEN Provision (All Phases, 2020/21)

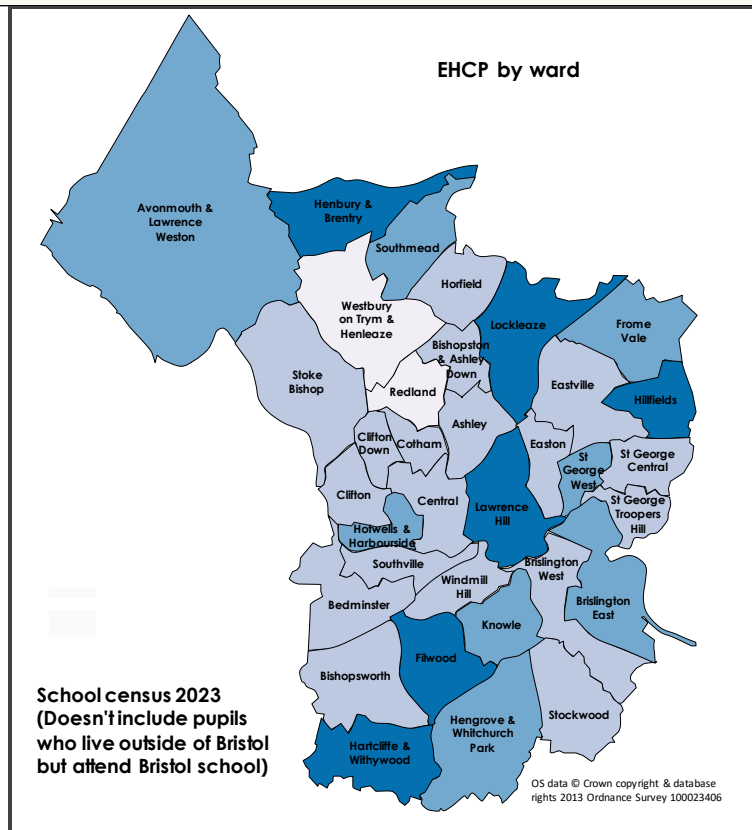


### SEN by Ward

Sen support is highest in Henbury & Brentry with 20.06% of pupils living in that ward receiving SEN support and is lowest in Easton at 9.34%.



The rate of pupils with an EHCP ranges from 6.34 in Hartcliffe and Withywood to 1.14% in Redland



Please note: Map data doesn't include pupils who attend an independent school. Percentages are a proportion of the total pupils living in that ward who attend a Bristol school.

**Deprivation**

41.6% of pupils with SEN 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.

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

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

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.

	<p style="text-align: center;"><b>Percentage of Males and Females by Time Period</b></p> <table border="1"> <caption>Percentage of Males and Females by Time Period</caption> <thead> <tr> <th>Time Period</th> <th>NonSEN - Females (%)</th> <th>NonSEN - Males (%)</th> <th>SEN - Females (%)</th> <th>SEN - Males (%)</th> </tr> </thead> <tbody> <tr> <td>2015/16</td> <td>52%</td> <td>48%</td> <td>33%</td> <td>67%</td> </tr> <tr> <td>2016/17</td> <td>52%</td> <td>48%</td> <td>33%</td> <td>67%</td> </tr> <tr> <td>2017/18</td> <td>52%</td> <td>48%</td> <td>33%</td> <td>67%</td> </tr> <tr> <td>2018/19</td> <td>52%</td> <td>48%</td> <td>33%</td> <td>67%</td> </tr> <tr> <td>2019/20</td> <td>52%</td> <td>48%</td> <td>34%</td> <td>66%</td> </tr> <tr> <td>2020/21</td> <td>52%</td> <td>48%</td> <td>34%</td> <td>66%</td> </tr> <tr> <td>2021/22</td> <td>52%</td> <td>48%</td> <td>34%</td> <td>66%</td> </tr> <tr> <td>2022/23</td> <td>52%</td> <td>48%</td> <td>35%</td> <td>65%</td> </tr> </tbody> </table>	Time Period	NonSEN - Females (%)	NonSEN - Males (%)	SEN - Females (%)	SEN - Males (%)	2015/16	52%	48%	33%	67%	2016/17	52%	48%	33%	67%	2017/18	52%	48%	33%	67%	2018/19	52%	48%	33%	67%	2019/20	52%	48%	34%	66%	2020/21	52%	48%	34%	66%	2021/22	52%	48%	34%	66%	2022/23	52%	48%	35%	65%
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<p><a href="#">The population of Bristol</a></p> <p><a href="#">Bristol Key Facts 2022</a></p>	<p>Updated annually. The report brings together statistics on the current estimated population of Bristol, recent trends in population, future projections and looks at the key characteristics of the people living in Bristol.</p> <p>Population Profiles for Equalities Groups bring together detailed analysis looking at equalities groups and how they differ in relation to age, health, employment, education and housing, and maps the distribution of equalities groups across the city.</p>																																													
<p>Ward profile data (bristol.gov.uk)</p>	<p>The Ward Profiles provide a range of data-sets, including population, life expectancy, health and education disparities etc. for each of Bristol's electoral wards.</p>																																													
<p>Joint Strategic Needs Assessment (JSNA)</p>	<p>The Joint Strategic Needs Assessment reports on the health and wellbeing needs of the people of Bristol. It brings together detailed information on local health and wellbeing needs and looks ahead at emerging challenges and projected future needs. The JSNA is used to provide a comprehensive picture of the health and wellbeing needs of Bristol (now and in the future); to inform decisions about how we design, commission and deliver services, and also about how the urban environment is planned and managed; to improve and protect health and wellbeing outcomes across the city while reducing health inequalities; and to provide partner organisations with information on the changing health and wellbeing needs of Bristol, at a local level, to support better service delivery.</p>																																													
<p>Children in Care Data</p>	<p>There are currently 727 children in care, 57% are male and 43% female (compared to 51% and 49% of the overall child population). 9% have a disability (compared to 6.1% of the total Bristol child population) and the majority (73%) are aged 10-17.</p> <p>Ethnicity:</p>																																													

	<ul style="list-style-type: none"> <li>• 60% White (compared to 72% across the total Bristol child population)</li> <li>• 16% Mixed Race</li> <li>• 12% Other Ethnicity</li> <li>• 9% Black British</li> <li>• 3% Asian/Asian British</li> </ul> <p>It is not possible to add other comparative data for the Bristol average child population due to the size and format of data sets.</p>
<b>Additional comments:</b>	

## 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.

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 a change process 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.

Bristol City Council has recently completed a formal consultation on top up funding. The 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.

In advance of the formal consultation, there was also extensive information engagement to develop the proposals and options, which 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

## 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, codesign and coproduction groups in place and these will continue to be used during implementation of the programme. 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. Schools Forum sessions are held every two months.

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:

A detailed stakeholder engagement and communication plan will be developed following a Cabinet decision. This will include any targeted work to seek the views of under-represented groups. The dedicated communication and engagement activity will include:

- Communicating the new direction for non-statutory top-up funding
- Sessions to co-design the new processes 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

## 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 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)

As well as identifying whether delivery of the programme will have a disproportionate impact on particular groups (e.g., because they are over-represented in a particular cohort), 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.

We are also aware of existing structural inequalities and particular considerations, issues, and disparities for people in Bristol based on their characteristics, which we will take into account.

Through the Local Authority's statutory role and duties, consideration is given to any adverse impact on children and young people, based on their protected characteristics. These duties include:

- Determination of the budgets for distribution to schools and early years settings, and allocation of the High Needs Block – all in the context of the National Funding Formula for each block.
- Commissioning of school places, personal education packages, alternative learning provision and post 16 education for children and young people we are responsible for.
- Responsibility for ensuring there are sufficient education places and the right types of education settings in our area.
- Arranging education for permanently excluded pupils, children and young people with EHCPs and Children in Care and others who, because of illness or other reasons, are unable to attend mainstream settings.
- Ensuring the Local Authority, schools and other partners are focused on safeguarding and promoting the welfare of children and young people with SEND up to age 25.
- Promoting and driving high standards in education across all types of educational provision.
- Establishing financial provision for children and young people with EHCPs
- Ensuring compliance with statutory duties associated with SEND legislation, safeguarding and Looked After Children/Care Leavers.

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 current high needs budget is finite, and if overspends continue, it 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.

**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:	Young people with SEND will be impacted by the programme.
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>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. 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 any updates to processes, 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.  We will also be improving the monitoring and oversight of how targeted support funds are used and their impact – this will include 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 however girls may have SEND but not be receiving support.
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.

	<p>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.</p> <p>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.</p>
<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 type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	<p>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.</p> <p>The population of Bristol has become increasingly diverse, and some local communities have changed significantly. There are now at least 45 religions, at least 180 countries of birth and at least 91 main languages spoken. The proportion of the overall Black, Asian and minoritised ethnic population has increased from 16% (2011) to 18.9% (2021).</p> <p>The 2017 Runnymede Report “Bristol - a city divided?” found ethnic minorities in Bristol experience greater disadvantage than in England and Wales as a whole in education and this is particularly so for Black African people. Black African young people are persistently disadvantaged in education compared to their White peers and addressing educational inequalities requires attention to the unrepresentativeness of the curriculum, lack of diversity in teaching staff and school leadership and poor engagement with parents.</p> <p>Although Bristol has low rates of permanent exclusion it has one of the highest rates for fixed term exclusions of any local authority in England, and a disproportionately high percentage of school pupils from Black, Asian and minority ethnic backgrounds have had one or more fixed term exclusion, compared to other English core cities and nationally. Nationally Gypsy and Roma, and Traveller of Irish Heritage pupils have the highest school exclusion rates (both permanent and temporary) however Mixed White and Black Caribbean, and Black Caribbean pupils also have high exclusion rates, and both are nearly three times as likely to be permanently excluded as White British pupils.</p>

	<p>There is an urgent need to recruit more Black Asian and ethnic minority teachers and teaching staff in Bristol. A 2018 BBC4 report found that of the 1,300 teachers in Bristol, only 26 were Black, equating to less than two per cent. Local stakeholder engagement suggests schools may indirectly discriminate against Black, Asian and minority ethnic pupils due to lack of cultural competence. Rules about appearance may penalise pupils who dress differently or have different hairstyles. Conduct rules may not take into account the diversity of culture around language and ways of demonstrating inter-generational respect.</p> <p>Other research indicates Black and Mixed ethnicity pupils in England (especially boys) are frequently associated by school staff with criminality, violence and hypersexuality e.g. groups of friends and siblings labelled as a 'gang'5. Youth workers and education professionals in Bristol have told us that Black pupils may struggle to understand their own cultural identity. Just as there is a disproportionately high 'stop and search' rate of ethnic minority young people by police, Black, Asian and minority ethnic school children may face additional discrimination because of their visibility.</p>
Mitigations:	<p>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.</p>
<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:	<p>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.</p>
Mitigations:	<p>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</p>

	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 processes
<b>Children in Care</b>	
Potential impacts:	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.
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.

### 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.
- Reduced travel times for young people between homes and education settings.

## 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.

#### 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
Ongoing monitoring of the service with inclusion of voice of young people.	Head of Service	Ongoing
Ongoing review of programme EQIA at regular points in the programme lifecycle.	Head of Service	Ongoing
Completion of any EQIAs specific to any projects which make up the programme.	Commissioning	Ongoing
Inclusion of equalities question in any tender process to ensure the provider will be inclusive and work from an equality's perspective.	Procurement	July 2023
Recruitment to Head of Service: inclusion to ensure rigour of implementation of the DSG mitigations.	Director of Education	February 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.

Children and Young People with special educational needs and disability will have better outcomes and experiences, both educationally and in their life chances. Their voices and feedback will be captured via work within the service area of Inclusion and/or through surveys and the work that we complete with the Bristol Parent Carer Forum, Health Partners, Schools and wider partnerships. The recruitment of a head of service for inclusion will ensure that all contributory services for Inclusion are working cohesively, effectively and towards the same goals and ambitions outlined in the DSG deficit mitigations plan. The procurement of any commissioned delivery partners must be aligned to the Equalities Act 2010 to ensure an informed, diverse and equitable experience for everyone exposed to the work. As a result of the actions and implementing the EQIA, BCC should have a sustainable and financially healthy plan to reduce the deficit of the DSG.

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> <i>Reviewed by Equality and Inclusion Team</i>	<b>Director Sign-Off:</b> <i>Reena Bhogal-Welsh</i>
Date: 6/2/2024	Date: 29/02/2024

<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.