

Appendix 2

Full Equality Analysis including responses from the public consultation

Section 1: General Information

1a) Name of the savings proposal

Securing the future of Early Years services - local authority day nurseries. Proposal for a phased closure

1b) Service area

Children's Services – Education & Partnerships – Early Years

1c) Service manager

Pauline Hoare

1d) Name and role of the officer/s completing the analysis

Christine McInnes, Divisional Director, Education & Partnerships
Pauline Hoare, Service Manager, Early Years
Jon Graham, Project Manager, Corporate Portfolio Management Office

Section 2: Information about changes to services

2a) In brief please explain the savings proposals and the reasons for this change

In order to fulfil council duties with regard to best value and equity, to enable best use to be made of resources to the benefit of the maximum number of residents, Cabinet agreed in February 2017 to develop proposals to achieve £2.158m savings by seeking new operators for the three childcare day nurseries (LADNs) managed by the council (SDM013 – increasing the involvement of partners in early years services). Public consultation on this proposal took place over eight weeks from 19th September to 10th November 2017, with the majority of respondents (191 or 84.5%) opposing the proposal.

In January 2018 the Mayor deferred a decision pending further work on the accessibility of childcare. Shortly afterwards, Schools Forum decided to cease their contribution to the funding the LADNs in order to use diminishing funds to support higher numbers of children within the school system. A new option, for schools to take on LADN operations was put forward, but the TUPE costs of staff made this unviable for the schools.

Cabinet in June 2018 decided to consult on a further proposal, for a phased closure of the LADNs and finding alternative childcare for those parents who required it. This public consultation ran from 18 July to 10 September 2018.

Need for change

The current annual cost of the LADNs is £1.66m. The income from, fees from parents and government funding for free childcare hours do not cover the cost, once the income from the Dedicated Schools Grant (DSG) allocated by Schools Forum ceases. With the withdrawal of DSG, the budget pressure would jeopardise the delivery of other services and developments and, with no possibility for schools or other operators to take on the LADNs, the phased closure has been proposed.

2b) What are the equality implications of your proposal?

The proposal has been developed following careful analysis of existing early years service provision in the sector which shows that child care places are available across the borough and within the vicinity of the LADNs that, with the same support from peripatetic teachers with specialisms in SEND and other services such as speech and language therapy which the LADNs have access to, are

able to successfully integrate children with additional needs. So in the last academic year 2017-18 there were a total of 79 children under the age of 5 who had met the threshold for an Education, Health and Care Plan of whom 10 attended one of the three LADNs. With regard to children with social needs, there were 52 under 5s who were looked after by the council and 84 on a Child Protection Plan; of these 136 vulnerable children there was one child on a Child Protection Plan in the cohort of 73 children attending the LADNs.

Overland LADN has 12 part time places for children who are hearing impaired or deaf and has a reputation for a specialism in this area of SEND. The grouping of children in this way enables best use to be made of the council's peripatetic sensory impairment teachers (including those with a specialism in deafness and hearing impairment) that teach the children and support the parents alongside the actual LADN childcare staff. In September 2018 there are 116 Tower Hamlets children birth-to-5 who are being supported by a qualified teacher, 81 have hearing impairment and 35 visual impairment, so even if full the places available at the LADNs would not meet the need and the vast majority of children are being successfully supported elsewhere in the sector. A similar model to that currently in existence at Overland where children with an specific additional need can be clustered to enable best use of additional resources such as the peripatetic teachers within provisions that do provide value for money are being scoped over this year to mitigate any possible impact of the closure of the LADNs, however the choice of provision is very much in the hands of the parents. This work will minimise impacts on protected groups, in particular young children with SEND. Alternative provision for deaf children and placements for referred children and those with disabilities and special educational needs are already available within schools or other childcare providers.

Additionally, there are factors of the proposal which might affect very small numbers of people in protected groups – see the Socio-economic line of the Equalities Impact Assessment in Section 3 for details:

- Socio-economic – the council's three day care nurseries charge less than others in Tower Hamlets, and other childcare providers are likely to charge commercial fees which could mean that some lower-income families could no longer afford childcare with a potential further impact on their ability to work if that is the case. To extend the current level of financial subsidy that parents attending the LADNs benefit from to all parents with children under the age of 5 across the borough is not feasible
- Gender – following from the above and as women carry out most home-based childcare, women could be more affected by the proposal

- Others – again based on the socio-economic impact, families from BAME and especially Bangladeshi (and Muslim) backgrounds with women who are in an age range when they could be pregnant or breastfeeding could be more affected than others.

Consultation Feedback

361 online responses were received, although not all respondents answered each equalities question. Some responded “prefer not to say”, and these are not included in the percentages given in this report.

The equality profile of respondents is as follows, with comparisons to 2011 Census figures for Tower Hamlets:

| Age band | Responses total | Responses % | Census 2011 % |
|------------------------|------------------------|--------------------|----------------------|
| 0-15 | 1 | 0.3 | 18.7 |
| 16-24 | 16 | 5.0 | 17.9 |
| 25-34 | 95 | 29.5 | 28.8 |
| 35-44 | 105 | 32.6 | 14.6 |
| 45-54 | 58 | 18.0 | 8.5 |
| 55-64 | 36 | 11.2 | 5.4 |
| 65+ | 11 | 3.4 | 6.1 |
| Prefer not to say | 39 | | |
| Total responses | 361 | 100.0 | 100.0 |

Very few young people took part in the Consultation. Most respondents were aged between 25 and 64, with over double the proportion between 35 and 64 as in the Census. About two thirds of respondents are in the age bands likely to mean they could have children of nursery age.

| Ethnic origin | Responses total | Responses % | Census 2011 % |
|---|----------------------------|------------------------|--------------------------|
| Asian / Asian British / Other Asian Background | 4 | 1.2 | 1.8 |
| Asian or Asian British: Bangladeshi | 73 | 22.7 | 32.0 |
| Asian or Asian British: Indian | 11 | 3.4 | 2.7 |
| Asian or Asian British: Pakistani | 6 | 1.9 | 1.0 |
| Black / Black British / Other Black Background | 3 | 0.9 | 0.9 |
| Black or Black British: African | 10 | 3.1 | 3.7 |
| Black or Black British: Caribbean | 6 | 1.9 | 2.1 |
| Black or Black British: Somali | 3 | 0.9 | 0.6 |
| Mixed / Dual Heritage: Any Other Mixed Background | 4 | 1.2 | 1.2 |
| Mixed / Dual Heritage: White & Black African | 1 | 0.3 | 0.6 |
| Mixed / Dual Heritage: White & Asian | 2 | 0.6 | 1.2 |
| Mixed / Dual Heritage: White & Black Caribbean | 2 | 0.6 | 1.1 |
| Other Ethnic Groups: Any Other Group | 3 | 0.9 | 2.3 |
| Other Ethnic Groups: Chinese | 7 | 2.2 | 3.2 |
| Other Ethnic Groups: Vietnamese | | 0.0 | 0.4 |
| White: British | 137 | 42.7 | 31.2 |
| White: Gypsy / Roma / Traveller of Irish heritage | | 0.0 | 0.1 |
| White: Irish | 14 | 4.4 | 1.5 |
| White: Other | 35 | 10.9 | 12.4 |
| Prefer not to say | 40 | | |
| Total | 361 | 100.0 | 100.0 |

Over 40% of respondents were White British, more than the 31% in the Census. In contrast BAME respondents were lower than their groups' the Census proportions, by 10% in the case of Bangladeshi people. This may mean that the BAME community did not access the online consultation.

| Ethnic origin % | Children over 1 and under 5 receiving government- funded free | | |
|------------------------|---|-----------------|-----------------------------|
| | All children under 5 | childcare hours | Children attending LADNs |
| Bangladeshi | 49.5 | 48.9 | 52.1 |
| Other Asian | 5.2 | 5.2 | 4.2 |
| Black | 9.7 | 10.9 | 8.3 |
| Mixed / dual heritage | 9.9 | 11.6 | 10.4 |
| White British | 16.5 | 14.8 | 10.4 |
| Other White | 5.6 | 7.1 | 12.5 |
| Other group | 3.6 | 1.5 | 2.1 |
| Total | 100.0 | 100.0 | 100.0 |

The latest equalities figures for children attending the council's nurseries generally match the 2011 Census statistics for children under 5 and the figures for those attending childcare in the ages for which government funding is available.

By comparison, the contrast between consultation respondents and the children is marked, especially for Bangladeshi and White British groups.

| Gender | Responses total | Responses % | Census 2011 % |
|------------------------|------------------------|--------------------|----------------------|
| Female | 245 | 77.5 | 48.5 |
| Male | 71 | 22.5 | 51.5 |
| Prefer not to say | 45 | | |
| Total responses | 361 | 100.0 | 100.0 |

As noted above, childcare issues are more likely to directly affect women, and they contributed the majority of the survey responses.

| Gender reassignment | Responses total | Responses % |
|----------------------------|------------------------|--------------------|
| Birth gender | 296 | 98.3 |
| Other gender | 5 | 1.7 |
| Prefer not to say | 60 | |
| Total responses | 361 | 100.0 |

Three respondents say they have changed gender.

| Sexual orientation | Responses total | Responses % |
|-----------------------------|------------------------|--------------------|
| Bisexual | 10 | 3.7 |
| Heterosexual (Straight) | 250 | 93.3 |
| Homosexual (Lesbian/Gay) | 8 | 3.0 |
| Prefer not to say | 93 | |
| Total responses | 361 | 100.0 |

Very few respondents said they are gay, lesbian or bisexual.

| Religion & belief | Responses total | Responses % | Census 2011 % |
|------------------------------|----------------------------|------------------------|--------------------------|
| Agnostic | 9 | 3.1 | 0.1 |
| Buddhist | 7 | 2.4 | 1.3 |
| Christian | 81 | 27.8 | 32.0 |
| Hindu | 5 | 1.7 | 2.0 |
| Humanist | 5 | 1.7 | 0.0 |
| Jewish | 1 | 0.3 | 0.6 |
| Muslim | 86 | 29.6 | 40.8 |
| No Religion | 94 | 32.3 | 22.2 |
| Sikh | 1 | 0.3 | 0.3 |
| Other religion | 2 | 0.7 | 0.7 |
| Prefer not to say | 70 | | |
| Total | 361 | 100.0 | 100.0 |

People with no religion are over-represented in the survey compared to the Census, and the opposite is the case for Muslims, which probably reflects the under-representation of Bangladeshi people noted above.

| Relationship status | Responses total | Responses % | Census 2011 % |
|------------------------------|------------------------|--------------------|----------------------|
| Co-habiting | 39 | 13.9 | 19.6 |
| Married or civil partnership | 177 | 63.2 | 68.9 |
| Single | 64 | 22.9 | 11.5 |
| Prefer not to say | 81 | | |
| Total responses | 361 | 100.0 | 100.0 |

Seven respondents are in civil partnerships and 170 are married. Single respondents make up more of the respondents than their share of the population.

| Disability | Responses total | Responses % | Census 2011 % |
|------------------------|------------------------|--------------------|----------------------|
| Disabled | 11 | 3.7 | 13.5 |
| Not disabled | 290 | 96.3 | 86.5 |
| Prefer not to say | 60 | | |
| Total responses | 361 | 100.0 | 100.0 |

| Type of impairment | Responses total | Responses % |
|---------------------------|------------------------|--------------------|
| Learning disability | 2 | 40.0 |
| Long-standing condition | 3 | 60.0 |
| Prefer not to say | 6 | |
| Total responses | 11 | 100.0 |

Respondents included a small proportion of people with disabilities.

| Pregnant or breastfeeding | Responses total | Responses % |
|----------------------------------|------------------------|--------------------|
| Pregnant or breastfeeding | 43 | 14.3 |
| Not pregnant or breastfeeding | 258 | 85.7 |
| Prefer not to say | 60 | |
| Total responses | 361 | 100.0 |

A significant number of respondents were pregnant or breastfeeding, probably reflecting the age bands reported above.

| Economic status | Census 2011 - all families % | Census 2011 - families with children % |
|-------------------------------------|-------------------------------------|---|
| Employed or self-employed part-time | 12.8 | 23.6 |
| Employed or self-employed full-time | 55.9 | 26.2 |
| Unemployed | 5.6 | 9.2 |
| Student | 2.5 | 2.1 |
| Home / child care | 3.5 | 24.2 |
| Sick / disabled | 5.9 | 5.5 |
| Retired | 10.7 | 2.1 |
| Other | 3.1 | 7.0 |
| Total | 100.0 | 100.0 |

There are marked differences in the working patterns of families with dependent children and other families. Many more are occupied with home and child care and fewer are retired. Fewer families with children are in work, and they have a greater propensity to work part-time rather than full-time compared to other families.

2c) Responses to the proposal

64% of survey respondents who use the LADNs are from Bangladeshi backgrounds and 12% are Black African, significantly above the Census population figures of 32% and 4% respectively. Conversely, 6% of LADN users are White British, compared to 31% in the Census.

However, 53% of White British respondents to the survey agreed with the proposal to close the LADNs, compared to 45% of Bangladeshis.

Over 77% of respondents who use the LADNs are aged between 25 and 44. 36% of people in this age range were in favour of the proposal, compared to 77% of people in older groups.

Half of women and 38% of men were in favour of the proposal.

The highest rates of opposition to the proposal come from the respondents in the age bands and from ethnic backgrounds more likely to be using the LADNs.

Section 3: Equality Impact Assessment

| Target Groups What impact will the proposal have on specific groups of service users and staff? | Impact – Positive or Adverse | Reason(s) <ul style="list-style-type: none"> • Please add a narrative to justify your claims around impacts and, • Please describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making |
|---|-------------------------------------|---|
| Race | No direct impact | <p>A large number of users are Bangladeshi & Muslim, but these groups are not disproportionately affected by the decision as compared with other groups. Equivalent services are available from other providers.</p> <p>See below for socio-economic impacts which might disproportionately affect BAME groups.</p> |
| Disability | No impact | <p>Equivalent services are available from other providers (including the additional support provided to children with SEND including hearing impairment) as noted above. With regard to the quality of provision, the council uses the nationally recognised benchmark of Ofsted inspection outcomes. Of the alternative providers to the LADNs, all six of the nursery schools are Outstanding, 100% of school nurseries are Good or Outstanding, 86% of child care nurseries are Good or better as are 92% of childminders. This demonstrates that alternative providers compare favourably in terms of quality of provision to the LADNs.</p> <p>With regard to opening hours, there is currently a difference between nursery schools and school nurseries which have school hours during term time and the LADNs which are open year your and have extended hours. However, the significant drop in numbers attending the LADNs during holidays, particularly the summer holidays have resulted in one of the three being shut and this is evidence that there is a much reduced demand during the summer holidays. The child care providers in the Private, Voluntary and Independent sector have extended hours and operate all year round; it has already been demonstrated that they have appropriate provision for children with SEND and other additional needs.</p> |

| | | |
|--------|------------------|--|
| | | <p>Conscious of the needs of working parents, a number of the nursery schools and school nurseries are currently, with the support of the council, scoping how they could provide financially sustainable wrap around child care for all children including those with SEND and other vulnerabilities. These developments will mitigate the impact of the closure of the LADNs, with families that currently have children attending offered bespoke support to find suitable alternative placements if necessary.</p> <p>The council's peripatetic teachers of the deaf from the Support For Learning service will continue to visit any school or childcare setting attended by deaf and hard-of-hearing children.</p> <p>Children's House maintained nursery school will be able to take in 12 additional deaf children from September 2018. With capital investment from the Council, Children's House plan to develop a 24 place assessment and learning environment, including deaf children, which will be fully operational in 2019 and playing a key role in developing a more robust system for deaf and hearing impaired children than currently exists, helping with consistently earlier diagnosis and intervention prior to statutory schooling.</p> <p>Children with SEND who require a personal assistant or other support to attend childcare in any setting will continue to receive this support. This is either provided directly by the council from the SEND service or a personal assistant may be employed by the child's family from a Personal Payment funded by the council as part of the Education, Health & Care Plan.</p> |
| Gender | No direct impact | <p>Whilst working mothers who are more likely to have childcare responsibilities may be effected, there are a number of providers with vacancies within one to one and a half miles of the LADNs and this is detailed in the report, so equivalent services are available from other providers. The issue of quality and ability of that alternative provision to meet the needs of vulnerable children has been discussed previously.</p> <p>See below for socio-economic impacts which might disproportionately affect women.</p> |
| Gender | No impact | Equivalent services are available from other providers. |

| | | |
|--------------------|------------------|---|
| Reassignment | | |
| Sexual Orientation | No impact | Equivalent services are available from other providers. |
| Religion or Belief | No direct impact | Equivalent services are available from other providers. See below for socio-economic impacts which might disproportionately affect Muslim families. |
| Age | No direct impact | Equivalent services are available from other providers. See below for socio-economic impacts which might disproportionately affect people in age bands when they are likely to have young families. |
| Socio-economic | Adverse | It must be stressed that this impact would affect a very small number of families: the total number of children attending the council's nurseries is less than 2% of the under-5s in Tower Hamlets; not all of these children are from low-income families; and only those attending these nurseries and paying for extra hours and moving to a new provider would face increased fees. The council currently charges low rates for childcare, including outside core hours, at the three nurseries and any other provider is likely to have higher fees including premium rates outside core hours. Low-income families are likely to be entitled to free weekly childcare funded by central government: 15 hours (means-tested) for 2-year-olds; 15 hours for all 3- and 4-year-olds; and additional 15 hours for 3- and 4-year-olds whose parents (or single parent) are in work. For longer hours, which are often necessary for those working full-time, and any childcare for children under two, parents will need to pay. |

| | | |
|----------------------------------|------------------|--|
| | | <p>The impact on any family will depend on the number of extra hours, whether these include non-core times and the age of the child. The other key factor is the difference between the council's current charges and those of other providers. This makes it impossible to reliably estimate the additional cost on any family, but it must be acknowledged that there will be an impact.</p> <p>In both the consultation survey and parents' meetings, concerns have been raised that the extra cost would be so high that parents could no longer work or would have to reduce their working hours as they could lose less income than the extra amount they would have to pay for childcare. Other low-income families might find that more of their limited money is needed to pay for this childcare.</p> <p>Low income families will include people from other protected groups, so there could be an indirect adverse impact on: BAME families, especially from Bangladeshi (and so most likely Muslim) backgrounds; single parents (most likely women); and people of an age when they are likely to have young families, including women who are pregnant or breastfeeding.</p> <p>The alternative of providing the same level of subsidy to all families with children under the age of 5 across the borough is not feasible.</p> |
| Marriage and Civil Partnerships. | No impact | Equivalent services are available from other providers. |
| Pregnancy and Maternity | No direct impact | <p>Equivalent services are available from other providers.</p> <p>See above for socio-economic impacts which might disproportionately affect women who are likely to have young families.</p> |
| Other | | None identified |

Section 4: Equality Impact Assessment Action Plan

| Adverse impact | Please describe the actions that will be taken to mitigate this impact |
|---|---|
| <p>The potential adverse impact of the proposal is the expected higher costs of paid-for hours charged by other providers compared to the council's low current charges. This would affect a very small number of residents from poorer socio-economic groups, who will in turn belong to other protected groups.</p> | <p>The council may decide to cover the extra charges faced by families who have children using the LADNs and move to a new provider if they currently pay for some of their childcare hours. The cost of this depends on the number of children, their ages and the paid-for hours they attend the nursery, as well as on the difference in hourly charges.</p> <p>This mitigation could only help the very small number of families caught up in the transition, not all of whom are on low incomes. It would set them apart from the vast majority of families, including those on low incomes, using childcare and paying as required.</p> |

Section 5: Future Review and Monitoring

The council will be able to monitor a limited number of aspects of equality, comparable to information currently received from private, voluntary and independent nurseries. These are:

- The total number of children attending each childcare setting
- The numbers using government-funded free childcare hours, including the means-tested offer for two-year-olds which will act as a proxy for use of the nurseries by low-income families
- The numbers of children with hearing impairment being taught by the council's teachers of the deaf and the numbers receiving additional council support for other SEND, to ensure that these groups continue to access childcare