

Equality Impact Assessment Form

1. Document Control

1. Control Details

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| Title: | Disagreement Resolution, Mediation Advice and Mediation services (SEND) |
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| Strategic Budget EIA: Y/N | N |
| Exempt from publication Y/N | N |

2. Document Amendment Record

| Version | Author | Date | Approved |
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| 1 | Lisa Lopez | 24/09/18 | |
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3. Contributors/Reviewers

| Name | Position | Date |
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4. Glossary of Terms

| Term | Description |
|--------------------------|---|
| SEND | Special educational needs and/or disabilities |
| EHC | Education, Health and Care. EHC Plans have replaced the former 'Statements'. |
| DRS | Disagreement Resolution Service - all families who disagree with any aspect of their education, health and/or social care provision |
| Mediation Advice service | For families with an EHC assessment and/or plan, who disagree any aspect of their education, health and/or social care provision. All families wishing to appeal the decision on this provision, at First-tier Tribunal, must first obtain a certificate stating that they have been offered mediation. That mediation offer is either accepted, and mediation takes places (if the issue is not resolved the certificate is issued and the family may choose to appeal) or declined (the certificate is issued and the family may choose to appeal). |
| Mediation service | For families with an EHC assessment and/or plan, who disagree with any aspect of their education, health and/or social care provision. All families wishing to appeal the decision on this provision, at First-tier Tribunal, must be offered Mediation. If the offer of mediation is declined, or the mediation is unsuccessful, the family may choose to appeal. |
| Tribunal | Refers to the First-tier Tribunal, part of the Health, Education and Social Care Chamber responsible for handling appeals against local authority decisions regarding special educational needs. |

2. Assessment

1. Brief description of proposal / policy / service being assessed

Nottingham City Council commissions Disagreement Resolution, Mediation Advice and Mediation services, to children/young people with special educational needs and/or disabilities (SEND) and their parent/carers. The Disagreement Resolution Service is for all families who disagree with any aspect of their education, health and/or social care provision. The Mediation Advice and Mediation services are for families who disagree with any aspect of their Education, Health and Care (EHC) assessment and/or plan. The services are commissioned jointly with other seven local authorities in the East Midlands region to maximise efficiency. The contracts are due to end 30th April 2019. This EIA pertains to the

recommendation for Nottingham City Council to jointly re-commission the Disagreement Resolution, Mediation Advice and Mediation services, with a single provider for the services. The current service model has three discreet services in place, with two providers each delivering both the Disagreement Resolution Service (DRS) and the Mediation service, and a further provider delivering Mediation Advice and issuing the certificate which is required by families wishing to proceed to Tribunal.

The current model was developed in the wake of changes to SEND legislation, following guidance that families should have 'choice and control', and with the intention to best support families in a difficult situation. Feedback on the current contracts is that the choices families actually require relate more to choice of venue for the DRS/mediation meeting, who they want present at the meeting etc.

The Mediation Advice provider is not allowed to influence families regarding choice of provider, or highlight the differences between them.

Families therefore choose a provider for DRS or mediation based on very limited information, and may be frustrated with their choice if they do not get the outcome they sought. The proposed changes to the service model seek to simplify the arrangements for families during an already challenging time.

This service supports the fulfilment of Nottingham City Council's statutory duties towards children/young people with SEND and their parent/carers.

2. Information used to analyse the effects on equality:

Monitoring information for the 2015-19 contract is available here: [Contract information](#) and shows that Nottingham City has small numbers of citizens accessing the DRS, mediation advice and mediation services (35 out of the 854 for the region in 2017/18).

The new service is informed by the following published documents –

- The Children and Families Act (2014) <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>
- SEND Code of Practice 2015
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf
- Professional Standards for Mediators 2018 (Civil Mediation Council and College of Mediators)
https://www.collegeofmediators.co.uk/sites/default/files/Professional%20Standards%20for%20Mediators%2021-05-2018%20FINAL%281%29_0.pdf

Individual engagement is underway with parents/carers from Rainbow Parent Carer Forum, and from the SEND Information, Advice and Support Service (IASS) who have previously accessed mediation services. The other local authorities who are party to the contract are also carrying out engagement activities with their local parent carer forums and IASSs. Feedback from the parents/carers will be used to inform specification development. These parent/carers from across the region will be invited to take part in scoring relevant sections of the bids for the contract, and will therefore take an active role in deciding the outcome of the procurement process.

3. Impacts and Actions:

| | Could particularly benefit X | May adversely impact X |
|---|-------------------------------------|---------------------------|
| People from different ethnic groups. | <input type="checkbox"/> | <input type="checkbox"/> |
| Men | <input type="checkbox"/> | <input type="checkbox"/> |
| Women | <input type="checkbox"/> | <input type="checkbox"/> |
| Trans | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Disabled people (children/young people with SEND) or carers (parent/carers/families).</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Pregnancy/ Maternity | <input type="checkbox"/> | <input type="checkbox"/> |
| People of different faiths/ beliefs and those with none. | <input type="checkbox"/> | <input type="checkbox"/> |
| Lesbian, gay or bisexual people. | <input type="checkbox"/> | <input type="checkbox"/> |
| Older | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Younger (young people with SEND)</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults). | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Please underline the group(s) /issue more adversely affected or which benefits.</i> | | |

| <p>How different groups could be affected (Summary of impacts)</p> | <p>Details of actions to reduce negative or increase positive impact (or why action isn't possible)</p> |
|--|--|
| <p><u>Families of a child/young person with SEND</u></p> <p>Families can find it confusing to have the choice of DRS/mediation providers. Having a single service simplifies processes for families in an already challenging situation, and is likely to avoid confusion regarding which service to engage with. Having a single service provider reduces the need for the family to repeat details of their situation, which avoids contributing to their frustration at a difficult time. A single service affords citizens a greater degree of privacy by limiting the number of people they disclose personal information to, and supports ease of access for both citizens and professionals. Having consistency across the region benefits families whose children may be educated in a different local authority area – this is more common for children/young people with SEND. Improving uptake of SEND Disagreement Resolution and Mediation services is likely to result in more families having their needs met without recourse to Tribunal, benefitting both the family and the local authority. The contract will be robustly performance-managed to ensure that the needs of citizens are met without recourse to Tribunal wherever possible.</p> <p><u>Young people with SEND</u></p> <p>Some young people with SEND, who have capacity and who wish to do so, may disagree with their own EHC plan or</p> | <p>1 Actions will need to be uploaded on Pentana.</p> <ul style="list-style-type: none"> • Work in partnership with the other East Midlands local authorities to commission a single consistent service across the East Midlands region (April 2018 and ongoing through the commissioning, procurement and contract management process). • Incorporate feedback from consultations with parent/carers who have accessed mediation services in the past, into service development (September 2018). • Include parent/carers in developing the service, including taking part in developing the service specification and scoring the bids in the tender process (September 2018 – February. 2019). • Work with the successful provider to ensure the service links appropriately to the Nottingham and Nottingham Information, Advice and Support Service for children/young people with SEND and their parent/carers (May 2019 onwards) • Contract management to ensure expected positive outcomes for children/young people with SEND and their parent/carers are met (May 2019 and ongoing throughout the contract). |

assessment. The young person may choose to represent themselves, rather than be represented by a parent/carer or other family member, and may have a different opinion to that of their parent/carer. Young people in this position will benefit from the simplified process in exactly the same way as families, discussed above.

4. Outcome(s) of equality impact assessment:

| | | | |
|-------------------------------------|-----------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | No major change needed | <input type="checkbox"/> | Adjust the policy/proposal |
| <input type="checkbox"/> | Adverse impact but continue | <input type="checkbox"/> | Stop and remove the policy/proposal |

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

The contract for the proposed new service will be performance-managed by Nottingham City Council. The contract will include the requirement to report equalities information as part of the quarterly monitoring returns. This information will be submitted to the Contracts team. The information will be reviewed as part of the 'Review' phase of the commissioning process after the service has been in place for one year, and then on an annual basis by the Contracts team as part of standard contract monitoring processes. This EIA will be refreshed in the event of any further changes to services.

6. Approved by (manager signature) and Date sent to equality team for publishing:

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| <p>Approving Manager: The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.</p> <p>Manager: Clare Gilbert Email: clare.gilbert@nottinghamcity.gov.uk</p> | <p>Date sent for scrutiny: 2/10/18 Send document or Link to: equalityanddiversityteam@nottinghamcity.gov.uk</p> |
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| Tel: 0115 87 64811 | |
| SRO Approval: | Date of final approval:02/10/2018 Adisa Djan |

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.