



Equality Impact Analysis: (EIA)

Section 1: Introduction

Name of Proposal: Prescribed alterations to Bowden House School and Ben Jonson School in order for them to develop an integrated, 24 place, co-educational SEMH primary provision, as part of an Integrated Provision which will be developed at Ben Jonson School site.

For the purpose of this document, 'proposal' refers to a policy, function, strategy or project)

Service area & Directorate responsible Pupil Services, Children & Culture

Name of completing officer: John O'Shea

Approved by Director/Head of Service: Christine MacInnes

Date of approval:

Conclusion - To be completed at the end of the Equality Impact Assessment process

This summary will provide an update on the findings of the EIA and what the outcome is. For example, based on the findings of the EIA, the proposal was rejected as the impact on a particular group was disproportionate and the appropriate mitigations in place. Or, based on the EIA, the proposal was amended and alternative steps taken)

Based on the findings of this EIA, moving to agree the prescribed alterations would reduce inequalities in Tower Hamlets by ensuring primary age girls, as well as boys, have access to specialist Social, Emotional and Mental Health (SEMH) provision. The proposal is therefore given a GREEN rating.

The new provision is expected to improve opportunities for children with SEMH needs ensuring improved access to a full curriculum.

The proposal will be recruiting staff, which should reduce the risk of redundancy for staff from other schools in Tower Hamlets where staffing is being reduced, through re-organisation and closure.

*The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:
Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act*

Advancing equality of opportunity between those with 'protected characteristics' and those without them

Fostering good relations between those with 'protected characteristics' and those without them

Where a proposal is being taken to a Committee, please append the completed equality analysis to the cover report.

This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Council's commitment to equality please visit the Council's website.



Section 2 – General information about the proposal

Provide a description of the proposal including the relevance of proposal to the general equality duties and protected characteristic pursuant to Equality Act 2010.

Planning for School Places – Establishing an Integrated co-educational primary provision for children with Social, Emotional and Mental Health (SEMH) Needs

This Equality Impact Assessment concerns the proposal to make prescribed alterations to Bowden House School and Ben Jonson School in order for them to develop an integrated 24 place, co-educational SEMH primary provision on the Ben Jonson School site.

Bowden House Special School is currently a 9-19 residential boys' secondary school. It is a Tower Hamlets School, but is based in Seaford, East Sussex.

The proposed prescribed alterations for Bowden House School are that it should:

- extend its age range to 5-19
- increase its capacity by 12 pupils at the Ben Jonson site. (Change in number of pupils in a Special School of more than 10% and Change of Age Range)
- include primary age day provision in its remit
- provide co-educational primary provision at the Ben Jonson School site

The prescribed alterations for Ben Jonson School are that it will

- establish an (up to 12 place) SEMH specialist provision

Tower Hamlets has a great tradition of excellent education; it values the important role that schools have in increasing the life chances of its children.

However, the borough has reviewed its SEND Strategy to improve the quality and range of provision, in order to optimise life chances for children with special educational needs and/or disabilities.

As part of this work a Social and Emotional Health and Wellbeing Primary Implementation Plan has been established. This set out the need for a new model for Primary SEMH provision which addressed 4 key weaknesses in the current provision¹. The Integrated SEMH Provision (ISP) should provide

- Quality specialist provision for primary age girls with SEMH needs
- Access to the full primary curriculum for children
- Greater flexibility in pathways for children with SEMH needs, ensuring access to mainstream provision whenever appropriate

¹ Identified through the SEND Strategy(2020) and The SEMH (2019) Review Report both are available on the Tower Hamlets Website



- A model based on SEMH needs rather than driven by behaviour management and reducing exclusion.

The work is being planned and supported through the LA's SEN Teams who play a key role in enabling schools to meet the challenge of ensuring that all children and young people in Tower Hamlets achieve the best possible outcomes and can flourish if schools are working in effective partnerships. Ultimately, the guiding principle for this work is that whatever is done should be in children's interests, looking at a range of achievable options that will enable proper opportunity to decide how best to deliver a high quality and sustainable provision. Access to good quality school places is essential to raising achievement and addressing poverty and inequality in the long term.

Section 3 – Evidence (Consideration of Data and Information)

What evidence do we have which may help us think about the impacts or likely impacts on service users or staff?

Level of Need (Data from SEND Strategy 2020)

Children in Tower Hamlets

Tower Hamlets has a young population. There are 112,900 0-25 year olds in Tower Hamlets. There are also high levels of deprivation in the borough, with 32% of children growing up in poverty. Around 8% of the population was born outside the UK and 75% of primary school children speak a first language which is not English (compared to 54% in Inner London and 21% nationally).

Children with special educational need and disabilities

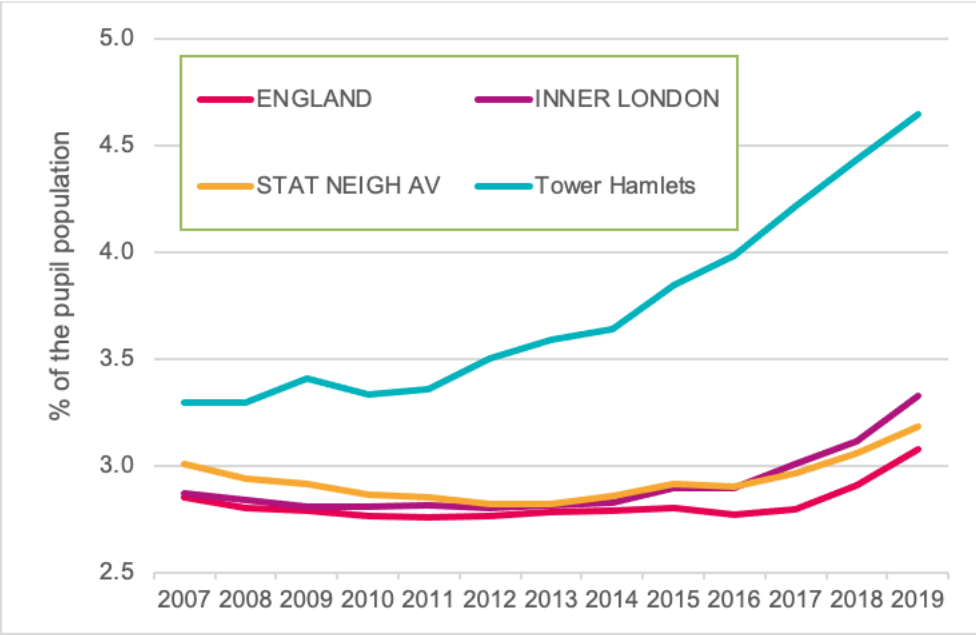
There are approximately 9,000 children and young people between 0 and 25 years with SEND resident in Tower Hamlets. The majority of these are supported by schools using their own budgets.

Approximately 3,300 children are given additional support (and resource) via an Education, Health and Care Plan (EHC plan).

There are more children with a special need in Tower Hamlets than in other areas, 17% of pupils in our schools have a special need or disability, compared to a national average of 15%.

Within schools the percentage of children and young people receiving SEN Support is 11.8%. This is lower than the average for England (12.1%) and London (12.6%). For children and young people with EHC plans the figure is 5.1%. This is significantly higher than both London (3.6%) and England (3.3%). This figure is increasing more quickly in Tower Hamlets than elsewhere.

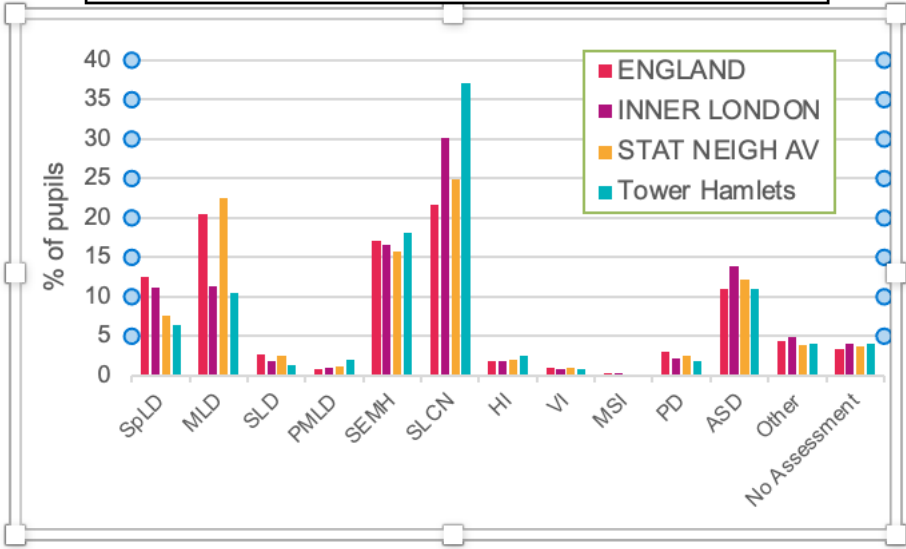
Figure 1 - EHC Plans as percentage of the pupil population over time, 2007-2019



Children with SEMH as their primary need

The proportion of children with SEMH as their primary need is slightly higher in Tower Hamlets (18%) than elsewhere. The proportion with Speech, language and communication needs (SLCN) is significantly higher than elsewhere at 37%. Many children with SLCN needs have secondary SEMH Needs.

Figure 2 – Breakdown of primary need type





Ensuring Access to the full Curriculum for all children

Most children with SEMH Needs should access a full curriculum in a mainstream school, with support.

The Tower Hamlets Behaviour and Attendance Support Service (BASS) offers schools advice on supporting children with SEMH needs in mainstream provision.

There is currently no identified Primary School which specialises in integrated mainstream support for children with SEMH needs (unlike SLCN, HI, ASD).

Tower Hamlets currently has a specialist SEMH Primary School, Cherry Trees School, which has 24 places for boys.

Cherry Trees has had 6 full inspections since it opened. Two of these judged the school to be outstanding, which is a credit to staff, governors, the boys and their families.

On a number of occasions OFSTED have commented that the capacity to provide a full ambitious curriculum for the boys has been limited. This will always be a risk in a very small school.

The OFSTED Report for Cherry Trees School in 2019 judged the provision at Cherry Trees to be inadequate and highlighted a number of curriculum weaknesses. This reflected the importance, identified in the new SEN Strategy of maintain high expectations for all children in Tower Hamlets, including those attending specialist provision.

Proposals to close Cherry Trees School are considered in a separate report to Cabinet.

Implications for children

Only a small number of children currently attend Cherry Trees School. The new ISP could accommodate any children currently at Cherry Trees, whose parents want a place for 2021-22. The new provision will be available for girls as well as boys, something which has not been available previously in the Borough.

The new ISP will ensure expertise is established in Borough including inclusion in mainstream and specialist expertise. This should benefit all children with SEMH needs as teachers will be able to see integrated provision for children and access this for support, as well the advice and support from BASS.

Children with SEMH needs will continue to have their needs met in mainstream schools, but for those with greater needs the ISP will be able to provide a flexible response with smooth transitions between mainstream integration and specialist support, based on individual needs. Places at the new ISP will be led by EHCP planning and agreed through the Local Authority SEN placement processes.

For Cherry Trees children and their parents and staff, the development of this provision should reduce some of the anxieties recorded in the Cherry Trees consultations. A full programme to support children and parents through this difficult period will be put in place, with the aim of helping them to recognise that moving school presents new opportunities as well as acknowledging how they have enjoyed their education at Cherry Trees.



Consultation

A range of consultations fed into the pre-publication consultations for the proposed new ISP provision.

Revised SEN Strategy Consultation (2017)

SEMH Implementation Plan Consultation (Summer 2020)

Cherry Trees Stage One Consultations (September 2020) and Statutory Notice (Dec 2020)

Bowden House and Ben Jonson Stage One Consultation (Nov 20- Jan 2021) and Statutory Notice (Jan- Feb 2021)

The Bowden House and Ben Jonson Governing Bodies were prompted by the Tower Hamlets SEN Strategy and SEMH Implementation to express an interest in delivering the new proposed provision. In September they were selected for this opportunity and began work on developing their proposals further, supported by an independent consultant, Dr Helen Jenner, as well as the Local Authority SEN Team.

A Steering Group consisting of representatives from both schools, supported by the Independent Consultant, has led the work on developing the new ISP.

Governors and the Headteachers have met, in various groupings, regularly since the Local Authority selected the schools for this project. This includes developing strong links with Cherry Trees School. A Service Level Agreement has been developed and agreed between the Schools and the Local Authority (Appendix 5)

Information about the new provision was included in the SEMH Implementation Plan. This was circulated to Headteachers and Governors by the Local Authority in the Summer Term. Information about the proposal was given in paper copy to all parents and staff and staff meetings have been held at both schools. The Statutory Notices have been posted at all 3 entrances to the Ben Jonson site, published in the local paper and the Headteacher's Bulletin and circulated to Chairs of Governors, Trades Unions, Diocesan Boards; the Council of Mosques and the Secretary of State has been notified of potential changes.

Information about the first stage consultation, and the Statutory Notice period was also placed on the schools' websites:

<https://bowdenhouse.school/news/post/bowden-house-school-statutory-notice>

<https://www.benjonson.towerhamlets.sch.uk/parents/consultation>

Due to the limitations imposed on public gatherings by COVID-19, it was not possible to hold face to face meetings for larger groups at the school or elsewhere. In order to ensure that pupils, parents, staff and the wider community were able to engage with and respond to consultation a range of opportunities were organised as follows:

The Notices include information on how to make representations, including schools and Local Authority email and postal addresses

A special email address was set up for comments at each school.

Virtual meetings were set up on 1st February – 2 for parents (9.30 and 2.30), 1 for staff (4.30) and 1 open meeting (parents, staff or stakeholders) at 6 pm

In addition, the independent consultant was available for 1 to1 socially distanced questions/feedback on Friday 5th January



Cherry Trees parents were contacted by the Acting Headteacher at Cherry Trees and the new provision discussed as part of EHCP reviews.

Staff Meetings have discussed the Strategy, processes and plans at all 3 schools. (Bowden House, Ben Jonson and Cherry Trees.)

Governors agreed responses from the different forms of consultation should be summarised in a report for Governors, to be sent to the Steering Group, following the end of the Statutory Notice Period. The Steering Group and Governing Bodies have reviewed feedback and used it to make a response to the council, on whether or not to recommend proceeding with the prescribed alterations. A report summarizing the feedback on the consultation will be available for staff and parents during the first half of the Summer Term 2021.

Other Evidence

Financial position of Cherry Trees

Ofsted reports

Equality Act 2010

SEND Strategy

SEMH Implementation Plan

Minutes of meetings where the future provision has been discussed

Consultation Document

Consultation Feedback Report

School Policies (Equalities, SEND and Inclusion)

Name of officer completing the EIA: John O'Shea

Service area: C&C SPP

EIA signed off by:

Date signed off:



Section 4 – Assessing the impacts on residents and service delivery

	Positive	Negative	Neutral	Considering the above information and evidence, describe the impact this proposal will have on the following groups?
Age (All age groups)	X			<p>The prescribed alteration will improve specialist SEMH provision and specialist support for primary children in Tower Hamlets</p> <p>There will also be opportunities to employ new staff for the provision, including the potential to redeploy some staff in schools where there is a risk of redundancy, subject to the ISP Steering Group decision. This is likely to be through automatic inclusion in competitive interview for staff interested in employment who meet the selection criteria for new posts.</p> <p>Further work needs to be done in order to assess what job roles will be available, and the age range of applicants and successful candidates.</p>
Disability (Physical, learning difficulties, mental health and medical conditions)	X			<p>Pupils</p> <p>Currently the specialist support for Primary pupils with SEMH needs is considered inadequate, with weaknesses in access to the whole primary curriculum. By bringing together an excellent, inclusive Primary School with Excellent SEMH specialist provision a unique opportunity to establish world class inclusive provision for these very vulnerable children can be established.</p> <p>Over the academic year 2020/21, parents and teachers at Cherry Trees and the potential new provision have the opportunity to ensure a seamless transition for children with SEND, building on the support that has been provided at Cherry Trees. Annual Reviews for children at Cherry Trees have been brought forward in order to give adequate time to ensure the new provision is fully equipped to meet their needs, if they are transferring to it in September 2021.</p> <p>Staff</p>



				Recruitment processes will be mindful of the needs of applicants with SEND and take into account the Equality Act 2010 in order to ensure they are not discriminating against those with disabilities.
Sex	X		X	<p>Pupils</p> <p>There is currently no specialist provision for primary age girls with SEMH Needs in Tower Hamlets. By making the prescribed alteration to include primary age girls as part of the Bowden House provision the availability of support for girls is significantly enhanced.</p> <p>Staff</p> <p>No impact – the prescribed alterations will not impact on existing staff positions. Recruitment processes will ensure gender equality.</p>
Gender reassignment			X	No impact - We do not have any data available on this protected characteristic for pupils or staff.
Marriage and civil partnership			X	No impact - We do not have any data available on this protected characteristic for pupils or staff.
Religion or philosophical belief			X	No impact - we do not have any data available on this protected characteristic for pupils or staff. However, as neither of the schools is a faith school, we do not expect there to be a disproportionate impact.
Race			X	<p>Pupils</p> <p>The largest ethnic group of children at Ben Jonson is Bangladeshi; at Bowden House and Cherry Trees it is White British. Careful planning will be needed to ensure that parental friendship group fears from parents and children do not negatively impact on social skills, networks and opportunities. This should be carefully monitored in the new provision.</p>



			X	<p>The Local Authority does advise that multi-cultural schools are likely to be beneficial to fostering good relations between individuals in different ethnic and/or racial groups, as children will have the opportunity to make friends with children from different races to themselves at a formative stage of their personal development. However, there is also an awareness that some parents appreciate the option to choose a school where their child has representation on an ethnic level, and that some children and their families find becoming “minority white” an additional stress.</p> <p>Staff No impact – staff recruitment processes should ensure attention is paid to recruiting to reflect the local community.</p>
Sexual orientation			X	No impact - we do not have any data available on this protected characteristic for pupils or staff.
Pregnancy and maternity			X	No impact - we do not have any data available on this protected characteristic for pupils or staff.

Other

Socio-economic			X	<p>The percentage of children receiving FSM does vary across the neighbouring schools and tends to be higher for children with disabilities. In Tower Hamlets disadvantage is not seen as a barrier to achievement, and gaps in attainment are low. The ISP provision is expected to further enhance outcomes for disadvantaged children.</p> <p>Indeed, the speed and agility with which schools in LBTH moved to support</p>
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				<p>parents with food vouchers and food parcels during the closure of schools owing to COVID 19 suggests that any children with FSM eligibility will be well supported at school in LBTH.</p> <p>There are high numbers of FSM for children with EHCPs</p> <p>The ISP provision expects to fund school uniform changes if necessary. Going forward, the schools may want to consider supporting families in the case that a child moves from the roll of Ben Jonson to the roll of Bowden House and vice versa, and this requires a change of school uniform.</p>
Parents/Carers			X	<p>During the consultation period, parents at Cherry Trees raised several questions. They mainly felt that their children were happy at Cherry Trees and would prefer that they complete primary education at the school. One parent was particularly worried around future friendship groups for her son.</p> <p>Parents at Bowden House, Seaford are pleased that there will be no alterations to the secondary provision. Some parents are pleased to know there will be a Bowden House provision at primary level and centrally located in Tower Hamlets.</p> <p>Ben Jonson parents are pleased that there will be access to a wider range of support for Ben Jonson parents. There was previously an Autistic Spectrum Disorder (ASD) satellite class at Ben Jonson so they have experienced a similar model and this has reduced anxiety.</p> <p>Parents and carers should continue to be heavily involved in the consultation process and beyond, as the new provision develops.</p>
People with different Gender Identities e.g. Gender fluid, Non-Binary etc			X	<p>No impact - we do not have any data available on gender identity for pupils or staff.</p>



Section 5 – Impact Analysis and Action Plan

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Further analysis of workforce recruitment data needs to occur	Request recruitment data from ISP	By end of recruitment process, as part of SLA	JO'S	Completed
Bring Annual Reviews for pupils at Cherry Trees School forward	Assess whether any additional resources or support would be needed if the child was to transition to new provision	By end of statutory consultation period,	JO'S	
Provide support for parents/carers	Ensure work with parents and carers embedded in new provision	Include in SLA and Ongoing throughout academic year	JO'S	
Ensure children supported to access friendship groups	Ensure this element included in Annual Review	Ongoing throughout academic year	JO'S	



Section 6 – Monitoring

Have monitoring processes been put in place to check the delivery of the above action plan and impact on equality groups?

Yes?




No?

Describe how this will be undertaken:

The SEN Team will monitor and review the action plan as part of SLA Reviews

Appendix A

Equality Impact Assessment Decision Rating

Decision	Action	Risk
As a result of performing the EIA, it is evident that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a Protected Characteristic under the Equality Act. It is recommended that this proposal be suspended until further work is undertaken.	Suspend – Further Work Required	Red 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, there is a genuine determining reason that could legitimise or justify the use of this policy.	Further (specialist) advice should be taken	Red Amber 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negatively impact (as described above) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, this risk may be removed or reduced by implementing the actions detailed within the Action Planning section of this document.	Proceed pending agreement of mitigating action	Amber 
As a result of performing the EIA, the proposal does not appear to have any disproportionate impact on people who share a protected characteristic and no further actions are recommended at this stage.	Proceed with implementation	Green: 