

**DRAFT BUDGET 2015-16**

**EQUALITY AND HUMAN RIGHTS SCREENING**

**FUNDING FOR SEN REVIEW**

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# 1. POLICY SCOPING

## 1.1 Title of policy

FUNDING FOR SEN REVIEW

## 1.2 Type of Policy Development

Reduction in funding allocation arising from 2015/16 budget review

## 1.3 Description of the Policy

Draft savings plan proposals will mean a reduction in funding available for the SEN Review in 2015/16. This has impacted the funding available for SEN Capacity Building and the revised budget proposals provide funding to support two areas: preparatory work for the implementation of the revised SEN framework; and the roll-out of SEN in Early Years Settings.

The revised SEN framework will be progressed through a combination of a Special Educational Needs and Disability Bill, revised SEN regulations and a revised Code of Practice with the commencement of the revised SEN framework moving to the start of the 2016/17 school year. This longer lead in period complements an approach which allows for the commencement of the SEN provisions in the Special Educational Needs and Disability Bill, the revised SEN Regulations and a comprehensive statutory Code of Practice simultaneously whilst providing the Education Authority (from a SEN perspective) to embed. During the 2015/16 financial year, the Department will develop revised SEN Regulations, a revised statutory Code of Practice and training materials drawing on the professional expertise in the Education Authority.

There is also provision for the Early Years Roll-out (SEN) policy in support of Ministerial priorities and existing SEN policy. This new Roll-out policy will be informed by the Minister's decision following his consideration of the evaluation of the Early Years Pilot which began in 2011/12 and ended September 2014. Total ELB spend on the pilot was approx £8.5m. The Roll-out will be designed to reflect the funding available and will continue to aim to improve the early identification, assessment and intervention for children with SEN and/or disability in statutory nursery settings and voluntary and private PEAGs funded settings. The Education Authority will provide professional and resource support to these settings.

**1.4** What factors could contribute to, or detract from the intended aim/outcome of the policy? *(Please tick ✓ relevant boxes)*

None	
Legislative	
Financial	✓
Others please specify)	

**1.5 Main stakeholders affected** *(Please tick relevant boxes)*

Pupils (Actual or Potential)	√
Parents	√
Teaching Staff	√
Trade Unions or Professional Organisations	√
Other Public Sector Organisations	√
Departmental Staff	√
Others (please specify) Early Years staff in pre-school settings	√

**1.6 Who is responsible for :**

**(a) Devising the policy**

DE

**(b) Implementing it**

DE will provide earmarked funds to the Education Authority to implement the policy.

**(c) Explain the relationship?**

The Authority will provide professional expertise for the development of regulations, Code of Practice and training and awareness programme materials. The Authority will also provide professional expertise and training and resources to early years settings. It will be accountable to DE for all related expenditure.

## 1.7 Other policies or objectives with a bearing on this policy

The current statutory framework for the identification and assessment of all children with SEN, which focuses on the SEN of an individual child, will continue. The statutory basis for the current SEN framework is the Education (NI) Order 1996 as amended by Special Educational Needs and Disability (NI) Order 2005, SEN Regulations 2005 and Code of Practice on the Identification and Assessment of SEN).

The approach and supports provided through the SEN framework complement those provided through other departmental policies and strategies. For example, Every School: A Good School a Policy for School Improvement, additional educational needs policies (which embrace such areas as Looked After Children (LAC), Newcomer Children, Traveller Children, School Age Mothers (SAMS), Children of Service Personnel) and Learning to Learn an Early Years strategy.

## 2. EVIDENCE

### 2.1 What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? *(Relevant details should be given for each of the categories.)*

Section 75 Category	Details of Evidence/Information Details taken from the Annual School Census 2013/14
Religious Belief	<ul style="list-style-type: none"> <li>• 21.7% of children at primary, post primary and special schools were recorded as having SEN;</li> <li>• 20.6% of Protestants, 22.4% of Catholics and 21.6% Other were recorded as having SEN.</li> <li>• 4.7% of all children had a statement (Stage 5)</li> <li>• 4.6% of Protestants, 4.8% of Catholics and 4.8% Other had a statement</li> </ul>
Political Opinion	Specific data on political opinion was not collected in the Annual School Census.
Racial Group	<ul style="list-style-type: none"> <li>• 21.7% of children at primary, post primary and special schools were recorded as having SEN;</li> <li>• 21.6% White, 53.5% of Irish Travellers and 18.5% Other were recorded as having SEN</li> <li>• 4.7% of White, 15.6% of Irish Traveller and 3.4% Other have a statement.</li> </ul> <p><u>Newcomer Children</u></p> <ul style="list-style-type: none"> <li>• 3.1% of all children were reported as newcomer;</li> <li>• 3% of children with SEN (Stages 1-5) were reported as newcomer;</li> </ul>

	<ul style="list-style-type: none"> <li>• 21.7% of all children were reported as having SEN (Stages 1-5);</li> <li>• 19.7% of children reported as newcomer had SEN;</li> <li>• 4.7% of all children had a statement (Stage 5);</li> <li>• 2.2% of all children reported as newcomers had a statement of SEN</li> </ul>
Age	<p>The overall percentage of children with SEN (Stages 1-5) in all pre-school education and school phases compared with individual phases: 21.4% of children in all schools and pre-school Education Centres are reported as having SEN</p> <p><u>Pre- school</u></p> <ul style="list-style-type: none"> <li>• 10.4% of children in voluntary and private Pre-school Education Centres are reported as having SEN (Stages 1-5);</li> <li>• 24.7% of children at nursery schools are recorded as having SEN (Stages 1-5);</li> <li>• 4.6% of children in nursery class and 5% of reception classes are recorded as having SEN (Stages 1-5);</li> <li>• 0.5% of children in voluntary and private Pre-school Education centres were recorded as having a statement (Stage 5) and 1.2% of children at nursery schools were recorded as having a statement.</li> </ul> <p><u>Compulsory School Age</u></p> <ul style="list-style-type: none"> <li>• 20.5% of primary school pupils have SEN (Stages 1-5);</li> <li>• 20.3% post primary pupils have SEN (Stages 1 -5);</li> <li>• 2.8% of primary school pupils have a statement of SEN (Stage 5);</li> <li>• 4.0% of post primary school pupils have a statement of SEN (Stage 5) (includes over compulsory school age).</li> </ul>
Marital status	N/A
Sexual Orientation	The Annual School Census does not record this information
Men And Women Generally	<ul style="list-style-type: none"> <li>• The gender of all children with or without SEN – 50.7% male and 49.3% female;</li> <li>• The gender of all SEN children (Stages 1 to 5) – 63.6% male and 36.4% female</li> <li>• The gender of all children with a statement of SEN (Stage 5) – 72.4% and 27.6% female;</li> <li>• 21.7% of children were recorded as having SEN;</li> <li>• 27.1% of males and 16% of females were recorded as having SEN (Stages 1-5);</li> <li>• 4.7% of all children had a statement;</li> <li>• 6.7% of males and 2.6% females had a statement of SEN (Stage 5)</li> </ul>
Disability	<ul style="list-style-type: none"> <li>• 21.7% of all school children were reported as having SEN (Stages 1-5);</li> <li>• 6.2% of school children with SEN (Stages 1-5) were reported as having a disability;</li> <li>• 4.7% of all children had a statement of SEN;</li> <li>• 23% of children with a statement of SEN (Stage 1-5) were recorded as</li> </ul>

	having a disability.
Dependants	<ul style="list-style-type: none"> <li>21.7% of all children were reported as having SEN Stages 1-5.</li> </ul>

**2.2 Taking into account the evidence gathered at 2.1 what are the needs, experiences and priorities of each of the categories in relation to this particular policy? (Relevant details should be given for each of the categories.)**

Section 75 category	Needs/Experiences/Uptake/Priorities
Religious Belief	The existing statutory SEN framework, based on the individual needs of all SEN children will continue to apply regardless of religious belief. The focus on early years following Minister's considerations of evaluation of the SEN early years pilot apply regardless of religious belief
Political Opinion	The existing statutory SEN framework, based on the individual needs of all SEN children will continue to apply regardless of political opinion. The focus on early years following Minister's considerations of evaluation of the SEN early years pilot apply regardless of political opinion.
Racial Group	The existing statutory SEN framework, based on the individual needs of all SEN children will continue to apply regardless of racial group. The focus on early years following Minister's considerations of evaluation of the SEN early years pilot apply regardless of racial group.
Age	The existing statutory SEN framework, based on the individual needs of all SEN children will continue to apply regardless of age. The focus on early years following Minister's considerations of evaluation of the SEN early years pilot apply regardless of age but will have particular relevance to pre-school children.
Marital Status	N/A
Sexual Orientation	The existing statutory SEN framework, based on the individual needs of all SEN children will continue to apply regardless of sexual orientation. The focus on early years following Minister's consideration of evaluation of the SEN early years pilot apply regardless of sexual orientation.
Men And Women Generally	The existing statutory SEN framework, based on the individual needs of all SEN children will continue to apply regardless of gender. The focus on early years following Minister's consideration of evaluation of the SEN early years pilot apply regardless of gender.
Disability	The existing statutory SEN framework, based on the individual needs of all SEN children will continue to apply regardless of disability. The focus on early years through following Minister's consideration of evaluation of the



	SEN early years pilot apply regardless of disability.
Dependants	The existing statutory SEN framework, based on the individual needs of all SEN children will continue to apply. The focus on early years following Minister's consideration of evaluation of the SEN early years pilot apply.

### 3. SCREENING QUESTIONS

#### 3.1 What is the likely impact of this policy on equality of opportunity for each of the Section 75 equality categories?

(\* Please tick relevant boxes)

Section 75 category	None*	Minor *	Major *	Details of policy impact Level of impact?
Religious belief	√			
Political opinion	√			
Racial group	√			
Age			√	Positive impact for pre-school children with SEN (ETI evaluation currently ongoing).
Marital status	√			
Sexual Orientation	√			
Men and women generally	√			
Disability			√	Positive impact for disabled children with SEN with the proposed roll out of new arrangements for support in early years settings beyond pilot phase. Minor negative impact on disabled children with SEN as a result of proposed delay to the 2016/17 school year of the new SEN framework

Dependants	√			
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### 3.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

(\* Please tick relevant boxes)

Section 75 category	NO*	Yes*	Provide Details
Religious belief	√		
Political opinion	√		
Racial group	√		
Age		√	Positive impact for pre-school children with SEN (ETI evaluation currently ongoing) in respect of the proposed roll out of new arrangements for support in early years settings beyond pilot phase.
Marital status	√		
Sexual Orientation	√		
Men and women generally	√		
Disability		√	Positive impact for disabled children with SEN with the proposed roll out of new arrangements for support in early years settings beyond pilot phase.
Dependants	√		

**3.3 To what extent is the policy likely to impact on good relations between: people of different religious belief, political opinion or racial group? (\* Please tick relevant boxes)**

Good relations category	No impact*	Minor impact*	Major impact*	Details of policy impact
Religious belief	√			
Political opinion	√			
Racial group	√			

**3.4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

(\* Please tick relevant boxes)

Good relations category	NO*	YES*	Provide Details
Religious belief	√		
Political opinion	√		
Racial group	√		

### 3.5 Additional considerations - Multiple identities

**Please provide details of data on the impact of the policy on people with multiple identities and specify relevant Section 75 categories concerned.**

*Are there any potential impacts of the policy/decision on people with multiple identities? i.e.: disabled minority ethnic children, school age mothers, religion and gender, young LGB and T people etc).*

The current SEN framework will continue to apply to all children regardless of any section 75 group into which they fall.

## 4. SCREENING DECISION

Not to conduct an equality impact assessment; although there is a minor impact, on one of the equality of opportunities and/or good relations categories but mitigation/alternative policies will offset the minor adverse impact(s).

Please provide details which support the decision

One element of the proposals, the delayed commencement of the new SEN framework by 12 months, may have a minor impact on the section 75 disability group. This, however, is offset by the benefits of the new framework being commenced alongside a revised Code of Practice, Regulations and capacity building in schools which will have an immediate positive impact on the capacity of schools to meet the needs of children with disabilities. It will also provide the opportunity for thorough preparation for the implementation of the new framework. Furthermore the revised proposals will include the roll out of capacity building in early years settings which will have a positive impact on section 75 groups.

**5. TIMETABLING AND PRIORITISING - N/A**

**5.1 If the policy has been ‘screened in’ for equality impact assessment, then please answer the following questions to determine its priority.**

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Criterion	Priority Rating
Effect on equality of opportunity and good relations	
Social need	
Effect on people’s daily lives	
Relevance to a public authority’s functions	
<b>Total</b>	

Details of the Department’s Equality Impact Assessment Timetable will be included in a Quarterly Screening Report.

**5.2 If the policy is affected by timetables established by other relevant Public Authorities please provide details**

**6. MITIGATION – N/A**

If you conclude that the likely impact is ‘**minor**’ and an equality impact assessment is not to be conducted, you should consider: mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

**Why and how will the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?**

The mitigation for the delayed commencement of the new SEN framework by 12 months, relates to the ability to have thorough preparation during 2015/16 to ensure the new framework will be commenced alongside a revised Code of Practice, Regulations and an ongoing capacity building programme in schools to provide for smooth transition to the new framework.



## **7. MONITORING**

**Effective monitoring will help identify any future adverse impact arising from the policy, as well as help with future planning and policy development.**

**Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories.**

Monitoring will take place through the capture of SEN related information from School Census.

Existing accountability arrangements will continue to apply e.g. MEMRS, RAPs.

**8. DISABILITY DISCRIMINATION**

**8.1 Please state if the policy/decision in any way discourages persons with disabilities from participating in public life or fails to promote positive attitudes towards persons with disabilities.**

The implementation of the SEN review will aim to promote positive attitudes towards children with disability.

**8.2 Please state if there is an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy/decision or introducing additional measures.**

The implementation of the SEN review will aim to promote positive attitudes towards children with disability.

**8.3 Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.**

See 7 above.

## 9 CONSIDERATION OF HUMAN RIGHTS ISSUES

### 9.1 How does the policy/decision affect anyone's Human Rights?

I.E.

[The Human Rights Act \(1998\)](#)

[The United Nations Convention on the Rights of the Child \(UNCRC\)](#)

[The United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#)

[The United Nations Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#)

(\* Please tick as appropriate)

Insert Right Considered	*
Positive Impact	√
Negative Impact (human right interfered with or restricted)	
Neutral Impact	

*If the effect you have identified is positive or neutral proceed to Question 9.3.*

### 9.2 If you have identified a negative impact who is affected and how?

N/A

*At this stage you should determine whether to seek legal advice and to refer to the issue to the Equality Team to consider:*

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction).*

**9.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.**

The revised SEN Code of Practice will promote human rights awareness and the best interests of the child.

**10 CONSIDERATION OF RURAL IMPACTS**

**10.1 Is there potentially a direct, or indirect, impact on rural areas?**

*(\* Please tick as appropriate)*

YES*	
NO*	√

***Guidance on Rural Impact Assessment can be found in [Thinking Rural: The Essential Guide to Rural Proofing](#)***

**10.2 If YES please attach a DARD Rural Issues Statement Pro-forma (A Pro-forma can be found in TRIM Document DE1/14/117152)**