

EIA Title Schools funding 2021/22 Impact of transferring £3.4m from schools block to high needs block to fund services for children with special educational needs

Question	Answer
Did you use the EIA Screening Tool? (Delete as applicable)	No

1. Explaining the matter being assessed

Question	Answer
What policy, function or service change are you assessing?	<p>A transfer of £3.4m from schools to high needs SEND is proposed in order to reduce the projected cumulative overspend on special educational needs and disabilities (SEND) This means that the increase in funding distributed to schools in 2021/22 would be £3.4m smaller than it would otherwise be (perhaps £18.4m, compared to an increase of £21.8m if no transfer was made to high needs/SEND We are looking at the impact of the £3.4m transfer and at whether the impact of not receiving the £3.4m at school level disadvantages protected groups relative to the school population as a whole.</p> <p>The decision is for one year only and will be reviewed as a matter of course prior to 2022/23 although it is possible that a similar proposal will be made in respect of 2022/23.</p> <p>The council anticipates an £80m cumulative overspend on high needs at the end of 2020/21 and is required to plan to eliminate this overspend over the next few years. Not making the transfer would extend the length of time taken to repay the deficit. The transfer would help to ensure the 2021/22 deficit is contained to £24m and no further call on the general fund is required.</p>
Why does this EIA need to be completed?	<p>The distribution of funding between schools must be based on a formula and related criteria. The amount distributed and the way in which it is distributed could have a differential impact on protected groups The service is statutory and there are statutory constraints on the way in which schools funding is distributed, which preclude direct recognition of most protected groups in funding.</p> <p>Possible impact on disability/race/deprivation for pupils, age/sex/race for staff.</p>

Equality Impact Assessment

Question	Answer
Who is affected by the proposals outlined above?	For the purposes of this EIA there are two categories of staff and pupils, those funded by the high needs block and those funded by the schools block. Only the impact of those funded by the schools block has been considered here. The equalities impact of proposals for changes in high needs block spending will be considered separately.
How does your service proposal support the outcomes in the Community Vision for Surrey 2030?	Everyone benefits from education, skills and employment opportunities that help them succeed in life.
Are there any specific geographies in Surrey where this will make an impact? (Delete the ones that don't apply)	<ul style="list-style-type: none">• County-wide

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Equality Impact Assessment

Question	Answer
Briefly list what evidence you have gathered on the impact of your proposals	<p>We have looked at funding guidance and regulations from the department for education (DFE) and at the data which we have on schools. We consulted all Surrey state maintained schools and also consulted the Schools Forum, which is a statutory consultative body largely made up of representatives of schools. Neither the majority of the schools community nor the Schools Forum supported these proposals in consultation, although none raised specific equalities issues in their responses (except for arguing that if individual schools received less core funding they would have to reduce support to children with SEND).</p> <p>The equalities impact of the proposal needs to be seen in the context of Department for Education expectations that funding of schools converges on the DfE's national funding formula, and their requirement that overspends against the Dedicated Schools Grant are recovered from the Dedicated Schools Grant over a period acceptable to the DfE. The council can no longer supplement the high needs block from outside the DSG without specific DfE approval.</p> <p>All mainstream schools will still receive a minimum increase of at least 1.4% per pupil (subject to certain technical exceptions) So the issue is how additional funding is allocated, rather than whether existing funding is reduced.</p> <p>Ultimately individual schools decide how they spend their budgets and will be responsible for ensuring that any negative impact on those with protected characteristics is minimised.</p>

2. Service Users / Residents

There are 10 protected characteristics to consider in your proposal. These are:

1. Age including younger and older people
2. Disability
3. Gender reassignment
4. Pregnancy and maternity
5. Race including ethnic or national origins, colour or nationality
6. Religion or belief including lack of belief
7. Sex
8. Sexual orientation
9. Marriage/civil partnerships
10. Carers protected by association

Though not included in the Equality Act 2010, Surrey County Council recognises that socio-economic disadvantage is a significant contributor to inequality across the County and therefore regards this as an additional factor.

Therefore, if relevant, you will need to include information on this. Please **refer to the EIA guidance** if you are unclear as to what this is.

Equality Impact Assessment

Age

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	This proposal only concerns funding of education for children aged 4-16 (schools) and 0-25 (high needs)
Impacts (Delete as applicable)	N/a in total outside above age range

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Disability

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	We don't have direct data on incidence of disability in schools. The nearest we have is evidence on incidence of SEN and on children with Education Health Care Plans while ultimately it is for individual schools to decide how to spend their funding, we would have cause for concern if a proposed funding change had a disproportionate impact on schools with high levels of SEND. Our modelling shows that the proportion of primary schools with high incidence of SEN or of "high need" pupils, facing losses in excess of 0.9% of budget under the proposals is less than the corresponding proportion of primary schools as a whole (please see table at end of this section and annex 6 of schools funding consultation paper) although the reverse applies in secondary schools. The proportion of schools with the highest incidence of EHCPs seeing overall losses of less than 0.9% exceeds the proportion of schools as a whole. Note that a "loss" is relative It is actually a smaller increase than if the proposal was not implemented. Therefore we conclude that there is no clear impact on schools with a high incidence of disability.

Question	Answer
Impacts (Delete as applicable)	Inconclusive

Impacts identified	Supporting evidence	How will you maximise positive/minimise negative impacts?	When will this be implemented by?	Owner
The relative impact on schools with a high incidence of pupils in protected groups is mixed	Data from school census and funding modelling	Minimising negative impacts on protected groups will be a matter for individual schools	Ongoing	Issue for individual schools
Question		Answer		
What other changes is the council planning/already in place that may affect the same groups of residents? Are there any dependencies decisions makers need to be aware of		The accompanying proposal for an increase in lump sum funding may have a negative effect on schools with high incidence of SEND		

Question	Answer
Any negative impacts that cannot be mitigated? Please identify impact and explain why	N/a

Gender reassignment

Equality Impact Assessment

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	No data is available on the incidence of this characteristic within Surrey schools.
Impacts (Delete as applicable)	N/a

Impacts identified	Supporting evidence	How will you maximise positive/minimise negative impacts?	When will this be implemented by?	Owner
No data available	n/a	n/a	n/a	n/a

Question	Answer
What other changes is the council planning/already in place that may affect the same groups of residents? Are there any dependencies decisions makers need to be aware of	None known

Pregnancy/maternity

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	This is not considered to be a major issue for schools funding
Impacts (Delete as applicable)	n/a

Impacts identified	Supporting evidence	How will you maximise positive/minimise negative impacts?	When will this be implemented by?	Owner
Data not available	n/a	n/a	n/a	n/a

Question	Answer
What other changes is the council planning/already in place that may affect the same groups of residents? Are there any dependencies decisions makers need to be aware of	None known as group not identified for funding purposes

Question	Answer
Any negative impacts that cannot be mitigated? Please identify impact and explain why	n/a

Equality Impact Assessment

Race, including ethnic or national origins, colour or nationality

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	We don't have direct data on incidence of race in schools but we can extract data on ethnicity from the school census as a proxy. Again ultimately it is for individual schools to decide how to spend their funding, although we would have cause for concern if a proposed funding change had a disproportionate impact on schools with high levels of ethnic minorities for this purpose we have looked at incidence of non British and non white ethnicity Our modelling shows that the proportion of primary and secondary schools with high incidence of either, facing losses, or large losses, under the proposals is less than the corresponding proportion of primary and secondary schools as a whole Note that a "loss" is relative It is actually a smaller increase than if the proposal was not implemented.
Impacts (Delete as applicable)	Not disproportionately negative The majority of mainstream schools will receive less funding under these proposals. The issue under consideration is whether schools with a high incidence of protected groups are relative losers and the data suggests that schools with high proportions of ethnic minorities are not.

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Impacts identified	Supporting evidence	How will you maximise positive/minimise negative impacts?	When will this be implemented by?	Owner
No differential negative impact	School census data (see end of section 2)	n/a	n/a	n/a

Question	Answer
What other changes is the council planning/already in place that may affect the same groups of residents? Are there any dependencies decisions makers need to be aware of	The separate proposal to increase the value of the schools lump sum (in order to support small schools) has a marginally negative impact on schools with high incidence of this protected group.

Question	Age
Any negative impacts that cannot be mitigated? Please identify impact and explain why	No

Religion and belief, including lack of belief

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	No data is available on this characteristic for school pupils
Impacts (Delete as applicable)	Unknown

Impacts identified	Supporting evidence	How will you maximise positive/minimise negative impacts?	When will this be implemented by?	Owner
No impact identified as no data available	n/a	n/a	n.a	n/a

Equality Impact Assessment

Sex

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	Not analysed Schools funding does not and cannot discriminate by sex/gender.
Impacts (Delete as applicable)	Not known

Impacts identified	Supporting evidence	How will you maximise positive/minimise negative impacts?	When will this be implemented by?	Owner
None, see above	n/a	n/a	n/a	n/a

Sexual orientation

Question	Answer
<p>What information (data) do you have on affected service users/residents with this characteristic?</p>	<p>No data is held on this characteristic for school pupils.</p>
<p>Impacts (Unknown as no data)</p>	<p>n/a</p>

Marriage/civil partnerships

Question	Answer
<p>What information (data) do you have on affected service users/residents with this characteristic?</p>	<p>Unlikely to be a significant issue as we are considering the impact on pupils of the distribution of funding to schools</p>
<p>Impacts (Delete as applicable)</p>	<p>n/a</p>

Equality Impact Assessment

Carers (protected by association)

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	We have no data on the number of school pupils who are carers
Impacts (Delete as applicable)	N/a

Socio economic deprivation

Question	Answer
What information (data) do you have on affected service users/residents with this characteristic?	We have looked at the incidence of pupils on free school meals at school level as a proxy for economic deprivation. For primary schools, the proportion of schools with above average incidence of free school meals seeing large losses (up to 0.9% of budget) under these proposals is below the proportion of schools as a whole seeing large losses. The reverse is true for secondary schools. The proportion of schools with above average incidence of free school meals seeing losses at all exceeds the proportion of all schools facing losses.
Impacts (Delete as applicable)	We concluded that the relative impact on schools with high incidence of protected groups is inconclusive.

Impacts identified	Supporting evidence	How will you maximise positive/minimise negative impacts?	When will this be implemented by?	Owner
Inconclusive	Data on incidence of pupils entitled to free school meals	No further action proposed	N/a	N/a

Question	Answer
<p>What other changes is the council planning/already in place that may affect the same groups of residents?</p> <p>Are there any dependencies decisions makers need to be aware of</p>	<p>The proposed increase in lump sum funding is disadvantageous to schools with a high incidence of deprivation</p>

Question	Age
<p>Any negative impacts that cannot be mitigated?</p> <p>Please identify impact and explain why</p>	<p>N/a</p>

Equality Impact Assessment

Key data table for section 2: impact on customers/residents

The table shows the impact of the proposal on typical schools if it is implemented using the council's preferred method which is to have the highest possible minimum funding guarantee consistent with the transfer. In general a higher minimum funding guarantee benefits schools with higher incidence of deprivation, SEND and ethnic minorities among pupils.

	Primary >0.1%	Primary >0.5%	Primary >0.9%	Secondary >0.1%	Secondary >0.5%	Secondary >0.9%
Reduction in Budget (as % of budget without transfer)						
% of schools seeing specified reduction or more						
Of all schools	63.3%	50.8%	32.3%	80.4%	75.0%	46.4%
Of schools with						
above average non British	60.8%	48.0%	27.0%	78.6%	71.4%	39.3%
above upper quartile non British	63.5%	47.3%	25.7%	71.4%	57.1%	14.3%
Above average non white	58.8%	47.3%	24.3%	82.1%	75.0%	39.3%
Above upper quartile non white	59.5%	47.3%	23.0%	71.4%	64.3%	21.4%
Above average for EHCPs	63.5%	50.7%	26.3%	89.3%	85.7%	64.3%
Above upper quartile for EHCPs	77.0%	62.2%	28.4%	85.7%	85.7%	57.1%
Above average for %SEN	75.7%	60.1%	31.8%	100.0%	96.4%	60.7%
Above upper quartile for %SEN	81.1%	66.2%	28.4%	100.0%	100.0%	64.3%
Above average for %FSM	76.3%	59.5%	31.1%	100.0%	100.0%	60.7%
Above upper quartile for %FSM	93.2%	70.3%	28.4%	100.0%	100.0%	57.1%

3. Staff

The data which we hold on characteristics of school staff is limited, not least because many schools are academies, whose staff are not local authority employees. We have looked at the DfE workforce census data but the only data which appears usable for this purpose is ethnicity; data on age and gender is provided but is substantially incomplete and data for most of the other categories is not held.

Staff ethnicity

Question	Answer																																																	
<p>What information (data) do you have on affected service users/residents with this characteristic?</p>	<p>We have looked at published data from the Dfe’s workforce census, see below.</p> <table border="1" data-bbox="660 710 2161 1189"> <thead> <tr> <th></th> <th colspan="3">Primary</th> <th colspan="3">Secondary</th> </tr> <tr> <th></th> <th>Lose >0.1% of budget</th> <th>Lose >0.5% of budget</th> <th>Lose >0.9% of budget</th> <th>Lose >0.1% of budget</th> <th>Lose >0.5% of budget</th> <th>Lose >0.9% of budget</th> </tr> </thead> <tbody> <tr> <td>all schools</td> <td>63.42%</td> <td>51.01%</td> <td>32.21%</td> <td>80.36%</td> <td>75.00%</td> <td>46.43%</td> </tr> <tr> <td>Above avg for ethnic minority teachers</td> <td>67.11%</td> <td>60.40%</td> <td>38.26%</td> <td>85.71%</td> <td>78.57%</td> <td>46.43%</td> </tr> <tr> <td>Above upper quartile for ethnic minority teachers</td> <td>74.67%</td> <td>66.67%</td> <td>37.33%</td> <td>92.86%</td> <td>92.86%</td> <td>57.14%</td> </tr> <tr> <td>Above avg for ethnic minority support staff</td> <td>55.03%</td> <td>45.64%</td> <td>27.52%</td> <td>82.14%</td> <td>75.00%</td> <td>35.71%</td> </tr> <tr> <td>Above upper quartile for ethnic minority support staff</td> <td>57.33%</td> <td>46.67%</td> <td>25.33%</td> <td>71.43%</td> <td>64.29%</td> <td>35.71%</td> </tr> </tbody> </table> <p>The data shows no clear evidence that schools employing a higher proportion of ethnic minority staff lose funding, or are large losers, under the proposals.</p>		Primary			Secondary				Lose >0.1% of budget	Lose >0.5% of budget	Lose >0.9% of budget	Lose >0.1% of budget	Lose >0.5% of budget	Lose >0.9% of budget	all schools	63.42%	51.01%	32.21%	80.36%	75.00%	46.43%	Above avg for ethnic minority teachers	67.11%	60.40%	38.26%	85.71%	78.57%	46.43%	Above upper quartile for ethnic minority teachers	74.67%	66.67%	37.33%	92.86%	92.86%	57.14%	Above avg for ethnic minority support staff	55.03%	45.64%	27.52%	82.14%	75.00%	35.71%	Above upper quartile for ethnic minority support staff	57.33%	46.67%	25.33%	71.43%	64.29%	35.71%
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<p>Impacts (Delete as applicable)</p>	<p>The distribution of funding between schools may affect the scope for promotion or the need for redundancy in individual schools. It is always the responsibility of school management to ensure that protected groups are treated fairly when considering either issue. The available data indicates that the method of distributing funding does not disadvantage schools with higher incidence of staff in this particular priority group..</p>																																																	

Equality Impact Assessment

Impacts identified	Supporting evidence	How will you maximise positive/minimise negative impacts?	When will this be implemented by?	Owner
No negative impact identified	N/a	n/a	n/a	n/a

4. Amendments to the proposals

CHANGE	REASON FOR CHANGE
We have not made any changes as a result of this EIA. The proposed transfer of funds to the high needs block is needed in view of the huge cumulative overspend on that budget and we believe that the proposed combination of formula factors offers the best balance between minimising the impact on protected groups, maintaining financial stability of a range of schools and converging on the national funding formula.	None made. Alternative methods of distribution of funding which still released £3.4m for transfer to high needs block were considered but they would have had a less favourable impact on protected groups.

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5. Recommendation

Based your assessment, please indicate which course of action you are recommending to decision makers. You should explain your recommendation below.

Outcome Number	Description	Tick
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Outcome One	No major change to the policy/service/function required. This EIA has not identified any potential for discrimination or negative impact, and all opportunities to promote equality have been undertaken	
Outcome Two	Adjust the policy/service/function to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?	
Outcome Three	Continue the policy/service/function despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • Sufficient plans to stop or minimise the negative impact • Mitigating actions for any remaining negative impacts plans to monitor the actual impact. 	x
Outcome Four	Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination (For guidance on what is unlawful discrimination, refer to the Equality and Human Rights Commission's guidance and Codes of Practice on the Equality Act concerning employment, goods and services and equal pay).	

Question	Answer
Confirmation and explanation of recommended outcome	Given that the likely High Needs deficit would increase from £24m to £27m if this transfer is not made and that there is no clear impact on schools with a high incidence of disability nor disproportionately negative impact on schools with high proportions of ethnic minorities. It is recommended that a disapplication is made to transfer £3.4m from the Schools to High Needs Block in 2021/22.

6a. Version control

Version Number	Purpose/Change	Author	Date
0.1		David Green	31 Oct 2020

The above provides historical data about each update made to the Equality Impact Assessment. Please do include the name of the author, date and notes about changes made – so that you are able to refer back to what changes have been made throughout this iterative process. For further information, please see the EIA Guidance document on version control.

6b. Approval

Approved by*	Date approved
Head of Service	
Executive Director	
Cabinet Member	
Directorate Equality Group	

EIA Author	
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*Secure approval from the appropriate level of management based on nature of issue and scale of change being assessed.

6c. EIA Team

Name	Job Title	Organisation	Team Role
David Green	Senior Finance Business Partner	Surrey CC-Resources	Author

If you would like this information in large print, Braille, on CD or in another language please contact us on:

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