




Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council	X	 NHS Somerset	 NHS Somerset NHS Foundation Trust	
Version	0.1 - This EIA is draft and has been used to inform the proposals put forward to consultation and will be updated following the consultation.		Date Completed	09/09/2024	
Description of what is being impact assessed					
<p>This consultation contains seven proposals:</p> <ol style="list-style-type: none"> 1) Give any school that is educating a child with an Education, Health and Care Plan equivalent funding. This is a change from current practice where children who are educated in mainstream schools are allocated around one third of the funding allocated to children in special schools, who are banded as having similar levels of need. 2) Phase in over time equivalent funding for specific groups of children. This is a proposal designed to enable proposal 1 to be affordable by implementing it over time. 3) Retain funding centrally for children who need specific services, to make sure that they receive them. At present, some services are funded directly from the High Needs budget. Pupils who receive these services are also allocated Top-up 					

funding in the same way as other pupils. It is proposed that this would change so that pupils receiving services would have less funding allocated to their school. This is to avoid advantaging pupils who receive central services as opposed to support delivered by their school, as pupils receiving central funding could potentially be funded twice.

- 4) Develop a **model of provision** to provide stronger support for children who need something other than mainstream education, but that actively supports them to return to mainstream education. Having a model of provision would build on what already exists (schools, pupil referral units and alternative provision). There is currently no model of provision across the county, so the proposal would create a new way to organise these services so that they work together as a whole with a focus on common principles. The aim is to avoid situations arising at present where unclarity about what different people and organisations are working towards, or gaps in provision, result in pupils not receiving safe and progressive education.
- 5) **Incentivise schools** to be inclusive and disincentivise them to exclude, including financially. This proposal suggests a number of changes to staffing, processes, funding arrangements and guidance to increase the amount of support available to pupils at risk of exclusion, and the schools they attend, and also increase the level of challenge and accountability linked to decisions to permanently exclude pupils.
- 6) Provide **short-term, interim and emergency funding to schools** for pupils with additional needs, regardless of whether a plan is in place and without lengthy approvals. At present, there is no clear route for schools to access funding outside a request for an Education, Health and Care Plan, which can be lengthy and is not appropriate for all pupils who need support.
- 7) **Establish annual timescales** each academic year for requesting placement changes and confirming forward funding. At present there are timescales for notifying the local authority in relation to phases transfers for children with SEND but not established practice in relation to other requests for placements changes, and no deadline for the local authority to confirm academic year High Needs funding.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

Many parents have told us that their preferred goal is having their child attend a local mainstream school where their child flourishes and progresses. However, the ability of mainstream schools to provide for children with additional needs is coming under pressure.

When mainstream schools struggle or children's needs go unmet, this can result in a range of consequences:

- Some children respond to that situation with disruptive behaviour which can culminate in **suspension and exclusion**. In the latest national data, Somerset was had the third highest rate of exclusions for children with SEND and the second highest rate of suspensions in England. Children excluded and suspended (from Somerset state-funded schools): 147 pupils were permanently excluded in 2023/24 (of which 83 had identified SEND); 3,522 individual pupils received one or more suspension during 2023/24 (of which 1,658 had identified SEND). [Special educational needs in England, Academic year 2023/24 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk).
- Some children have their place in school break down, and this results in them being placed in an **independent special school** at comparatively high cost. The average annual cost for an independent special school placement is more than 10 times higher than for a mainstream school. Somerset's budget for independent special school's places is £20m higher than its budget for mainstream school support. There are 12,912 pupils in state-funded schools and 2,497 pupils in independent schools (Source is DfE/school censuses, Jan 2024) Children in INMS (with an EHCP maintained by Somerset LA): 409. (Source is SEN2 data national return, January 2024. [Education, health and care plans, Reporting year 2024 - Explore education statistics - GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk))
- Some children are **taken out of school** because their needs are not being met and either try and educate them at home or the child access something called 'Education Otherwise than at School'. However, this can put significant pressure on families and sometimes these arrangements are not successful. Children in EHE: 1,786. *Source is Capita One, as at end August 2024. [EHE Current \(Dashboard\) - SQL Server 2017 Reporting Services \(somerset.gov.uk\)](#) (Internal)*
- Some children feel so anxious or unwell at the prospect of attending school that they experience **severe non-attendance**. Somerset has seen a 22.6% increase in pupils severely absent from school since 2022. There were 7,452 children of compulsory school age (NCY 1 to 11) with 15 or more days illness absence during 2023/24, of which 2,147 had identified SEND. *Source is Capita One, not currently published.*
- When children are not in full-time education this can put extreme pressure on parents' employment, such that too many parents have felt **forced to leave employment** in order to ensure that their child is safe and supervised. There are currently around 60,000 people of working age in Somerset who are classed as 'economically inactive' because they are not seeking employment.

- Some children end up **taken into care** because the pressure on families of not having a successful full-time school place becomes so great that the family no longer feels able to care for their child. Somerset's children social care budget in 2023/24 was overspent by £11.9m.
- Some schools can get into serious difficulties and underperformance because of the challenges involved in meeting the breadth of need within the school. The proportion of **schools judged inadequate** by Ofsted in Somerset is above the national average.

In the school system, we know how many children have diagnosed disability and SEND. As at August 2024, there were 5,557 children with EHCPs maintained by Somerset LA (Children's Performance Scorecard, August 2024 [Children's Performance Dashboard - Power BI](#) (internal)). However, the evidence of the impacts above is that there are likely far more children with conditions, needs and disabilities than have been identified or diagnosed. Any situation where there are significant impacts may be an indicator of disability and should be treated as such. This consultation aims to bring forward proposals to better identify need and respond appropriately.

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

During summer term 24/25 consultations were undertaken on reforming SEND services in Somerset. Four sessions were held with school leaders and Somerset Parent Carer Forum hosted a consultation event with parents. Extensive consultation was undertaken with children and young people in the context of a new Children and Young People's Plan. As part of these consultations, we heard that:

- 67% of school leaders supported our proposals for change to the SEND system
- 37% of school leaders agreed that there are too many children who are 'stuck' right now without satisfactory solutions or progress, this has been going on a long time and resolving these hard cases is an immediate priority that can't wait.
- 43% of school leaders agreed that it feels too hard and takes too long to get children's needs assessed and funded
- 62% of school leaders agreed that specialist support from the LA is valued, but it can be too complicated or too expensive to access. The challenges being faced by some schools are so great that the help on offer is too limited or too slow to have a real impact
- 61% of school leaders agreed that professionals and parents are carrying too much knowledge of risk to children that is not being acted on. The way we share this knowledge is too complicated and no one in the system seems to have an overview of where risk is the greatest.

-48% of school leaders agreed that early identification of social need is not resulting in long term impact. PRU's (Pupil Referral Units) are facing numerous pressures which are restricting their ability to do their job. This is no clearly identified budget for preventing exclusion work and thresholds for help with social need feel high.

-44% of school leaders agreed it can be hard to a response from LA staff and it would be positive if LA staff could be located on school sites. Some difficult decision can only be made by schools, but they need more options and advice from specialists when they do so.

-We met with focus groups of parents and carers to discuss their experiences. They described a range of issues in the system including:

- Mainstream schools should have been able to support their children, but because the school couldn't find a way to do what was needed, the relationship broke down
- It can be too difficult to get support for whole school changes, such as training all teachers on specific conditions
- Getting an EHCP takes too long and trying to get a special school place can feel like a battle
- Some children's education is now costing the LA a lot of money, but it didn't have to be that way because their child should have been able to succeed in their mainstream school

-Over 6,000 children and young people were asked for their views on what was important, including 14 focus groups, and they said what mattered to them was:

- **Children and young people have asked that schools, colleges and education help students to feel more included and supported.** They told us that in order to improve attendance and attainment there should be less disruptive behaviour in classrooms and quiet spaces in schools and colleges.
- **Children and young people want to be supported to lead healthier lives in Somerset.** They told us that they need better access to healthy sport and leisure activities, advice and improved communication and contact with health professionals.
- **Children and young people want support to lead happy lives and help in their schools, colleges and communities if their mental health deteriorates.** They told us that they need better support for self-injury, better training of staff in schools and colleges and faster referrals and access to the right support.
- **Children and young people have told us that they want to live in safe communities where streets and parks feel safe at night.** They told us that they want fewer children and young people involved in county lines and fewer incidents of violence.

- **Children and young people want support to build better connections with their families, friends and relationships.** They told us that they need to know what's available in their local communities to meet and make new friends; and where to get advice on relationships and sexual health.
- **Children and young people told us that they need cradle to career support to become independent and prepared for adulthood.** They want life skills to be taught in schools and colleges and help to find jobs, apprenticeships and supported employment.

-We informally consulted school leaders on the possibility of changing funding arrangements. They said that it was a high priority for changes to funding to be brought forward as quickly as possible.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> • The proposal to phase the introduction of higher funding would impact children of different ages at different times. This means that there could be some older children past the age of phase transfer who do not receive the funding that they would have received if they were younger. However, these children are most likely of any children to currently succeeding in their school placement at the current level of funding. These children will also have access to interim and emergency funding which is not currently available. Proposals also include the ability for schools to invest additional funding in ways that benefit more children 	□	X	□

	<p>than the child who has been allocated the funding. On balance, the impact of greater funding is likely to be positive for all children, with lesser positive impacts for some children based on their age. No child would receive less funding than they currently receive.</p>			
Disability	<ul style="list-style-type: none"> This consultation proposes to make more funding available for children with SEND in mainstream schools, including those with disabilities, and therefore is intended to have positive impacts. The proposals include that this higher funding will result in fewer children attending independent schools in future. However, this would only be an impact where children in future could have equally positive outcomes in a mainstream school, regardless of disability. This would be protected by the courts. The overall impact should be positive for all types of disability in children. 	□	□	☒
Gender reassignment	<ul style="list-style-type: none"> No identified impact 	□	□	□
Marriage and civil partnership	<ul style="list-style-type: none"> No identified impact 	□	□	□
Pregnancy and maternity	<ul style="list-style-type: none"> No identified impact 	□	□	□

Race and ethnicity	<ul style="list-style-type: none"> No identified impact 	□	□	□
Religion or belief	<ul style="list-style-type: none"> No identified impact 	□	□	□
Sex	<ul style="list-style-type: none"> It is very difficult to ascertain this with available assessments and data, but there is a likelihood that the impact of SEND not being appropriately identified and needs met manifests in different impacts for girls and boys. Evidence suggests that boys are more likely to exhibit externalised anxiety and girls internalised. This can result in gender disparities in different groups, for example higher proportions of boys in groups where there is behaviour that challenges (exclusion, suspension and SEMH) and higher proportions of girls where there is internally directed harm (mental health, emotionally based school avoidance and self-harm). These proposals are intended to bring all these impacts into a single system with the aim of achieving more positive impacts for both groups. 	□	□	⊗
Sexual orientation	<ul style="list-style-type: none"> No identified impact 	□	□	□

Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> No identified impact 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Other risk factors can be exacerbating factors that increase the chance that a child with SEND struggles in a mainstream school. These proposals are intended to create a stronger system to identify and mitigate these effects. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Negative outcomes action plan
Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
				<input type="checkbox"/>
				<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

Not applicable

Completed by:	Amelia Walker
Date	9/9/24
Signed off by:	Draft EIA, which will be updated following public consultation to support Exec decision making

Date	9/9/24
Equality Lead sign off name:	Tom Rutland
Equality Lead sign off date:	9/9/24
To be reviewed by: (officer name)	Amelia Walker
Review date:	21/10/24 (After public consultation window closes)