

## Appendix C

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

<b>Name of policy, strategy or function:</b>	Alternative Provision for young people with additional needs – Education Plan.
<b>Version and release date of item (if applicable):</b>	
<b>Owner of item being assessed:</b>	Caroline Simmonds
<b>Name of assessor:</b>	Caroline Simmonds
<b>Date of assessment:</b>	24/11/16

<b>Is this a:</b>		<b>Is this:</b>	
<b>Policy</b>	<b>No</b>	<b>New or proposed</b>	<b>Yes</b>
<b>Strategy</b>	<b>Yes</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>Yes</b>
<b>Service</b>	<b>Yes</b>		

<b>1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?</b>	
<b>Aims:</b>	To re-design alternative provision, maintaining a focus on quality of delivery and the needs of the young people, whilst delivering a financially sustainable model for the future. We are re-shaping the service to meet a complex range of policy, financial and operational challenges, including changes to the funding framework, and to develop a delivery model more able to meet the requirements of schools.
<b>Objectives:</b>	Extending the delivery of Alternative Provision by working in partnership with schools and building on their strengths and assets. Some vulnerable students will access Alternative Provision at their mainstream school, rather than on an AEPS site.

	<p>2. Delivering a range of positive outcomes through reshaping the service and working with schools to identify strengths and assets which can be developed to provide local solutions for local children.</p> <p>3. Delivering a financially sustainable model for the future by reducing the proportion of the budget spent on running buildings and reducing management, staffing and administration costs by removing duplication and integrating service delivery.</p>
<b>Outcomes:</b>	<p>We want to better integrate mainstream schools, special schools and alternative education provision, including PRUs and independent provision, to share expertise across the system and to identify the right placements to meet individual pupils' needs. Some will remain in mainstream school, some will go to special schools and others may be permanently excluded and placed in a PRU or independent alternative provision. We will ensure that there is sufficient provision within West Berkshire for those students who need additional help and support.</p> <p>The Plan will not compromise outcomes for young people, particularly the most disadvantaged, as services will be linked to local need.</p> <p>We will work with schools to identify strengths and assets which can be developed to provide local solutions for local children.</p>
<b>Benefits:</b>	<p>Greater opportunities for schools to be leaders and partners in the designing and commissioning of alternative provision</p> <ul style="list-style-type: none"> <li>• A greater focus on preventative work in primary schools and transition work between primary and secondary schools, with access to a wider range of support to address behavioural, social and mental health issues.</li> <li>• A continued emphasis on the importance of mainstream school attendance and reintegration wherever possible</li> <li>• Closer partnership working between schools on behaviour and vulnerability issues, supported by a skilled workforce.</li> <li>• The ability to maintain the important focus on fulltime education for students.</li> </ul>

**2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	<p>The current PRUs provide alternative provision for primary, secondary and post-16 students. The coverage across the age spectrum is retained in the proposed AEPS <b>Positive Effect</b></p> <p>The number of places for secondary students is reduced in line with a new delivery model. <b>Potential for negative effect</b></p>	<p>West Berkshire Council is currently responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. This applies to all children of compulsory school age (5-16) resident in West Berkshire.</p>
Disability	<p>The proposal recognises the Council's responsibilities and has specifically retained a guaranteed number of places (Reserved Quota) for Looked After Children or young people with Special Educational Needs and Disabilities and those in other vulnerable groups. The proposal also makes provision for the Council to purchase additional places above the Reserved Quota if needed. In addition, by working with mainstream schools and other providers, the Council could procure alternative provision outside of AEPS if this was the right solution for an individual student.</p>	<p>West Berkshire Council is currently responsible for arranging suitable full-time education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. This applies to all children of compulsory school age (5-16) resident in West Berkshire.</p> <p>When a student receives a fixed-term exclusion of more than five days or a permanent exclusion, the local authority must provide alternative</p>

	The Council has stated its commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do. The right setting might be mainstream school, special school or alternative education provision, or a combination of these.	education for the student from the sixth day. We provide this more quickly for Looked After Children or young people with Special Educational Needs and Disabilities and those in other vulnerable groups.
Gender Reassignment - Marriage and Civil Partnership - Pregnancy and Maternity - Race - Religion and Belief - Sex - Sexual Orientation	This may be a factor for an individual student, and would be covered by the commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do.	
<b>Further Comments relating to the item:</b>		

<b>3. Result</b>	
<b>Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>Yes</b>
<b>Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<p>The proposal will affect employees in terms of a future staff re-structuring which will include a reduction in staffing. However, at this stage, while the structure for the new service is in development, the Plan may change and evolve over time. The plan will be influenced by feedback from corporate decision making and the staff consultation which will take place from January. Therefore, there is no direct impact at this point in the process for staff until the final decision is made.</p> <p>Students could be affected but the focus of the proposal is on considering the individual needs of the student, and creating personalised timetabling and education provision to support their specific needs, which will include mainstream and alternative providers.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:	
Stage Two required	Yes
Owner of Stage Two assessment:	Caroline Simmonds
Timescale for Stage Two assessment:	28/11/16
Stage Two not required:	

Name: Caroline Simmonds

Date: 24/11/16

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Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.

## Equality Impact Assessment Template – Stage Two

Please complete this template if completion of the Stage 1 template has identified that a full Equality Impact Assessment (EIA) is required.

Before proceeding with this EIA, you should discuss the scope of the analysis with service managers in your area and you will need to refer to the equality impact assessment guidance. A couple of examples of Stage 2 EIAs are provided as an appendix to the guidance.

<b>Name of item being assessed:</b>	Alternative Provision for young people with additional needs – Education Plan
<b>Version and release date of item (if applicable):</b>	Version 2
<b>Budget Holder for item being assessed:</b>	Cathy Burnham
<b>Name of assessor:</b>	Caroline Simmonds
<b>Name of Service &amp; Directorate</b>	Education, Communities
<b>Date of assessment:</b>	24/11/16
<b>Date Stage 1 EIA completed:</b>	24/11/16

Any actions identified whilst completing this EIA should be recorded in the Action Plan at Step 7.

### STEP 1 – Scoping the Equality Impact Assessment

1. What data, research and other evidence or information is available which will be relevant to this Equality Analysis? Please tick all that apply.			
Service Targets		Performance Targets	
User Satisfaction		Service Take-up	x
Workforce Monitoring		Press Coverage	
Complaints & Comments		Census Data	
Information from Trade Union		Community Intelligence	
Previous Equality Impact Analysis	x	Staff Survey	
Public Consultation	x	Other (please specify)	
		<ul style="list-style-type: none"> <li>• OFSTED</li> <li>• White Paper</li> <li>• LCSB Audit</li> </ul>	

**2. Please summarise the findings from the available evidence for the areas you have ticked above.**

The PRUs are inspected by Ofsted and both are judged to be Good. The PRUs are well-used by West Berkshire schools.

Statutory guidance explains what good alternative provision must look like and the proposals take account of these expectations.

The proposals track with the aspirations of the government White Paper - Educational Excellence Everywhere (Department for Education, White Paper, March 2016).

In December 2015 West Berkshire LSCB Board conducted a multi-professional audit of school exclusions in West Berkshire occurring during the period September 2015 and December 2015.

There was an excellent range of partner agency contributions. The audit recognised the value that alternative provision provided, and also made recommendations on how the service could be further developed to meet the needs of schools and young people. The findings of the audit are in line with the direction of travel outlined in the Alternative Provision Education Plan.

The paper was developed after a Joint Strategic Review was established and after a pre consultation with Headteachers. A public consultation has taken place and the plan amended to reflect the views this mostly relates to an increase in the number of pupil places in the proposed service. A Statutory Notice has been published and received no formal responses. The paper was also shared with staff prior to consultation.

**3. If you have identified any gaps in the evidence provided above, please detail what additional research or data is required to fill these gaps? Have you considered commissioning new data or research eg a needs assessment?**

**If 'No' please proceed to Step 2.**

**No**

**STEP 2 – Involvement and Consultation**

**1. Please outline below how the findings from the evidence summarised above when broken down, will affect people with the 9 protected characteristics. Where no evidence is available to suggest that there will be an impact on any specific group, please insert the following statement '*There is no evidence to indicate that there will a greater impact on this group than on any other.*'**

**Target Groups**

**Describe the type of evidence used, with a brief summary of the responses gained and links to relevant documents**

<p><b>Age</b> – relates to all ages</p>	<p>West Berkshire Council is currently responsible for arranging suitable fulltime education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. This applies to all children of compulsory school age (5-16) resident in West Berkshire.</p> <p>The current PRUs provide alternative provision for primary, secondary and post -16 students. The coverage across the age spectrum is retained in the proposed AEPS. <b>Positive Effect</b></p> <p>The number of places for secondary students is reduced. <b>Potential for a negative effect.</b></p> <p><b>Actions to mitigate impact</b> As a result of the consultation we have increased the secondary pupil places by 10. We are working with schools to develop alternative provision in mainstream school settings, and also considering the use of other providers, where it is appropriate to do so. West Berkshire will have a broader range of provision to meet the varying needs of students.</p> <p>In addition, the new service will be remodelling its delivery to ensure appropriate and sufficient secondary provision.</p>
<p><b>Disability</b> - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer.</p>	<p>West Berkshire Council is currently responsible for arranging suitable fulltime education for permanently excluded pupils, and for other pupils who – because of illness or other reasons – would not receive suitable education without such provision. This applies to all children of compulsory school age (5-16) resident in West Berkshire. <b>Positive Effect</b></p> <p>When a student receives a fixed-term exclusion of more than five days or a permanent exclusion, the school (in the case of fixed-term exclusion) and</p>



	<p>the local authority (in the case of a permanent exclusion) must provide alternative education for the student from the sixth day. We provide this more quickly for Looked After Children or young people with Special Educational Needs and Disabilities and those in other vulnerable groups.</p> <p><b>Positive Effect</b></p> <p>The Council's commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do. The right setting might be mainstream school, special school or alternative education provision, or a combination. <b>Positive Statement</b></p> <p>The number of places for secondary students is reduced however it has been increased as a result of the consultation by 10 (from 36 – 46).</p> <p><b>Potential for a negative effect.</b></p> <p><b>Actions to mitigate impact</b></p> <p>The number of pupil places has been increased by 10 for secondary aged pupils.</p> <p>The proposal recognises the Council's responsibilities and has specifically retained a guaranteed number of places (Reserved Quota) for Looked After Children or young people with Special Educational Needs and Disabilities and those in other vulnerable groups. The proposal makes provision for the Council to purchase additional places above the Reserved Quota if needed. By working with mainstream schools and other providers, the Council could procure alternative provision outside of AEPS if this was the right solution for an individual student.</p> <p>The proposal recognises the role of secondary Headteachers as commissioners of provision from a variety of providers.</p>
<p><b>Gender reassignment</b> - definition has been expanded to include people who chose to live in the opposite gender to the gender assigned to them at birth by removing the previously legal requirement</p>	<p>This may be a factor for an individual student, and would be covered by the commitment to enable students to learn in the setting that best suits them, making sure the young person</p>

for them to undergo medical supervision.	is at the centre of everything we do.
<b>Marriage and Civil partnership</b> – protects employees who are married or in a civil partnership against discrimination. Single people are not protected.	This may be a factor for an individual student, and would be covered by the commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do.
<b>Pregnancy and Maternity</b> - protects against discrimination. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled. It is also unlawful to discriminate against women breastfeeding in a public place	This may be a factor for an individual student, and would be covered by the commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do.
<b>Race</b> - includes colour, caste, ethnic / national origin or nationality.	This may be a factor for an individual student, and would be covered by the commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do.
<b>Religion and Belief</b> - covers any religion, religious or non-religious beliefs. Also includes philosophical belief or non-belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.	This may be a factor for an individual student, and would be covered by the commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do.
<b>Sex</b> - applies to male or female.	This may be a factor for an individual student, and would be covered by the commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do.
<b>Sexual Orientation</b> - protects lesbian, gay, bi-sexual and heterosexual people.	This may be a factor for an individual student, and would be covered by the commitment to enable students to learn in the setting that best suits them, making sure the young person is at the centre of everything we do.

## 2. Who are the main stakeholders (eg service users, staff etc) and what are their requirements?

The main stakeholders are **young people aged 5-16** resident in West Berkshire. We also support some post-16 students. There is a clear focus on considering the individual needs of the student, and creating personalised timetabling and education provision to support their specific needs.

**Staff** are another stakeholder group, as are **parents/carers**.

### 3. How will this item affect the stakeholders identified above?

**Young people aged 5-16 and their parents/carers:** The focus on the individual needs of the young person remains. This is not changing. However, the method of delivery a personalised timetable and education provision may change. This could be because:

- the provider is different (the provider could be AEPS, a school, another alternative provider),
- the location is different (the location could be within a mainstream school, or on a different AEPS site, or at the location of an alternative provider).
- The provision may be different (there are many approaches to support a young person. It is not one size fits all, and different providers may offer different personalised solutions).

**Staff:** The proposal will affect employees in terms of a future staff re-structuring. However, the new structure will not be finalised until after the council committee processes are complete and the plan may change and evolve over time, as it is influenced by feedback.

### STEP 3 – Assessing Impact and Strengthening the Policy

#### What are the measures you will take to improve access to this item or to mitigate against adverse impact?

**Young people aged 5-16:** The focus will remain firmly on the needs of the young person, and any change will be evaluated (with remedial action or minor tweaking if necessary) to ensure that the young person's needs are met. Concentrating on personalisation of provision to the specific needs of a young person means that mitigation actions can be taken swiftly to minimise any potential impact that arises.

**Staff:** Before a formal decision on the final Plan is made, there will be a corporate paper with a revised EIA the process for staff will take full account of the Council's Organisational Change process and procedure. HR have advised and are supporting the provisional Headteacher designate with advice throughout the process, and have assigned a dedicated HR Manager to support the project. A consultation process will be undertaken with staff and unions once the plan has received council approval. Human Resources are working closely with the provisional Headteacher designate to ensure a fair and equitable recruitment process for staff from both strands of the service.

### STEP 4 – Procurement and Partnerships

#### Is this item due to be carried out wholly or partly by contractors?

Yes/No (please delete)

**If 'yes', will there be any additional requirements placed on the contractor? Have you done any work already to include equality considerations into the contract? You should set out how you will make sure that any partner you work with complies with equality legislation.**

If it is in a young person's best interests for the Council to procure alternative provision from another provider, this would be done under our current procurement rules and would be subject to the Council's legal contract, which include equalities requirements.

## STEP 5 – Making a Decision

**Summarise your findings and make a clear statement of the recommendation being made as a result of the assessment. This will need to take into account whether the Council will still meet its responsibilities under the Equality Duty.**

The focus of the review, and the high-level principles which are the subject of the consultation are fit for purpose and chime with the direction of travel outlined by the government, the statutory requirements and the local expectations of those commissioning the service. The Council will still meet its responsibilities under the Equality Duty if it adopts the principles in the proposal.

A further Stage 2 EqlA will be written and when the final design of the future Service has been determined following the council processes have been completed and the staff and union consultation has been completed. This will take account of any equalities concerns which have been raised during the consultation, and any which have been identified by the Council.

## STEP 6 – Monitoring, Evaluating and Reviewing

**Before finalising your action plan, you must identify how you will monitor this item following the Equality Impact Assessment and include any changes of proposals you are making.**

**Once the change has taken place, how will you monitor the impact on the 9 protected characteristics?**

The paper has been developed to reflect the outcome of the public consultation It will be further reviewed once the council processes have been completed and the structure for the service is finalised.

At this stage we are seeking council approval for the Alternative Provision for young people with additional needs – Education Plan. Once this has been approved and the staffing structure agree a consultation will undertaken with staff and the unions. This will take account of any equalities concerns which have been raised during the consultation and any which have been identified by the council.

## STEP 7 – Action Plan

**Any actions identified as an outcome of going through Steps 1-6 should be mapped against the headings within the Action Plan. You should also summarise actions taken to mitigate against adverse impact.**

	<b>Actions</b>	<b>Target Date</b>	<b>Responsible Person</b>
<b>Involvement &amp; consultation</b>	Corporate decision making process including consideration of Consultation Report findings.  Consultation with	6 <sup>th</sup> December 2016 22 <sup>nd</sup> December 2016 19 <sup>th</sup> January 2016  30 <sup>th</sup> January 2017 – 7 <sup>th</sup> April 2017	

	staff and unions		
<b>Data collection</b>	Consultation with staff and unions	30 <sup>th</sup> January 2017 – 7 <sup>th</sup> April 2017	
<b>Assessing impact</b>	Consultation with staff and unions	30 <sup>th</sup> January 2017 – 7 <sup>th</sup> April 2017	
<b>Procurement &amp; partnership</b>			
<b>Monitoring, evaluation and reviewing</b>	The proposal will be reviewed in light of the outcome of the corporate process and the Consultation with staff and unions.	30 <sup>th</sup> January 2017  30 <sup>th</sup> April 2017	

### STEP 8 – Sign Off

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.

Contributors to the Assessment		
<b>Name: Caroline Simmonds</b>	<b>Job Title: Interim Service Manager</b>	<b>Date: 24/11/16</b>

Head of Service (sign off)		
<b>Name: Ian Pearson</b>	<b>Job Title: Head of Education</b>	<b>Date: 24/11/16</b>

Please email a copy of the EIA to Rachel Craggs, Principal Policy Officer (Equality & Diversity: [Rachel.craggs@westberks.gov.uk](mailto:Rachel.craggs@westberks.gov.uk))