

Alternative Provision (AP) Equality Analysis October 2019

Section 1: Equality analysis details

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| Proposed policy/decision/business plan to which this equality analysis relates | Procurement Strategy for Alternative Provision |
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| Equality analysis author | Hannah Moorhouse, Senior Commissioning Officer – Children, Adults & Families Commissioning | | |
| Strategic Director: | David Quirke-Thornton | | |
| Department | Children and Adults Services | Division | Commissioning |
| Period analysis undertaken | October 2019 | | |

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

This Equalities Analysis (EA) relates to the decision to approve the procurement strategy for Alternative Provision (AP) in Southwark. The EA will inform the development of the procurement strategy and commissioning process for the procurement, including the tender documentation, service specification and service delivery model. It is anticipated the service will commence in September 2020.

Southwark has an estimated population of 317,256 of which 100,836 are aged between 0-25, representing a significant 31% of the total population.

Local Authorities have a statutory responsibility for arranging suitable education for all compulsorily school aged pupils. Children can require Alternative Provision for a wide range of reasons, including:

- Behaviour which results in a permanent or fixed-period exclusion, or an off-site direction by a school;
- Health reasons – including physical or mental health needs, or a disabled child
- Where a child is awaiting placement in a mainstream school; and
- Interim or supplementary education for a Looked after Child (LAC).

The procurement strategy put forward will have a positive impact on these pupils by increasing choice, access and quality of services. It will provide for different mechanisms to be put in place to ensure a better range of educational provision, improved quality assurance processes and better enhancement for transition to further education and employment.

These services will provide educational support to some of the Borough's most vulnerable young people. Children with special educational needs and/or disabilities often experience poorer outcomes than their peers, in health, education and in the transition to adulthood. It is vital that we ensure that these children, who are often some of the most disadvantaged, are offered equal opportunities to make the most of their talents and become successful adults. AP can play a critical role in making this happen.

The decision maker is the Strategic Director of Children's and Adults' Services.

Section 3: Overview of service users and key stakeholders consulted

| 2. Service users and stakeholders | |
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| <p>Key users of the department or service</p> | <p>Users of the service will be school aged children and young people who are residents of Southwark. They will have a range and sometimes combination of needs which can include; physical health, mental health, behavioural, or in relation to being a Looked After Child, or and Asylum seeking child.</p> <p>These documents provided challenges to this age group and their mental wellbeing in terms of the following protected characteristics:</p> <ul style="list-style-type: none"> • Age • Disability • Race • Sex • Sexual orientation <p>The data indicates there are a number of key characteristics of residents within this age group that could be future users of the proposed service. However, the data did not capture each of the protected characteristics and there is currently no systematic monitoring across all service areas.</p> |
| <p>Key stakeholders were/are involved in this policy/decision/business plan</p> | <p>A project board is in place to oversee this project and is a vehicle for key stakeholders to provide valuable input. This includes representatives from across Council departments including from:</p> <ul style="list-style-type: none"> • Virtual School • Looked After Children • SEND • Education Access • Youth Justice • Finance • Procurement • Commissioning <p>Ongoing engagement will take place with key stakeholders to gather their input for the tender documents</p> |

Section 4: Pre-implementation equality analysis

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Potential impacts (positive and negative) of proposed policy/decision/business plan

Southwark has an estimated population of 317,256 of which 100,836 are aged between 0-25, representing a significant 31% of the total population.

The recommended procurement strategy will have a positive impact for young Southwark residents

Alternative provision can promote a range of positive outcomes for pupils, including getting them back on track when they have become disaffected with school. To maximise their chances of success when they leave school, these pupils, like any others, need to gain the best possible qualifications that they can in English, mathematics and a range of other relevant subjects, as well as developing their personal, social and employability skills as part of progression to adulthood.

Equality information on which above analysis is based

ONS Population estimates (mid-2018)
Children and Young People's Mental Health and Wellbeing (June 2019)

Mitigating actions to be taken

The service providers will be required to understand the profile of needs in Southwark and ensuring the service addresses inequalities and increases accessibility.

The providers will be required to provide ongoing monitoring data on take-up of the service against this protected characteristic. They will be required to address any significant areas of under-representation if deemed relevant.

In order for providers to keep pupils safe, the providers need to have a good understanding of child protection procedures, to be alert to any concerns that may arise and to know what they should do if this happens.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Possible impacts (positive and negative) of proposed policy/decision/business plan

Nationally, there is a disproportion of the number of students excluded who have special educational needs.

Southwark has the 5th highest prevalence out of 33 London boroughs). In 2017 approximately 1,343 or 16.5% of children with SEND have a statement or EHC plan

Children who attend AP have a diverse range of needs .Nationally a high proportion of children in AP academies, AP free schools and PRUs have identified special educational needs compared to those in mainstream schools: 77.1% of children have a SEN or disability, and 10.4% have SEN statements or EHC plans. This compares to 14.4% and 2.8% in all schools respectively.

Many of these children also have a social, emotional or mental health (SEMH) need, which has implications for their behaviour. Children receiving 'SEN support' (i.e. those with SEN but not an EHC plan) are almost four times more likely to be permanently excluded compared to those without a SEN.

The procurement strategy put forward will have a positive impact on these pupils by increasing choice, access and quality of services. It will provide for different mechanisms to be put in place to ensure a better range of educational provision, improved quality assurance processes and better enhancement for transition to further education and employment.

Equality information on which above analysis is based

Department for Education. Special Educational Needs: January 2017
Southwark Council. School Census Data, January 2017
Creating opportunity for all; Our vision for alternative provision, Department for Education, 2018

Mitigating actions to be taken

The service provider will be required to understand the profile of needs in Southwark and ensuring the service addresses inequalities and increases accessibility.

A SEND specialist lot is available within the procurement strategy in order to meet the needs of children with special educational needs.

The providers will be required to have an Equalities & Diversity policy in place, and ensure accessibility of services for all children with a disability.

The provider will be required to provide ongoing monitoring data on take-up of the service against this protected characteristic. They will be required to address any significant areas of under-representation if deemed relevant.

Gender reassignment - The process of transitioning from one gender to another.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No specific impacts have been identified or raised in relation to this characteristic which is not monitored though information about the number of service users will be available where there is self-disclosure. No particular changes have been made to the service specification relating to this.

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| Equality information on which above analysis is based. |
| <i>Joint Review of Emotional Wellbeing and CAMHS Services (November 2018)</i> |
| Mitigating actions to be taken |
| The service provider will be required to understand the profile of needs in Southwark and ensuring the service addresses inequalities and increases accessibility. |
| The provider is required to have an Equalities & Diversity policy in place. |

Marriage and Civil Partnership - In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination).**

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| Possible impacts (positive and negative) of proposed policy/decision/business plan |
| No specific impacts have been identified or raised in relation to this characteristic which is not monitored though information about the number of service users will be available where there is self-disclosure. No particular changes have been made to the service specification relating to this. |
| Divorce, separation and custody issues may be a factor in a child's wellbeing and the service will provide support where within their remit, signposting as appropriate. |

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| Equality information on which above analysis is based |
| Not applicable. |
| Mitigating actions to be taken |
| The service provider will be required to understand the profile of needs in Southwark and ensuring the service addresses inequalities and increases accessibility. |
| The provider is required to have an Equalities & Diversity policy in place. |

Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

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| Possible impacts (positive and negative) of proposed policy/decision/business plan |
| <p>The service can be accessed by school aged females who, due to pregnancy and maternity cannot attend mainstream school. This may be before or after the child is born.</p> <p>The procurement strategy will have a positive impact for pregnancy and maternity by supporting young parents with reintegration into a school environment.</p> |
| Equality information on which above analysis is based |
| Data from current services |
| Mitigating actions to be taken |
| <p>The service providers will be required to understand the profile of needs in Southwark and ensuring the service addresses inequalities and increases accessibility.</p> <p>The provider is required to have an Equalities & Diversity policy in place.</p> |

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| Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. |
| Possible impacts (positive and negative) of proposed policy/decision/business plan |
| <p>Approximately two thirds of Southwark children and young people are of Black, Asian and minority ethnic (BAME) origin. BAME children are more likely to be exposed to other risk factors for poor mental wellbeing, such as poverty and acting as a young carer.</p> <p>Nationally, there is a disproportion of the number of students excluded from minority ethnic backgrounds.</p> <p>The procurement strategy put forward will have a positive impact by increasing choice, access and quality of services. It will provide for different mechanisms to be put in place to ensure a better range of educational provision, improved quality assurance processes and better enhancement for transition to further education and employment.</p> |
| Equality information on which above analysis is based |
| Joint Review of Emotional Wellbeing and CAMHS Services (November 2018) |
| Mitigating actions to be taken |

Some residents who fall into this protected characteristic may have limited English. An English as a Second Language (ESOL) lot is proposed as part of the procurement to ensure specialist educational support is available.

The service provider will be required to understand the profile of needs in Southwark and ensuring the service addresses inequalities and increases accessibility.

The provider will be required to provide services in the most commonly used community languages in Southwark. The provider is required to demonstrate that the number of languages provided will meet community needs.

The provider is required to have an Equalities & Diversity policy in place.

The provider will be required to provide ongoing monitoring data on take-up of the service against this protected characteristic. They will be required to address any significant areas of under-representation if deemed relevant.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No specific impacts have been identified or raised in relation to this characteristic. No particular changes have been made to the service specification relating to this.

Due to the nature of the service being open access and not needing referrals, this is expected to be more flexible and not put up barriers to access services owing to their particular religion or belief. For example, accessing services on particular days / times.

Equality information on which above analysis is based

Not applicable.

Mitigating actions to be taken

The provider is required to have an Equalities & Diversity policy in place.

The provider will be required to provide ongoing monitoring data on take-up of the service against this protected characteristic. They will be required to address any significant areas of under-representation if deemed relevant.

Sex - A man or a woman.

Possible impacts (positive and negative) of proposed policy/decision/business plan

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| <p>No specific impacts have been identified or raised in relation to this characteristic. No particular changes have been made to the service specification relating to this.</p> <p>The service will ensure that user's preferences are responded to in terms of who they wish to talk to in the service; this may include different gender identities.</p> |
| <p>Equality information on which above analysis is based</p> |
| <p>Not applicable.</p> |
| <p>Mitigating actions to be taken</p> |
| <p>The provider is required to have an Equalities & Diversity policy in place.</p> <p>The provider will be required to provide ongoing monitoring data on take-up of the service against this protected characteristic. They will be required to address any significant areas of under-representation if deemed relevant.</p> |

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| <p>Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes</p> |
| <p>Possible impacts (positive and negative) of proposed policy/decision/business plan</p> |
| <p>In Southwark, 10% of secondary school pupils self-identify as lesbian, gay, bisexual, transgender, queer (or questioning), and intersex (LGBT QI+). Although social acceptance and attitudes towards LGBTQI+ persons have improved, they remain at higher risk for bullying, discrimination, and abuse.</p> <p>The procurement strategy put forward will have a positive impact on these pupils by increasing choice, access and quality of services. It will provide for different mechanisms to be put in place to ensure a better range of educational provision, improved quality assurance processes and better enhancement for transition to further education and employment.</p> |
| <p>Equality information on which above analysis is based</p> |
| <p>Joint Review of Emotional Wellbeing and CAMHS Services (November 2018)</p> |
| <p>Mitigating actions to be taken</p> |
| <p>The provider is required to have an Equalities & Diversity policy in place.</p> <p>The provider will be required to provide ongoing monitoring data on take-up of the service against this protected characteristic. They will be required to address any significant areas of under-representation if deemed relevant.</p> |

Human Rights

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

Possible impacts (positive and negative) of proposed policy/decision/business plan

Everyone has the right to privacy and dignity and service users need to be treated with dignity and respect. The service specification will incorporate meeting requirements of the Human rights and Equality Act 2010.

Information on which above analysis is based

Not applicable.

Mitigating actions to be taken

None.

Section 5: Further actions and objectives**5. Further actions**

Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.

| Number | Description of issue | Action | Timeframe |
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| 1 | Under-representation from particular groups | The provider will be required to monitor take up of their services against a number of the protected characteristics and will be required to address areas of under-representation, if deemed to be relevant. | Ongoing |

5. Equality objectives (for business plans)

Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.

| Objective and measure | Lead officer | Current performance (baseline) | Targets | |
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