



Report sponsor: Andy Smith, Strategic Director
of People Services
Report author: Gurmail Nizzer, Director of
Commissioning

Establishment of a Single Early Years Inclusion Fund

Purpose

- 1.1 Following consultation and very careful consideration, Council Cabinet on 10 October 2018, approved the establishment of the enhanced resource funding provided to Central Community Nursery School (£142,055) and Lord Street Nursery School (£110,000), totalling £252,055 into an overall single Early Years Inclusion Fund. Maintained Mainstream settings and Private, Voluntary and Independent (PVI) settings can make applications for additional support for early years children with Special Educational Needs and Disabilities (SEND) across the city.
- 1.2 The establishment of a single Early Years Inclusion Fund following the closure of enhanced resource provision at Central Community Nursery School and Lord Street Nursery School forms part of the strategic city-wide review to improve SEND provision in Derby. The aim is to help ensure that parents and carers of children with SEND have a wider choice of early years options available and are able to access local childcare places. This funding will result in the Early Years Inclusion Fund increasing to £502,000 and will create a more transparent and consistent approach to providing funding to meet the needs of children in early years settings.
- 1.3 The current allocation of enhanced resource funding to Central Community Nursery School and Lord Street Nursery School is based on an historic funding arrangement. The funding is allocated as a fixed sum to each of the nurseries and is not based on numbers of commissioned places for children with SEND, or actual placements made.
- 1.4 Following Council Cabinet approval on 10 October 2018, the Council has been working very closely with the nurseries on planning the decommissioning of their enhanced resource provisions, including in relation to the new criteria for the inclusion fund, for which they will be eligible, and opportunities for city wide early years inclusion support. On 9 October 2019, Council Cabinet approved moving to the next stage of the process which included publishing a statutory notice, and a further four-week consultation period on the proposals to formally remove the enhanced resource provisions from Central Community Nursery School and Lord Street Nursery School on 1 April 2020.
- 1.5 The four-week statutory consultation period started on Monday 13 January 2020 and ended on Monday 10 February 2020. Three responses were received during the consultation period; two in support of the proposals and one objection to the proposals. A summary of the responses received is set out in Appendix 1. This report seeks a final decision from Council Cabinet on the proposals to close the enhanced resource provisions at Central Community Nursery School and Lord Street Nursery

School on 1 April 2020 and the establishment of a single Early Years Inclusion Fund.

- 1.6 It is important to note that the proposed removal of the enhanced resource provisions from the two nurseries will not displace any children and overall early years SEND funding will not be reduced.

Recommendation

- 2.1 To approve the removal of the enhanced resource provisions from Central Community Nursery and Lord Street Nursery on 1 April 2020.

Reason

- 3.1 On 9 October 2019, Council Cabinet approved the publication of a statutory notice and a further four-week consultation period on proposals to formally remove the enhanced resource provisions from Central Community Nursery and Lord Street Nursery on 1 April 2020. The required four-week statutory consultation period has now closed. A summary of the responses received is set out in Appendix 1. Council Cabinet is now being asked to take a final decision on the proposals.

Supporting information

- 4.1 Consultation on the strategic city-wide review of Special Educational Needs and Disabilities (SEND) provision took place over a six week period between 6 November 2017 and 15 December 2017. The outcome of the consultation was reported to Council Cabinet on 10 October 2018.
- 4.2 In summary, the initial consultation responses on the proposal to establish a single Early Years Inclusion Fund included the following key points:
- There will be no specialist provision for children with SEND aged 2-4 years and children might not be able to manage in mainstream nurseries.
 - Staff in the Enhanced Resource (ER) School nurseries have been trained and qualified over many years.
 - ER school provision in early years is essential to the education, inclusion and development of young children.
 - Funding should be fair and equal for all providers irrelevant of their status or whether they are in the maintained or private and voluntary sector.
 - Funding places close to home is important as some of our SEND children would not be able to access nurseries in other parts of the city.
- 4.3 Following very careful consideration of the consultation responses, Council Cabinet, on 10 October 2018, approved the establishment of a single Early Years Inclusion Fund. The aim of the funding is to help ensure that parents and carers of children with SEND have a wide choice of early years options available and are able to access local childcare places. This funding will result in the Early Years Inclusion Fund increasing to £502,000 and will create a more transparent and consistent approach to providing funding to meet the needs of children in early years settings.
- 4.4 Central Community Nursery and Lord Street Nursery are a valuable part of Derby's high quality early years offer. At present, the two nurseries receive a total of £252,055 of enhanced resource funding. The current allocation of enhanced resource funding to Central Community Nursery School and Lord Street Nursery School is based on an historic funding arrangement. The funding is allocated as a fixed sum to each of the nurseries and is not specifically linked to placements of children with Special Educational Needs and Disabilities (SEND).
- 4.5 Many other nurseries and early years providers in the city are accommodating children with SEND. Subject to approval, this will ensure funding is made available to support children in a wider number of early years settings and localities.
- 4.6 Following Council Cabinet approval on 10 October 2018, the Council has been working very closely with the nurseries on planning the decommissioning of their enhanced resource provisions, including in relation to the new criteria for the inclusion fund, for which they will be eligible, and opportunities for city wide early years inclusion support.

- 4.7 On 9 October 2019, Council Cabinet approved moving to the next stage of the process which included publishing a statutory notice, and a further four-week consultation period on the proposals to formally remove the enhanced resource provisions from Central Community Nursery School and Lord Street Nursery School on 1 April 2020.
- 4.8 Councils are required to carry out a statutory process when SEND provision is formally removed from a maintained mainstream school. It is important to note that the proposed removal of the nursery enhanced resource provisions will not displace any children and overall early years SEND funding will not be reduced. The Council will continue to work in close partnership with Central Community Nursery School and Lord Street Nursery School as part of transition arrangements.
- 4.9 The four-week statutory consultation period started on Monday 13 January 2020 and ended on Monday 10 February 2020. Three responses were received during the consultation period; two in support of the proposals and one objection to the proposals. A summary of the responses received is set out in Appendix 1. This report seeks a final decision from Council Cabinet on the proposals to close the enhanced resource provisions at Central Community Nursery School and Lord Street Nursery School on 1 April 2020 and establishment of a single overall Early Years Inclusion Fund.

Public/stakeholder engagement

- 5.1 Public consultation took place on the proposals to establish a single Early Years Inclusion Fund following the closure of Enhanced Resource provisions at Central Community Nursery School and Lord Street Nursery School as part of the wider consultation on the strategic citywide SEND proposals. This report was also considered at the Derby Local Area SEND Board meeting on 4 March 2020.
- 5.2 A detailed summary of consultation responses were carefully considered by Council Cabinet on 10 October 2018 and approval was given to plan for the careful decommissioning of the enhanced resource provisions at Central Community Nursery School and Lord Street Nursery School. A further statutory four-week consultation period has now been completed on the proposals and a summary of the responses received is set out in Appendix 1.

Other options

- 6.1 There is an option to not go ahead with the formal removal of the enhanced resource provisions at Central Community Nursery School and Lord Street Nursery School. The proposal, however, is to continue with the removal of the provisions at the two nurseries to release SEND funding for children in a wider choice of childcare settings and to create a more transparent and consistent approach to funding SEND support in early years settings.

Financial and value for money issues

- 7.1 The proposal is to decommission the enhanced resource provisions at Central Community Nursery School and Lord Street Nursery School and establish a single overall Early Years Inclusion Fund which can be accessed by a wider number of childcare settings. There will be no reduction or increase in the overall level of SEND early years funding as a result of the proposals. Subject to approvals, this will result in the Early Years Inclusion Fund increasing to £502,000 from 1 April 2020.

Legal implications

- 8.1 Part 3 of the Children and Families Act 2014 places legal duties on Local Authorities to identify and assess the special educational needs of children and young people for whom they are responsible. LAs become responsible for a child/young person in their area when they become aware that the child/young person has or may have SEN. They must then ensure that those children and young people receive a level of support which will help them “achieve the best possible educational and other outcomes”.
- 8.2 In accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, local authorities are required to carry out a statutory process to formally remove provision from maintained mainstream schools that is recognised as being reserved for children with Special Educational Needs and Disabilities (SEND).

Other significant implications

- 9.1 The Council has been working very closely with the nurseries on transition planning to minimise any potential impact on staffing. Should there be any staffing implications, including in relation to possible redundancies, the Council will continue to work together with the nurseries to provide support and ensure that consultation takes place with the staff and trade unions.
- 9.2 If any redundancies were to arise, the nurseries would be responsible for meeting the costs but the Council does have a process in place for supporting maintained schools in financial difficulties.

Equalities

- 10.1 An Equalities Impact Assessment (EIA) was completed in relation to proposals to improve Derby's specialist provision, including this proposal to establish a single Early Years Inclusion following the closure of Enhanced Resource provision at Central and Lord Street Nursery School. The full EIA is attached as Appendix 2.
- 10.2 The EIA was carried out with the support of the Equality and Diversity Team, and the Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS). The Equalities Impact Assessment Team included parent representatives and officers specialising in Educational Psychology, Health and Safety, Specialist Teaching Services and SEND provision.

- 10.3 The EIA on the proposals was completed in November 2017. A legal review took place in December 2019 to assess its continued fitness for purpose, in particular, considering whether there have been any changes since the original EIA was completed that could impact on equality groups. The review found that there have been no fundamental changes to the proposals, or the way in which children with SEND are supported in early years settings. Therefore, the original EIA remains relevant and up to date, as it continues to provide an accurate equalities check on the proposals.
- 10.4 In terms of community cohesion, it is anticipated that the proposal will open up funding to a wider range of early years settings, serving different communities in Derby.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Madhuri Gembali, Solicitor	03/02/20
Finance	Alison Parkin, Head of Finance	05/02/20
Service Director(s)	Gurmail Nizzer, Director of Commissioning	05/02/20
Report sponsor	Andy Smith, Strategic Director of People Services	13/02/20 - DMT
Other(s)	Liz Moore, Head of HR	28/01/20

Background papers:	Council Cabinet Report: Improving Specialist Provision in Derby – 10 October 2018 Council Cabinet Report: Creation of a single Early Years Inclusion Fund – 13 November 2019
List of appendices:	Appendix 1: Summary of Consultation Responses Appendix 2: Equalities Impact Assessment

Appendix 1

Proposals to close the Enhanced Resource provisions at Central Community Nursery School and Lord Street Nursery School and to reallocate funding to the Early Years Inclusion Fund from 1 April 2020

Summary of Consultation Responses

Summary of Response	Objection or Support	Date Received	Type of Respondent	Derby City Council Comment
Please forward my concerns and objections to these proposals to those involved in the consultation process. These proposals will have a negative effect on Central Community Nursey and those children and families who need the easily accessible, specialist service they provide. A much loved and valued centre of excellence that has served the city for many years is now under real threat.	Objection	13/01/20	Councillor	Central Community Nursery and Lord Street Nursery are a valuable part of Derby's high quality early years offer. At present, the two nurseries receive a total of £252,055 of enhanced resource funding but this is allocated as a fixed sum and is not specifically linked to placements of children with Special Educational Needs and Disabilities (SEND). Many other nurseries and early years providers in the city are accommodating children with SEND. Subject to approval, the proposal is to establish a single overall Early Years Inclusion Fund and made available to support children in a wider number of early years settings and localities.
A single Early Years Inclusion fund will be a more sensible and fair way of allocating funds as needed across PVI settings and maintained nurseries. This will enable parents to have more choice in their provision.	Support	23/01/20	Nursery / Infant School	The aim is to help ensure that parents and carers of children with SEND have a wider choice of early years options available and are able to access local childcare places. This will result in the Early Years Inclusion Fund increasing to £502,000 and will create a more

<p>The specialist provision provided in these two enhanced resources has not been promoted to parents and nurseries in the past so parents have not been signposted to these provisions whilst they have been receiving the additional funding. This has resulted in many cases where other nursery settings have been supporting children with significant SEND with limited additional funding.</p> <p>As an example, this nursery has accommodated a number of children with Education Health and Care Plans (EHCP) and significant needs. The children have transferred onto specialist provision. This is the same level of significant SEND as Lord Street and Central Nurseries, yet the nursery had to apply for Element 3 funding post-EHCP, receiving much lower levels of funding. Despite this, we employed the required support staff.</p> <p>Parents will want to access provision close to home so it makes sense to share the funding across the city's provisions.</p>				transparent and consistent approach to providing funding to meet the needs of children in early years settings.
<p>We agree with the proposals to remove the SEND enhanced resource provisions from Lord Street and Central Nursery.</p> <p>As a school, we offer nursery provision</p>	Support	10/02/20	Primary school with nursery	As above.

to children from 2 years old and accommodate an increasing number of children with SEND. Therefore, we would welcome the opportunity to apply for additional funding in order to provide further support for Early Years children with SEND. This will enable our SEND children to access nursery provision close to their home.				
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Equality impact assessment form

Directorate People

Service area Commissioning

Name of policy, strategy, review or function

being assessed Proposals to improve provision in Derby for children and young people with Special Educational Needs and Disabilities (SEND)

Date of assessment Thursday, 16 November 2017

Name of Director/Head of Service signing it

off – Gurmail Nizzer, Director of Commissioning (Acting)

Decision of Cabinet, Personnel Committee or

Chief Officer Group – Council Cabinet on 10

October 2018

Date published on website 2 October 2018

October 2017

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

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

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

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t.

Having ‘due regard’ means:

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

The protected characteristics are:

- age
- disability
- gender identity
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

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

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

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

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

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

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

Equality groups and protected characteristics

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender identity – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls
- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

Contact for help

Ann Webster – Lead on Equality and Diversity

ann.webster@derby.gov.uk

Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

The form

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

Policies will usually fall into three main categories...

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

If in doubt – it’s better and safer to do an Equality Impact Assessment than not to bother! You never know when we may get a legal challenge and someone applies for Judicial Review.

What’s the name of the policy you are assessing?

Proposals to improve provision in Derby for children and young people with Special Educational Needs and Disabilities (SEND)

The assessment team

Team leader’s name and job title – Paula Nightingale, Head of Inclusion Services

Other team members were from the following organisations:

Organisation	Area of expertise
Umbrella Derby and Derbyshire	Supporting parents and carers of pupils with SEND.

Derby City Council	Educational Psychology
Derby City Council	Advising and supporting parents and carers of pupils with SEND.
Derby City Council	Specialist Teaching Service Teams
Parent Carers Together	Representing parents and carers of children and young people with SEND.
Derby City Council	Health & Safety

In addition, the specialist provision proposals were discussed at the meeting of the Voices in Action (VIA) Youth Council on 10 October 2017. The VIA Youth Council identified positives and negatives relating to the proposals. The views of the young people have been included in this Equalities Impact Assessment.

Step 1 – setting the scene

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

1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.

The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with Special Educational Needs (SEN) should be educated and the Equality Act 2010 provides protection from discrimination for disabled people.

As set out in the Special Educational Needs & Disability (SEND) Code of Practice 0-25 years, all children and young people are entitled to an appropriate education, one that is appropriate to their needs, promotes high standards and the fulfilment of potential. The aim is that children and young people with SEND will have aspirations that are as high as any other young person's, they achieve well at school and college, and lead fulfilling, happy lives.

Derby City Council is committed to improving outcomes for children and young people with SEND. A SEND Vision for Derby has been developed working closely with our partner organisations. The SEND Vision for Derby is attached as Appendix 1 to this Equalities Impact Assessment.

The SEND Vision sets out the key aims of Derby's children and young people with SEND and ways in which the Council, service providers and partners will need to work together to achieve those outcomes. The Vision sets out that children and young people with SEND want to:

- Be happy, healthy and safe with good relationships.
- Be informed about the choices they have available.
- Feel involved in setting their own goals and types of support.
- Be able to access the right support at the right time.
- Live independently and achieve their full potential.

Following very careful consideration and initial consultation with parent representatives, SEND partners and headteachers, proposals have been developed to improve Derby's specialist provision for children and young people with Special Educational Needs and Disabilities SEND.

The key proposals include:

- Updating Enhanced Resource School and Special School Pupil Placement Criteria to help ensure that children and young people with SEND are placed in the most appropriate type of school for their individual needs and to provide transparent and clear criteria for children, young people and their families
- A fresh look at specialist provision to ensure it is relevant to current needs of children and young people in Derby, for example, proposals have been developed to create specialist provision to meet with Social, Emotional and Mental Health Needs, which the City does not currently have.
- Improving SEND pupil pathways and alignment between primary and secondary Enhanced Resource School placements to help effective transition planning for Children.
- Developing an Early Years Inclusion Fund for all Early Years providers as a single source of funding to support the inclusion of children with SEND.
- Capital investment for Enhanced Resource School Provision

Please note that there are no proposals to reduce overall funding for children and young people with Special Educational Needs and Disabilities.

The table below sets out how the proposals will contribute towards the five aims for children and young people with SEND, as set out in the SEND Visions for Derby.

Be happy, healthy and safe with good relationships	Be informed about available choices	Feel involved in setting their own goals and type of support	Be able to access the right support at the right time	Live independently and achieve their full potential.
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Proposals aim to ensure that pupils with SEND are placed in the most appropriate educational settings based on individual needs, accessing mainstream school places, where possible, with support provided through schools to ensure pupils are happy, healthy, safe and forming good relationships with their peers.	Pupil pathways from primary to secondary SEND provision provide an early indication of where a child or young person is likely to access secondary education. This enables outreach between schools to ensure a smooth transition at secondary transfer.	Through Education, Health and Care Plans, outcomes and long term aims are set for a child / young person, listening to their views and the views of their parents / carers.	Schools are able to apply for funding through Locality Panels to provide additional resources and support for pupils with SEND.	Proposals aim to increase local placements for children and young people with SEND. This is important in order to encourage the integration of young people in the local community, as part of preparation and transition planning to adulthood and independent living.
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2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?

<ul style="list-style-type: none"> • The Council's Vulnerable Learners' Service • All Derby Schools • NHS Health through contributing to Education, Health and Care Plans • Parents/Carers/Young People

3 Who are the main customers, users, partners, employees or groups affected by this proposal?

- Children and young people with special educational needs and disabled people resident in Derby, particularly those aged/approaching 0-16 years.
- Families/Parents/Carers,
- Educational establishments/settings for pupils with Special Educational Needs and Disabled Children
- NHS Health Representatives in relation to Education Health and Care Plans.

Step 2 – collecting information and assessing impact

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

Pre-consultation engagement

- To help shape the proposals, eight representative Headteacher engagement meetings were held. The meetings included Headteacher representation from across the City's special schools, enhanced resource schools and mainstream schools at nursery, primary and secondary level.

Throughout the headteacher meetings, there was support for the principles of inclusion and increasing local school placements, wherever possible and appropriate, for children and young people with SEND.

It was suggested that gaps in specialist provision should be identified and changes made to ensure the provision offered in Derby is appropriate to current needs. Provision should be clearly defined and strong criteria developed for placements. It was suggested that pupil pathways should be considered with clear entry and exit transition points.

The discussions that took place during the meetings of the group helped inform the proposals that have been developed for consultation.

- Initial engagement meetings were held with SEND partners, for example, the Special Educational Needs and Disabilities Information Advice and Support Service (SENDIASS) and Umbrella.

- The Council has discussed proposals with our regional Department for Education SEND Adviser.
- A presentation was made to SEND Commissioning Board Members which includes SEND partners from across a range of organisations.

Formal consultation

- Public engagement meetings for parents and carers of children and young people with SEND. The SENDIASS Team, Umbrella and Parents and Carers Together have provided support with identifying parent / carer representatives to invite to the meetings.
- Engagement with the Council's Voices in Action Youth Council to understand views of children and young people.
- Engagement with all primary and secondary schools at headteacher meetings, via email and an article in the Schools' Circular.
- SEND Commissioning Board members consulting with partner organisations.
- Meeting with a representative of The National Deaf Children's Society on 12 December 2017.
- An update on the proposals was provided at a meeting of the Deaf and Hearing Impaired People's Commitment Group on 7 February 2018.
- Proposals published on the Council's Your City, Your Say Webpage so that anyone with an interest may respond to the consultation. This includes a consultation document, summary consultation document, newsletter for parents and carers and list of frequently asked questions.
- Derby Newsroom Articles
- Contact details provided for people who require the consultation documents in different formats.

5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the

equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.

Age

What do you already know?	Positive impact	Negative impact	Mitigation
<p>There are currently different SEND funding routes available for early years providers. The proposal is to bring together all of the funding in to a single pot which all early years providers can apply to for funding to support children with SEND.</p> <p>This would result in a fair, transparent and consistent funding route which would be available for all early years providers.</p>	X		
<p>Enhanced Resource School nurseries are fully trained on how to meet the needs of children with SEND. We need to make sure that members of staff in other early years settings are trained to provide the same level of support.</p> <p>Some members of the group raised concerns around the proposal for the Enhanced Resource School funding allocated to Central Community Nursery School & Lord Street Nursery School to be re-allocated to the overall Early Years Inclusion Fund. They felt that other age phases still had a pathway for Enhanced Resource</p>		X	<p>An Early Years Inclusion Fund is already in place to support children in private, voluntary and independent nurseries. The proposal is to re-allocate enhanced resource nursery funding to the Early Years Inclusion Fund to create a single and consistent source of funding for all early years providers.</p> <p>PVI nurseries are already provided with guidance on SEND and are sign-posted to training courses by STePS. The new graduated response guidance has been written to include guidance for all early years settings. Maintained settings will be offered training in the graduated response to support them to include children with SEND. The area SENCO team will</p>

What do you already know?	Positive impact	Negative impact	Mitigation
<p>School provision and the decision to remove the early years pathway could prevent early intervention.</p> <p>Other members of the group felt that the Early Years Inclusion Fund is intended to support the inclusion, participation and progress of children with special educational needs and disabled children in the early years. Their view was that the funding is for children up to the end of Foundation Stage 1, to enable them to access their early years entitlement and in support of early intervention and inclusion.</p>			continue to support PVI settings.

Disability

What do you already know?	Positive impact	Negative impact	Mitigation
<p>The proposals aim to support children, young people and their families by ensuring that pupils with SEND are attending a school most appropriate to their individual needs. This would be done through proposals to update pupil placement criteria for special school placements and enhanced resource school placements.</p> <p>This is likely to free up capacity in Special Schools and Enhanced Resource Schools, enabling them to take pupils that may otherwise be placed in distant placements.</p> <p>Local placements for children</p>	X		

What do you already know?	Positive impact	Negative impact	Mitigation
and young people with SEND are important in order to support the family and encourage the integration of young people in the local community, as part of preparation and transition planning to adulthood.			
The proposals aim to address gaps in provision, for example, we currently do not have specific specialist provision for pupils with social, emotional and mental health needs. There are proposals to introduce this provision. We've also considered the numbers of places available at each Enhanced Resource School and proposed changes so that places match with anticipated demand.	X		
<p>The Voices in Action Youth Council felt that there would be positives for children and young people with SEND in attending their local mainstream schools including integration, socialising, making/being with friends and being a part of the local community.</p> <p>Mainstream inclusion could help develop a better understanding of young people with SEND and how their needs can be met. It would assist with inclusive learning and motivation by being with other students. It could lead to a better future and more independence.</p>	X		
The Voices in Action Youth Council also identified issues with mainstream inclusion		X	The Council is committed to inclusive education for children and young people with SEND in our

What do you already know?	Positive impact	Negative impact	Mitigation
<p>including needs not being met, a lack of resources and support, reasonable adjustments not being met and schools not understanding individual needs.</p> <p>There could be an issue with teachers not being trained to work with children with SEND or not providing one to one tuition/help.</p> <p>Pupils could feel excluded.</p>			<p>mainstream schools, enhanced resource schools and special schools.</p> <p>Under the SEND Code of Practice, every school is required to identify and address the SEN of the pupils that they support.</p> <p>All mainstream schools receive notional SEND funding. In Derby, around £23 million per year is allocated to mainstream schools, as part of their delegated budgets, as notional SEND funding. All mainstream school Governing Bodies are asked to ensure that SEND Notional Funding is carefully prioritised for pupils with SEND. This funding could be used in relation to resources and support for individual pupils as well as wider staff training and professional development to specifically meet the needs of children with SEND.</p>
<p>The proposals seek to improve SEND pupil pathways between infant, junior and secondary Enhanced Resource School placements.</p> <p>By creating pupil pathways between primary and secondary ER provision, it provides an early indication to the child and their parents of where the child is likely to access secondary provision.</p> <p>It will also enable more formal links to be created between primary and secondary ER school provision, including establishing outreach from secondary schools to primary schools to ensure that a pupils transition from primary</p>	X		

What do you already know?	Positive impact	Negative impact	Mitigation
to secondary education is as smooth as possible.			
<p>The Voices in Action Youth Council identified positives for having pupil pathways between primary and secondary specialist provision. They felt it would help the child or young person be more prepared, feel comfortable, make friends and know about the resources available to them when they transfer to secondary education.</p> <p>The child or young person could visit the secondary school, have a say, make informed choices and get used to the environment and teachers.</p> <p>The pupil pathways could help schools to prepare more, meet the needs of individual children and young people and ensure teachers are appropriately trained.</p> <p>The pupil pathways could help parents to plan transport and access to schools, give time to make arrangements and find others children and young people that are going to the same school.</p>	X		
<p>The Voices in Action Youth Council also identified issues with pupil pathways such as children and young people feeling isolated and / or fearful.</p> <p>They could feel left out or moved away from their friends. They may not go to</p>		X	<p>There will be flexibility in the approach to pupil pathways to enable pupils to attend other schools, where appropriate. For example, where an Annual Review identifies that there has been a significant change in a child's needs, it might be appropriate for the child to transfer to a special school.</p>

What do you already know?	Positive impact	Negative impact	Mitigation
<p>the same school as siblings and panic over transition or loss of existing school friends.</p> <p>The pupil pathways could result in lack of choice and independence, with limited school options. The secondary specialist school may not be the catchment area school. There may not be enough space to go to the school of choice.</p>			<p>The Council will, of course, very carefully consider the views and wishes of children and young people in taking any decisions on SEND placements.</p>
<p>There are proposals to develop capital projects to invest in Enhanced resource School buildings to increase and improve provision for children and young people with SEND. This is to ensure sufficient and appropriate classrooms and spaces for children and young people with SEND.</p>	X		
<p>It's important that children moving to the city can be accommodated, even if provision is full</p>		X	<p>In relation to children and young people with SEND moving to the City, by continuing to support mainstream inclusion, it will open up options for more pupils to be taught in mainstream schools.</p> <p>The numbers of places available will be kept under review to ensure that provision can meet with demand.</p>
<p>The criteria for placements in Enhanced Resource Schools for pupils with communication and interaction needs don't include high functioning pupils with ASD. It's not clear from the criteria which type of school these pupils would attend. Based on the criteria, it appears easier for a child with communication and</p>		X	<p>The placement criteria don't specifically include high functioning pupils with autism. The individual needs of each pupil will be assessed through developing an Education Health and Care Plan, having regard to the views and wishes of the parents and carers.</p>

What do you already know?	Positive impact	Negative impact	Mitigation
interaction needs to be offered a placement at a special school rather than an enhanced resource school.			
The criteria focus on the child and whether they meet the criteria for a placement at a particular type of school. The criteria do not state what the child will be offered and how the school will meet their needs.		X	The purpose of the criteria is to provide a framework for placing pupils in the correct type of school to meet their individual needs. It will need to be made clear in any parents / carer communication that these are placement criteria, and not information on what schools are able to offer, which will usually be accessible to parents and carers on school websites.
The proposal to consider a Specialist Teaching Service to support schools in accommodating mainstream pupils was considered positive for children and young disabled people	X		

Gender identity- trans

What do you already know?	Positive impact	Negative impact	Mitigation
Trans children's needs will continue to be taken into account along with their impairment needs.	X		

Marriage and Civil Partnership

What do you already know?	Positive impact	Negative impact	Mitigation
No impact identified for this equality group.			

Pregnancy and maternity

What do you already know?	Positive impact	Negative impact	Mitigation
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There are already procedures in place for young people at school who are pregnant, including those with SEND. We need to make sure that staff who are pregnant have had full pregnancy risk assessments concerning working with children who may have behavioural and emotional difficulties. Young people may be affected if they feel that their teacher has to do more for them than perhaps the other pupils.		X	With regard to pregnancy, mainstream Schools will be reminded that they must spend their notional SEND funding on including children and young people with SEND. This may consist of wider staff training and professional development relating to teaching and supporting children with SEND, as well as training on the wellbeing of staff. It is in Employment Legislation that pregnant women at work must have pregnancy risk assessments
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Race

What do you already know?	Positive impact	Negative impact	Mitigation
The location of Enhanced Resource Schools in the City might result in certain groups being further away from specific types of provision.		X	It's not clear whether the location of Enhanced Resource School provision does impact on race as any child with SEND might need to travel outside of their local community to attend an Enhanced Resource School or Special School. By increasing mainstream inclusion and local school places for children with SEND, it is likely to reduce school travel time for more pupils.

Religion or belief or none

What do you already know?	Positive impact	Negative impact	Mitigation
Some parents / carers might not wish to send their child to a school with a particular religious ethos. Children and young people's religious and cultural needs will be taken into account along with their impairment needs		X	With regard to parents not wishing to send their child to a school with a particular religious ethos, the views of parents, carers and the child will be carefully considered when developing Education Health and Care Plans and making placements.

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Sex

What do you already know?	Positive impact	Negative impact	Mitigation
As an indirect impact, if any redundancies arise at nursery schools as a result of the proposals, these are likely to impact on females more than males.		X	It's not clear whether redundancies will arise at this stage from the proposed re-allocation of nursery enhanced resource school funding to the Early Years Inclusion Fund. If any redundancies do arise, the Council will work together closely with the staff and nurseries and will follow all HR procedures.
The proposal to increase places at The Bemrose School is positive as currently the majority of pupils on roll at the school with communication and interaction needs are male. This might put off females from wishing to go there. Higher numbers are likely to mean that there would be more females on roll, perhaps making them feel more integrated and able to form friendship groups.	X		NA – Positive impact identified.

Sexual orientation

What do you already know?	Positive impact	Negative impact	Mitigation
Children's and young people's sexual orientation will be taken into account along with their impairment needs			

Important - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. 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. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?

Specific actions and comments are set out in the mitigation sections of the equality group assessment tables above.

Step 3 – deciding on the outcome

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

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

Our Assessment team has agreed Outcome number(s)

The majority of the group agreed that no major change was needed to the overall proposals as actions have been identified to mitigate any potential implications identified by the assessment team.

Why did you come to this decision?

Where negative impacts were recorded, actions have been identified to mitigate the potential implications.

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

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

Step 4 – equality action plan – setting targets and monitoring

8 Fill in this table with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.

Equality Action Plan –setting targets and monitoring

Age

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
There are currently different SEND funding routes available for early years providers. The proposal is to bring together all of the funding in to a single pot	This would result in a fair, transparent and consistent funding route which would be available for all early	Subject to approval, the proposal is to implement a single Early	Annual reviews

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
<p>which all early years providers can apply to for funding to support children with SEND.</p> <p>PVI nurseries are already provided with guidance on SEND and are sign-posted to training courses by STePS. The new graduated response guidance has been written to include guidance for all early years settings. Maintained settings will be offered training in the graduated response to support them to include children with SEND. The area SENCO team will continue to support PVI settings.</p>	<p>years providers.</p> <p>Training and support to setting to help ensure they are able to meet the needs of children with SEND.</p>	<p>Years Inclusion fund for all early years providers in Derby. Eleanor Moore</p>	

Disability

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
<p>Support children, young people and their families by ensuring that pupils with SEND are attending a school most appropriate to their individual needs.</p> <p>The individual needs of each pupil will be assessed through developing an Education Health and Care Plan. It is envisaged that high functioning pupils with autism would attend mainstream schools, with support, in the majority of cases.</p> <p>The purpose of the criteria is to provide a framework for placing pupils in the correct</p>	<p>The proposals will help to ensure that pupils are accessing the most appropriate settings based on their individual needs.</p>	<p>Subject to consultation and approval, the new criteria will be applied to future placements. Paula Nightingale</p>	<p>Annual reviews</p>

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
<p>type of school to meet their individual needs. It will need to be made clear in any parents / carer communication that these are placement criteria, and not information on what schools are able to offer, which will usually be accessible to parents and carers on school websites.</p>			
<p>Identify and address any gaps in provision, for example, Derby does not currently do not have specific specialist provision for pupils with social, emotional and mental health needs. There are proposals to introduce this provision.</p> <p>We've also considered the numbers of places available at each Enhanced Resource School and proposed changes so that places match with anticipated demand.</p>	<p>The proposals will help ensure that the needs of all pupils in Derby can be met in local schools, as appropriate.</p>	<p>Subject to consultation and approval, the new provision will be put in place. Paula Nightingale</p>	<p>Annual Reviews</p>
<p>Increase local school placements by ensuring that pupils are placed in the most appropriate settings based on their individual needs, accessing mainstream places where possible and appropriate.</p>	<p>This is likely to free up capacity in Special Schools and Enhanced Resource Schools, enabling them to take pupils that may otherwise be placed in distant placements.</p> <p>Local placements for children and young people with SEND are important in order to support the family and encourage the integration of young people in the local community, as part of preparation and transition planning to</p>	<p>Subject to consultation and approval, the new criteria will be applied to future placements. Paula Nightingale</p>	<p>Annual Reviews</p>

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
	adulthood.		
<p>Improve SEND pupil pathways between infant, junior and secondary Enhanced Resource School placements.</p> <p>The proposals identify the secondary ER schools that pupils from each of the primary ER schools will usually transfer to. The numbers of places at each of the schools have been considered and changes proposed to ensure that secondary places align with primary places.</p>	<p>By creating pupil pathways between primary and secondary ER provision, it provides an early indication to the child and their parents of where the child is likely to access secondary provision.</p> <p>It will also enable more formal links to be created between primary and secondary ER school provision, including establishing outreach from secondary schools to primary schools to ensure that a pupils transition from primary to secondary education is as smooth as possible.</p>	<p>Subject to consultation and approval, the new pupil pathways will be implemented.</p> <p>Paula Nightingale</p>	Annual Reviews
<p>Make investment Enhanced Resource School buildings. There are proposals to develop projects to invest in school buildings to increase and improve provision for children and young people with SEND.</p>	<p>There will be sufficient and appropriate classrooms and spaces for children and young people with SEND.</p>	<p>Subject to approval, timescales for opening new buildings will need to be carefully considered as the projects are developed.</p> <p>Gurmail Nizzer</p>	Monitoring through Schools Capital Programme.

Gender identity - trans

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Trans children's needs will continue to be taken into account along with their impairment needs.	To ensure views are carefully considered when making placements or any other decisions about specialist provision.	This is already the case and it is important that this continues.	Annual Reviews

Marriage and Civil Partnership

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
No impact identified for this equality group.			

Pregnancy and maternity

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
Mainstream Schools will be formally reminded that they must spend their notional SEND funding on including children and young people with SEND. This may consist of wider staff training and professional development relating to teaching and supporting children with SEND, as well as training on the wellbeing of staff.	SEND notional funding to be specifically prioritised in mainstream schools for the benefit of children and young people with SEND and also to support staff in teaching pupils, accommodating needs as well as ensuring their own wellbeing.	Around the time that school budgets are issued.	On-going discussions with schools.

Race

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
It's not clear whether the location of Enhanced Resource School provision does impact on race as any child with SEND might need to travel outside of their local community to attend an Enhanced Resource School or Special School. By increasing mainstream inclusion and local school places for children with SEND, it is likely to reduce school travel time for more pupils.	The aim is that higher numbers of pupils will be able to access local school placements. Local placements for children and young people with SEND are important in order to support the family and encourage the integration of young people in the local community, as part of preparation and transition planning to adulthood.	Subject to consultation and approval, the new criteria will be applied to future placements. Paula Nightingale	Annual Reviews

Religion or belief or none

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
With regard to parents not wishing to send their child to a school with a particular ethos, the views of parents, carers and the child will be carefully considered when developing Education Health and Care Plans and making placements.	To ensure views on religion / ethos are carefully considered and taken account of in making placements.	Subject to consultation and approval, the new criteria will be applied to future placements. Paula Nightingale	Annual reviews

Sex

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
It's not clear whether redundancies will arise at this	To ensure that any staff redundancies, if	NA – It is unclear at this	Continuing to work closely with the

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
stage from the proposed re-allocation of nursery enhanced resource school funding to the Early Years Inclusion Fund. If any redundancies do arise, the Council will work together closely with the staff and nurseries and will follow all HR procedures.	they do arise, are treated in accordance with Council policies and that the nurseries are supported by the Council.	stage whether any staff redundancies will arise.	nurseries and understanding any staffing implications if the proposals are approved.

Sexual orientation

What are we going to do to advance equality	What difference will it make	When will we do it and who will lead	Monitoring arrangements
No impact identified for this equality group.			

Appendix 1

The SEND Vision for Derby

Derby Vision for SEND

We want children and young people with special educational needs and disabilities in Derby to...

Be happy, healthy and safe with good relationships

Be informed about the choices they have available

Feel involved in setting their own goals and types of support

Be able to access the right support at the right time

Live independently and achieve their full potential

To achieve these outcomes, service providers and partners in Derby need to work differently. We will:

- Help to keep children local wherever possible
- Respond at the lowest level of need
- Be honest and fair about the decisions we make
- Deliver value for money

Make decisions
Go out
Be healthy
Drive
Have friends
Be happy
Manage our money
Advocacy
Have healthy relationships
Have the right help at the right time
Honesty
Live independently
Fair treatment
Be listened to
Work together
Get education
Have holidays
Know what is available to help us

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt: **01332 643722** Tel. tekstowy: 01332 640666

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ

01332 643722 ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: **01332 643722** Minicom 01332 640666

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم
منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council The Council House Corporation Street Derby DE1 2FS
www.derby.gov.uk