



Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(form updated June 2023)

SPECIAL SCHOOL & ALTERNATIVE PROVISION FUNDING CONSULTATION (Autumn 2024)

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people find completed EIAs, we also publish them in our website's Equality and

Diversity section. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	North Yorkshire Council: Resources
Lead Officer and contact details	Howard Emmett - Assistant Director – Resources
Names and roles of other people involved in carrying out the EIA	Sally Dunn – Head of Finance (Schools, Early Years & High Needs)
How will you pay due regard? for example, working group, individual officer	The proposals are subject to a special school and Alternative Provision (AP) consultation process from 24 th September 2024 ending 25 th October 2024 and this EIA will be updated during and following the consultation responses. The item will be discussed at the North Yorkshire School Forum meetings on 19 September 2024 and 21 November 2024.
When did the due regard process start?	In setting Special School Funding each year, it is necessary to consider the level at which the Minimum Funding Guarantee (MFG) is set within the parameters determined by the DfE. This EIA considers this issue in respect of 2025-26 financial year. In addition, the DfE require local authorities to consult with Special Schools and AP on the distribution methodology for the Teachers Pension Employer Contribution 2024 Grant (TPECG 24) and the Core Schools Budget Grant (CSBG) for the 2024/25 financial year.

Section 1. Please describe briefly what this EIA is about. (for example, are you starting a new service, changing how you do something, stopping doing something?)

Minimum Funding Guarantee (MFG) is a protection for Special Schools against seeing a reduction in funding from year to year assuming that the number and type of places in the school remain the same. At this stage, the DfE have not yet released details of the 2025/26 funding arrangements for Special Schools. In this regard, and in order to ensure the timely publication of 2025/26 Special School budgets, the Local Authority is seeking in-principle views of the Special Schools as to whether the DfE minimum or maximum threshold MFG should be applied.

The DfE have provided additional grant funding (the TPECG and the CSBG) for the 2024/25 financial year to support Special Schools and AP with additional costs associated with the increase in the teachers' pension employers contribution rate from April 2024 and the teachers pay award from September 2024. The DfE require local authorities to consult with Special Schools and AP on the methodology to be used by the local authority to distribute the grants.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (for example, to save money, meet increased demand, do things in a better way.)

MFG has a vital role to play in protecting special schools where either (a) the aggregate needs of pupils in their schools have changed substantially or (b) the level of funding provided to pupils has been systematically reduced. The Local Authority aims to ensure the views of the Special Schools around the rate applied are considered in the decision process.

The grant conditions of the TPECG and the CSBG require the local authority to undertake consultation with Special Schools and AP on the grant distribution methodology.

Section 3. What will change? What will be different for customers and/or staff?

The impact of the MFG level will vary for individual schools in terms of the MFG funding protection level adopted i.e. a higher MFG provides a high level of funding protection. The local authority seeks to balance both the funding requirements of Special Schools and the associated cost of providing the funding protection to the High Needs budget.

Special Schools and AP will receive additional grant funding to support the additional pay cost pressures associated with the increase in the teachers' pension employer contribution rate and the 2024/25 teachers pay award.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The consultation document is being sent to all Special Schools and AP inviting responses to be returned to the LA by 25th October 2024. The responses and results from the consultation exercise will be presented to the Schools Forum on Thursday 21st November 2024. This EIA will be monitored during the consultation and will continue during the process of collating and analysing all consultation feedback.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

The level of the MFG will impact on the High Needs Budget expenditure, the level of which will be dependant on the level of banding increase and pupil numbers in January 2025.

The resulting deficit will be cash flowed by the Local Authority and carried forward, with the expectation that it will be repaid by surpluses in High Needs Block funding in future years.

The distribution of the TPECG 24 and CSBG will be cost neutral as the costs will be contained within the grant funding allocations.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age		✓	✓	<p>The level of the MFG could positively or negatively impact on the level of funding for a Special School, which may mean changes will be made to the provision of current pupils attending that school.</p> <p>The additional TPECG 24 and CSBG grant funding will provide additional funding to special schools and AP, thus supporting the establishments in the management of increased cost pressures.</p>
Disability		✓	✓	<p>The level of the MFG could positively or negatively impact on the level of funding for a special school, which may mean changes will be made to the provision of current pupils attending that school.</p> <p>The additional TPECG 24 and CSBG grant funding will provide additional funding to special schools and AP, thus supporting the establishments in the management of increased cost pressures.</p>
Sex		✓	✓	<p>The population of young people attending special schools in North Yorkshire is higher among boys; proportionally more boys may be negatively affected than girls.</p> <p>The additional TPECG 24 and CSBG grant funding will provide additional funding to special schools and AP, thus supporting the establishments in the</p>

				management of increased cost pressures.
Race	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools and AP
Gender reassignment	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools and AP
Sexual orientation	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools and AP
Religion or belief	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools and AP
Pregnancy or maternity	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools and AP
Marriage or civil partnership	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools and AP

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	✓			No identifiable effect, as this characteristic is not a factor in

				determining young people attending special schools and SP
...have a low income?	✓			No data available at time of writing to show there is a greater impact on those children with SEND and families with low incomes.
...are carers (unpaid family or friend)?	✓			No data available at time of writing to show there is a greater impact on those children with SEND and unpaid carers..
..... are from the Armed Forces Community	✓			No identifiable effect, as this characteristic is not a factor in determining young people attending special schools and AP

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)

North Yorkshire wide	✓
Craven district	
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (for example, older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

It is anticipated proposed changes to the current provision will impact more on the following:
Young people with special educational needs and disabilities.

<p>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</p>	<p>Tick option chosen</p>
<p>1. No adverse impact - no major change is needed to the proposal. There is no potential for discrimination or adverse impact identified.</p>	<p>✓</p>
<p>2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.</p>	
<p>3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)</p>	<p>✓</p>
<p>4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.</p>	
<p>Explanation of why the option has been chosen (include any advice given by Legal Services.)</p> <p>The actual impact of the MFG level will not be known until the budget determinations are made.</p> <p>No adverse impact is identified with the provision of the additional income associated with the TPECG 24 and CSBG grant funding.</p> <p>During the consultation and decision making process there will be ongoing consideration to any equality impacts that arise, and how these can be mitigated.</p>	

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Regular monitoring and reporting of finances to the School Forum

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

To consider a formal consultation responses received from special schools	Howard Emmett – Asst. Director	Ongoing		
To present results for discussion at Schools Forum	Howard Emmett – Asst. Director	21 Nov 2024		
Outcome of consultation considered by CYPS Executive Members in conjunction with Corporate Director and associated proposals approved	Howard Emmett – Asst. Director	Dec 2024		
Final Decision by Full Executive on the High Needs Budget 2025/26	Final Decision by Full Executive on the High Needs Budget 2025/26	Jan 2025		

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The Equality Impact Assessment has assessed the impact of the proposal namely

- The level of the MFG to be applied for special schools budgets in 2025-26
- The funding methodology to be used to distribute the TPECG 24 and the CSBG to Special Schools and AP in the 2024/25 financial year.
- To consider consultation responses received from all special schools in North Yorkshire over this proposal

Although it has identified that certain groups with protected characteristics may be adversely affected if a lower level MFG is selected, further work on possible mitigation will be undertaken, once the proposal has been through the decision making process.

Section 14. Sign off section

This full EIA was completed by:

Name: Sally Dunn

Job title: Head of Finance – Schools, Early Years & High Needs

Directorate: Central Services

Signature: Sally Dunn

Completion date: 20/09/2024

Authorised by relevant Assistant Director (signature):

Date: