

Equality Impact Analysis to enable informed decisions

The purpose of this document is to:-

- I. help decision makers fulfil their duties under the Equality Act 2010 and
- II. for you to evidence the positive and adverse impacts of the proposed change on people with protected characteristics and ways to mitigate or eliminate any adverse impacts.

Using this form

This form must be updated and reviewed as your evidence on a proposal for a project/service change/policy/commissioning of a service or decommissioning of a service evolves taking into account any consultation feedback, significant changes to the proposals and data to support impacts of proposed changes. The key findings of the most up to date version of the Equality Impact Analysis must be explained in the report to the decision maker and the Equality Impact Analysis must be attached to the decision making report.

****Please make sure you read the information below so that you understand what is required under the Equality Act 2010****

Equality Act 2010

The Equality Act 2010 applies to both our workforce and our customers. Under the Equality Act 2010, decision makers are under a personal duty, to have due (that is proportionate) regard to the need to protect and promote the interests of persons with protected characteristics.

Protected characteristics

The protected characteristics under the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Section 149 of the Equality Act 2010

Section 149 requires a public authority to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of Section 149 is to get decision makers to consider the impact their decisions may or will have on those with protected characteristics and by evidencing the impacts on people with protected characteristics decision makers should be able to demonstrate 'due regard'.

Decision makers duty under the Act

Having had careful regard to the Equality Impact Analysis, and also the consultation responses, decision makers are under a personal duty to have due regard to the need to protect and promote the interests of persons with protected characteristics (see above) and to:-

- (i) consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms,
- (ii) remove any unlawful discrimination, harassment, victimisation and other prohibited conduct,
- (iii) consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics,
- (iv) consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

Conducting an Impact Analysis

The Equality Impact Analysis is a process to identify the impact or likely impact a project, proposed service change, commissioning, decommissioning or policy will have on people with protected characteristics listed above. It should be considered at the beginning of the decision making process.

The Lead Officer responsibility

This is the person writing the report for the decision maker. It is the responsibility of the Lead Officer to make sure that the Equality Impact Analysis is robust and proportionate to the decision being taken.

Summary of findings

You must provide a clear and concise summary of the key findings of this Equality Impact Analysis in the decision making report and attach this Equality Impact Analysis to the report.

Impact – definition

An impact is an intentional or unintentional lasting consequence or significant change to people's lives brought about by an action or series of actions.

How much detail to include?

The Equality Impact Analysis should be proportionate to the impact of proposed change. In deciding this asking simple questions “Who might be affected by this decision?” “Which protected characteristics might be affected?” and “How might they be affected?” will help you consider the extent to which you already have evidence, information and data, and where there are gaps that you will need to explore. Ensure the source and date of any existing data is referenced.

You must consider both obvious and any less obvious impacts. Engaging with people with the protected characteristics will help you to identify less obvious impacts as these groups share their perspectives with you.

A given proposal may have a positive impact on one or more protected characteristics and have an adverse impact on others. You must capture these differences in this form to help decision makers to arrive at a view as to where the balance of advantage or disadvantage lies. If an adverse impact is unavoidable then it must be clearly justified and recorded as such, with an explanation as to why no steps can be taken to avoid the impact. Consequences must be included.

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Proposals for more than one option If more than one option is being proposed you must ensure that the Equality Impact Analysis covers all options. Depending on the circumstances, it may be more appropriate to complete an Equality Impact Analysis for each option.

The information you provide in this form must be sufficient to allow the decision maker to fulfil their role as above. You must include the latest version of the Equality Impact Analysis with the report to the decision maker. Please be aware that the information in this form must be able to stand up to legal challenge.

Background Information

Title of the policy / project / service being considered	Proposal to change the way in which speech and language therapy services are delivered within school settings in Lincolnshire	Person / people completing analysis	Andrew Hancy
Service Area	Special Education Needs (SEN) in Children's Services Directorate	Lead Officer	Sheridan Dodsworth
Who is the decision maker?	The decision maker is the Executive Councillor for Adult Care and Health Services, Children's Services on behalf of the Local Authority (LA).	How was the Equality Impact Analysis undertaken?	By evaluation of the consultation on proposed recommendation to enhance the provision of speech and language therapy services across Lincolnshire by closing the units run at three primary schools and placing direct provision into primary settings; as measured against the protected characteristics of pupils, parents, and local community
Date of meeting when decision will be made	Children and Young People Scrutiny Committee on 27 th May 2016 followed by Executive Councillor decision on 10 th June 2016	Version control	v.3
Is this proposed change to an existing policy/service/project or is it new?	Existing policy/service/project	LCC directly delivered, commissioned, re-commissioned or de-commissioned?	Commissioned

Describe the proposed change

The Local Authority currently provides funding to three primary schools in Lincolnshire to operate dedicated speech and language services for children who have complex speech and/or language difficulties. These children are referred and placed into the schools through Lincolnshire Community Health Services (LCHS), namely their Speech and Language Therapists (SLT). Initially a child with speech and/or language difficulties will be provided with support in their mainstream primary school. If the child fails to make progress then they may receive enhanced services from LCHS where 20 sessions of SLT support is provided. In many cases this will be sufficient, however for some children it is not. Where this is the case LCHS may recommend to parents/carers that the child is then moved from their current primary school into one of the three primary schools referred to above, where they will receive intensive educational and therapy support for approximately half of the school timetable in a co-located unit, their remaining time being educated within mainstream classes with their peer group. These children do not have an Education and Health Care Plan (EHCP). The proposal is for LCHS to provide an alternative therapy service (Enhanced Plus) into mainstream primary schools across Lincolnshire supported by Specialist Teachers employed by the LA which increases parental choice of placement and promotes inclusion in place of the provision currently delivered through the three units

Evidencing the impacts

In this section you will explain the difference that proposed changes are likely to make on people with protected characteristics. To help you do this first consider the impacts the proposed changes may have on people without protected characteristics before then considering the impacts the proposed changes may have on people with protected characteristics.

You must evidence here who will benefit and how they will benefit. If there are no benefits that you can identify please state 'No perceived benefit' under the relevant protected characteristic. You can add sub categories under the protected characteristics to make clear the impacts. For example under Age you may have considered the impact on 0-5 year olds or people aged 65 and over, under Race you may have considered Eastern European migrants, under Sex you may have considered specific impacts on men.

Data to support impacts of proposed changes

When considering the equality impact of a decision it is important to know who the people are that will be affected by any change.

Population data and the Joint Strategic Needs Assessment

The Lincolnshire Research Observatory (LRO) holds a range of population data by the protected characteristics. This can help put a decision into context. Visit the LRO website and its population theme page by following this link: <http://www.research-lincs.org.uk> If you cannot find what you are looking for, or need more information, please contact the LRO team. You will also find information about the Joint Strategic Needs Assessment on the LRO website.

Workforce profiles

You can obtain information by many of the protected characteristics for the Council's workforce and comparisons with the labour market on the [Council's website](#). As of 1st April 2015, managers can obtain workforce profile data by the protected characteristics for their specific areas using Agresso.

Positive impacts

The proposed change may have the following positive impacts on persons with protected characteristics – If no positive impact, please state '*no positive impact*'.

Age	Pupils who have complex speech and/or language difficulties will be able to be educated at a local community primary setting. This reduces travel time and distance for these particularly vulnerable children due to their difficulties in communication. It promotes inclusion within mainstream primary schools and supports the child to continue in their education amongst peers, friends and family members if they also attend the same school. They will have access to the same standard of education and curriculum to enable their future success. Pupils will remain part of a larger peer group and not be segregated off to receive therapy services as they currently are within the units.
Disability	Those children who have complex speech and language difficulties may be classed as disabled but at present they do not always progress through the Education and Health Care Plan (EHCP) assessment process. The new model will ensure that children with complex needs are referred for an EHCP and assessed accordingly, and if necessary appropriate support and resources will be put in place to meet their needs. Those pupils with disabilities will have access to a better standard of provision and a broader curriculum choice which will increase their life chances. They will also be part of a larger peer groups and promote wider cultural diversity and inclusion. As for age above, pupils with complex speech and language difficulties will be able to be educated at a local community primary setting. This reduces travel time and distance for these particularly vulnerable children due to their difficulties in communication. It promotes inclusion within mainstream primary schools and supports the child to continue in their education amongst peers, friends and family members.
Gender reassignment	The children impacted by the change will spend more time being educated within a larger peer group as they will not be taken out of the class for significant time periods at school to receive therapy/intensive support which will increase them and others being exposed to this element of diversity.
Marriage and civil partnership	No positive impact
Pregnancy and maternity	No positive impact

Race	The children impacted by the change will spend more time being educated within a larger peer group as they will not be taken out of the class for significant time periods at school to receive therapy/intensive support which will increase them and others being exposed to this element of diversity.
Religion or belief	Being part of a local school community and mixing with their peer group will provide more opportunity for children and adults in school to be aware of and value other religions/beliefs. There have been no concerns raised in connection with religion or belief as part of this review and the recommendations put forward do not discriminate against faith.
Sex	The children impacted by the change will spend more time being educated within a larger peer group as they will not be taken out of the class for significant time periods at school to receive therapy/intensive support which will increase them and others being exposed to this element of diversity.
Sexual orientation	The children impacted by the change will spend more time being educated within a larger peer group as they will not be taken out of the class for significant time periods at school to receive therapy/intensive support which will increase them and others being exposed to this element of diversity.

If you have identified positive impacts for other groups not specifically covered by the protected characteristics in the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

Children with complex speech and/or language difficulties will remain within their current school setting and benefit from being part of a group of children that have grown up together, rather than sending them to an alternative school. This will promote inclusion for those children who are also in a class with the child with the needs. In addition, teachers and support staff will be provided with teaching and therapy strategies to support these children so promoting their own awareness of disabilities and how to support both current and future children who may present with similar identified needs.

In addition the recommended model for future provision will support a child to move from their local primary school to secondary provision, keeping contact with friends and peers who they have been educated with. This will assist their transition into secondary provision if speech and/or language support is still required.

Parents will have the opportunity to take and collect their child from school as they will be educated in the local community

The risk of redundancy to the specialist teachers is minimised by offering them the potential opportunity to transfer/TUPE into the LAs Specialist Teaching Service.

There is an expected significant positive impact on the environment arising out of reduced taxi and transport journeys.

Adverse/negative impacts

You must evidence how people with protected characteristics will be adversely impacted and any proposed mitigation to reduce or eliminate adverse impacts. An adverse impact causes disadvantage or exclusion. If such an impact is identified please state how, as far as possible, it is justified; eliminated; minimised or counter balanced by other measures.

If there are no adverse impacts that you can identify please state 'No perceived adverse impact' under the relevant protected characteristic.

Negative impacts of the proposed change and practical steps to mitigate or avoid any adverse consequences on people with protected characteristics are detailed below. If you have not identified any mitigating action to reduce an adverse impact please state 'No mitigating action identified'.

Age	These proposals affect primary aged pupils. The proposal recommends for the services supporting children with complex speech and/or language difficulties to be provided within their local mainstream primary school. There is no significant adverse impact based on age as the children's needs would still be met within their local primary school and they will be in a class with children of a similar age. .
Disability	As above. There may be negative impacts on children with speech and/or language problems from other pupils including the potential for bullying if they fail to understand the reason for the disability or are not accepting of diversity within their peer group. If these children were educated in one of the three primary schools with dedicated units alongside children with similar speech and language difficulties this risk would be reduced. As children currently based within the units are being offered the opportunity to be located back in a mainstream primary setting nearer to home, the move back into an alternative school environment may be difficult for them if they have complex needs or disabilities in addition to their speech and/or language communication difficulties. Mitigation: The potential negative impact will be minimised through adult supervision, one to one support and through creating a school culture which is accepting of and promotes diversity. The children's needs will still be met within their local primary school
Gender reassignment	No perceived negative impact arising out of this specific characteristic
Marriage and civil partnership	No perceived negative impact

Pregnancy and maternity	No perceived adverse impact
Race	No perceived negative impact arising out of this specific characteristic. If there was any potential for a differential impact on children on the basis of race the impacts and mitigation would be as for disability.
Religion or belief	No perceived negative impact arising out of this specific characteristic. If there was any potential for a differential impact on children on the basis of race the impacts and mitigation would be as for disability.. Parents are being offered the opportunity to choose which school their child may wish to go to which includes an ability to select a school of a particular faith or religious denomination.
Sex	20 of the 23 children within the units are male.. Insofar as this represents a differential impact on the grounds of sex the impacts and mitigation would be as for disability.
Sexual orientation	No perceived adverse impact arising out of this specific characteristic

If you have identified negative impacts for other groups not specifically covered by the protected characteristics under the Equality Act 2010 you can include them here if it will help the decision maker to make an informed decision.

The negative impact identified above could apply to children who are currently in local primary settings and have complex speech and/or language communication difficulties but in future, under the new model, will not have the opportunity to move into a dedicated unit providing educational and therapeutic support to children with similar needs.

There is the potential that changing the delivery model may result in potential school staff redundancies if they cannot be accommodated within the school resource plan or budget. They may have to travel further for alternative employment. The LA has a good track record of redeployment of staff and will always seek to avoid redundancy not only to mitigate costs but also reduce the human costs of redundancy, however only one of the three schools is maintained by the LA.

Stakeholders

Stake holders are people or groups who may be directly affected (primary stakeholders) and indirectly affected (secondary stakeholders)

You must evidence here who you involved in gathering your evidence about benefits, adverse impacts and practical steps to mitigate or avoid any adverse consequences. You must be confident that any engagement was meaningful. The Community engagement team can help you to do this and you can contact them at consultation@lincolnshire.gov.uk

State clearly what (if any) consultation or engagement activity took place by stating who you involved when compiling this EIA under the protected characteristics. Include organisations you invited and organisations who attended, the date(s) they were involved and method of involvement i.e. Equality Impact Analysis workshop/email/telephone conversation/meeting/consultation. State clearly the objectives of the EIA consultation and findings from the EIA consultation under each of the protected characteristics. If you have not covered any of the protected characteristics please state the reasons why they were not consulted/engaged.

Objective(s) of the EIA consultation/engagement activity

Visits to each of the units took place in the summer of 2015 and discussions on the current operational model were held with the units specialist teachers, allocated speech and language therapists and in some cases support staff to gain their views on the benefits and drawbacks of the current model of provision. Head teachers also had the opportunity to input into these discussions. Relevant LA officers have been consulted (in Additional Needs, Finance, Transport, Admissions). Head-teachers of all Lincolnshire schools and academies have been consulted with and been made aware of the proposal at Head-teacher briefings as some may have to take one of the children from the units into their school.

Engagement meetings were held with parents and carers to obtain their views on the current service provision, how their children are supported and their views regarding the proposed model recommending placing their child back into a local community primary school closer to their home. Parents and carers were also offered the opportunity to keep their child in their current primary school, with continued transport provision, if they wished. They will consequently receive Enhanced Plus SLT within the mainstream provision as defined under the new model of provision.

All responses have been considered as part of the decision making process. A final decision will be made by the Executive Councillor for Children's Services on 10th June 2016 following a final recommendation report being provided to the Children and Young People Scrutiny Committee on 27 May 2016.

Who was involved in the EIA consultation/engagement activity? Detail any findings identified by the protected characteristic

Age	<p>Consultation and discussion have taken place with the three current providers of the service to obtain further feedback to enable this EIA to be finalised. Relevant LA officers (in Additional Needs, Finance, Transport and Admissions) have been engaged in the process as have the managers and Speech and Language Therapists within Lincolnshire Community Health Service. Head-teachers of all Lincolnshire schools and academies have been consulted with to make them aware of the proposal. Additional information provided through head-teacher briefings.</p> <p>Feedback from parents and carers received at the engagement events has been used to build the final EIA before proposals of the recommended model have been put forward to Children and Young People Scrutiny and the Executive Councillor for Adult Care and Health Services, Children's Services.</p>
Disability	<p>As above</p>
Gender reassignment	<p>As above</p>
Marriage and civil partnership	<p>As above</p>
Pregnancy and maternity	<p>As above</p>
Race	<p>As above</p>
Religion or belief	<p>As above.</p>

Sex	As above
Sexual orientation	As above
<p>Are you confident that everyone who should have been involved in producing this version of the Equality Impact Analysis has been involved in a meaningful way?</p> <p>The purpose is to make sure you have got the perspective of all the protected characteristics.</p>	<p>Yes – a wide range of interested parties have been engaged with or consulted and given the opportunity to put forward their views in relation to this proposal.</p>
<p>Once the changes have been implemented how will you undertake evaluation of the benefits and how effective the actions to reduce adverse impacts have been?</p>	<p>It will be necessary to evaluate the changes to the model on an ongoing basis through the commissioning arrangements of the CCG and LCHS in providing this service. The LA and LCHS will be required to agree commissioned outcomes and progression targets for SLT pupils who will receive the Enhanced Plus service. LCHS will be required to report back to the LA on performance against these outcomes.</p> <p>Feedback can also be received from those Specialist Teachers who will move to be employed by the LA.</p> <p>To access the service in future children with complex SLT needs will be required to go through the process to be assessed for an EHCP to access the 'Enhanced Plus' service. Progression and provision of services in local community primary settings will be able to be evaluated through EHCP plans and reviews undertaken.</p> <p>School Transport would be able to analyse ongoing reduced costs of transporting pupils to alternative local destinations.</p> <p>HR would be able to provide the costs of redundancy or redeployment of staff for the maintained school.</p> <p>Ofsted inspections will monitor the quality of educational provision.</p>

Further Details

Are you handling personal data?	<p>Yes</p> <p>If yes, please give details.</p> <p>Data discussed at meetings (including details of children at the schools and provided with services through LCHS) has been treated as confidential.</p> <p>The process will require formal staff consultation by the three providing primary schools as the employees of the teachers and support staff.</p> <p>Feedback on the proposals included parent/carer names and those of their children and dates of birth but these remain confidential.</p>
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Actions required	Action	Lead officer	Timescale
Include any actions identified in this analysis for on-going monitoring of impacts.	Present consultation proposals to CYPSC	Andrew Hancy/Sheridan Dodsworth	15 April 2016
	Consider all feedback from engagement events with parents and carers and consultation with schools	Andrew Hancy/Sheridan Dodsworth	April to May 2016
	If necessary support schools in undertaking consultation with affected staff based on agreed future model	People Services	June to July 2016
	Support for the transition of children into local primary schools	Andrew Hancy	June to July 2016
Signed off by	Andrew Hancy	Date	16/05/2016

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