

Impact Assessment

Version 2016

Assessment of:	Strategic Review of Special Educational Needs (SEN)
Service:	Children's

Head of Service:	Dawn Stabb
Date of sign off by Head Of Service/version:	Impact Assessment commenced 30 June 2017, concluded 14 March 2018.
Assessment carried out by (incl. job title):	Neil Pack (Project Manager)

Section 1 - Background

Description:	<p>Supporting local authorities to create sufficient good school places for all pupils, including those with special educational needs (SEN) and disabilities, is a high priority for the Government. This is a vital role that local authorities retain in an increasingly school-led education system and one that requires long-term strategic planning, informed by detailed local knowledge enhanced through consultation with parents and carers, and good relationships with local schools.</p> <p>The Children and Families Act 2014 requires local authorities to keep the provision for children and young people with special educational needs and disabilities (SEND) under review. The Act is clear that, when considering any reorganisation of provision, decision makers must be clear how they are satisfied that the proposed alternative arrangements will lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs (SEN).</p>
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	<p>Funding has been made available by central government for local authorities to undertake a strategic review of provision for children and young people with SEN and disabilities. Local authorities can use this funding to support them to decide how to invest their allocation from special provision capital funding being provided by central government for the three years from 2018/19. More information about strategic planning is available in information about the high needs strategic planning fund and the high needs funding: operational guide 2017 to 2018.</p> <p>The outcome of the strategic review and supporting implementation plan (including a concise plan for the use of the additional capital funding) must be published on the SEND Local Offer website by the 14 March 2018. The key recommendations arising from the Review will be considered by DCC Cabinet on the 14 March 2018. The recommendations will:</p> <ul style="list-style-type: none"> • Increase provision particularly for pupils with social, emotional & mental health needs as evidence indicates this will be an area of growth • Develop provision in Tiverton, Newton Abbot and Dawlish, reflecting current & projected demands • Improve the reintegration of learners with statutory plans who are educated in Alternative Provision, as part of reducing exclusions of those with SEN, who are at greater risk of exclusion than those without SEN. • Consult on the future of a number of specialist support centres where evidence indicates that there no longer demand for their services or that changes are required • Develop a more detailed post 19 strategy and localised offer, as evidence indicates that educational outcomes for this cohort need to be improved • Strengthen feedback from learners and parents/carers by learning from annual EHCP reviews. • Undertake further analysis of the needs currently being met by the independent sector and how these may be met in future by more mainstream provision, reflecting the SEND Strategy priorities. • Provide access to funding by schools to help create additional capacity or improve facilities for pupils with EHCPs.
Reason for change/review and options appraisal:	Central Government requirement to undertake a review of SEN provision and publish plans; Priority for action under Devon’s SEND Improvement Plan.

Section 2 - Key impacts and recommendations

Social/equality impacts:	Overall impacts are expected to be positive. The Review aims to increase capacity and develop facilities for educational provision for learners with SEN (statutory plans), supporting the SEND Strategy priority of promoting the use of mainstream provision, as locally as possible as a key contribution towards promoting inclusion of vulnerable children and young people. Further consultation will be undertaken in respect of those specialist support centres for which there may no longer be demand.
Environmental impacts:	No significant impacts have been identified.
Economic impacts:	<p>There is expected to be growth in the provision of education provision, new schools and additional capacity in existing sites, which will result in additional employment opportunities in key areas in the county, particularly where the population will increase e.g. as a result of housing development.</p> <p>Further consultation will be undertaken in respect of those specialist support centres for which there may no longer be demand. Any subsequent notice periods aim to minimise disruption and the potential for unemployment.</p>
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	None identified. Progress in undertaking the review and the resulting findings and recommendations have been considered by the multi-agency SEND Improvement Board, prior to consideration by the Council's Cabinet in March 2018.
How will impacts and actions be monitored?	<p>Progress in undertaking the review is monitored by i) Childrens Services Leadership team and ii) SEND Improvement Board.</p> <p>The Review action plan will be monitored by the Council's education management team and CSLT. The SEND Improvement Board will also receive regular progress reports.</p> <p>The provision of additional government capital funding each year, is dependent on the Council undertaking a review of progress and publishing the revised plans as follows.</p>

Deadline By	Action
14 March 2018	Publish short plan on local offer page (a template has been provided by Government)
Summer 2018	Receive first tranche of funding
March 2019	Update & re-publish plan
Summer 2019	Receive second tranche of funding
March 2020	Update & re-publish plan
Summer 2020	Receive third tranche of funding
March 2021	Update and re-publish to show how money has been spent

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	Primarily children/ young people with high special educational needs for whom the Council has responsibility (i.e. they possess a Statement or Education, Health & Care Plan); their parents/carers; providers of education to those children/young people.
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Diversity profile and needs assessment of affected people:

Devon County Council has responsibility for over 3700 learners up to the age of 25 with special educational needs identified through a statutory plan.

There has been an absolute rise in the numbers of SEN funded pupils in Devon since 2010. The percentage of pupils in Devon Schools with a statement or EHC plan has been consistently higher than the national average. However, the trend has been for a gradual decrease in this proportion over time.

The 2016 JSNA found that pupils living in the most deprived areas are more likely to be identified as having SEN than those in the least deprived.

In Devon, a number of districts have significantly higher proportion of children with SEN than the Devon average; namely North Devon and Torridge. In the South Hams, East Devon, Mid-Devon and West Devon the proportion of children with SEN is significantly lower than the Devon average.

Social, emotional and mental health is the largest area of primary need for pupils with SEN in Devon. This is closely followed by speech, language and communication, and moderate learning difficulty. However, there are differences between school type.

Children in care are more likely than their peers to be identified as having special educational needs. However, data indicate that a higher proportion of children in care in Devon have a statement or EHC plan than the national average. This pattern is also seen in respect of children in need.

Due to small numbers, there is little or no published data or detail on either children in need or children with SEND from minority ethnic backgrounds at a local level. The School Census (2015) reported there were 69 children identified as being from a minority ethnic background attending special schools in Devon, out of 993 pupils (6.9%); fewer than 5 were of gypsy/Roma heritage. The majority (91%) are white, mostly British. The next prevalent are those of mixed race (1.1%).

In terms of educational outcomes, data shows that children with SEN in Devon achieve higher scores than the national average and this is replicated across early years, school age & young people aged 16-24.

	<p>Regarding gender, the majority of children/young people with SEN in Devon are male (73%). Nationally it has been reported that boys are twice as likely to possess SEN than girls.</p>
<p>Other stakeholders:</p>	<p>Mainstream schools or colleges:</p> <p>Further education (FE) colleges</p> <p>Special units or resourced provision:</p> <p>Special schools or academies:</p> <p>Special school (whether maintained or academy, including special free schools)</p> <p>Non-maintained special school (NMSS)</p> <p>Independent special school</p> <p>Special post-16 institution</p> <p>Hospital school</p> <p>Pupil referral units and alternative provision academies</p> <p>Nursery or early years providers</p> <p>Any other education provision that is attended by pupils who have education, health and care plans and are aged between 0 and 25.</p> <p>Neighbouring authorities (particularly where children with SEN and disabilities from one local authority area receive their special provision in another).</p>

<p>Consultation process:</p>	<p>A key source of evidence for the review is feedback from stakeholders. There is also an explicit requirement to consult key stakeholders on plans to use capital funding and any significant changes in the provision for SEN. Where the action plan arising from the review contains such changes then specific consultation may be required on the detail as part of undertaking the action.</p> <p>In the autumn of 2017 a survey of key stakeholders was designed in conjunction with their representatives including SEND Improvement Board and Engagement workstream, SEND Local Offer Reference groups (including children/young people and parent/carer representatives), Primary, Secondary and special school head teachers and FE colleges. On-line surveys were opened for four weeks ending 8 December (& other formats available on request). Promotion of the surveys was undertaken by SENCOs, representative groups (parents, young people) and headteachers who also provided support to complete the surveys where needed.</p> <p>A total of 298 responses were received:</p> <p>123 from children/young people 102 from parents/carers 73 from providers</p> <p>A separate report on the engagement is available at (<i>SEND local offer website when ready</i>).</p>
<p>Research and information used:</p>	<p>Analysis of Needs and Provision in respect of services for children with SEN. Specifically:</p> <ul style="list-style-type: none"> • School census data (2015-2017). DCC. • Education Infrastructure Plan (revised) 2016 – 2033. DCC. • District Council housing projections. DCC. • Joint Strategic Needs Assessment (JSNA) (SEN extract) January 2017. DCC. • Engagement undertaken Autumn 2017 and January 2018 (to follow). DCC. • High Needs Benchmarking tool 2017. DfE • Children with SEN Annual report 2015/16 (24 April 2017). DCC • SEN Scorecard, Quarter 1 2017/18. DCC.

- Report Card, Quarter 1 2017/18. Babcock LDP.
- Local Area SEND Report September 2017. DfE.
- Good intentions, good enough? Lenehan and Geraghty, November 2017.

Insight obtained from existing stakeholder feedback

Insight obtained from additional feedback obtained from the review process, described above

SEN benchmarking tool provided by government

Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).

- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	<p>In what way are you eliminating or reducing the potential for direct or indirect discrimination, harassment or disadvantage?</p> <p>Are there any reasonable and proportionate, unavoidable negative consequences?</p>	<p>In what way are you advancing equality (meeting needs, encouraging participation, making adjustments for disabled people, ‘closing gaps’).</p> <p>In what way are you fostering good relations between groups (tackling prejudice and promoting understanding), if relevant?</p>
All residents (include generic equality provisions):	The Review outcomes reflect the agreed priorities defined in the SEND Improvement plan.	The Review outcomes reflect the agreed priorities defined in the SEND Improvement plan, in particular the inclusion of children with SEN by promoting mainstream education at every phase.

Age:	The outcomes of the review relate to children and young people aged 0-25.	The outcomes of the review relate to children and young people aged 0-25. The review has identified the need to improve provision for those aged 19-25 and plans will be developed to improve the local offer, in partnership with Special Schools and Further Education Providers.
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	The review relates to children & young people who possess high special educational needs	The review relates to children & young people with a statutory special educational needs plan,. The review has identified that provision for those children with social, emotional & mental health needs need further development
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	No particular impacts identified	No particular impacts identified
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).	No particular impacts identified	No particular impacts identified
Sexual orientation and marriage/civil partnership:	No particular impacts identified	No particular impacts identified
Other socio-economic factors such as families, carers, single	No particular impacts identified	Research shows a link between deprivation and the likelihood of SEN. Plans for development of provision reflect the current

people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.		distribution of need but have also considered how this may change in the future, in the light of projected demographic changes particularly driven by the development of new housing across the county.
Human rights considerations:	No particular impacts identified	

Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).
	Strategic Environmental Assessment under European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
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Reduce waste, and send less waste to landfill:	No specific impacts identified	No specific impacts identified
Conserve and enhance biodiversity (the variety of living species):	No specific impacts identified	No specific impacts identified
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	No specific impacts identified	No specific impacts identified
Conserve and enhance the quality and character of our built environment and public spaces:	No specific impacts identified	No specific impacts identified
Conserve and enhance Devon's cultural and historic heritage:	No specific impacts identified	No specific impacts identified
Minimise greenhouse gas emissions:	No specific impacts identified	SEND strategy promotes inclusion in mainstream settings which are as local as possible for pupils. Achieving this reduces the need for transport and resulting emissions. Improvements to buildings use modern materials and design to minimise emissions, heat loss etc.
Minimise pollution (including air, land, water, light and	No specific impacts identified	As above

noise):		
Contribute to reducing water consumption:	No specific impacts identified	No specific impacts identified
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	No specific impacts identified	No specific impacts identified
Other (please state below):		

Section 4c - Economic impacts

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:	No specific impacts identified	In order to promote the use of mainstream provision school staff receive specialist training and development. This will increase as a result of increasing capacity and development of facilities
Impact on employment levels:	There is potential for reduced staffing levels from the closure of specialist support centres (subject to formal consultation). Notice periods help to minimise the risk of redundancy, negative impact on employment levels.	New provision and increase in capacity of existing provision will result in the increase in staff numbers; Improvements to buildings utilise local contractors wherever possible. Post 19 strategy will need to support ambitious pathways into employment

Impact on local business:	No specific impacts identified	Improvements to buildings utilise local contractors wherever possible. Additional schools will increase demand for support services (utilities, food, cleaning, transport etc.)
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Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	<p>The growth in provision helps to address demand, promotes inclusion and positive educational outcomes for a vulnerable part of Devon’s population. This growth also increases school employment and supporting business and is expected to reduce transport distances.</p> <p>No conflicts identified.</p>
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Section 5 - ‘Social Value’ of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	Educational opportunities and outcomes will be maintained and improved (particularly for SEMH needs, post 19, those with SEN plans in Alternative Provision) and provide for increasing demand arising from future demographic changes. There will be increases in employment levels in some areas as a result of new / increased capacity.
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