

# Equality Impact Assessment (EqIA)

## Introduction

This EqIA is for:

<b>Early Years SEN Inclusion Funding</b>
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Details are set out:

'Early Years Funding for Children with Special Educational Needs and Disability' Children and Young People Committee Paper 12 <sup>th</sup> February 2018
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Officers undertaking the assessment:

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Assessment approved by:

Interim Service Director Commissioning Laurence Jones and Resources	Date: 5/2/18
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The Public Sector Equality Duty which is set out in the Equality Act 2010 requires public authorities to have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation; Advance equality of opportunity between people who share a protected characteristic and those who do not; Foster good relations between people who share a protected characteristic and those who do not.

The purpose of carrying out an Equality Impact Assessment is to assess the impact of a change to services or policy on people with protected characteristics and to demonstrate that the Council has considered the aims of the Equality Duty.

## Part A: Impact, consultation and proposed mitigation

### 1 What are the potential impacts of proposal? *Has any initial consultation informed the identification of impacts?*

Since April 2017, all local authorities have been required statutorily to establish an Early Years SEND Inclusion Fund to support 3 and 4 year olds who are eligible for free childcare, no central government funding has been allocated for this work so alternative funding sources have had to be identified.

Historically, Nottinghamshire County Council has been supporting children aged 0-25 years with complex SEND needs to access childcare through the DCATCH top up fund. DCATCH was first introduced across local authorities through 'Aiming Higher for Disabled Children' in 2007 and Nottinghamshire is one of very few local authorities who have maintained this discretionary fund using their own revenue funding when central funding ended. Applications are considered each term by a panel of professionals.

Since April 2017, DCATCH childcare funding was designated as the Early Years Inclusion Fund on an interim basis until consultation was completed with schools and early years providers in autumn 2017. As increasing numbers of 3 and 4 year olds are entitled to free childcare for an increasing number of hours, demands on the limited DCATCH childcare budget have been considerable. The DCATCH fund has had to be prioritised for 3 and 4 year olds eligible for funded childcare since new statutory duties came into effect on 1<sup>st</sup> April 2017.

In December 2017, consultation with early years providers and the Schools Forum supported the proposal that current Local Authority funding for DCATCH is supplemented with additional funding from the early years DSG allocation to create the Inclusion Fund from 1<sup>st</sup> April 2018. The additional funding of £126,000 from the DSG has been possible by reducing the hourly rate given to all early years providers by one pence. The early years DCATCH budget is £250,000 per annum and has been created using local authority revenue funding.

Combining these funding streams results in a total potential budget of £376,000 for the Inclusion Fund in 2018/19. By using a proportion of the local authority funding allocation, it is possible for Nottinghamshire to have some flexibility in the use of the new Inclusion Fund. It is therefore proposed to also include disadvantaged 2 year olds who are eligible for 15 hours per week of funded early education.

This proposal has been formulated and informed by Statutory guidance, consultation with early years providers and with other local authorities. This has been supported by the early years sector and the Schools Forum.

The proposal is that the early years inclusion funding criteria is aligned with schools high level need funding criteria. It will fund a contribution to additional staffing costs that are incurred when providing the funded childcare and education available to 2, 3, and 4 year olds with special educational needs and disabilities, only for the period of the funded element. Children must be resident in Nottinghamshire and attending a Nottinghamshire Ofsted registered childcare setting. The setting must also have previously sought advice from relevant specialist agencies. Such funding will enable settings to better meet the individual needs of children with severe and complex special needs and disabilities and will enable a child to be included in a mainstream setting.

The proposed changed criteria will have a negative impact on children under 2, unless eligible for early years entitlement, and school aged children accessing before and after-school provision who will no longer be eligible for the inclusion funding.

However, the changed criteria will ensure that those children aged 2, 3 and 4 years old, accessing their early years entitlement will have equal access, regardless of where parents choose to access childcare.

The impact will be:

- Fewer children will have access to enhanced levels of funding to support their SEND. These children will be non-funded 2 year olds, children aged less than 2 children with low or emerging needs and children of school age accessing out of school provision.
- SEND children will have equal access to their extended entitlement
- The most disadvantaged 2 year olds with SEND will have equal access to their early years entitlement.
- By focusing resources on the severe and complex SEND children there is a greater likelihood of them having their needs met, being ready for school and having access to higher quality provision.
- An opportunity to establish a separate fund to support the equipment and training needs for children with physical disabilities

## 2 Protected Characteristics: Is there a potential positive or negative impact based on:

Age	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> Negative	<input type="checkbox"/> Neutral Impact
Disability	<input checked="" type="checkbox"/> Positive	<input checked="" type="checkbox"/> Negative	<input type="checkbox"/> Neutral Impact
Gender reassignment	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Pregnancy & maternity	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Race <small>including origin, colour or nationality</small>	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Religion	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact
Gender	<input type="checkbox"/> Positive	<input checked="" type="checkbox"/> Negative	<input type="checkbox"/> Neutral Impact
Sexual orientation <small>including gay, lesbian or bisexual</small>	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	<input checked="" type="checkbox"/> Neutral Impact

**3 Where there are potential negative impacts for protected characteristics these should be detailed including consideration of the equality duty, proposals for how they could be mitigated (where possible) and meaningfully consulted on:**

How do the potential impacts affect people with protected characteristics <i>What is the scale of the impact?</i>	How might negative impact be mitigated or explain why it is not possible	How will we consult
<p>Children with complex SEND needs aged 3 and 4 that are eligible for funded childcare will receive additional top up funding to enable their access to childcare provision in the early years. This is the form of the new Disability Access Fund and the new SEN Inclusion Fund and can be used to enable the child to access 15-30 hours of childcare per week.</p> <p>2 year olds with complex SEND needs from low income families will be entitled to the top up fund provided by the new Early Years Inclusion Fund for 15 hours of childcare per week.</p> <p>Age – By removing the DCATCH fund for 0-25 year olds, Children aged 2 and under, not in receipt of early education entitlement funding and children of school age, will not have access to the new Early Years inclusion fund to support their access to childcare.</p> <p>Gender – as mothers tend to have most childcare responsibilities, removing a top up fund for children with SEN to access childcare can create a barrier to employment or reduce opportunities for parents to extend their working hours. Childcare costs are often cited as a barrier to employment and unless children are eligible for funded childcare, other children will no longer be able to claim additional childcare funding if they have SEN (mostly school aged children).</p>	<p>Younger children will have access to a range of other services such as LA specialist teacher guidance and practice guidance and training provided by the Early Childhood Services team.</p> <p>Additional funding streams and sources will be actively promoted to parents including childcare top up funding for physical disabilities, children in care and children in low income families.</p> <p>Access to alternative childcare top up funding for older children can be applied for through the LA Integrated Children’s Disability Service. They manage a Homecare DCATCH fund for some children with SEN. This fund will now be prioritised to children not eligible for funded childcare.</p> <p>Where a child has an Education Health Care Plan, they may have access to a personal budget.</p> <p>Children in school led childcare provision will not be affected by these proposals as schools have access to High Level Needs funding.</p> <p>All early years settings will still have access to a range of support to ensure that they are providing inclusive working practices. This includes health and LA advice and training from specialist professionals, the LA local offer, children’s centre family support staff and speech and language therapist and a variety of charities working with children and families with SEND.</p> <p>As described above, parents will be signposted to other sources of funding and support.</p> <p>Services providing childcare for 1-25 year olds will continue to be supported and encouraged to provide inclusive services for children with SEND.</p>	<p>We will engage with parents whose children have SEND through the IRIS network to better understand the challenges they face in accessing childcare; and to ensure they have relevant advice and information to help them make positive childcare choices.</p>

## Part B: Feedback and further mitigation

### 4 Summary of consultation feedback and further amendments to proposal / mitigation

The consultation formed part of the annual consultation regarding hourly rates allocated to schools and early years providers in the County. The consultation was disseminated through the Nottinghamshire Early Years Portal and the Schools Portal, reaching all local providers of funded early years places. There was also engagement with the local Early Years Consultation Group which includes representatives of the early years sector, with their help proposals were formed and then shared with the sector.

The consultation focused on identifying funding to create the fund and the rationale for these proposals; namely the new statutory duty to create an SEN Inclusion Fund using existing resources. The additional funding of £126,000 from the DSG has been possible by reducing the hourly rate given to all early years providers by one pence.

In December 2017, consultation with early years providers and the Schools Forum supported the proposal that current LA funding for DCATCH is supplemented with additional funding from the early years Devolved Schools Grant (DSG) allocation to create the Early Years SEN Inclusion Fund from 1<sup>st</sup> April 2018.

Completed EqIAs should be sent to [equalities@nottscc.gov.uk](mailto:equalities@nottscc.gov.uk) and will be published on the Council's website.