

Fairness and Equalities Impact Assessment (FEIA)

Version 1 – 3rd December 2020

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

Completed by: Katy Rees **Role:** Assistant Head of Education - Inclusion

Head of Service: Sarah Morgan **Date:** 03/12/2020

I confirm that the above Head of Service has agreed the content of this assessment

Yes

When you complete this FEIA, it is your responsibility to submit it to
impact.assessment@newport.gov.uk

1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.

This proposal sets out the intention to revise the staffing structure of the Special Educational Needs Team to achieve savings for realisation in the 2021/22 financial year. This involves reducing the staff compliment within the team from 9 full time equivalent (fte) to 8 fte through the reduction of 1.0 fte grade 4 SEN Team Support Officer post. There are two grade 4 SEN Team Officer posts however, one is currently vacant, the proposal is to delete the vacant grade 4 post.

2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal

Formal consultation will take place as part of the Council's budget setting process for 2021/22.

This proposal will be subject to standard consultation processes as part of the Council's budget setting arrangements for 2021/22 before a decision is taken by Cabinet as to whether or not to proceed with the proposal. All stakeholders will be encouraged to participate in the consultation.

3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.

There are currently 2 SEN Team Support Officer posts. The SEN Support Officers assist in the provision of statutory obligations relating to pupils including the preparation of Statements, reviews, SEN panel and tribunal papers. Currently there are 831 pupils with Statements of Educational Needs and funded Individual Development Plans. A statutory SEN panel is held weekly where an average of 25-30 pupils are discussed.

Stakeholders will include:




- All staff within the SEN Team;
- Other staff across the wider Central Education Service;
- Headteachers and those School staff with Responsibility for pupils with Additional Learning Needs;
- Young people and families supported by the SEN Team;
- Wider partners who are impacted by the work undertaken by the SEN Team.


4. Equalities and Welsh language impact


Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The SEN Support Officers assist in the provision of statutory obligations relating to pupils including the preparation of Statements, reviews, SEN panel and tribunal papers. Currently there are 831 pupils with Statements of Educational Needs and funded Individual Development Plans. A statutory SEN panel is held weekly where an average of 25-30 pupils are discussed.</p> <p>Due to the deletion of the vacant Grade 4 SEN Team Support Officer post, there will only be one remaining Grade 4 SEN Support Officer. This will undoubtedly increase the amount of time taken to process Formal Assessment requests and complete statutory duties and the probability of the Council not meeting the timescales outlined in the statutory Special Educational Needs Code of Practice.</p>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This proposal will impact on children and young people whose disabilities require a Statement of Educational Needs through reducing team capacity to prepare Statements and complete review updates within statutory timescales and facilitate the admission of children with statements of special educational needs.</p>
Gender reassignment/transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no evidence to suggest that this proposal will have an impact on people that share this characteristic</p>
Marriage or civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no evidence to suggest that this proposal will have an impact on people that share this characteristic</p>
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>There is no evidence to suggest that this proposal will have an impact on people that share this characteristic</p>

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation?
	Positive	Negative	Neither	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that this proposal will have an impact on people that share this characteristic
Religion or Belief or non-belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that this proposal will have an impact on people that share this characteristic
Sex/ Gender Identity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that this proposal will have an impact on people that share this characteristic
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that this proposal will have an impact on people that share this characteristic
Welsh Language	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Of the 57 schools in Newport, 4 are Welsh medium with 1 of these being a secondary school and 3 being primary schools. A fourth Welsh-medium primary school will open in September 2021. The Autumn 2020 School census records 1241 pupil as attending these schools. These schools, their pupils and families will be affected equally by any reductions to the SEN Team. From employee surveys that have been undertaken, most of potentially affected employees state they have no or little Welsh language skills.

How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>The Council must achieve a balanced budget and maintain the best service for its customers. Customers are wider than those in schools alone. This budget proposal prevents a further, disproportionate funding reduction to wider Council services.</p> <p>There are no options available within the SEN Team other than to make savings linked to staff reductions. Without the SEN Team making a significant saving, there will be an exacerbated pressure on other services within Central Education. The SEN Team is however in a position where any reduction in staffing will affect the success criteria in this area.</p> <p>There are nine members of staff within the team. The Additional Learning Needs and Tribunal (Wales) Act 2018, a new statutory framework for supporting pupils with ALN extended the age range of ALN pupils to 0-25 years. The ALN Code of Practice is due to be implemented in September 2021. There is a requirement following implementation of the Code to convert all Statements of Educational Needs to Individual Development Plans this will cause additional pressure on the SEN Team.</p> <p>This would increase the probability of the Council not meeting the statutory timelines. This would undoubtedly lead to significant complaints from schools and families directed at officers and elected members.</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>This proposal does not aid collaboration. A reduction in the staffing compliment will affect relationships with colleagues in schools, other service areas and other LAs.</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>All budget proposals will be consulted upon appropriately with key stakeholders including Newport City Council staff, Headteachers, Chairs of Governors, and Trade Unions, parents, pupils, Schools Forum and the Youth Council.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p data-bbox="233 456 333 479">Prevention</p> <p data-bbox="145 490 421 629">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="459 304 1406 434">The Council must achieve a balanced budget and maintain the best service for its customers. Customers are wider than those in schools alone. This budget proposal prevents a further, disproportionate funding reduction to wider Council services.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>A prosperous Wales Despite reductions, the SEN Team will continue to process requests for Formal Assessments in accordance with the Welsh Government Special Educational Needs Code of Practice. This will support children and young people to attend school, and in turn support their progress into employment, education, or training on leaving school.</p> <p>A resilient Wales This proposal demonstrates the flexibility of the Education Service in developing changes in ways of working based on need, context and environment. However, failing to adhere to any aspect of the Welsh Government Special Educational Needs Code of Practice, including timescales for processing Formal Assessment requests, could lead to the Council being deemed as acting inappropriately in exercising this statutory duty.</p> <p>A healthier Wales By working with schools and parents to support learner's physical, emotional and social needs also supports learner attendance. This in turn will lead to improved examination outcomes and life chances.</p> <p>A more equal Wales Failing to adhere to any aspect of the SEN Statutory requirements and timescales, could lead to the Council being deemed as acting inappropriately in exercising this statutory duties. This ultimately could influence the future success of Tribunal's and Appeals as the independent panel could take a view that the Council failed to act as it should have, and thus uphold the parent's case.</p> <p>A Wales of more cohesive communities Despite the proposal to reduce the staffing compliment, applications for Formal Assessments will continue to be received and processed in accordance with the Welsh Government Special Educational Needs Code of Practice, although the probability of the SEN Team not meeting the statutory timelines could cause uncertainty for pupils and their families and ultimately affect transition arrangements.</p> <p>A Wales of vibrant culture an thriving Welsh Language This proposal will still ensure that pupils are supported to attend schools and access opportunities to develop the Welsh language.</p> <p>A globally responsible Wales A reduction in staffing will require a more agile approach to work by the SEN Team, and will hopefully contribute to the work of the modernised council.</p>

5 What will the impact be on the wellbeing goals (under Wellbeing of Future Generations Act 2015)?

The proposal will likely have a negative impact on the services provided by the SEN Team. There will be reduced capacity to prepare Statement of Educational Needs, to update Statements following reviews, to prepare reports for SEN panel and Tribunals. Newport has a growing population with an increasing number of pupils with complex Special Educational Needs. In regard to the Welsh Government's Additional Learning Needs and Education Tribunal (Wales) Act 2018 there is an extension of the LAs Statutory duties to cover pupils from 0-25 years old. The Statutory 26-week process of Formal Assessment to assess whether a pupil requires a Statement of Special Educational Needs could be delayed due to SEN Team capacity which would affect the wellbeing of young people who are amongst our most vulnerable.

6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?

The SEN Team operates city wide however they are also responsible for monitoring pupils placed in Specialist in county and out of county placements. Through the deletion of a Grade 4 SEN Support Officer post there would be a capacity issue to ensure all statutory duties are fulfilled in a timely manner.

7 How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission

The budget process considers where the Council's reducing financial resources should be spent. These services affect children. The proposal should be seen collectively alongside other proposals.

8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?

The deletion of the Grade 4 SEN Support Officer post is likely to have an impact on the local authority's ability to complete its statutory duty in a timely manner. In light of this budget saving proposal, the Special Educational Needs Team would continue to work across all schools, but would only attend Statement reviews of pupils causing concern and any non-statutory work would have to be reduced.

9 Monitoring, evaluating and reviewing

Progress against targets relating to out of county placements and Statements issued within the 26-week statutory period are monitored and reviewed termly through Central Education rigorous monitoring processes.

Monitoring of the learners' most affected by this proposal will be ongoing by schools and by central education.

10 Involvement

This proposal is being made as part of the Council's 2021/22 budget process which will include consultation and engagement with relevant key stakeholders.

11 Summary of Impact (for inclusion in any report)

Equality Act 2010 AND Welsh Language

The proposal will have an impact on the SEN Teams services for Children and Young People. The impact will negatively affect children and young people with diagnosis or underlying disabilities as there will be a reduction in the support provided to families and schools going through the Formal Assessment process and through the review of pupils in receipt of a Statement of Educational Needs. Any delays in the Statutory process may result in an additional number of pupils reporting as school phobic / refusers as well as potentially increasing the number of pupil exclusions.