

Appendix 4: Equality Impact Assessment



EQIA Submission Draft Working Template
Information required for the EQIA Submissions App

EQIA Submission Draft Working Template

If required, this template is for use prior to completing your EQIA Submission in the EQIA App.

You can use it to understand what information is needed beforehand to complete an EQIA submission online, and also as a way to collaborate with others who may be involved with the EQIA.

Note: You can upload this into the App when complete if it contains more detailed information than the App asks for, and you wish to retain this detail.

Section A

1. Name of Activity (EQIA Title):

The Special School Review

2. Directorate

Children, Young People & Education (CYPE)

3. Responsible Service/Division

Education and SEND

Accountability and Responsibility

4. Officer completing EQIA

Note: This should be the name of the officer who will be submitting the EQIA onto the App.

Nareece Dearsley – Programme Officer

5. Head of Service

Note: This should be the Head of Service who will be approving your submitted EQIA.

Craig Chapman - Assistant Director Fair Access and (Interim) SEN Processes

6. Director of Service

Note: This should be the name of your responsible director.

Christine McInnes – Director of Education and SEN, CYPE

The type of Activity you are undertaking

7. What type of activity are you undertaking?

Service Change – *operational changes in the way we deliver the service to people.* Answer Yes/No

Yes

Service Redesign – *restructure, new operating model or changes to ways of working.* Answer Yes/No

Yes

Project/Programme – *includes limited delivery of change activity, including partnership projects, external funding projects and capital projects.* Answer Yes/No

Yes
Commissioning/Procurement – means commissioning activity which requires commercial judgement. Answer Yes/No
No
Strategy /Policy – includes review, refresh or creating a new document. Answer Yes/No
Yes
Other – Please add details of any other activity type here.
8. Aims and Objectives and Equality Recommendations – Note: You will be asked to give a brief description of the aims and objectives of your activity in this section of the App, along with the Equality recommendations. You may use this section to also add any context you feel may be required.
<p>In response to the outcome of the Ofsted Local Area SEND Inspection 2019 and the need to address identified weaknesses in SEND provision, KCC has planned whole system transformation for SEND children. KCC entered into a Safety Valve agreement with the DfE in May 2023. The DfE Safety Valve Programme is designed to eliminate KCC’s deficit in its Dedicated Schools Grant by the end of 2027-2028. By this agreement with the DfE, KCC has agreed to implement a DSG management plan. This includes action to implement a countywide approach to “Inclusion Education”, by improving the SEN offer in mainstream provision (which is also the subject of a separate consultation) and by ensuring there is sufficient and consistent capacity across the county to support children with severe and complex needs in their local area where possible. Part of this programme includes KCC reviewing the specialist education continuum to ensure it plans for children and young people with severe and complex special educational needs are supported in special schools. The Safety Vale agreement allows Kent to return to a position that fulfils its statutory duty to provide SEN support within the financial envelope provided to KCC in a sustainable and measured manner.</p> <p>To ensure the provision of state-funded special school places for children with severe and complex special educational needs and disabilities (SEND), a review of state-funded special school provision was conducted from November 2022 until present. This review, led by KCC officers, aimed to analyse and improve the strategic planning of state-funded special school places. The review assessed whether the current special school provision enabled KCC to consistently make placement decisions for all children with an EHCP ensuring the efficient use of resources, that met statutory duties and suitability of education with a focus on the duty to plan children’s special educational needs provision to support preparation for adulthood.</p> <p>The purpose of the review was:</p> <ul style="list-style-type: none"> • To inform planning of special school places over the medium-long-term for children with Special Educational Needs and Disabilities (SEND) for whom KCC maintains an Education, Health and Care Plan (EHCP) and decides to place in a special school. • To inform the designation and admission guidance for special schools so that there is clarity about the special

educational needs and disabilities (SEND) of children and young people for whom the Local Authority has planned special school provision and equity of access for children and young people with severe and complex SEND.

- To inform the principles of funding to ensure a financially sustainable approach to funding state-funded special schools, with funding matched to the level of adaptation and resources needed to provide suitable education for the children placed by KCC.
- Identify opportunities for strategic system change to improve SEND provision, enhance educational outcomes, and promote inclusivity for children and young people with severe and complex needs in their local communities.
- Propose options for the future that foster collaboration towards building a more equitable and effective educational landscape for all children in Kent.

Two Ofsted and Care Quality Commission (CQC) Local Area SEND Inspections in 2019 and 2022 identified significant weaknesses, with minimal progress noted during the revisit in 2022. These weaknesses were found to adversely affect parent and carer confidence in the Local Authority's capabilities leading to frustration, distrust and dissatisfaction with the support provided by Kent. Concurrently, there has been a substantial increase in spend of the High Needs Funding (HNF) block over the past five years, resulting in a projected cumulative deficit of £660 million by the financial year 2027/2028 if not addressed.

The Department for Education (DfE) has initiated the Safety Valve Programme, aimed at authorities with the highest dedicated schools grant funding deficits, including Kent. This programme provides funding to mitigate existing and forecasted overspends on HNF, contingent upon councils reviewing their high needs systems to ensure sustainability and alignment with pupil needs. Kent's participation in the Safety Valve Programme, formalised in March 2023, entails implementing various measures, including:

- Implement a countywide approach to 'Inclusive Education' to build capacity in mainstream schools to support children and young people with SEND, thus increasing the proportion of children and young people in mainstream education, improving outcomes for children with SEND educated in mainstream schools and reducing dependence on specialist provision.
- Introduce a robust SEN offer for early years following a review which explores alternatives to special school admission before Key Stage 2, SEN service Redesign and the implementation of Countywide Approaches to Inclusive Education (CATIE) to support a consistent mainstream offer which includes leadership development programmes, peer review and a core training offer focused on priority groups of children including those who are neurodivergent or have a diagnosis of autism.
- Review the system of EHC Plan assessments and annual reviews to ensure robustness, transparency and consistency, through the use of consistent guidance and practice frameworks.

- Implement models of reintegration of children and young people from special/independent schools to mainstream where needs have been met and the outcome of independence in adulthood can be better achieved through a mainstream education pathway.
- Develop a robust post-16 offer across the county with clear pathways to independence for children and young people with SEN, through increased post-16 opportunities for preparing for adulthood.
- Develop the Transition Charter to increase parental confidence in Kent's provision. This involves working with schools to enable them to articulate the provision pathways for parents clearly and provide support to both parent/carers and children/young people at key transition points (e.g. nursery to reception; primary to secondary and post 16 (Year 12) to FE College).
- Ensure there is sufficient and consistent capacity across the county to support children and young people with severe and complex needs in their local area where possible. This includes the recruitment of temporary posts to support sufficiency planning, reviewing the use of Specialist Resource Provision (SRP) and the specialist continuum to ensure only the most severe and complex needs are supported in special schools.
- Develop a school/area-led approach to commissioning of SEN support services (Locality Based Resources) to better respond to the needs of children and young people with SEND.
- Continue working closely with NHS Kent and Medway to ensure a common understanding of SEND needs, including the drivers behind increases in need, ensuring clarity of clinical assessment and subsequent funding associated.

Prior to 2018, KCC's data was broadly in line with national data, but by the time of the 2019 inspection, KCC's data showed rapidly increasing placements in special schools and an associated deviation from national data both in relation to the percentage of the child population for whom an EHCP is maintained and, the percentage of children placed in special schools, a trajectory of increases which has continued.

The review which focused on the 24 state-funded special schools in Kent, found that Kent has an over-reliance on placement of children with SEND in the special school sector according to national data (please visit section 11 to access data links). State-funded special schools are at capacity and consequently placements have been made in private schools. This is not an efficient use of resources, is not financially sustainable and prevents the Local Authority from planning effective and sustainable approach to funding and the provision of special educational needs teaching and learning for those with the most complex and severe SEND in state-funded special schools.

The review of special schools across Kent has identified the following areas of focus, where change will drive the improvements to state-funded special schools that are required to increase parental confidence in the educational provision for children and young people with SEND and improve outcomes for these children and young people. These are:

- Sufficiency of state-funded special school places

- Designation and admission guidelines
- Principles for the special school funding model
- The role of special schools supporting the inclusion of children and young people with SEND.

The special school review is looking to develop transparent and consistent designation and admission guidelines across the county that will support KCC in planning special school placements for children and young people with an EHCP who have severe and complex SEND as close to their local community as possible, to ensure their educational needs are met in schools that can provide suitable education in an efficient manner. KCC is working in conjunction and collaboration with special school headteachers, stakeholders, internal finance and SEN officers, and NHS health colleagues to create an effective framework that will align with regional and national changes.

The purpose of this Equality Impact Assessment is to assess the potential impact on persons with protected characteristics. In undertaking this assessment, the Local Authority has had due regard to the need to:

- a. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

KCC has considered the proposed changes alongside each of the three equality needs as outlined below.

The need to eliminate discrimination

By the proposals, KCC will improve its strategic planning of state funded special school places for children with severe and complex needs to better meet their needs in an efficient manner, whilst also making provision for those with less complex needs, including pupils who will follow a GCSE pathway, by improving SEND provision and making reasonable adjustments and adaptations in mainstream schools and SRPs. All children and young people will continue to have their special educational needs met, and KCC will continue to comply with Part 3 of the Children and Families Act 2014. No child will be treated less favourably because of their disability or for a reason related to their disability.

If the changes proposed would place some children at a particular disadvantage compared to others, KCC considers :

- (i) They are rationally connected to KCC's aim – the designation / admission guidance of particular schools will change so that places at special schools are planned for children with severe and complex needs in their local area.
- (ii) There are no less intrusive measures – to continue with current practice will lead to ever increasing financial deficit, and many children and young people with severe and complex SEN will

- (iii) continue to face long travel distances to get to an appropriate school outside their local area, or be outside school altogether
- (iii) There are proportionate – KCC believes that children with less severe or complex needs should be able to have their needs met in mainstream schools and /or SRPs, which are developing their SEND inclusive practice and implementing reasonable adjustments. If needs cannot be met, there is a legal route to appeal to the Tribunal for a placement in a special school.

KCC must take reasonable steps to avoid disadvantage. Work has been underway for several years preceding the special school review to strengthen SEND inclusion in mainstream schools and SRPs. When special school placements are planned for pupils with severe and complex needs, this will ensure every child and young person can have their educational needs met in a suitable and appropriate educational setting. If any parent considers that their LA offered school does not meet needs of their child, they can engage in mediation and where this does not result in agreement, appeal to the tribunal.

Kent already has more children and young people attending a special school than the national average. The only alternative methods of the LA exercising its commissioning function is to open additional special schools. There is no funding to take this action beyond those new schools already identified in the consultation and it will not be necessary do this if needs can be met in mainstream schools.

No potential areas of indirect discrimination for any particular group have been identified in the development of, or during the consultation. This area will continue to be actively monitored and the EqIA will be updated where necessary. SEN legislation provides opportunities for independent appeal for all Local Authority decisions, including placement, which allows for targeted mitigation for all individuals where disadvantage can be evidenced.

The need to promote equality of opportunity

The protected characteristic of disability is addressed below.

Race – Pupils in Kent with an EHCP are predominantly White British and so we would expect this to be the ethnic group most impacted. As the changes planned are for new children entering special schools from September 2026 and there will be appropriate provision for all children and young people with SEND to attend an education setting that is suitable for their needs, KCC does not believe the change will be detrimental to White British pupils, or particularly disadvantage pupils from any other group.

Sex – Pupils in Kent with an EHCP are approximately 2/3 male and 1/3 female so KCC anticipates boys may be most impacted by the proposed changes. As the changes planned are for new children entering special schools from September 2026 and there will be appropriate provision for all children and young people with SEND to attend an education setting that is suitable to their needs, we do not believe the change will be detrimental to male pupils.

The proposals will promote equality of opportunity by strategically planning places for children with severe and complex SEN at special schools. It is anticipated that children and young people with the most complex needs will have their needs met in special school, in their local area. Places will be available to those who need them most.

The consultation responses have identified a fear that the proposed changes will not advance equality of opportunity, because the needs of certain children would not be met in a mainstream school. However, KCC will comply at all times with its statutory duties under Part 3 of the Children and Families Act 2014. If a parent requests a particular special school placement, KCC will be under a duty to give effect to that parental preference unless the school is unsuitable for the needs of the child, it would be incompatible with the efficient education of others, or incompatible with the efficient use of resources. A child or young person would only be placed or remain in a mainstream school if KCC is satisfied that adequate and suitable provision can be provided to meet the child or young person's special educational needs. If there is any dispute about this issue, the parents (or young person) have a right of appeal to the First-tier Tribunal, which will determine the school to be named in Section I of the EHC Plan.

KCC is continuing work to make mainstream schools more inclusive, and better able to meet the needs of children with SEND as part of the communities of schools model (previously termed Localities Model). The proposed changes and development of a school-to-school support model will also assist in this objective by fostering shared expertise, resources and inclusive practices. This proposed collaboration aims to enable mainstream schools to better support diverse learning needs. It is proposed special schools contribute their specialised knowledge and strategies, which mainstream can then adapt to benefit their cohort of students creating a more inclusive environment across Kent.

Foster good relations

The proposals will:

- foster good relations between disabled children and those who are not disabled, as more disabled children will be educated in mainstream schools if suitable SEN provision can be suitably provided there.
- support the intention to keep more children in maintained schools if suitable SEN provision can be provided. This advances objectives B and C as it avoids disparate or different services being provided for children with protected characteristics and without. It also promotes the integration of children with different characteristics.

KCC acknowledges that there may be a fear that the proposed changes would not advance equality of opportunity if there were concerns that children's needs would not be met in a mainstream school. As part of our ongoing work, KCC is working with mainstream schools to develop a shared understanding of the continuum of needs of children and young people with special educational needs and the expectations of provisions. These efforts are focused on strengthening local provision and ensuring that mainstream schools work in partnership to meet a wide range of needs.

Following the public consultation the equality impacts of the proposed changes have been assessed considering the views expressed by the respondents. KCC is taking a phased approach to its decision on whether or not to make changes to the designations (i.e. type of SEN provision) for special schools in Kent. The equality impacts of any proposed changes will continue to be considered and kept under review before a final decision is taken whether or not to make changes to the designations of particular special schools.

Section B – Evidence

9. Do you have data related to the protected groups of the people impacted by this activity? *Answer: Yes/No*

Yes, data can be accessed via the links below:

- [Academic Year 21/22 Special Educational Needs in England](#): This publication combines information from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with special educational needs (SEN) for the academic year of 21/22.
- [Academic Year 22/23 Special Educational Needs in England](#): This publication combines information from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with special educational needs (SEN) for the academic year of 22/23.
- [Education statistics: Education, health and care plans](#): This publication provides data on children and young people with an education, health and care (EHC) plan in England and, historically, for those with a statement of special educational needs (SEN). The publication is based on data collected in the SEN2 data collection. From the reporting year 2023 (as at January 2023, 2022 calendar year), the data collection changed from aggregated figures at local authority level, to a person level collection.

As KCC is not proposing to change historic placement decisions for children already attending Special schools, it has not identified whether current attendees would be offered a place under proposed future admissions guidance. These pupils will continue to be educated within existing settings until a normal transition point, at which time their needs will reviewed via the appropriate statutory mechanism. KCC will continue to place children in the most appropriate setting for their need, so trends in future placement will be monitored to ensure that proposed plans provide a suitable environment to meet this aim. The EQIA will be updated accordingly to reflect any developments in this area.

10. Is it possible to get the data in a timely and cost-effective way? *Answer: Yes/No*

Yes

11. Is there national evidence/data that you can use? *Answer: Yes/No*

Yes, data can be accessed via the links below:

- [Academic Year 21/22 Special Educational Needs in England](#): This publication combines information from the school census (state-funded schools), school level annual school census (independent schools) and

general hospital school census on pupils with special educational needs (SEN) for the academic year of 21/22.

- [Academic Year 22/23 Special Educational Needs in England](#): This publication combines information from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with special educational needs (SEN) for the academic year of 22/23.
- [Education statistics: Education, health and care plans](#): This publication provides data on children and young people with an education, health and care (EHC) plan in England and, historically, for those with a statement of special educational needs (SEN). The publication is based on data collected in the SEN2 data collection. From the reporting year 2023 (as at January 2023, 2022 calendar year), the data collection changed from aggregated figures at local authority level, to a person level collection.
- [DfE and Kent Safety Valve Agreement](#): This publication outlines the agreement between Department for Education and Kent County Council, and covers the financial years from 2022-23 to 2027-28.
- [SEND Ofsted and CQC inspection information](#) : This publication sets out Ofsted and the Care Quality Commission (CQC) joint inspection of KCC to judge the effectiveness of local areas in implementing the disability and special educational needs reforms as set out in the Children's and Families Act 2014.
- [SEND and AP Improvement Plan](#): This publication outlines KCC's improvement plan (called an Accelerated Progress Plan) shows the changes and improvements we will be making for each of the nine areas of weakness.

12. Have you consulted with Stakeholders?

Answer: Yes/No

Stakeholders are those who have a stake or interest in your project which could be residents, service users, staff, members, statutory and other organisations, VCSE partners etc.

Yes

13. Who have you involved, consulted and engaged with?

Please give details in the box provided. This may be details of those you have already involved, consulted and engaged with or who you intend to do so with in the future. If the answer to question 12 is 'No', please explain why.

KCC has engaged with stakeholders through newly established methods including stakeholder reference groups, task and finish groups, focus groups and workshops to support in creating the proposals, including:

- Headteachers and Business Managers from special schools (maintained, academies and private educational settings)
- Mainstream Headteachers and SENCOs
- Chairs of Governors
- NHS Kent and Medway
- Internal KCC staff
- Kent PACT (Parent and Carers Together) forum

- Parent and Carers
- Children and young people with SEND
- External advisors

Regular meetings between Local Authority officers and special school headteachers meetings were established during the review and scheduled three times a year to foster and maintain a close working relationship with this key stakeholder group. The meetings serve as a platform to share strategic priorities and plan together to ensure efficient processes and a shared understanding of issues. These meetings provide a forum for shared problem-solving and planned development and agenda items are informed by stakeholders. The meetings are important in facilitating the cultivation of a close and collaborative working relationship. Additionally, the Local Authority carried out a public consultation between June 19 and August 14 to gather feedback from the wider community on the proposed changes. If the proposals are agreed, ongoing engagement with key stakeholders, including special and mainstream schools, children and young people with SEND and their families to develop a transition and implementation plan.

14. Has there been a previous equality analysis (EQIA) in the last 3 years?

Answer: Yes/No

Yes – SEND Service wide which included the special school review. This is the first EqIA relating solely to the special school review.

15. Do you have evidence/data that can help you understand the potential impact of your activity?

Answer: Yes/No

Yes, we have data that shows commissioned special school places by area and in the future, this will be aligned with population projection and national data. In respect to this further work is planned to take place.

Uploading Evidence/Data/related information into the App

Note: At this point, you will be asked to upload the evidence/ data and related information that you feel should sit alongside the EQIA that can help understand the potential impact of your activity. Please ensure that you have this information to upload as the Equality analysis cannot be sent for approval without this.

[Special educational needs in England, Academic year 2023/24 - Explore education statistics - GOV.UK](#)

This publication combines information from the school census (state-funded schools), school level annual school census (independent schools) and general hospital school census on pupils with special educational needs (SEN).

Section C – Impact

16. Who may be impacted by the activity? Select all that apply.

Service users/clients - *Answer: Yes/No*

Yes

Residents/Communities/Citizens - *Answer: Yes/No*

Yes

Staff/Volunteers - *Answer: Yes/No*

Yes

17. Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing? Answer: Yes/No

Yes

18. Please give details of Positive Impacts

1. Children and young people have their educational needs met within the most appropriate setting.
2. Children and young people with SEN achieve their potential academically, gaining skills, knowledge, and confidence to live independently within their local communities.
3. An increased number of children and young people with SEN have access to high-quality inclusive education within mainstream settings (where this is appropriate to their needs).
4. The increased availability of places at Kent's special schools, which KCC expects to be achieved by these proposed changes, will enable more pupils with severe and complex needs who require a special school placement to be accommodated, and these pupils will be more likely to attend a special school closer to their home thereby reducing travel times.
5. Local communities thrive due to the diverse presence of children and young people with special educational needs (SEN) and gain a deeper understanding of differences, fostering inclusivity and an appreciation for diversity.
6. Children and young people experience positive transitions between key stages of education facilitated by consistent support and opportunities within the educational settings within their local communities.
7. Parents and caregivers will gain a clearer understanding of the educational settings where their child is eligible to attend, facilitating informed decision-making regarding their child's education.
8. Parents and carers are assured that their child or young person's educational setting has the requisite knowledge, skills, and confidence to understand and meet their education, health and care needs.
9. Staff in mainstream schools can leverage the specialised knowledge and expertise of special school staff, establishing a peer-to-peer network to facilitate the sharing of best practice. This collaborative approach ensures that the needs of the children and young people with SEN are effectively met resulting in longer-term progress towards improved countywide outcomes for the cohorts.
10. The availability of space at a state-funded special school will ensure the Local Authority meets duties to ensure value for money and the efficient use of resources, by enabling placement of new pupils in a cost-effective manner avoiding the need for placement in private schools.

Negative Impacts and Mitigating Actions

The questions in this section help to think through positive and negative impacts for people affected by your activity. Please use the Evidence you have referred to in Section B and explain the data as part of your answer.

19. Negative Impacts and Mitigating actions for Age

a. Are there negative impacts for Age? Answer: Yes/No

(If yes, please also complete sections b, c, and d).

Yes; although it is not possible to determine the number of children who may be affected, as this would be determined on a case-by-case basis through each child's annual review.

b. Details of Negative Impacts for Age

1. School children with an EHCP aged (4-19 years old) will be disproportionately impacted by the proposals as the proposed changes aim to ensure that special school places are made for children and young people with severe and complex special educational needs.
2. Children and young people currently enrolled in a special school setting will remain on the school's roll, with review of their special educational needs, provision and school placement made annually through the annual review of their EHC Plan as currently is the case.
3. The proposed changes aim to decrease the number of children and young people who are placed in private special school placements from September 2026 and over time, for new children being enrolled into educational settings. Therefore, the younger cohort in the identified age bracket may be disproportionately impacted by the review as this will be a key transitional phase where the SEND service will look to ensure more children who can be appropriately supported in a mainstream setting are placed in this type when they are considered for placements for starting primary school and at transition to secondary school. This should mean that in time more children at this age will remain placed in a mainstream setting, where a mainstream school is able to meet their SEND needs, creating capacity in state funded special schools for children with the most complex needs and reducing the current reliance, that there is in Kent, on private special school placements.

c. Mitigating Actions for Age

1. Every child will be placed in accordance with the Children and Families Act 2014. All parents and/or young people will be able to request a particular school, and KCC will remain under a duty to give effect to that requested school unless the exceptions in section 39(4) are met. If a parent requests a special school, a child could only be placed in mainstream / SRP if the mainstream/SRP placement is able to meet their special educational needs, and a special school place would be incompatible with efficient education of others, and/or efficient use of resources.
2. A child or young person would only be placed/remain in a mainstream school if KCC is satisfied that adequate and suitable provision can be provided to meet the child/young person's special educational needs. KCC will follow statutory framework and Code of Practice, and every child will continue to have their special educational needs met.
3. There is a right of appeal to the First-tier Tribunal if parents/young person disagrees with the school named in Section I of the EHCP
4. Ensure timely planning for children with an EHCP, so that there is better communication with parents, and decisions are made that support children accessing suitable education between type of education provision,

including from mainstream to mainstream or special to mainstream and/or special to special schools

6. If the proposed changes proceed, there will be a carefully planned transition period that KCC will develop in collaboration special and mainstream school Headteachers, health partners, parents, carers and children and young people with SEND.

7. If implemented, KCC will keep the impact of the changes under review, and will continue to monitor and analyse data regarding the impact of the proposed changes on all protected groups

d. Responsible Officer for Mitigating Actions - Age

Assistant Director Fair Access and (Interim) SEN Processes

20. Negative Impacts and Mitigating actions for Disability

a. Are there negative impacts for Disability? Answer: Yes/No
(If yes, please also complete sections b, c, and d).

Yes

b. Details of Negative Impacts for Disability

In the first instance this may feel like a negative impact for children and young people with SEND and their parents/carers. However, over time by increasing inclusivity across mainstream settings (Communities of Schools) and providing earlier intervention and support (Early Years Model), it will mean that, even without an EHCP and/or placements in special schools, children and young people with SEND will be able to thrive and be well supported in the most appropriate setting whilst ensuring those with complex and severe, profound needs are able to access a placement in the most appropriate special school placement.

c. Mitigating Actions for Disability

1. Every child will be placed in accordance with the Children and Families Act 2014. All parents and/or young people will be able to request a particular school, and KCC will remain under a duty to give effect to that requested school unless the exceptions in section 39(4) are met. If a parent requests a special school, a child could only be placed in mainstream / SRP if the mainstream/SRP placement is able to meet their special educational needs, and a special school place would be incompatible with efficient education of others, and/or efficient use of resources.
2. A child or young person would only be placed/remain in a mainstream school if KCC is satisfied that adequate and suitable provision can be provided to meet the child/young person's special educational needs. KCC will follow statutory framework and Code of Practice, and every child will continue to have their special educational needs met.
3. There is a right of appeal to the First-tier Tribunal if parents/young person disagrees with the school named in Section I of the EHCP.
4. Ensure timely planning for children with an EHC Plan, so that there is better communication with parents, and decisions are made that support children accessing suitable education between type of education provision, including from mainstream to mainstream or special to mainstream and/or special to special schools
5. If the proposed changes proceed there will be a carefully planned transition period that KCC will develop in collaboration special and mainstream school Headteachers, health partners, parents, carers and children and young people with SEND.

<p>6. If implemented, KCC will keep the impact of the changes under review, and will continue to monitor and analyse data regarding the impact of the proposed changes on all protected groups</p>
<p>d. Responsible Officer for Mitigating Actions - Disability</p>
<p>Assistant Director Fair Access and (Interim) SEN Processes</p>
<p>21. Negative Impacts and Mitigating actions for Sex</p>
<p>a. Are there negative impacts for Sex? Answer: Yes/No <i>(If yes, please also complete sections b, c, and d).</i></p>
<p>No. Data shows there are more male children and young people (72.7%) than females (27.3%) in state funded special schools in Kent. As the changes planned are for new children entering special schools from September 2026 and there will be appropriate provision for all children and young people with SEND to attend an education setting that is suitable for their needs, KCC does not believe the change will be detrimental. The EqlA will be reviewed and updated in order to consider the point further before a final decision is made.</p>
<p>b. Details of Negative Impacts for Sex</p>
<p>N/A</p>
<p>c. Mitigating Actions for Sex</p>
<ol style="list-style-type: none"> 1. Every child will be placed in accordance with the Children and Families Act 2014. All parents and/or young people will be able to request a particular school, and KCC will remain under a duty to give effect to that requested school unless the exceptions in section 39(4) are met. If a parent requests a special school, a child could only be placed in mainstream / SRP if the mainstream/SRP placement is able to meet their special educational needs, and a special school place would be incompatible with efficient education of others, and/or efficient use of resources. 2. A child or young person would only be placed/remain in a mainstream school if KCC is satisfied that adequate and suitable provision can be provided to meet the child/young person's special educational needs. KCC will follow statutory framework and Code of Practice, and every child will continue to have their special educational needs met. 3. There is a right of appeal to the First-tier Tribunal if parents/young person disagrees with the school named in Section I of the EHCP 4. Ensure timely planning for children with an EHC Plan, so that there is better communication with parents, and decisions are made that support children accessing suitable education between type of education provision, including from mainstream to mainstream or special to mainstream and/or special to special schools. 5. If the proposed changes proceed there will be a carefully planned transition period that KCC will develop in collaboration special and mainstream school Headteachers, health partners, parents, carers and children and young people with SEND. 6. If implemented, KCC will keep the impact of the changes under review, and will continue to monitor and analyse data regarding the impact of the proposed changes on all protected groups
<p>d. Responsible Officer for Mitigating Actions - Sex</p>
<p>Assistant Director Fair Access and (Interim) SEN Processes</p>
<p>22. Negative Impacts and Mitigating actions for Gender identity/transgender</p>

<p>a. Are there negative impacts for Gender identity/transgender? Answer: Yes/No <i>(If yes, please also complete sections b, c, and d).</i></p>
No
<p>b. Details of Negative Impacts for Gender identity/transgender</p>
N/A
<p>c. Mitigating actions for Gender identity/transgender</p>
N/A
<p>d. Responsible Officer for Mitigating Actions - Gender identity/transgender</p>
N/A
<p>23. Negative Impacts and Mitigating actions for Race</p>
<p>a. Are there negative impacts for Race? Answer: Yes/No <i>(If yes, please also complete sections b, c, and d).</i></p>
<p>No. Pupils in Kent with an EHCP are predominantly White British and so we would expect this to be the ethnic group most impacted. Of the total 2024 EHCP cohort, 8.5% were recorded as other than white and 71.5% were recorded as white. 20% did not record an ethnicity category. As the changes planned are for new children entering special schools from September 2026 and there will be appropriate provision for all children and young people with SEND to attend an education setting that is suitable for their needs, KCC does not believe the change will be detrimental to White British pupils, or particularly disadvantage pupils from any other group. The EqIA will be reviewed and updated in order to consider the point further before a final decision is made.</p>
<p>b. Details of Negative Impacts for Race</p>
N/A
<p>c. Mitigating Actions for Race</p>
<p>1. Every child will be placed in accordance with the Children and Families Act 2014. All parents and/or young people will be able to request a particular school, and KCC will remain under a duty to give effect to that requested school unless the exceptions in section 39(4) are met. If a parent requests a special school, a child could only be placed in mainstream / SRP if the mainstream/SRP placement is able to meet their special educational needs, and a special school place would be incompatible with efficient education of others, and/or efficient use of resources.</p> <p>2. A child or young person would only be placed/remain in a mainstream school if KCC is satisfied that adequate and suitable provision can be provided to meet the child/young person's special educational needs. KCC will follow statutory framework and Code of Practice, and every child will continue to have their special educational needs met.</p> <p>3. There is a right of appeal to the First-tier Tribunal if parents/young person disagrees with the school named in Section I of the EHCP</p> <p>4. Ensure timely planning for children with an EHC Plan, so that there is better communication with parents, and decisions are made that support children accessing suitable education between type of education provision, including from mainstream to mainstream or special to mainstream and/or special to special schools.</p> <p>5. If the proposed changes proceed there will be a carefully planned transition period that KCC will develop in collaboration special and mainstream school</p>

Headteachers, health partners, parents, carers and children and young people with SEND.

6. If implemented, KCC will keep the impact of the changes under review, and will continue to monitor and analyse data regarding the impact of the proposed changes on all protected groups

d. Responsible Officer for Mitigating Actions – Race

Assistant Director Fair Access and (Interim) SEN Processes

24. Negative Impacts and Mitigating actions for Religion and belief

a. Are there negative impacts for Religion and Belief? Answer: Yes/No

(If yes, please also complete sections b, c, and d).

No. This data is not currently recorded or available, KCC will further explore the collection of this data and the EqIA will be reviewed and updated in order to consider the point further before a final decision is made.

b. Details of Negative Impacts for Religion and belief

N/A

c. Mitigating Actions for Religion and belief

1. Every child will be placed in accordance with the Children and Families Act 2014. All parents and/or young people will be able to request a particular school, and KCC will remain under a duty to give effect to that requested school unless the exceptions in section 39(4) are met. If a parent requests a special school, a child could only be placed in mainstream / SRP if the mainstream/SRP placement is able to meet their special educational needs, and a special school place would be incompatible with efficient education of others, and/or efficient use of resources.

2. A child or young person would only be placed/remain in a mainstream school if KCC is satisfied that adequate and suitable provision can be provided to meet the child/young person's special educational needs. KCC will follow statutory framework and Code of Practice, and every child will continue to have their special educational needs met.

3. There is a right of appeal to the First-tier Tribunal if parents/young person disagrees with the school named in Section I of the EHCP

4. Ensure timely planning for children with an EHC Plan, so that there is better communication with parents, and decisions are made that support children accessing suitable education between type of education provision, including from mainstream to mainstream or special to mainstream and/or special to special schools.

5. If the proposed changes proceed there will be a carefully planned transition period that KCC will develop in collaboration special and mainstream school Headteachers, health partners, parents, carers and children and young people with SEND.

6. If implemented, KCC will keep the impact of the changes under review, and will continue to monitor and analyse data regarding the impact of the proposed changes on all protected groups

d. Responsible Officer for Mitigating Actions - Religion and belief

Assistant Director Fair Access and (Interim) SEN Processes

25. Negative Impacts and Mitigating actions for Sexual Orientation

a. Are there negative impacts for sexual orientation. Answer: Yes/No (If yes, please also complete sections b, c, and d).

No
b. Details of Negative Impacts for Sexual Orientation
N/A
c. Mitigating Actions for Sexual Orientation
N/A
d. Responsible Officer for Mitigating Actions - Sexual Orientation
N/A
26. Negative Impacts and Mitigating actions for Pregnancy and Maternity
a. Are there negative impacts for Pregnancy and Maternity? Answer: Yes/No <i>(If yes, please also complete sections b, c, and d).</i>
No
b. Details of Negative Impacts for Pregnancy and Maternity
N/A
c. Mitigating Actions for Pregnancy and Maternity
N/A
d. Responsible Officer for Mitigating Actions - Pregnancy and Maternity
N/A
27. Negative Impacts and Mitigating actions for marriage and civil partnerships
a. Are there negative impacts for Marriage and Civil Partnerships? Answer: Yes/No <i>(If yes, please also complete sections b, c, and d).</i>
No
b. Details of Negative Impacts for Marriage and Civil Partnerships
N/A
c. Mitigating Actions for Marriage and Civil Partnerships
N/A
d. Responsible Officer for Mitigating Actions - Marriage and Civil Partnerships
N/A
28. Negative Impacts and Mitigating actions for Carer's responsibilities
a. Are there negative impacts for Carer's responsibilities? Answer: Yes/No <i>(If yes, please also complete sections b, c, and d).</i>
Yes
b. Details of Negative Impacts for Carer's Responsibilities
<ol style="list-style-type: none"> 1. The public consultation indicated that Parent/Carers have experienced heightened anxiety due to the proposed changes in the student population at schools, leading to concerns that their children's needs may no longer be adequately addressed. 2. Parents and Carers may face challenges if one child is already enrolled in a special school while another sibling applying for a special school placement after the proposed implementation date of September 2026 may be impacted by the proposed changes in designation and admission

guidance. This may result in the sibling being placed in a mainstream school or specialist resource provision. This situation may create disparities in educational experiences and support between siblings, leading to concerns about equity and consistency in meeting their children's individual needs.

3. The special school review is anticipated to result in changes to the special school system. Consequently, parents and carers who engage with the process may initially have a negative experience in the short term as the transition takes effect and requires time to become fully established.

4. Parents/carers may express disagreement with decisions made by the local authority regarding placement of their child in certain educational settings. This disagreement could lead to a rise in challenges and appeals from parents and carers, potentially escalating to tribunals. Such processes can have a negative impact on parents and carers, as they consume time that could be spent with their families and contribute to increased stress levels.

c. Mitigating Actions for Carer's responsibilities

- 1.** Every child will be placed in accordance with the Children and Families Act 2014. All parents and/or young people will be able to request a particular school, and KCC will remain under a duty to give effect to that requested school unless the exceptions in section 39(4) are met. If a parent requests a special school, a child could only be placed in mainstream / SRP if the mainstream/SRP placement is able to meet their special educational needs, and a special school place would be incompatible with efficient education of others, and/or efficient use of resources.
- 2.** A child or young person would only be placed/remain in a mainstream school if KCC is satisfied that adequate and suitable provision can be provided to meet the child/young person's special educational needs. KCC will follow statutory framework and Code of Practice, and every child will continue to have their special educational needs met.
- 3.** There is a right of appeal to the First-tier Tribunal if parents/young person disagrees with the school named in Section I of the EHCP
- 4.** Ensure timely planning for children with an EHC Plan, so that there is better communication with parents, and decisions are made that support children accessing suitable education between type of education provision, including from mainstream to mainstream or special to mainstream and/or special to special schools
- 5.** If the proposed changes proceed there will be a carefully planned transition period that KCC will develop in collaboration special and mainstream school Headteachers, health partners, parents, carers and children and young people with SEND.
- 6.** If implemented, KCC will keep the impact of the changes under review, and will continue to monitor and analyse data regarding the impact of the proposed changes on all protected groups