

Equality Analysis Report

Special Educational Needs and Disabilities (SEND) Joint Commissioning Strategy 2023-2026

Detail of proposal:

The proposed Special Educational Needs and Disabilities (SEND) Joint Commissioning Strategy 2023-2026 for Sefton which aims to:

- Deliver improved outcomes for children and young people with SEND across the local area.
- Provide a framework for effective joint planning, understanding and review of SEND services in Sefton.
- Identify a set of key commitments and priorities that will underpin all joint planning and commissioning decisions, informed by the SEND Joint Needs Assessment and in line with the requirements of the SEND Code of Practice: 0 to 25 years and feedback from our communities inclusive of children, young people, parents and carers.
- Provide a framework for effective joint planning, understanding and review of SEND services in the borough, informing all elements of working practices (including Emotional Health and Wellbeing Services, Speech and Language Therapy, Physiotherapy and Equipment Provision).
- Ensure that services are jointly commissioned with a clear assessment of local needs, delivering personalised integrated support that delivers outcomes and brings support together across the system.
- Inform the development of robust priorities and effective joint working, informing commissioning intentions and meeting local needs more effectively.

This is underpinned by 4 key priorities:

1. High aspirations for all our children and young people.
2. A comprehensive offer of support which is accessible in our local community.
3. The opportunity to provide support at the earliest opportunity.
4. To work with families and young people to maximise choice and control.

The SEND partnership includes the Council, schools, health commissioners and

providers working with our voluntary, community and faith sector, business sectors, and most importantly children, young people and their families.

The key groups affected by the proposals set out in this EIA are:

1. Children and young people with SEND aged 0-25 in Sefton. This may include the following groups:
 - Children in Need
 - Children and young people who are on a Child Protection Plan
 - Children and young people who are cared for by the local authority
 - Children and young people who are Black, Asian or from an ethnic minority in our borough who may be disadvantaged by the curriculum and unconscious bias in education putting them at additional risk of exclusion, serious youth violence and future opportunity for education, training and employment.
 - Children with hidden disabilities who may not fit easily into SEND or diagnostic categories, but who are disadvantaged by not having their needs understood.
 - Children and young people who have emerged as vulnerable learners following the Coronavirus pandemic.
2. Parent carers (this term covers parents, grandparents, foster parents and special guardians) and siblings.
3. Provider organisations across education, health and care and training including, but not limited to: early years settings; schools (maintained and independent); colleges; and providers of employment related skills and training.
4. Staff from provider organisations including local authority staff and provider staff who support children and young people with SEND and their families.

Ramifications of Proposal:

Is there a consequence to 'Threshold':

No

Is there a consequence to 'Capacity':

The strategy seeks to improve access to information and advice and services.

Are there any protected characteristics that will be disproportionately affected in comparison to others?

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation
- marriage or civil partnerships
- care experienced

Age

Nationally, according to 2021/22 data, SEN is most prevalent at age 10. The percentage of pupils who have SEN increases with age, reaching a peak of 20.0% of pupils at age 10. This then steadily declines to 16.3% at age 15. ([Special educational needs in England, Academic year 2021/22 – Explore education statistics – GOV.UK](https://www.gov.uk/government/statistics/special-educational-needs-in-england-academic-year-2021-22) (explore-education-statistics.service.gov.uk))

The chart below shows the age distribution for those **2,243** children and young people for whom the local authority maintained an EHC plan in January 2022. (Sefton SEND JSNA 2023)

- 97 (4%) were aged under 5 years
- 552 (25%) were aged 5-10 years,
- 824 (37%) were aged 11-15 years,
- 517 (23%) were aged 16-19 years,
- 253 (11%) of EHC Plans were for young people/adults aged 20-25 years.

Children and young people with a Sefton maintained EHC plan by age groups.

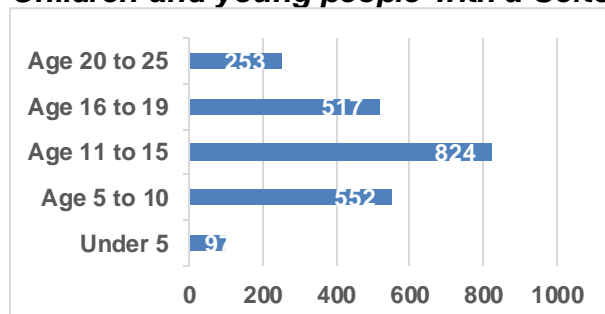


Chart 2 source: [gov.uk/government/statistics/education-health-and-care-plans-england-2022](https://www.gov.uk/government/statistics/education-health-and-care-plans-england-2022) (Table: sen2_age_caseload)

While the figure above accounts for children and young people in Sefton with EHCPs only, and does not include SEN support, so is not reflective of all children and young people with SEN, it is noteworthy that the number of EHCPs at age 15 does not reflect the decline in SEN seen nationally. Several of the work areas proposed in Sefton's SEND Joint Commissioning Strategy align with the priority of ensuring children and young people receive the appropriate support to meet their needs at the right time and would be expected to positively impact this, further promoting equality of opportunity for Sefton children and young people.

Disability

Under the Equality Act 2010, a disability is defined as a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities. The definition includes sensory impairments and long-term conditions such as asthma, diabetes, epilepsy and cancer. Children and young people with disabilities do not necessarily have SEN, but there is a significant overlap. Where a disabled child or young person requires special educational provision, they will also be covered by the SEN definition.

1. The strategy involves the recruitment of a Designated Social Care Officer, this will help ensure children and young people with SEND and their parents/carers can access suitable support services. There are 377 cases open to Sefton's Children With Complex Needs Team, with 223 (59.2%) recorded as having a disability and 150 (39.8%) recorded as having an EHCP (13/06/2023, LCS). This suggests that a relatively high percentage of children and young people with a disability and/or EHCP also have social care needs. Therefore, while the proposed service is accessible to all children and young people with SEND and their parent/carers, it would be expected to have particular benefit for children and young people with disabilities.
2. The strategy involves the promotion of Personal Health Budgets (PHBs). The 'right to have' a personal health budget currently applies both to adults and young adults who are eligible for NHS Continuing Healthcare, and children in receipt of continuing care. Therefore, the proposal would impact those individuals that are continuing healthcare eligible as opposed to all children and young people with SEND. PHBs may improve people's quality of life and their experience of care, by helping people to have more choices about how their healthcare needs are met. Evidence shows that, when implemented well, personal health budgets are a cost-effective way to improve people's quality of life and experience of care. They also help people manage their own health and reduce their reliance on acute services. The Council will seek to maximise the positive impact by increasing the promotion of Personal Health Budgets to support increased uptake for eligible children and young people.
3. The strategy involves the embedding Technology Enabled Care Services (TECS) which will be used to secure best outcomes for children and young people with SEND. Children and young people with health conditions and disabilities in particular may benefit from this. More information relating to the evidence base of TECS can be accessed at <https://www.england.nhs.uk/tecs/>

Gender Reassignment

Not identified at this stage.

Pregnancy and Maternity

Not identified at this stage.

Race and Ethnicity

Nationally, in 2021/22 'SEN was most prevalent in the Traveller of Irish heritage ethnic group. 24.3% of pupils recorded as Traveller of Irish heritage ethnic group had SEN support in 2022, and a further 5.7% had an EHC plan. The lowest rate for SEN is in the Chinese ethnic group, 5.0% of pupils in this ethnic group had SEN support and 2.3% had an EHC plan. These groups are largely unchanged from 2021'. (<https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england/2021-22>)

Locally, 88% of the 2021/22 cohort of children and young people with special educational need and/or disabilities (SEND) were classified as 'White/British/Irish', with less than 8% classified as other nationality and 4% unclassified (Sefton SEND JSNA 2023). Therefore, while accessibility to services is not dependent on race or ethnicity, more children and young people classified as White/British/Irish would be impacted by the proposed work areas.

Sefton SEN EHCPs Characteristics	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
ethnicity_white_british	941	934	938	960	1,065	1,221	1,385
ethnicity_Other_white_british	47	59	66	77	102	116	147
ethnicity_irish	1	2	3	3	4	5	4
ethnicity_traveller_of_irish_heritage	0	0	0	0	1	0	1
ethnicity_any_other_white_background	10	19	24	25	35	44	48
ethnicity_gypsy_roma	0	0	0	0	0	0	0
ethnicity_white_and_black_caribbean	1	1	0	2	3	5	8
ethnicity_white_and_black_african	1	0	0	0	1	2	7
ethnicity_white_and_asian	0	0	3	4	6	6	9
ethnicity_any_other_mixed_background	9	9	11	13	17	17	19
ethnicity_indian	2	2	0	1	3	3	3
ethnicity_pakistani	2	2	2	1	2	2	2

ethnicity_bangladeshi	2	2	2	2	3	3	4
ethnicity_any_other_asian_background	3	3	5	7	5	5	9
ethnicity_black_caribbean	0	0	0	0	0	0	1
ethnicity_black_african	1	0	1	2	2	2	4
ethnicity_any_other_black_background	9	11	6	7	7	6	7
ethnicity_chinese	3	4	4	5	6	6	6
ethnicity_any_other_ethnic_group	3	4	5	5	7	10	15
ethnicity_unclassified	13	1	5	8	19	22	18
	1,048	1,053	1,075	1,122	1,288	1,475	1,697

It is not clear from this table alone what the prevalence of SEN is for each ethnic group across children and young people 0-25 in Sefton. However, it is noteworthy that, in Sefton, the number of EHC plans for children and young people Traveller of Irish heritage and Gypsy Roma ethnic groups has been consistently low over the years; with the high prevalence of SEN in these groups nationally you might expect this figure to be slightly higher (dependent on the ethnic makeup of the local population).

The proposed work areas specified as part of the SEND Joint Commissioning Strategy do not specify work areas that further promote equality for specific ethnic groups, it is recommended that analysis is undertaken to understand the prevalence of SEN across ethnic groups and identify opportunities to achieve better equity.

Religion or belief

Not identified at this stage.

Marriage or civil partnerships

Not identified at this stage.

Sex

SEN continues to remain more prevalent in males than females. According to national figures, in 2021/22 72.8% of pupils with an EHC plan were boys, the distribution of approximately 73% males and 27% females has been consistent since 2015/16. In 2021/22 63.5% of pupils with SEN support were boys.

(<https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england/2021-22>)

Locally, in 2021/22 males accounted for 73.9% of children and young people with Sefton maintained EHCPs (Sefton SEND JSNA 2023). Therefore, while accessibility to the services in the proposal are not dependent on gender, more males than females would likely be impacted several of the proposed work areas as a consequence of this distribution (which aligns with the national average).

School Age Children and young people with an EHC plan (by Gender) 2021-22

Primary SEN Need	2021/22 - SEN EHC Plan			
	All	Female	Male	
Autistic Spectrum Disorder	681	130	19.1	551 80.9
Hearing Impairment	7	3	42.9	4 57.1
Moderate Learning Difficulty	88	34	38.6	54 61.4
Multi- Sensory Impairment	7	1	14.3	6 85.7
Other Difficulty/Disability	33	16	48.5	17 51.5
Physical Disability	35	11	31.4	24 68.6
Profound & Multiple Learning Difficulty	55	30	54.5	25 45.5
Severe Learning Difficulty	107	38	35.5	69 64.5
Social, Emotional and Mental Health	198	39	19.7	159 80.3
Specific Learning Difficulty	75	21	28.0	54 72.0
Speech, Language and Communications needs	257	77	30.0	180 70.0
Visual Impairment	7	5	71.4	2 28.6
SEN EHC Plan Total	1,550	405	26.1	1,145 73.9

Table 5 source: explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england/2021-22 (Table: sen_age_gender_)

Sexual orientation

Not identified at this stage.

Care experienced

Nationally, in 2021/22 56.2% of children who had been looked-after continuously for 12 months had SEN in 2020/21, which consisted of 28.9% with an EHC plan and 27.4% with SEN support. This compared to 48.7% of children in need with SEN and 15.8% of the overall pupil population identified with SEN. The most common type of need for all cared for children at 31 March 2021 was 'Social, Emotional and Mental Health'. ([Special educational needs publication June 2022 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)) In Sefton, 54 cared for children (8.8%) have an EHCP (13/06/2023, LCS).

The strategy proposes to improved access to timely and efficient mental health support through investing in support to access and improve waiting times. This would be expected to have a positive impact on all children and young people with SEND, particularly those with primary need of SEMH (the most common type of need for cared for children nationally).

Consultation

Consultation of the strategy has been completed with the Parent Carer Forum through the SEND Continuous Improvement Board. The Parent Carer Forum have also been engaged in relation to the Delivering Better Value (DBV) Programme referenced in the strategy, the DBV Programme has also involved significant

stakeholder engagement through Council stakeholder/governance groups and school and parent/carer forums. The strategy has also been informed by the 2022/23 SEND Survey.

The Council will complete co-design of detailed proposals to deliver projects defined in the proposed work areas.

Is there evidence that the Public Sector Equality Duties will continue to be met?

Yes.

The Equality Act 2010 requires that those subject to the Equality Duty must, in the exercise of their functions, have due regard to the need to:

- 1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.*
- 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.*
- 3. Foster good relations between people who share a protected characteristic and those who do not.*

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.*
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.*
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.*

The SEND Joint Commissioning Strategy is underpinned by striving to achieve equality of opportunity and deliver better outcomes for children and young people 0-25 with SEND across the local area.

What actions will follow if proposal accepted by Cabinet?

1. The SEND partners will complete co-design of detailed proposals to deliver projects defined in the proposed work areas with stakeholders to better support equality.
2. The SEND partners will conduct further analysis to understand the prevalence of SEN across ethnic groups and identify opportunities to achieve better equity.

3. The EIA will be reviewed annually, and as required, to ensure consideration is given to the impact of the proposals and projects on protected characteristics.