

Equality Impact Assessment (EIA) Tool:

Title of proposal: Ash Field Academy Residential /Respite / Extended Education service provision

Name of division/service: Children's Commissioning Team.

Name of lead officer completing this assessment: Sophie Bower-Scott

Date EIA assessment completed: 03/03/23

Decision maker: Director

Date decision taken:

EIA sign off on completion	Signature	Date
Lead officer:	Clare Nagle/Sophie Bower-Scott	03/03/2023
Equalities officer:	Kalvaran Sandhu	03/03/2023
Divisional director:	Tracie Rees	03/03/2023

1. Setting the context

Ash Field Academy is a specialist school catering for pupils from age 4 to 19. The school serves Leicester City, Leicestershire and Rutland and also admits pupils from other counties. They specialise in providing education for pupils with complex medical conditions or serious physical disabilities. They tend to cater for pupils with Profound and Multiple Learning Difficulties (PMLD) to those with more Moderate Learning Difficulties (MLD) whilst mainstream schools have become more inclusive to pupils with less severe learning difficulties. As such, the main curriculum provision at Ash Field Academy is focused on supporting pupils with learning difficulties. In addition to physical and learning needs and disabilities, many pupils at the Academy also have communication and sensory needs. Whilst the Academy caters for pupils who have some level of social and emotional needs, due to the medical vulnerabilities of many of the Academy's pupils, they are not currently able to meet the needs of pupils with significantly challenging behaviours.

The Academy operates a residential provision which pupils can access, with parental agreement, from the age of 8. This provision supports pupil's education around independence, social skills and emotional self-regulation. The residential wing is attached to the main school building and so parts of the school are also used in the evening by pupils staying overnight. There are eight bedrooms and a 'flat' for older pupils' use, allowing 18 pupils to stay at any one time. Most pupils stay for one or two nights per week, with those in the independence flat staying the whole week. To

ensure safety through the night, in addition to three night-waking members of staff, there are two members of staff who sleep on the premises and an 'on call' rota which always includes a member of the Senior Leadership Team or the Head of Residential Education and Care.

This provision is funded by high needs block funding arrangements via the Department for Education. As part of a review of the Re-alignment of Special School Funding from March 2021, there was a recommendation to look at the Ash Field Academy residential provision. The proposal is to undertake a review of the service and rationalisation of the budget for this provision. The intention of the review is to provide an appraisal of several options for how this service is managed and the impact the service has on the pupils.

Of the 160 pupils who attend Ash Field Academy, only 44 accessed respite support during 2020/21. This number has fluctuated during COVID 19 pandemic. The provision is only accessible to Ash Field Academy pupils and not the wider Special Education Needs and Disabilities (SEND) population within Leicester of over 1,000 pupils across all special schools.

The service is currently providing respite to students and their families and this is respite provision that has not been recognised as an assessed "must have" need within the pupils' Education, Health and Care Plans (EHCP). There are educational benefits to children accessing the provision which must be considered, though the impact could be considered more social rather than educational. Children and young people attending other special schools may have similar needs but do not have access to this residential provision as they do not attend Ash Field Academy. Additionally other Special School Headteachers may argue they would equally want to offer residential trips, however do not have funding to do this, therefore it is difficult to justify this as education provision under the High Needs Block funding guidance. Furthermore, the learning or Preparing for Adulthood activities could and should be part of the curriculum offered in schools hours and could be transferred into the school day.

2. Equality implications/obligations

a. Eliminate unlawful discrimination, harassment, and victimisation

The review of this service and the work to establish options for the provision is for the Executive to decide on will not mean the immediate cessation of services. The formal review of the service will include a 12 week public consultation and alternative provision to those with an eligible need will be considered.

An outcome of the review may be that the service provision is provided in a formal way, linked to children social care provision, in a way which will enable those impacted to continue to use the service, and those currently unable to use the service because they attend a different school to do so. Alternatively, the funding model of the provision may change so as to incorporate a greater contribution from Health and/or monetary contributions from the children/young people accessing the service.

A final decision on any future model will only be made with the completion of a full Equality Impact Assessment that will support and assess the impact. There may be an impact on those currently using the provision who are not currently assessed as having an eligible need. A re-assessment of those in that situation will be required.

Eligibility decisions are based on protected characteristics and equality legislation along with the children's and families act and SEND code of practice.

b. Advance equality of opportunity between different groups

The proposal will mean that similar provision across the city special schools will be considered. By doing this we will establish if other students and families are at a disadvantage because the provision we have currently only caters for Ash Field Academy pupils. If this is the case then those with eligible needs not accessing the service due to capacity or any other issues will be clearer to us as an authority and will enable the review of this service to identify and manage any issues of inequality.

This is a relevant concern as only one of the city's 6 special schools has this provision for its students and families. Access issues could arise and an uplift in demand may be seen which cannot be met by current service capacity and will potentially lead to a separate project.

c. Foster good relations between different groups

The school has a very good reputation and is a 'lifeline' for many families that are able to send their children to the provision for a period of intensive support delivered in a residential setting. There is often work by staff at the provision that goes above and beyond the remit, and whilst very much appreciated by families who access the service, may also present a level of unrealistic expectations from the communities that use them. This may be because the service and staff work beyond an educational remit and provide support that would be expected from children's social care or early help teams. The service delivers a degree of enablement training to pupils which helps them to

transition into a more independent adulthood than they might otherwise have experienced.

As this service has been available to those at Ash Field Academy for many years, a change in policy allowing access to other schools, or a change in allocation of places to those with assessed need identified in EHCP plans, may see families with historical access lose the provision they have been used to receiving, or see their access to it reduced.

3. Who is affected?

Pupils and families of pupils who attend Ash Field Academy who have a range of complex medical conditions and disabilities, special education needs and special education and mental health needs. This will also impact on staff and management of the respite provision.

4. Information used to inform the equality impact assessment

Information to inform an options appraisal has been gained via engagement with pupils, families and unpaid carers, staff from the school, social care and education, heads of service and team leaders. Data and information teams within social care and education, Census data and local authority data from the Liquid Logic system and the education department have been used to inform the review and to provide evidence of the potential impact of the proposal.

Further consultation and discussions included engagement with head teachers of Leicester's other special schools. A discussion took place at the Schools Forum on 21 September 2022 to present the proposal for the consultation.

Officers of the Council visited Ash Field Academy on 10th February 2022 to observe the residential provision in use, and spoke to staff and pupils whilst onsite. Additionally, school staff, parents and pupils were met by officers of the Council on 7th December 2022 to discuss the proposals of the consultation, and a further meeting was held on 6th January 2023 with Cllr Cutkelvin in attendance too to meet staff, pupils and parents.

A Statutory Consultation was carried out by Leicester City Council ("the Council") between 26th November 2022 and 9th January 2023 to seek views on whether the council should cease funding for the residential provision at Ash Field Academy with effect from September 2024.

5. Consultation

Informal consultation has taken place to date with a) The school leaders, b) parents identified by the school, c) several pupils, d) Local Authority Heads of SEND, e) Local Authority Head of Social Care/ Service Manager and f) City of Leicester Association of Special Schools (Head Teachers) comparator authorities.

A Statutory Consultation was carried out by Leicester City Council (“the Council”) between 26th November 2022 and 9th January 2023 to seek views on whether the council should cease funding for the residential provision at Ash Field Academy with effect from September 2024. The consultation survey was published online in the public domain and attracted much attention from the media and on social media platforms.

Email communications were sent out at the start of the consultation to the provision’s key stakeholders to advise them of the consultation having opened, its purpose and to provide detail on how to access it online. Additionally, typed correspondence was provided to Ash Field Academy suitable for them to cascade to parents, staff and governors as was requested.

A discussion took place at the schools Forum on 21 September 2022 to present the proposal for the consultation. School staff, parents and pupils were met by officers of the Council on 7th December 2022 to discuss the proposals of the consultation.

A further meeting was held on 6th January 2023 with Cllr Cutkelvin in attendance too to meet staff, pupils and parents.

Various board/group members and organisations were engaged with, to inform about the consultation. These organisations represent the interests of people who are supported by Ash Field Academy’s residential provision and encompassed: Parents/ carers of special school pupils, Ash Field Academy Staff, Trade Unions, City Mayor / executive, Ward councillors, Special schools (via CLASS - City of Leicester Association of Special Schools), Parent Carer Forum, Schools Forum, SENDIASS School Governors, Media (Leicester Mercury), SEND Staff, Social Care & Education Staff, LCC staff, Leicester Residents.

94% of the 378 responses received to the consultation survey disagreed with the proposal.

87% of responses included verbatim comment to provide more detail around their views. These comments highlighted several themes around the current and potential impacts felt. The most commonly recurring themes were that the Residential provision offers education to those currently accessing it, teaching them valuable, lifelong independence skills, and that the Residential provision offers support and respite to both pupils and their families which helps to keep both healthy in terms of

their mental wellbeing. The provision gives disabled pupils an opportunity to socialise with their peers in a space that is both physically equipped to cater for their needs and staffed with the support they require to look after their health and care needs. Several comments suggested that alternative, similar provision is either scarce or doesn't exist.

Themes of Comments and Percentage of comments reflecting each theme:

- The provision is educational - 38.67%
- The provision provides support/respite - 31.47%
- The provision provides social opportunities - 19.2%
- Non-specific, generally positive about the provision - 14.4%
- No Comment - 13.07%
- There is no/few alternatives to this provision - 11.73%
- It is morally right to offer this provision - 11.47%
- The provision is cost effective in the long term - 5.87%
- Alternative funding should be found - 3.47%
- Concern for staff/risk of redundancies - 1.6%

6. Potential Equality Impact

a. Age

What is the impact of the proposal on age?

The age of most pupils affected by any change is 8-19, although the school caters for younger pupils who would potentially look forward to accessing the residential facilities in the future. Staff likely to be affected are of working age.

What is the risk of disproportionate negative impact on age?

The service is specifically for disabled children, any changes to the provision could have an impact on those children in terms of their attainment, attendance, wellbeing, and life chances if they are unable to develop the skills and experience that accessing the service gives them. Staying at the residential provision supports children in developing their personal independence, learning skills such as cooking, cleaning, washing themselves, doing laundry, etc., and

enables them to have social opportunities, spending time with their peers away from their parents and outside the pressure of the classroom.

However, the residential provision at Ash Field Academy is one of only two such school provisions. Only children and families that attend the school can access the service. The students of the remaining 6 special schools in Leicester are not able to access this service.

What are the mitigating actions?

A full review of the operating model would mitigate and address the equitability of the current models. If the residential provision at Ash Field Academy were to close, the children accessing it could still seek to access Short Breaks provision delivered via the Disabled Children's Service at their local Council, although it is unlikely they would be entitled to receive the same amount of support as they are able to receive via the school provision.

b. Disability

What is the impact of the proposal on disability?

The service meets the need for children and young people with disabilities, both physical and cognitive.

What is the risk of disproportionate negative impact on disability?

The services are specifically for children any chances to the provision could have an impact on those children in terms of their attainment, attendance and life chances if they are unable to be productive at school. However, it is one of only two schools that has such a provision. Only children and families that attend the school can access the service. The students of the remaining 6 special schools in Leicester are not able to access this service.

What are the mitigating actions?

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c. Gender reassignment

What is the impact of the proposal on gender reassignment?

Not applicable.

What is the risk of disproportionate negative impact on gender reassignment?

Not applicable.

What are the mitigating actions?

Not applicable.

d. Marriage and Civil Partnership

What is the impact of the proposal on marriage and civil partnership?

Not applicable.

What is the risk of disproportionate negative impact on marriage and civil partnership?

Not applicable.

What are the mitigating actions?

Not applicable.

e. Pregnancy and Maternity

What is the impact of the proposal on pregnancy and maternity?

Not applicable.

What is the risk of disproportionate negative impact on pregnancy and maternity?

Not applicable.

What are the mitigating actions?

Not applicable.

f. Race

What is the impact of the proposal on race?

63% of pupils currently accessing the residential provision are White British, and the majority of the school's pupils are White British (37% approx.), or Indian (19% approx.). Any changes to the residential offer at the school will therefore impact a larger number of White British pupils than any other ethnicity.

What is the risk of disproportionate negative impact on race?

The high percentage of white British pupils will mean that the impact of any review will be more concentrated on this group.

What are the mitigating actions?

Subject to a decision being made, the Council will consider any mitigating actions required.

g. Religion or Belief

What is the impact of the proposal on religion or belief?

Over 45% of the pupils accessing the residential provision are recorded as following no religion. There are slightly more pupils in the school as a whole identifying as Muslim/Islamic.

What is the risk of disproportionate negative impact on religion or belief?

In terms of the review into this residential provision the risk of negative impact is low.

What are the mitigating actions?

Subject to a decision being made, the Council will consider any mitigating actions required.

h. Sex

What is the impact of the proposal on sex?

Approximately 60% of pupils accessing the residential provision are male, which is proportionally representative of the school as a whole.

What is the risk of disproportionate negative impact on sex?

Any change to the service is expected to impact both genders equally.

What are the mitigating actions?

Subject to a decision being made, the Council will consider any mitigating actions required.

i. Sexual Orientation

What is the impact of the proposal on sexual orientation?

Not applicable.

What is the risk of disproportionate negative impact on sexual orientation?

Not applicable.

What are the mitigating actions?

Not applicable.

7. Summary of protected characteristics

a. Summarise why the protected characteristics you have commented on, are relevant to the proposal?

Age, disability, Race, Religion, sex; these are all relevant to the proposal as the schools provide services for people from a very specific age group, from a wide number of race backgrounds, with a very percentage of one being higher than the others, all with a disability under the equality act, and from both genders, although the use of the service is predominantly male.

b. Summarise why the protected characteristics you have not commented on, are not relevant to the proposal?

The characteristics that have not been identified will be due to lack of data, and the age of the children, who may not be able to identify which applies to them at this point, or due to age they are unlikely to be protected under.

8. Other Groups

a. Children in poverty

What is the impact of the proposal on children in poverty?

Many of the children are accessing this service and poverty is a reason that they may struggle at home and with their attendance and attainment at school.

What is the risk of negative impact on children in poverty?

The residential provision provides a safety net, food, shelter, and for many of the children their own space which whilst at home they would not get.

What are the mitigating actions?

Subject to a decision being made, the Council will consider any mitigating actions required.

b. Other vulnerable groups

What is the impact of the proposal on other vulnerable groups?

Not applicable.

What is the risk of negative impact on other vulnerable groups?

Not applicable.

What are the mitigating actions?

Not applicable.

c. Other (describe)

What is the impact of the proposal on other groups?

Not applicable.

What is the risk of negative impact on other groups?

Not applicable.

What are the mitigating actions?

Not applicable.

9. Other sources of potential negative impact

Current economic climate is concerning and could have a further negative impact if changes to SEND funding or government policy around SEND provision were to change in response to financial challenges.

Increasing demand for SEND provision could impact the future sustainability of services and capacity.

10. Human Rights Implications

Part 2, Article 2, Right to Education. The school, pupils and parents may consider the provision to provide educational learning, however, through this review and consultation, the view is that this respite provision provides social learning opportunities for the pupils.

11. Monitoring Impact

Subject to a decision being made, Council officers will work with the school to monitor any adverse impact.

12. EIA Action Plan

Subject to a decision being made, Council officers will develop an action plan to mitigate against any potential adverse impacts.