



LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY

DECISIONS to be made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley

MONDAY, 16 JULY 2018 AT 12 NOON

ROOM CC1 - COUNTY HALL, LEWES

AGENDA

- 1 Decisions made by the Lead Cabinet Member on 26 June 2018 (*Pages 3 - 4*)
- 2 Disclosures of interests
Disclosure by all Members present of personal interests in matters on the Agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct
- 3 Urgent items
Notification of items which the Lead Member considers to be urgent and propose to take at the end of the appropriate part of the Agenda
- 4 After School and Holiday Club Provision (*Pages 5 - 38*)
Report by Director of Children's Services
- 5 Any urgent items previously notified under agenda item 3

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6 July 2018

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LEAD MEMBER FOR EDUCATION AND INCLUSION, SPECIAL EDUCATIONAL NEEDS AND DISABILITY

DECISIONS made by the Lead Member for Education and Inclusion, Special Educational Needs and Disability, Councillor Bob Standley, on 26 June 2018 at County Hall, Lewes

Councillor Kathryn Field spoke on items 4, 5 and 6 (see minute 3, 4 and 5)
Councillor Sylvia Tidy spoke on item 4 (see minute 3)

1 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 30 APRIL 2018

1.1 The Lead Member approved as a correct record the minutes of the meeting held on 30 April 2018.

2 REPORTS

2.1 Reports referred to in the minutes below are contained in the minute book.

3 POST-16 TRANSPORT STATEMENT 2018/19

3.1 The Lead Member considered a report by the Director of Children's Services regarding the proposed Post-16 Transport Statement for the 2018/19 academic year.

DECISIONS

3.2 The Lead Member RESOLVED to approve the Post-16 Transport Statement for the 2018/19 academic year as shown in Appendix 3 of the report.

Reason

3.3 The County Council has carried out its legal duty to consult on the annual Post-16 Transport Statement. Since the consultation there have been some small revisions but the level of support the policy provides remains unchanged. Parents will be advised that the new tariff will be effective from September 2018.

4 LOWERING THE AGE RANGE AT LANGNEY PRIMARY SCHOOL, EASTBOURNE

4.1 The Lead Member considered a report by the Director of Children's Services regarding a proposal to lower the age range at Langney Primary School.

DECISIONS

4.2 The Lead Member RESOLVED to approve a change of age range at Langney Primary School from 3 to 11 to 2 to 11 with effect from September 2018.

Reasons

4.3 The proposal to lower the age range at Langney Primary school will help to build on the work already done by the school, ensuring a fully integrated Early Years Foundation Stage to

help secure good outcomes for all children. The proposal is in line with council strategy for the integration of nursery and school provision.

5 LOWERING THE AGE RANGE AT DITCHLING (ST MARGARET'S) CE PRIMARY SCHOOL, DITCHLING

5.1 The Lead Member considered a report by the Director of Children's Services regarding a proposal to lower the age range at Ditchling (St Margaret's) CE Primary School.

DECISIONS

5.2 The Lead Member RESOLVED to approve a change of age range at Ditchling (St Margaret's) CE Primary School from 4 to 11 to 2 to 11 with effect from 1 September 2018.

Reasons

5.3 The proposal will help to build on work already done by the school in conjunction with the pre-school's Voluntary Management Committee. This will help ensure a fully integrated Early Years Foundation Stage to help secure good outcomes for all children in the future. The proposal is in line with council strategy for the integration of nursery and school provision.

Report to: Lead Member for Education and Inclusion, Special Educational Needs and Disability

Date of meeting: 16 July 2018

By: Director of Children's Services

Title: After School and Holiday Club Provision - proposal to end provision from the Local Authority and for Special Schools to further develop their provision

Purpose: To review the public and staff consultations on the Local Authority ceasing to deliver After School and Holiday Club provision and make a final decision on the proposal to cease delivering.

RECOMMENDATIONS

The Lead Member is recommended to:

- 1) review and consider the outcome of the public and staff consultation on the Local Authority's proposal to cease to provide after schools and holiday clubs in Special Schools and provide 18 months transitional funding to special schools to support the development of new provision; and
 - 2) agree to the closure of the After School and Holiday Clubs provided by the Local Authority.
-

1. Background

- 1.1 The Children Services' Department (CSD) has explored alternative options for the delivery of After School and Holiday Club provision, currently provided by the Children's Disability service. The intention is to achieve a more sustainable provision for children and young people with SEND in the future that is aligned to their school communities. While the Department for Education has produced guidance stating schools are to consider parents "right to request" wraparound and holiday childcare, the Local Authority (LA) does not have a statutory duty to provide after school services.
- 1.2 The Local Authority has undertaken a public consultation on the future delivery of after school club and holiday club provision, as agreed by the Lead Member on 18 April 2018, to receive responses on the proposal to cease delivery of the clubs and to support East Sussex special schools in expanding their current extended day provision. These schools have comprehensive after school provision and many offer before school provision. One special school has been successfully operating a model of provision which closely reflects this proposal for a number of years.
- 1.3 The County Council incurs significant overheads for delivering a modest level of provision across six sites. This delivery model has already reduced over time as low demand made provision unviable. There are no options to make it sustainable without significant additional costs being passed to families. Special schools have systems which could manage oversight of this provision and have access to external funding streams that the Local Authority does not. This would mean that they could deliver more cost-effective provision. Furthermore, this model would allow special schools to deliver ongoing service improvements that the Local Authority does not have the capacity or the resource to undertake.

- 1.4 To facilitate a level of continuity for parents and children, the LA is proposing to support special schools with transition funding for a period of 18 months, from September 2018. The LA's ambition is for each special school to develop activities that reflect the needs of their school communities, exploring alternative funding streams and becoming self-sustaining by March 2020.
- 1.5 Since October 2017, the LA has been in negotiations with the Special School headteachers all of whom have submitted plans indicating that they are willing to pick up responsibility for extending their provision to reflect their school's communities and priorities. We have also consulted with the East Sussex Parent and Carers' Council (ESPaCC) who have given their support to the proposals.

2. Supporting information

- 2.1 An Equality Impact Assessment (EQIA) on the proposals was undertaken in March 2018. This showed that, while disabled children who attend special schools will be disproportionately affected by the proposals, this impact can be mitigated by the expansion of extended day provision by the special schools where the provision is currently based. We are optimistic that this strategy will in fact broaden the offer and widen access by embedding it within the schools' programmes of provision that they promote to all parents. Currently only a small proportion of all pupils who attend special schools use this provision. Increased take-up will ensure that the offer is more cost-effective and, therefore in the longer term, more financially viable. Schools will be supported by the Local Authority to explore and pursue grant funding to support this provision. In considering the proposals in this report, the Lead Member is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010 (the Public Sector Equality Duty). Equalities Impact assessments (EqIAs) are carried out to identify any adverse impacts that may arise as a result of the proposals for those with protected characteristics and to identify appropriate mitigations. The full version of the completed EqIA is attached at Appendix 2. The Lead Member must read the full EqIA and take their findings into consideration when determining these proposals.
- 2.2 The public consultation regarding the proposal was launched on 20 April 2018 and closed on 31 May 2018. Despite there being 269 children using the clubs, just 100 people responded to the survey; over one quarter of the respondents were not from service users. Of the total respondents, 72 responses were from parents or carers of children accessing a combination of three types of provision in the last year:
- 44 attended after schools clubs
 - 42 attended Saturday clubs
 - 55 attended holiday clubs
- 2.3 We have drawn together the responses from both the public and staff consultations on the proposals and identified seventeen key questions and comments from the stakeholders. These are set out in Appendix 1 alongside our responses to each of them. All responses received during the consultation are available in the Members' Room.
- 2.4 The largest number of concerns (38 in total) from the public consultation related to the costs for schools to make the new provision. The LA has addressed this through the proposed transition funding which means that all schools should be able to make a level of provision that is broadly comparable to the LA offer. The costs for the LA to manage and provide the current provision amount to an average cost of £16 per child per hour, while the charge to parents is £3.50 per hour. If the full cost of the provision to the LA was transferred to the parents the clubs would be

prohibitively expensive. The proposals, therefore, provide greater certainty for parents in terms of future provision and cost.

- 2.5 The value of the transitional funding for each special school represents the difference between what parents are currently charged for a session, i.e. £3.50 per hour, and the staffing costs that would be incurred by the school for each session. The proposed transition funding is based upon the expectation that the schools continue to offer a service which provides for a similar number of children as supported within the current LA provision.
- 2.6 The consultation also highlighted concerns with the current organisation of the provision. For example, almost 30% of respondents said that the location of the provision was not suitable and nearly 20% of respondents said that the timings of the clubs made it difficult for their child to attend. We are confident that the special schools can offer all of the main benefits of the current provision and address existing challenges.
- 2.7 A staff consultation commenced on 23 May 2018 which set out the proposal to close the service run by the Local Authority on 31 August 2018 with Special Schools delivering their own provision from 1 September 2018.
- 2.8 The current staffing complement for the service is made up of 27 permanent LA staff which equates to 16.6 FTE. As the proposals for the school-based provision are significantly different to the current LA provision, TUPE will not apply for the existing staff group. Affected staff will be made redundant from 1 September 2018.
- 2.9 The LA has noted the concerns raised through the consultation by parents in relation to availability of short break provision across the county. The LA has a duty to provide a range of short breaks which it regularly reviews to ensure that there is good availability across the county for children with a range of needs. These services do not have to be directly delivered by the LA and we will be working to develop the market and seeking to commission additional provision over 2018/19 which will increase options for all parents including those in receipt of a Personal Budget.

3. Conclusion and reasons for recommendations

- 3.1 The Lead Member is asked to agree the closure of the After School and Holiday Clubs as provided by the Local Authority and provide 18 months transitional funding to special schools to support the development of the new provision. This recommendation is made on the basis that the proposal represents good value for money for the Council, promotes sustainability, whilst continuing to provide a valuable service to parents and young people.

Stuart Gallimore
Director of Children's Services

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Questions, Comments and Answers Document

The responses from the public and staff covered a small number of specific issues. We have drawn out 17 key questions and comments in response to these points. In addition to this, many of the staff and members of the public have received individual responses to their comments.

	Comments & Questions	Response
1.	The public consultation was felt by some to be confusing.	The 100 responses received suggested a good level of understanding of the proposals and possible impact.
2.	The process was felt by some to be long.	The Local Authority (LA) must adhere to a standard guideline and in this case the staff consultation is 45 days and the public consultation was 30 days. We tried to run the processes concurrently in an effort to reduce the stress on those affected.
3.	Respondents would like to have seen the proposals from the schools.	The LA was provided with fully costed proposals and business plans by the schools. On this basis, the LA undertook providing one-off funding that will cover the costs for 18 months alongside the current contribution from parents.
4.	There was concern that schools would not be able to sustain the provision after the 18 months funding from the LA stops.	We are confident that the funds provided are sufficient to run the provision for eighteen months, alongside the current level of contribution from parents. During that time, the schools can apply for funding to replace the income from sources that the LA cannot access.
5.	Could the LA not encourage the schools to take on the ASCHPS staff directly?	The schools will be making a different provision to that of the LA and need to identify the skills and staff required to deliver that provision.
	The room and time for the staff	We regret not removing the tables in the meeting room as clearly

6.	consultation was not appropriate.	this impinged on the space available. However, it was felt that the meeting room provides a confidential private space in a building that staff are familiar with and have easy access to. We did relocate to the larger play room when that became available. We had considered using alternative venues however they would not have provided the confidentiality that our own establishment did.
7.	The consultation pack was not presented in a way that helped staff understand the process.	The presentation of the consultation pack followed usual LA procedures. There was time during the second meeting where questions were invited and individual discussions were held at the end of the meeting.
8.	There were errors in the original consultation document.	We acknowledge and apologise for the errors in the pack. One error was a misleading timeline that has been corrected and the other, a person was missed from the pack. We regret these errors and that these have caused some confusion and anxiety.
9.	There was concern that this proposal was designed to deliver savings.	Aspects of this proposal are linked to the financial challenges facing the Council. Nonetheless there is a strong commitment to maintain provision, improve quality and secure sustainability. This proposal seeks to do that.
10.	It was thought not to be a true consultation and that the outcome had already been decided.	Where there is significant change proposed to pay, grading or organisational structures or working arrangements, the County Council will seek to consult on these changes with the relevant staff and trade unions, regardless of whether any redundancies are likely to occur and the number of jobs affected. In addition to the general duty to consult staff and recognised trade unions, there are legal requirements regarding consultation where restructuring may involve collective redundancies.
11.	It was felt the process was rushed and should be delayed so that schools have time to consider their options.	Discussions with the schools about this proposal began in October 2017. In the following months, the LA has provided support to each school to develop their proposal and business model. All tasks were completed and there were no outstanding actions that required more time.
12.	Can you confirm when a decision will be made about the ASCHPS?	The second stage of the consultation with staff concludes on the 6 th July. Proposals will be drawn up and submitted to lead member for a final decision on 16 th July. Communication with staff and service

		users will follow this meeting.
13.	Why is there an overlap with redeployment and when formal notice is issued?	In proposing to close the service on 31 st August 2018, it was felt that it would be best if the closure coincided with the start of the academic year. This has resulted in an overlap between redeployment and formal notice being issued and in cases where employees are entitled to 12 weeks statutory notice, PILON will be applied. Staff will have access to redeployment for 10 weeks and during this time the County Council will do its utmost to support affected staff, however it is not possible to extend the redeployment process beyond 31 st August 2018 or pay staff a retainer.
14.	How are parents going to be told about the closure?	We will inform parents once a final decision has been reached by lead member. We know that schools will be keen to be part of this process and to share their proposals for the next academic year.
15.	What will happen if the schools do not or are unable to provide any form of short break/respice?	In addition to this provision there are other voluntary groups and bodies that provide short breaks and respice. The LA will continue to develop the market for short breaks and respice provision.
16.	What will happen if the schools are unable to provide an After school club?	Schools have a duty to consider parents' "right to request" wraparound and holiday day care . East Sussex Special schools have comprehensive after schools provision and many offer before school provision.
17.	There are rumours that ESCC is considering creating a new crisis team within the Children's Disability Service.	There is no specific crisis team planned. As part of ongoing service review, we are acting to ensure that the LA meets its duties to those children and families in crisis to support the continued care of disabled children within their families and communities.



Equality Impact Assessment

Name of the proposal, project or service
After School and Holiday Play Schemes

File ref:		Issue No:	
Date of Issue:	March 2018	Review date:	July 2018

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Part 1 – The Public Sector Equality Duty and Equality Impact Assessments (EIA)

1.1 The Council must have due regard to its Public Sector Equality Duty when making all decisions at member and officer level. An EIA is the best method by which the Council can determine the impact of a proposal on equalities, particularly for major decisions. However, the level of analysis should be proportionate to the relevance of the duty to the service or decision.

1.2 This is one of two forms that the County Council uses for Equality Impact Assessments, both of which are available on the intranet. This form is designed for any proposal, project or service. The other form looks at services or projects.

1.3 The Public Sector Equality Duty (PSED)

The public sector duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have “due regard” to the need to

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (see below for “protected characteristics”

These are sometimes called equality aims.

1.4 A “protected characteristic” is defined in the Act as:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

The previous public sector equalities duties only covered race, disability and gender.

1.5 East Sussex County Council also considers the following additional groups/factors when carry out analysis:

- Carers – A carer spends a significant proportion of their life providing unpaid support to family or potentially friends. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems. [Carers at the Heart of 21st Century Families and Communities, 2008]
- Literacy/Numeracy Skills
- Part time workers
- Rurality

1.6 Advancing equality (the second of the equality aims) involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people including steps to take account of disabled people's disabilities
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

NB Please note that, for disabled persons, the Council must have regard to the possible need for steps that amount to positive discrimination, to "level the playing field" with non-disabled persons, e.g. in accessing services through dedicated car parking spaces.

1.7 Guidance on Compliance with The Public Sector Equality Duty (PSED) for officers and decision makers:

1.7.1 To comply with the duty, the Council must have "due regard" to the three equality aims set out above. This means the PSED must be considered as a factor to consider alongside other relevant factors such as budgetary, economic and practical factors.

1.7.2 What regard is "due" in any given case will depend on the circumstances. A proposal which, if implemented, would have particularly negative or widespread effects on (say) women, or the elderly, or people of a particular ethnic group would require officers and members to give considerable regard to the equalities aims. A proposal which had limited differential or discriminatory effect will probably require less regard.

1.7.3 *Some key points to note :*

- The duty is regarded by the Courts as being very important.
- Officers and members must be aware of the duty and give it conscious consideration: e.g. by considering open-mindedly the EIA and its findings when making a decision. When members are taking a decision, this duty can't be delegated by the members, e.g. to an officer.
- EIAs must be evidence based.
- There must be an assessment of the practical impact of decisions on equalities, measures to avoid or mitigate negative impact and their effectiveness.
- There must be compliance with the duty when proposals are being formulated by officers and by members in taking decisions: the Council can't rely on an EIA produced after the decision is made.
- The duty is ongoing: EIA's should be developed over time and there should be evidence of monitoring impact after the decision.
- The duty is not, however, to achieve the three equality aims but to consider them – the duty does not stop tough decisions sometimes being made.
- The decision maker may take into account other countervailing (i.e. opposing) factors that may objectively justify taking a decision which has negative impact on equalities (for instance, cost factors)

1.7.4 In addition to the Act, the Council is required to comply with any statutory Code of Practice issued by the Equality and Human Rights Commission. New Codes of Practice under the new Act have yet to be published. However, Codes of Practice issued under the previous legislation remain relevant and the Equality and Human Rights Commission has also published guidance on the new public sector equality duty.

Part 2 – Aims and implementation of the proposal project or service

2.1 What is being assessed?

a) Proposal or name of the project or service.

After School and Holiday Club Play Schemes (ASHCPS)

- East Sussex County Council (ESCC) propose to cease providing after school clubs and holiday play schemes in 6 special schools across East Sussex. Transitional funding will be provided to assist special schools in creating and sustaining future provision in addition to their current extended day offer.

b) What is the main purpose or aims of proposal, project or service?

The service provides after school and holiday play schemes for pupils with SEND based in 6 special schools across East Sussex. The proposal is to consult the public including parents and carers of those children who attend the clubs on the intention of ESCC to cease providing and for special schools to develop their own provision. After school clubs are not a statutory responsibility for Local Authorities. Schools have a duty to consider parents' "right to request" wraparound and holiday childcare. Schools can access additional funding streams to support such an offer which is not accessible to the Local Authority. There will be 18 months transitional funding made available to schools to assist them in developing their own provision which, in combination with additional external funding, will provide greater certainty in terms of future provision and costs. Schools will also be able to promote the provision to a wider group of pupils in their school which should also contribute to making provision more cost effective.

Manager(s) and section or service responsible for completing the assessment

Antony Julyan

2.2 Who is affected by the proposal, project or service? Who is it intended to benefit and how?

Pupils with SEND who currently attend the clubs and their parents/carers will be affected by the change.

2.3 How is, or will, the proposal, project or service be put into practice and who is, or will be, responsible for it?

In the proposal, individual schools would be responsible for the provision of the new service. ESCC will provide transitional funding to subsidise activities in the academic year 2018-19 and Terms 1 and 2 of academic year 2019/20). SLA's will be in place to monitor the transition arrangements.

2.4 Are there any partners involved? E.g. NHS Trust, voluntary/community organisations, the private sector? If yes, how are partners involved?

Yes – six special schools operating in East Sussex. Two are currently maintained schools, the remaining 4 are academies; one of the maintained schools plans to transition to an academy on 1st September. The schools have been consulted on the proposals ahead of the public consultation and have submitted proposals and business plans to provide after schools activities.

2.5 Is this proposal, project or service affected by legislation, legislative change, service review or strategic planning activity?

This service is not affected by legislation in its current form; the activities will form part of a school's responsibility to consider parents "right to request" for extended day care. The review of provision is based on developing a more cost-effective and sustainable service.

2.6 How do people access or how are people referred to your proposal, project or service? Please explain fully.

Information relating to the provision of after school clubs is available through the schools. Parents and carers will receive the information through the schools usual communication channels on extended day provision.

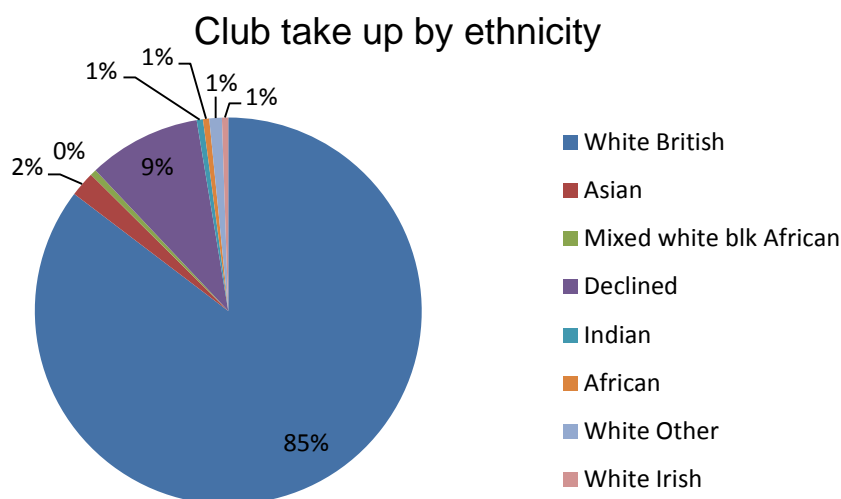
2.7 If there is a referral method how are people assessed to use the proposal, project or service? Please explain fully.

N/A

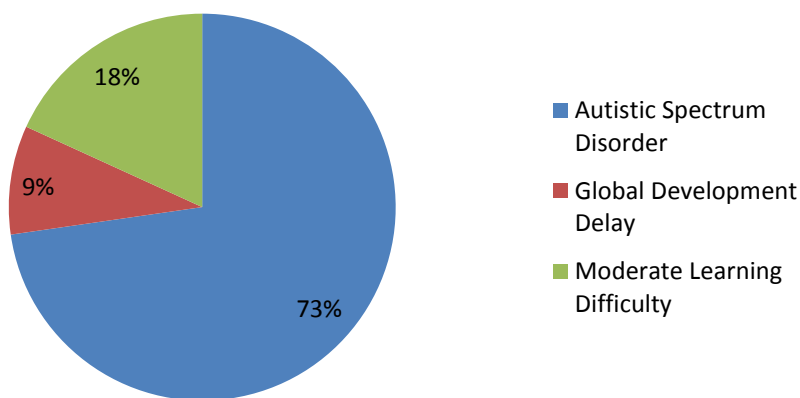
2.8 How, when and where is your proposal, project or service provided? Please explain fully.

Club	Age range	Area	Numbers of CYP to regularly attend	No. of After School sessions in a week/ annually	No. of Saturday and Play scheme sessions in a year	Avg no. of children per Session @After school club	Avg no CYP attending Sat Club	Avg no of CYPs attending Playscheme
Smile – Southdowns School	5 – 11 years	Eastbourne	38	4/228	63	7	9	7
Hazel Court School	11 – 16 years	Eastbourne	22	4/228	66	6	8	8
FE/Lindfield School	11 – 16 years	Eastbourne	33	3/120	91 (open every Saturday)	8	13	13
Grove park School	5 – 19 years	Crowborough	42	4/228	63	8	8	10
Torfield School	5 – 11 years	Hastings and St Leonard's	25	2/80	48	5	10	9
Saxon Mount School	11 – 19 years	Hastings and St Leonard's	44	2/80	24	6	n/a	11
			Total 204					

Currently, after school clubs are provided across 6 special schools by ESCC (there is 1 special school which already makes its own after school provision without support from the Local Authority).



Top three primary disabilities



These top three disabilities account for 70% of all children’s primary disability that access the clubs. 85% of attendees are White British. This mirrors 2016-17 school census data, with 86% of enrolments in East Sussex being White British.

Part 3 – Methodology, consultation, data and research used to determine impact on protected characteristics.

3.1 List all examples of quantitative and qualitative data or any consultation information available that will enable the impact assessment to be undertaken.

Types of evidence identified as relevant have X marked against them			
X	Employee Monitoring Data	X	Staff Surveys
X	Service User Data		Contract/Supplier Monitoring Data
	Recent Local Consultations		Data from other agencies, e.g. Police, Health, Fire and Rescue Services, third sector
	Complaints		Risk Assessments
	Service User Surveys	X	Research Findings
	Census Data		East Sussex Demographics
	Previous Equality Impact Assessments		National Reports
	Other organisations Equality Impact Assessments		Any other evidence?

3.2 Evidence of complaints against the proposal, project or service on grounds of discrimination.

There is no evidence of complaints around the proposal at present. Any concerns will be addressed following conclusion of the public consultation.

3.3 If you carried out any consultation or research on the proposal, project or service explain what consultation has been carried out.

The Children's Services Department has worked with East Sussex Parent and Carer Council (ESPaCC) to draft public consultation questions. An online public consultation has been developed on the draft proposal; this will be live for 6 weeks. The proposal around the public consultation was published on East Sussex Parents and Carers (ESPAC)'s Facebook page as well as the ESCC website and letters were sent out to the young people that access the clubs.

Staff consultation on draft proposals run for 8 weeks.

Consultations have been underway with the affected Special Schools since November 2017 who have drawn up business cases to develop activities from September 2018.

3.4 What does the consultation, research and/or data indicate about the positive or negative impact of the proposal, project or service?

The early research and consultations show that provision of extended day care activities through local special schools provides both a suitable and financially sustainable option for children, young people and their families. As schools have management structures in place, and have access to external funding that the Local Authority does not, the risk of increasing costs to parents is reduced within a school-based model as opposed to a Local Authority run provision.

There is no evidence to suggest that access to the service would be diminished as a result of the proposals. It is likely that access would increase as it becomes part of a wider offer and promoted by the schools. Research was undertaken in 2017 into the provision made by other Local Authorities in order to examine delivery, cost and impact. However, the Local Authority was not able to identify any similar model; delivery in many other LAs is largely by schools or in the voluntary sector.

Part 4 – Assessment of impact

4.1 Age: Testing of disproportionate, negative, neutral or positive impact.

How is this protected characteristic reflected in the County/District/Borough?

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden
	Total population, 2010	515,500	97,000	87,200	97,500	89,800	144,100
Age	Population, 0-15 (%)	17.6	17.0	19.0	17.4	16.2	18.2
	Population, 16-64 (%)	58.9	59.8	63.1	58.8	55.0	58.3
	Population, 65+ (%)	23.5	23.2	17.9	23.8	28.8	23.5

There is a neutral impact for this protected characteristic. All special school children will be affected by this change, regardless of their age.

a) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

986 pupils in special schools in East Sussex (Jan 2018 School Census data). On average 220 pupils utilise the after school and holiday play scheme service in an average quarter.

b) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Yes – service specifically caters for children in special schools including those with disabilities.

c) What is the proposal, project or service's impact on different ages/age groups?

Children of all ages access these clubs, but there are larger volumes of children aged 8,9,12,13,17,18.

d) What actions are to/or will be taken to avoid any negative impact or to better advance equality?

The Local Authority has agreed to provide transitional funding for a period of 18 months to each special school where there is currently provision to support the school to expend their current extended day provision. It is expected that access and take-up may improve as schools are better placed to promote the provision as part of the overall programme of extended day activities.

e) Provide details of the mitigation.

This funding the LA will provide reflects the difference between the costs charged to parents and the actual hourly cost of the provision and aims to ensure that schools will offer a similar provision as is currently on offer in respect of:

- number of hours
- number of children and young people catered for

- range of needs supported

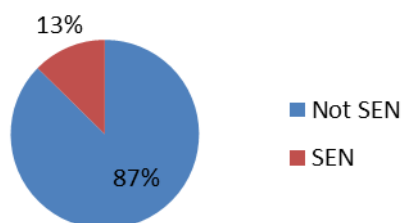
f) How will any mitigation measures be monitored?

In order for the special schools to receive their funding they will need to submit monitoring information that demonstrates the hours and number of young people supported by their provision.

4.2 Disability: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic reflected in the County /District/Borough and in the population of those impacted by the proposal, project or service?**

SEN and Non SEN students



13% of children have special educational needs in East Sussex schools. Currently there are 986 students enrolled in special schools across the County.

The table below depicts children aged 0-15 years who have a long term disability/ illness that affects them in their day to day lives in East Sussex. This gives an idea of the numbers of young people in the County who are living with illnesses/ disabilities.

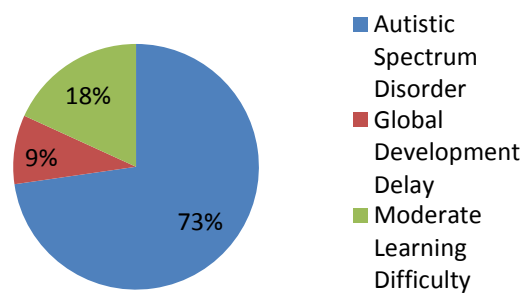
Ethnic Group	Day-to-day activities limited a lot	Day-to-day activities limited a little
All categories: Ethnic group	1,502	2,190
White	1,410	2,081
Mixed/multiple ethnic group	53	65
Asian/Asian British	17	20
Black/African/Caribbean/Black British	19	19
Other ethnic group	3	5

Source: 2011 Census

1,502 individuals have their day to day activities limited by a disability. This figure broadly reflects enrolment numbers with special schools, as the figures above include children too young to attend school, and does not count children aged 16-18. (These are part of a wider dataset, and include adults which cannot be removed).

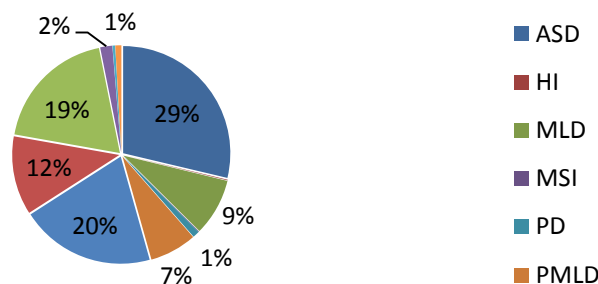
The top three primary disabilities for children attending the after school clubs is as follows:

Top three primary disabilities



The disabilities in the chart above account for 70% of all disabilities of children attending the clubs. When comparing this against the total students enrolled in special schools there are some similarities. (See chart below).

Primary SEN Type for all attendees of special schools



Autistic Spectrum Disorder, Severe Learning Difficulties and Social, Emotional and Mental Health are the top three SEN types across all the special schools. Global Development Delay which is noted in the previous pie chart will feature in Severe Learning Difficulties as shown in this diagram.

- b) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

Yes, this service only caters for attendees of the special schools.

- c) **What is the proposal, project or service's impact on people who have a disability?**

- Change in curriculum offer
- Change of times/ frequency of current offer
- Change in staff AS TUPE does not apply
- Change in current provision if current staff leave before schools take over in the autumn term.

d) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

See mitigations set out in 4.1

Provide details of any mitigation.

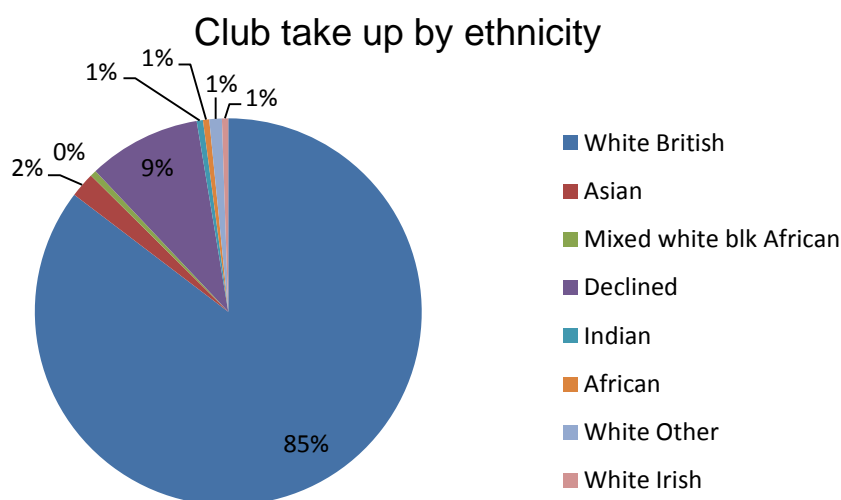
See mitigations set out in 4.1

e) How will any mitigation measures be monitored?

See 4.1 section f)

4.3 Ethnicity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic reflected in the County /District/Borough? Also how is this protected characteristic reflected in the population of those impacted by the proposal, project or service?



As mentioned previously, club take up is representative of East Sussex overall school enrollments. There is no direct impact on this protected characteristic.

Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

No

b) What is the proposal, project or service’s impact on those who are from different ethnic backgrounds?

There is no foreseen impact on individuals from different ethnic backgrounds.

- c) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- d) **Provide details of any mitigation.**

N/A

- e) **How will any mitigation measures be monitored?**

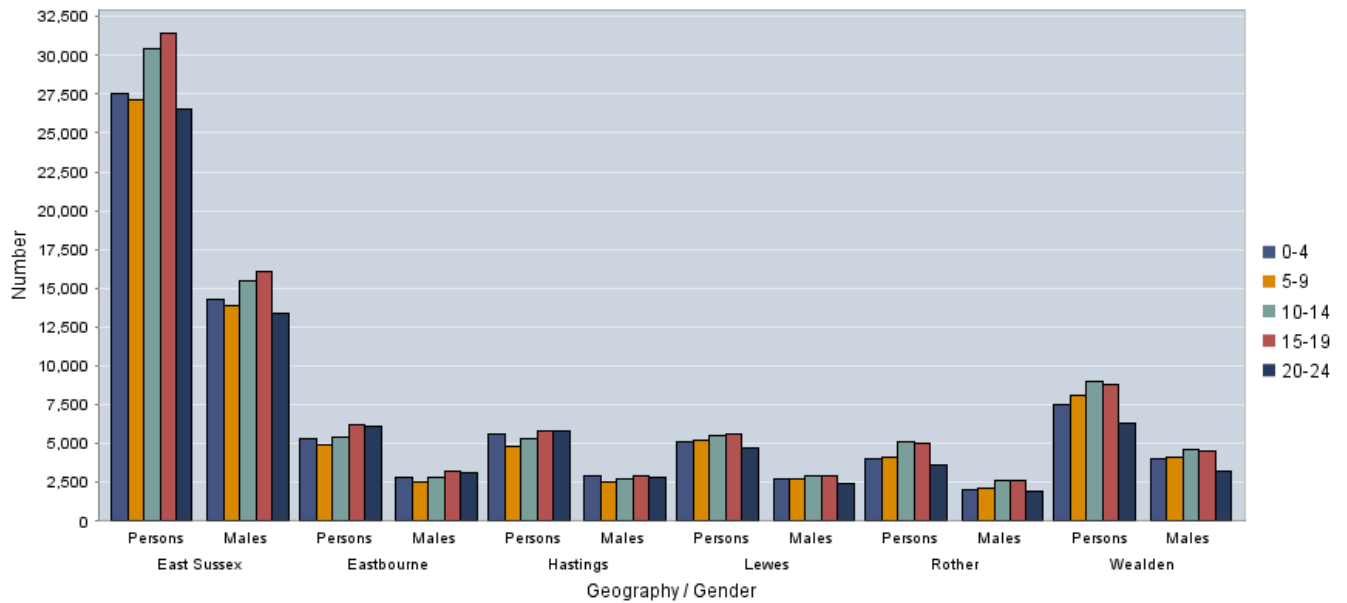
N/A

4.4 Gender/Transgender: Testing of disproportionate, negative, neutral or positive impact

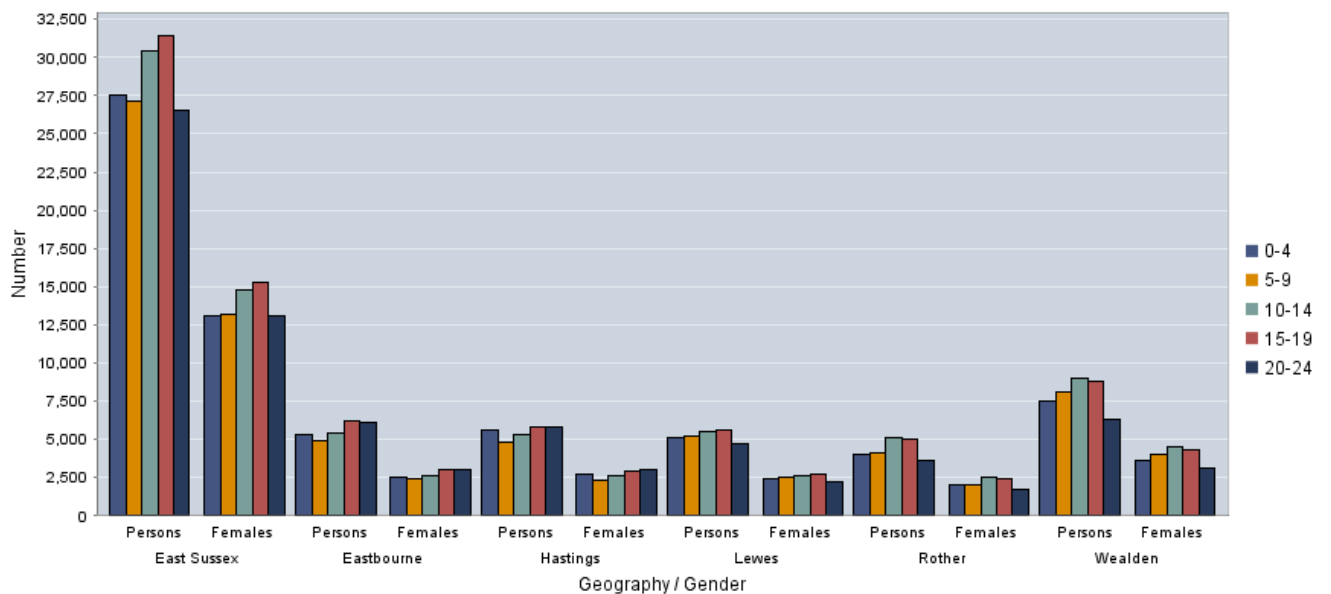
- a) **How is this protected characteristic target group reflected in the County/District/Borough?**

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden
	Total population, 2010	515,500	97,000	87,200	97,500	89,800	144,100
Sex	Male (%) (2011)	47.9	47.3	48.5	48.2	47.4	48.2
	Female (%) (2011)	52.1	52.7	51.5	51.8	52.6	51.8

Dataset: Census population in 2001 and 2011 - districts by boy's ages - number

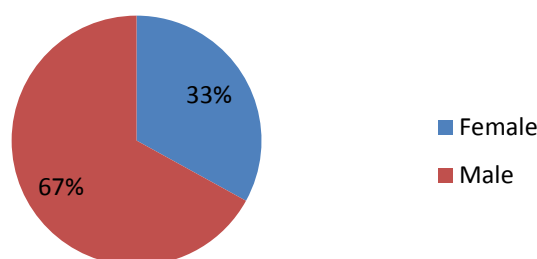


Dataset: Census population in 2001 and 2011 - districts by girls ages - Number



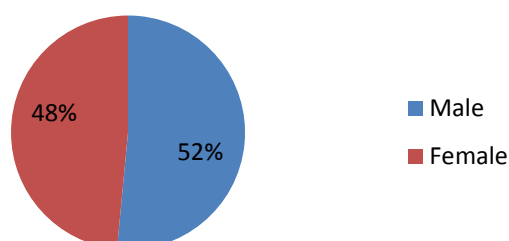
b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

Gender of current attendees to after school clubs



Current take up of the clubs service is disproportionately weighted towards males. This does not reflect the enrolment of schools across East Sussex as seen in the pie chart below.

Gender split schools



c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

Based on current club data, males will be more affected by this change than females as they attend the clubs in higher numbers.

d) What is the proposal, project or service's impact on different genders?

Unknown.

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

See mitigations set out in 4.1

f) Provide details of any mitigation.

See mitigations set out in 4.1

g) How will any mitigation measures be monitored?

See 4.1 section f)

4.5 Marital Status/Civil Partnership: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

Protected characteristic		East Sussex	Eastbourne	Hastings	Lewes	Rother	Wealden
	Total population, 2010	515,500	97,000	87,200	97,500	89,800	144,100
Marriage	Single (%)	24.6	28.2	29.8	24.2	21.4	21.4
	Married & remarried (%)	53.2	46.7	45.7	54.8	55.7	59.5
	Separated and divorced (%)	11.6	13.3	14.9	10.7	10.5	9.9
	Widowed (%)	10.6	11.8	9.6	10.3	12.5	9.3

Married couples – Census figures, % of overall population – Census

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

No foreseen impact on marital status/ civil partnerships.

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

No

d) What is the proposal, project or service's impact on people who are married or same sex couples who have celebrated a civil partnership?

No

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

N/A

f) Provide details of any mitigation.

N/A

g) How will any mitigation measures be monitored?

N/A

4.6 Pregnancy and maternity: Testing of disproportionate, negative, neutral or positive impact.

a) How is this protected characteristic target group reflected in the County/District/Borough?

N/A

b) How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?

N/A

c) Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?

N/A

d) What is the proposal, project or service's impact on pregnant women and women within the first 26 weeks of maternity leave?

N/A

e) What actions are to/ or will be taken to avoid any negative impact or to better advance equality?

N/A

f) Provide details of the mitigation

N/A

g) How will any mitigation measures be monitored?

N/A

4.7 Religion, Belief: Testing of disproportionate, negative, neutral or positive impact.

- a) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

- b) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

- c) **What is the proposal, project or service's impact on the people with different religions and beliefs?**

N/A

- d) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- e) **Provide details of any mitigation.**

N/A

- f) **How will any mitigation measures be monitored?**

N/A

4.8 Sexual Orientation - Gay, Lesbian, Bisexual and Heterosexual: Testing of disproportionate, negative, neutral or positive impact.

Neutral

- a) **How is this protected characteristic reflected in the population of those impacted by the proposal, project or service?**

N/A

- b) **Will people with the protected characteristic be more affected by the proposal, project or service than those in the general population who do not share that protected characteristic?**

N/A

- c) **What is the proposal, project or service's impact on people with differing sexual orientation?**

N/A

- d) **What actions are to/ or will be taken to avoid any negative impact or to better advance equality?**

N/A

- e) **Provide details of the mitigation**

N/A

- f) **How will any mitigation measures be monitored?**

N/A

4.9 Human rights - Human rights place all public authorities – under an obligation to treat you with fairness, equality, dignity, respect and autonomy. **Please look at the table below to consider if your proposal, project or service may potentially interfere with a human right.**

Articles	
A2	Right to life (e.g. pain relief, suicide prevention)
A3	Prohibition of torture, inhuman or degrading treatment (service users unable to consent, dignity of living circumstances)
A4	Prohibition of slavery and forced labour (e.g. safeguarding vulnerable adults)
A5	Right to liberty and security (financial abuse)
A6 & 7	Rights to a fair trial; and no punishment without law (e.g. staff tribunals)
A8	Right to respect for private and family life, home and correspondence (e.g. confidentiality, access to family)
A9	Freedom of thought, conscience and religion (e.g. sacred space, culturally appropriate approaches)
A10	Freedom of expression (whistle-blowing policies)
A11	Freedom of assembly and association (e.g. recognition of trade unions)
A12	Right to marry and found a family (e.g. fertility, pregnancy)
Protocols	
P1.A1	Protection of property (service users property/belongings)
P1.A2	Right to education (e.g. access to learning, accessible information)
P1.A3	Right to free elections (Elected Members)

Part 5 – Conclusions and recommendations for decision makers

5.1 Summarise how this proposal/policy/strategy will show due regard for the three aims of the general duty across all the protected characteristics and ESCC additional groups.

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups
- Foster good relations between people from different groups

5.2 Impact assessment outcome Based on the analysis of the impact in part four mark below ('X') with a summary of your recommendation.

X	Outcome of impact assessment	Please explain your answer fully.
	<p>A No major change – Your analysis demonstrates that the policy/strategy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.</p>	<p>Schools were engaged early on in the discussions to ensure that they were committed to the strategy. There is an agreed transition period of 18 months, before the provision was ceased by the local authority.</p>
X	<p>B Adjust the policy/strategy – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.</p>	<p>Early discussions with ESPaCC ensured that the consultation survey for parents and carers includes appropriate questions.</p>
	<p>C Continue the policy/strategy - This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate</p>	<p>The final proposals that are being presented for approval include appropriate mitigations, as set out in section 4.1</p>
	<p>D Stop and remove the policy/strategy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy/strategy altogether. If a policy/strategy shows unlawful discrimination it <i>must</i> be removed or changed.</p>	

5.3 What equality monitoring, evaluation, review systems have been set up to carry out regular checks on the effects of the proposal, project or service?

(Give details)

Equality Impact Assessment

The special schools will be asked to provide monitoring information every 6 months that provides evidence of the hours of provision and the number of children and young people who attend the provision in order to access the funding agreed by the local authority.

5.4 When will the amended proposal, project or service be reviewed?

Through the Council quarterly review process

Date completed:	March 2018	Signed by (person completing)	Antony Julyan
Date:	March 2018	Signed by (Manager)	Alison Borland

Part 6 – Equality impact assessment action plan

If this will be filled in at a later date when the final proposals have been decided please tick here and fill in the summary re

The table below should be completed using the information from the equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact
4. **If no actions fill in separate summary sheet.**

Please ensure that you update your service/business plan within the equality objectives/targets and actions identified below:

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Area for improvement	Changes proposed	Lead Manager	Timescale	Resource implications	Where incorporated/flagged? (e.g. business plan/strategic plan/steering group/DMT)

6.1 Accepted Risk

From your analysis please identify any risks not addressed giving reasons and how this has been highlighted within your Directorate:

Area of Risk	Type of Risk? (Legal, Moral, Financial)	Can this be addressed at a later date? (e.g. next financial year/through a business case)	Where flagged? (e.g. business plan/strategic plan/steering group/DMT)	Lead Manager	Date resolved (if applicable)
There are no risks. This will be updated following decision by Lead Member					

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