

Equality Impact Assessment (EQIA)

The Equality Impact Assessment (EQIA) form is a template for analysing a policy or proposed decision for its potential effects on individuals with protected characteristics covered by the Equality Act 2010.

The council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

Although it is not enforced in legislation as a protected characteristic, Haringey Council recognises the profound and far-reaching impacts of socioeconomic disadvantage treats socioeconomic status as a local protected characteristic.

1. Responsibility for the Equality Impact Assessment

Name of proposal:	SEND Bandings and Top-ups
Service Area:	SEND
Officer Completing Assessment:	Mary Jarrett
Equalities Advisor:	Vlada Shevelkova
Cabinet meeting date (if applicable):	6 February 2024
Director/Assistant Director	Jackie Difolco

2. Executive summary

The proposal is to revise the Banding Descriptors which are used by Haringey Council to indicate the levels of support required by children with SEND to enable them to meet the outcomes specified in their SEN Panel or Education, Health and Care Plan (EHCP). An EHCP is a Statutory Plan which must be reviewed annually and describe a child's special education needs, provision to meet these needs and the outcomes which they are working towards.

Analysis of equalities data suggests that children with SEND are disproportionately boys (70%); additionally, those from Black and Black British/Caribbean groups are overrepresented in the SEND population. families. A greater understanding of these cohort and their needs is being considered via the Racial Equality in Education Group as the complexities and intersectionality of this data sample is not straightforward. It is intended that greater transparency of Banding and a continuum of funding across mainstream and special schools will support children according to their needs

regardless of where they live within Haringey, or the choices made in relation to the decision to place them in mainstream or special schools.

The EQIA will be reviewed annually to ensure consistency of approach across SEND.

3. Consultation and engagement

3a. How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff? Detail how your approach will facilitate the inclusion of protected groups likely to be impacted by the decision.

Initial Consultation and engagement took place via a Stakeholder delivery group prior to the proposed revised bandings and top-ups formulation being drafted.

Key stakeholders included parents and carers, Special schools, Maintained Schools and Academies, Nurseries and pre-school provision.

Prior to going to Cabinet there has been an 8-week public consultation via the Local Offer web-site, supported by a communications campaign which ensures that young people and their families are aware of the new Banding and Top-ups formulation.

The consultation included meetings with parents and carers of those who will be most affected by the new bandings, primarily parents/ carers of boys from black Caribbean or African families; and children and young people who are disabled, in particular those with autism and speech, language and communication needs, with events hosted by the Markfield Project and Haringey Parent Carers Forum.

Provisions were made to ensure that families, schools and other parties have sufficient time to respond to proposed changes. Accessibility needs were accommodated by providing translated and/or large print copies of the consultation on request. The consultation was promoted so as to maximise reach and seek the views of interested families and parties as far as possible

3b. Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

The consultation responses indicated broad agreement with the

proposed changes with some useful suggested amendments and indicated that SEND consultations, whilst offering an outlet for expressing wider discontent in the system, also offer a useful opportunity for the Local Authority to ensure that it has access to wider opinions and a chance to develop good practice informed by both practitioners, parents and carers.

Consultation responses were mainly received from parents and carers of children and young people with SEND with some comments from practitioners. A summary of the key responses are outlined below. Refer to: [Appendix Three: Bandings and Top Ups Consultation feedback and responses](#). As a result of the responses to consultation amendments have been made to the original Bandings Framework.

For ease they are marked in red on Appendices Four and Five attached to the Cabinet report (Proposed Bandings) A summary of the key responses are outlined below

- a) Recognition of the wider SEND improvement agenda of which these Bandings form a part of.
- b) Inclusion of the importance of impact as well as severity of Hearing Loss in determining children's needs in this area.

- c) Recognition and consideration of the impact of ‘masking’ behaviours for children with social communication difficulties.
- d) Recognition of the interface between the Early Years Bandings (Which apply to children in earlier stages of their development assessed by their good levels of development) and the school-age Bandings which assess older children’s ability to function within a school-based learning environment and achievements in relation to the National Curriculum (including entry-level learning).

4. Data and Impact Analysis

Note: officers may want to complement their analysis with data from the State of the Borough and ward profiles, found here: <https://www.haringey.gov.uk/local-democracy/about-council/state-of-the-borough>.

Please consider how the proposed change will affect people with protected characteristics.

4a. Age

Jan 2023 School census				
Age	EHC	SEN Support	Not SEN	All pupils
1	0.0%	0.0%	0.1%	0.1%
2	0.1%	0.4%	0.7%	0.6%
3	0.4%	2.8%	3.7%	3.4%
4	3.3%	4.7%	6.5%	6.1%
5	7.3%	5.6%	7.6%	7.3%
6	7.3%	6.2%	7.4%	7.3%
7	8.5%	8.1%	7.3%	7.4%
8	7.1%	7.9%	7.1%	7.2%
9	8.6%	8.4%	7.3%	7.5%
10	9.1%	8.9%	7.2%	7.5%
11	10.3%	7.0%	6.9%	7.1%
12	8.4%	6.9%	7.2%	7.2%
13	8.0%	7.1%	7.1%	7.2%
14	8.5%	7.5%	7.2%	7.3%
15	6.8%	8.0%	7.0%	7.1%
16	3.2%	5.1%	4.8%	4.7%
17	1.9%	3.6%	3.6%	3.5%
18	1.1%	1.5%	1.2%	1.2%
19	0.2%	0.1%	0.0%	0.0%

Data

Borough Profile¹

56,718: 0-17 (21%)

72,807: 18-34 (27%)

68,257: 35-49 (25%)

44,807: 50-64 (17%)

28,632: 65+ (11%)

¹ Source: State of the Borough

Target Population Profile

The new SEND bandings will impact all young people aged 0-19 in full-time education in a Haringey early years setting, mainstream or special school or academy.

Potential Impacts

The policy will affect young people aged 0-19 in education who have an identified Special Education Need or Disability. The policy will increase the number of Banding descriptions available to categorise support for children with SEND in Haringey and will ensure that all children with SEND are described within the Bandings and Top-up framework, rather than the current position which only identifies children with EHCPs and defines the top-up provision rather than the needs of the child.

It is evident that a more comprehensive framework to describe the needs of children with SEND in Haringey will create a fairer and more transparent funding system for all children and young people, and therefore impact this cohort positively.

The new top-up and bandings framework will allow Haringey to ensure that financial decisions to support children with SEND are equitable, fair, open and transparent; and further that such decisions are made within the financial framework available to the Council.

EHCP's will continue to clearly outline in detail, the provision required for children and young people with sufficient flexibility to meet individual and assessed needs which will be monitored through the statutory annual review process.

The financial envelope for the High Needs Block Grant is based on a national formula based on pupil numbers. Funding allocations to the bandings are agreed by the Schools Forum. Where schools may be adversely affected financially as a result of the new bandings, financial modelling support will be provided by Haringey Schools Finance to Schools to assess the impact of any changes and any options to minimise impact. This may include adopting a phased incremental approach and/or a review of pupil numbers.

4b. Disability²

Data

Borough Profile ³

4,500 people have a serious physical disability in Haringey.

19,500 aged 16-64 have a physical disability this equates to approximately 10% of the population aged 16-64.

1,090 people living with a learning disability in Haringey.

4,400 people have been diagnosed with severe mental illness in Haringey.

Target Population Profile

Breakdown of disability within the school age population is as follows:

² In the Equality Act a disability means a physical or a mental condition which has a substantial and long-term impact on your ability to do normal day to day activities.

³ Source: 2011 Census

Primary Need SEN type	% of pupils - Jan 2023
Not SEN	82.7%
ASD	3.2%
HI	0.4%
MLD	1.7%
MSI	0.0%
NSA	0.5%
OTH	0.8%
PD	0.3%
PMLD	0.1%
SEMH	2.5%
SLCN	4.9%
SLD	0.2%
SPLD	2.5%
VI	0.1%

The data demonstrates that Haringey have a range of children with disabilities who access mainstream and special schools and early years settings in Haringey with an overrepresentation of SEN needs for Autism, Speech and Language and Social, Emotional and Mental Health (SEMH)

Impact

The proposed policy will have a positive impact on young people's life chances by ensuring that they have access to education and to the support required to enable them to achieve their outcomes.

The members of this group will receive better support through a more comprehensive needs analysis used to inform their support needs in school; the proposed banding and top-ups formulation will support fair, open and transparent decision-making.

The intention of these policies is to narrow the inequality of outcomes for SEND children and young people by providing a range of support descriptors designed to meet their individual needs.

4c. Gender Reassignment⁴

Data

Borough Profile

There is no robust data at Borough level on our Trans population, however the central government estimates that there are approximately 200,000-500,000 Trans people in the UK. Assuming an average representation, this would mean between 800 and 2,000 Haringey residents are Trans.⁵

Target Population Profile

There are a small number of transgender young people attending Haringey Schools and some of these young people have SEND. We do not have reliable data regarding this.

⁴ Under the legal definition, a transgender person has the protected characteristic of gender reassignment if they are undergoing, have undergone, or are proposing to undergo gender reassignment. To be protected from gender reassignment discrimination, an individual does not need to have undergone any specific treatment or surgery to change from one's birth sex to one's preferred gender. This is because changing one's physiological or other gender attributes is a personal process rather than a medical one.

⁵ Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

The individual needs of transgender young people will be addressed via their individual assessments. The new Framework allows for detailed consideration of the social, emotional and mental health needs of children and young people with SEND.

This policy will not disproportionately affect transgender young people.

4d. Marriage and Civil Partnership

Data

Borough Profile ⁶

Divorced or formerly in a same-sex civil partnership which is now legally dissolved: (8.2%)

In a registered same-sex civil partnership: (0.6%)

Married: (33.3%)

Separated (but still legally married or still legally in a same-sex civil partnership): (4.0%)

Single (never married or never registered a same-sex civil partnership): (50.0%)

Widowed or surviving partner from a same-sex civil partnership: (3.9%)

Target Population Profile

We do not collect data regarding relationship status for SEND purposes. It is not anticipated that the policy affect or impact the parents of children or young people based on their marital status.

4e. Pregnancy and Maternity

Data

Borough Profile ⁷

Live Births in Haringey 2019: 3,646

Target Population Profile

Impacts

This proposal is likely to have no known impacts and will not significantly affect women who are pregnant or who have a child under 1.

4f. Race

In the Equality Act 2010, race can mean ethnic or national origins, which may or may not be the same as a person's current nationality.⁸

Data

Borough Profile ⁹

Arab: **0.9%**

Any other ethnic group: 3.9%

Asian: **9.5%**

⁶ Source: 2011 Census

⁷ Births by Borough (ONS)

⁸ [Race discrimination | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/race-discrimination)

⁹ Source: 2011 Census

Bangladeshi: 1.7%
 Chinese: 1.5%
 Indian: 2.3%
 Pakistani: 0.8%
 Other Asian: 3.2%

Black: 18.7%

African: 9.0%
 Caribbean: 7.1%
 Other Black: 2.6%

Mixed: 6.5%

White and Asian: 1.5%
 White and Black African: 1.0%
 White and Black Caribbean: 1.9%
 Other Mixed: 2.1%

White: 60.5% in total

English/Welsh/Scottish/Norther Irish/British: 34.7%
 Irish: 2.7%
 Gypsy or Irish Traveller: 0.1%
 Other White: 23%

Target Population Profile

The data demonstrates that whilst there is a small rise in children in Early Years there are falling numbers of children in London.

Data regarding children under 4 in Haringey

2021	2022	2023	2024	2025	2026	2027
17,845	17,907	18,007	18,095	18,176	18,250	18,318

The current population analysis of children with SEND compared to school population is as follows:

Ethnic group (Jan 2023 school census)	EHC	SEN Support	Not SEN	All pupils
Asian - Asian British/Any Asian Background	2%	1%	2%	2%
Asian - Asian British/Bangladeshi	3%	2%	3%	2%
Asian - Asian British/Indian	1%	1%	1%	1%
Asian - Asian British/Pakistani	1%	1%	1%	1%
Black - African	19%	13%	13%	13%
Black - Black British/Caribbean	8%	7%	5%	5%
Black - Other Black	3%	3%	2%	2%
Chinese	1%	1%	1%	1%
Information Not Obtained	2%	2%	2%	2%
Mixed - Any Other Mixed Background	8%	7%	7%	7%
Mixed - White And Asian	1%	1%	2%	2%
Mixed - White And Black African	1%	2%	2%	2%
Mixed - White And Black Caribbean	4%	4%	3%	3%
Other	6%	8%	9%	8%
Refused	1%	1%	1%	1%
Travellers White - Gypsy/Roma	0%	0%	0%	0%
Travellers White - Gypsy/Roma - Other	0%	0%	0%	0%
Travellers White - Gypsy/Roma - Roma	0%	0%	0%	0%
Travellers White - Traveller of Irish Heritage	0%	0%	0%	0%
White - British	16%	22%	20%	20%
White - Irish	1%	1%	1%	1%
White - Other White	21%	24%	28%	27%

The data demonstrates that children from Any Other Mixed, Black African and Black British or Caribbean, backgrounds are more likely to have an EHCP than other members of the school age population.

Potential Impacts

The delivery of more accurate needs analysis of children and young people with SEND demonstrated in the revised bandings and top-ups formulations supports the accessibility of education for a range of children, including those from ethnic backgrounds who are overrepresented in the SEND population. The transparency of the new system, including revised governance arrangements will support transparency of decision-making. Therefore, it is anticipated that there will be a positive impact on those with protected characteristics.

4g. Religion or belief

Data

Borough Profile ¹⁰

Christian: 45%

Buddhist: 1.1%

Hindu: 1.9%

Jewish: 3%

¹⁰ Source: 2011 Census

Muslim: 14.2%
 No religion: 25.2%
 Other religion: 0.5%
 Religion not stated: 8.9%
 Sikh: 0.3%

Target Population Profile

The SEND Team do not keep data in regard to children’s religion, however the new SEND Bandings and Top-ups will apply to faith schools and academies which are maintained or academy settings in Haringey Local Authority.

Impacts

Provision of SEND Top-ups and Bandings which are consistently applied across the borough for children and young people with SEND facilitates parental choice and control regarding their child being enabled to attend a faith school which can meet their learning needs and outcomes. The bandings only affect mainstream and specials schools in Haringey, for those outside of Haringey, the impact will be neutral as current funding arrangements will continue.

4h. Sex

Data

Borough profile ¹¹

Females: (50.5%)
 Males: (49.5%)

Target Population Profile

The profile of children with SEND demonstrates that boys are over-represented in the SEND system.

Sex	EHC	SEN Support	Not SEN	Grand Total
F	29.2%	37.3%	51.6%	48.7%
M	70.8%	62.7%	48.4%	51.3%

Further analysis of data in relation to SEND demonstrates that this over-representation of boys in SEND systems is wide-spread nationally and requires further analysis and attention.

Impacts

The provision revised SEND Bandings and Top-ups will ensure the fair, open and transparent consideration of children and young people’s SEND needs and the allocation of resources to support them. It is therefore anticipated that the decision will have a positive impact on boys in the SEND system.

¹¹ Source: 2011 Census

4i. Sexual Orientation

Data

Borough profile ¹²

3.2% of London residents aged 16 or over identified themselves as lesbian, gay or bisexual in 2013. In Haringey this equates to 6,491 residents.

Target Population Profile

The sexual orientation of young people with SEND is not currently recorded.

Impacts

The provision made within the policies will ensure that all young people are supported to attend and access education.

This proposal is likely to have no known impacts.

4j. Socioeconomic Status (local)

Data

Income

8.3% of the population in Haringey were claiming unemployment benefit on 9 December 2021.¹³
20.8% of the population in Haringey were claiming Universal Credit on 9 December 2021.¹⁴
29% of employee jobs in the borough are paid less than the London Living Wage.¹⁵

There appears to be a spread of children with EHCPs across the borough but most particularly in areas of the Borough most associated with high levels of socio-economic deprivation.

Educational Attainment

While Haringey's proportion of students attaining grade 5 or above in English and Mathematics GCSEs is higher than the national average, it is below the London average.¹⁶

4.4% of Haringey's working age populations had no qualifications in 2020.¹⁷ 4.8% were qualified to level one only.¹⁸

Area Deprivation

Haringey is the 4th most deprived in London as measured by the IMD score 2019. The most deprived LSOAs (Lower Super Output Areas or small neighbourhood areas) are more heavily concentrated in the east of the borough where more than half of the LSOAs fall into the 20% most deprived in the country.¹⁹

Target Population Profile

¹² Source: ONS Integrated Household Survey

¹³ [ONS Claimant Count](#)

¹⁴ [LG Inform](#)

¹⁵ ONS

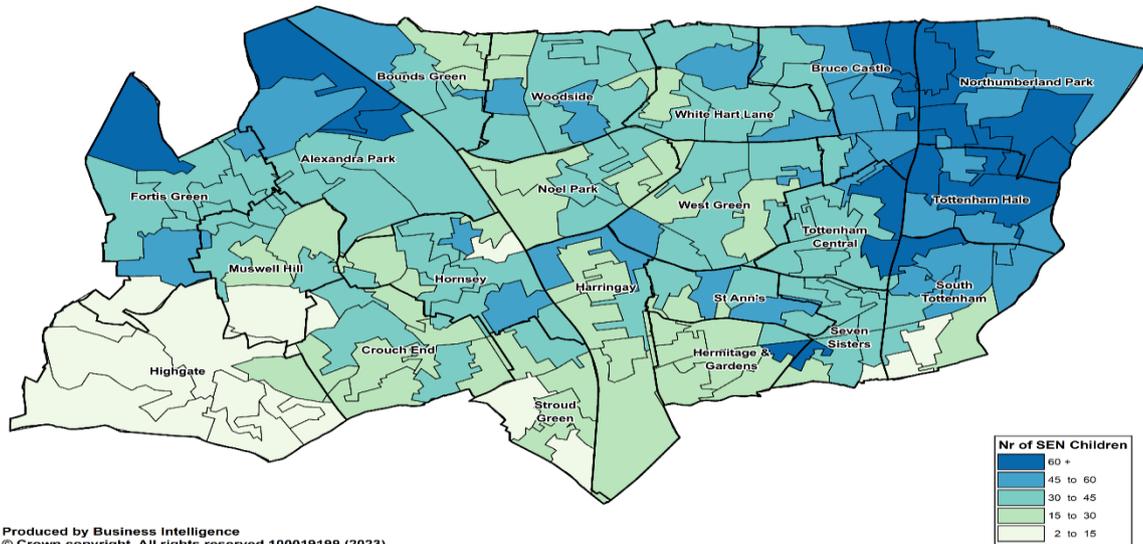
¹⁶ Source: Annual Population Survey 2019 (via nomis)

¹⁷ [LG Inform - qualifications](#)

¹⁸ [LG Inform – level one](#)

¹⁹ [State of the Borough](#) (p.21)

SEND Pupils - Jan 2023



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This data suggests that whilst there are high proportions of children with SEND in areas of high deprivation (in the East), there are also high numbers of children with SEND in the more affluent areas of the Borough (in the West). These revised policies apply to all school-aged children educated in Haringey maintained and academy schools and early years settings and are designed to promote fair, open and transparent allocation of resources from the high needs block for all children with SEND. Haringey children and young people with SEND achieve better academic outcomes than children and young people with SEND in other authorities according to national data (see Haringey Matrix)

Impacts

Provision of fair, open and transparent resourcing, based on the needs of children and young people allows children and young people to be supported according to their needs which will promote education outcomes for children and young people in the Borough, including those who in the more deprived areas of the borough. Therefore, it is anticipated that the decision will have a positive impact on this protected group

%. Key Impacts Summary

5a. Outline the key findings of your data analysis.

The data regarding the users of the current SEND bandings and top-ups system (children with EHCPs) indicates that they are representative of the population of children and young people with SEND in Haringey for whom the service is provided.

b. Intersectionality

Consideration of intersectionality demonstrates the disproportionate number of boys with SEND, indicative over-representation from Black Caribbean and Black African boys within the SEND service. The SEND service will continue to support this cohort of young people and ensure that improved data collection informs our wider work and support evidence of impact.

5c. Data Gaps

There are significant data gaps regarding users of home-school SEND services which will be addressed via better monitoring and management via the new Liquid Logic software, including recording of religious faith and transgender identities.

6. Overall impact of the policy for the Public Sector Equality Duty

The proposal will increase equality of accessibility of education via provision of better described banding descriptors for children and young people with SEND needs, these will be subject to locally based governance arrangements which ensure that parents and schools work together to agree bandings and top-ups with the Local Authority ensuring that administrative practice is fair, open and transparent and subject to regular scrutiny and evaluation.

7. Amendments and mitigations

7a. What changes, if any, do you plan to make to your proposal because of the Equality Impact Assessment?

No major change to the proposal: the EQIA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

7. Ongoing monitoring

Service to create improved data monitoring systems to record access to service by children from different backgrounds and range of disabilities.

Full review to take place in January 2025 and reported to the SEND Executive Board re: impact and mitigation.

8. Authorisation

EQIA approved by (Assistant Director/ Director)

Jackie Difolco

Date

20 December 2023

9. Publication

Please ensure the completed EQIA is published in accordance with the Council's policy.

Please contact the Policy & Strategy Team for any feedback on the EQIA process.