

Due Regard Statement

Please use this statement to evidence how 'due regard to' the three aims of the public sector equality duty has been made (section 149 of the Equality Act 2010) during the development of the 'policy'.¹

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the ACT:
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic

Name of the 'policy':	Approval to participate in a Dynamic Purchasing System (DPS) for the commissioning of day and residential placements at Independent and Non-maintained Special Schools (Including Colleges) for Children and Young People with additional needs for the period 1 st April 2019 to 31 st March 2026
Person(s) responsible for completing this statement	Forrest Wilhoite, Development Manager for SEND
Briefly describe the activity being considered including aims and expected outcomes	<p>The council is currently partnered with the West Sussex Special Educational and Disabilities DPS (Dynamic Purchasing System). The current agreement ends on the 31 March 2019.</p> <p>The purpose of this report is to consider the future procurement options which are open to the Council to replace the current dynamic purchasing system.</p> <p>The council must have a robust and transparent procurement process in place to commission day and residential educational placements at independent or other non-maintained schools and colleges, or residential care placements which have an educational aspect, for children and young people up to the age of 25.</p>

¹ For 'policy': any new and existing policy, strategy, services, functions, work programme, project, practice and activity. This includes decisions about budgets, procurement, commissioning or de-commissioning services, service design and implementation.

Documenting use of sufficient information

Please document below the data and information sources that you have used to understand the needs, participation and experiences of each protected group. Evidence must be gathered as the policy is developed and used to inform decisions.

Service user data

Service user data is an important source of evidence and should be collated as part of routine monitoring of in- house or external services. If service user data is not available record 'not known' and use the action plan to identify what improvement actions will be used to gather data going forward.

Service user diversity reports are available on our website and give an indication of service user participation across commissioning areas, for example adult residential services and youth services. It does not include participation data at individual service level.

Needs analysis

Gloucestershire population demographics data is available to understand the representation of different protected groups across the county and help with needs analysis. Data like this may also be also useful for benchmarking to identify under or over representation of a service by any of the protected groups. For example, a service is open to all residents and from monitoring you know that 2% of service users are disabled: However, demographic data indicate that 16.7% of Gloucestershire residents report having a disability or long term limiting illness. This finding can be used to explore if there are barriers to participation by residents with disabilities and how this can be addressed as part of the development of your 'policy'.

Data gaps

You may find that you have more information about some of the protected groups for example, gender, age, disability and less about others, for example, sexual orientation and religion and/or belief. If data is not available and you intend to start collating data about a protected characteristic please use the action plan to outline how this data will be collated. You can find equality monitoring guidance on our website including an equality monitoring template.

If you have no plans to start collating data about a protected characteristic please state the rational why.

Service information (if applicable) or Needs analysis (if applicable)

<p>Who is responsible for delivering the service?</p>	<p>GCC Head of Commissioning for Learning and Head of Services for Children with Additional Needs</p>
<p>Service user data/Needs analysis information</p>	
<p>Age</p>	<p>The age range covers 0 – 25. During the 2017/18 academic year the council placed 243 children and young people in independent/non-maintained provision.</p> <p>The age breakdown is as follows</p> <p><5 = 7 5 – 10 = 24 11-15 = 117 16+ = 95</p> <p>Source: GCC Out of County data and September 17 placements</p>
<p>Disability</p>	<p>Autistic Spectrum Disorder (ASD) – 38 Hearing Impaired (HI) – <5 Moderate Learning Difficulties (MLD) – 30 Physical Disability (PD) – 20 Profound Multiple Learning Difficulties (PMLD) – 12 Social Emotional Mental Health (SEMH)– 102 Speech Language Communication Needs (SLCN) – 17 Severe Learning Difficulty (SLD) – 15 Specific Learning Difficulty (SpLD) – 6 Visual Impairment (VI) – <5</p> <p>Source: GCC Out of County data and September 17 placements</p>
<p>Sex</p>	<p>Female – 69 Male – 174</p> <p>Source: GCC Out of County data and September 17 placements</p>

Race (including Gypsy & Traveller)	<p>White British – 180 White Irish - <5 Any other White Background – 5 Black African - <5 Black Caribbean – 5 Any other Black background - <5 Chinese - <5 Any other mixed background - <5 White and Asian – <5 Any other Asian background - <5 Indian – <5 Pakistani - <5 White and Black Caribbean – 5 Information not obtained - <5 Refused - <5 Not Known – 28</p> <p>Source: GCC Out of County data and September 17 placements</p>
Gender reassignment	No information available
Marriage & civil partnership	No information available
Pregnancy & maternity	No information available
Religion or Belief	No information available
Sexual Orientation	No information available

Other information

Workforce data

Please document details of GCC staff only if they will be affected by the proposed activity. This could include GCC staff transferring under TUPE to a new service provider, relocating, employment at risk. **GCC Workforce diversity reports** are available on our website.

If the proposed activity does not affect GCC staff, please state 'Not affected below'.

Total number of GCC staff affected	Not Affected
Age	Not Affected
Disability	Not Affected
Sex	Not Affected
Race (including Gypsy & Traveller)	Not Affected
Gender reassignment	Not Affected
Marriage & civil partnership	Not Affected
Pregnancy & maternity	Not Affected
Religion or Belief	Not Affected
Sexual Orientation	Not Affected

Consultation and engagement

List all types of consultation that has taken place during the development of this activity. Include on-line consultations, events, meetings with stakeholders, community events, employee consultation exercises etc

Service users	Service users and their parents are consulted on their individual placement decision rather than the actual procurement methods the council applies to achieve this
Workforce	Colleagues across GCC education, SEND & commissioning have been discussing options for future framework options to inform the procurement approach.
Partners	Meeting with other local authority representatives to discuss the content of the new framework and discuss the benefits/merits of the opportunity of the new system.
External providers of services	Some conversations have been held with external providers over the options for commissioning places in the future. Further conversations will be held as the options develop.

Equality analysis: Summary of what the evidence shows and how has it been used

This section will allow you to outline how the evidence has been used to show 'due regard' to the three aims of the general equality duty. It is important that this consideration is thorough and based on sufficient information. Consideration should be relevant and proportionate.

- Eliminate discrimination
- Advance equality of opportunity
- Promote good relations..

Protected group	Challenge or opportunity considered and what we did
Age(A)	The age profile of children will vary from year to year, however the data relating to current children and young people with Additional Needs aged 0-25 who have their needs met through the current DPS shows that it is capable of catering for meeting the needs across the whole age range to ensure that no child or young person is disadvantaged because of their age.
Disability (D)	Opportunity - The current profiles of children and young people who have been allocated placements through the DPS demonstrate the ability of it to meet a wide spectrum of need, especially for those children and young people with more complex needs who are likely to require a more intensive or flexible level of support. Continuation in this DPS will ensure that the needs of Children and Young People with Additional Needs, in particular those with more complex needs, will continue to be met at the most appropriate placement.
Sex (S)	The proposals do not differentiate or discriminate between genders. Children and young people with Additional Needs will have their needs identified holistically through the EHCP process. This will enable a personalised approach to take into account needs which will ensure they have every opportunity to achieve their potential at the most appropriate placement.
Race (including Gypsy & Traveller)(R)	The proposals do not differentiate or discriminate against race. Children and young people with Additional Needs will have their needs identified holistically through the EHCP process. This will enable a personalised approach to take into account needs which will ensure they have every opportunity to achieve their potential at the most appropriate placement.
Gender reassignment(GR)	The proposals do not differentiate or discriminate against anyone who has undergone or about to undergo gender reassignment. Children and young people with Additional Needs will have their needs identified holistically through the EHCP process. This will enable a personalised approach to take into account needs which will ensure they have every opportunity to achieve their potential at the most appropriate placement.
Marriage & civil partnership (MCP)	The proposals do not differentiate or discriminate married couples or any in civil partnership.
Pregnancy & maternity (PM)	The proposals do not differentiate or discriminate against anyone sexual orientation over another. Children and young people with Additional Needs will have their needs identified holistically through the EHCP process. This will enable a personalised approach to take into account needs which will ensure they have every opportunity to achieve

	their potential at the most appropriate placement.
Religion and/or Belief (RAOB)	The proposals do not differentiate or discriminate against a person's religion or belief. Children and young people with Additional Needs will have their needs identified holistically through the EHCP process. This will enable a personalised approach to take into account needs which will ensure they have every opportunity to achieve their potential at the most appropriate placement.
Sexual Orientation(SO)	The proposals do not differentiate or discriminate against one sexual orientation over another. Children and young people with Additional Needs will have their needs identified holistically through the EHCP process. This will enable a personalised approach to take into account needs which will ensure they have every opportunity to achieve their potential at the most appropriate placement.

Strengthening actions: Planning for further improvements

Please outline here what actions are required for further improvements to address challenges or opportunities, for example:

- Arrangements for continued/new engagement with stakeholders, staff, service users
- Plans to close data gaps across any of the protected characteristics through reviewed contract management arrangements
- Identify other plans already underway to address the challenges or opportunities identified in this statement
- Share findings with partner organisations.

If none, state 'none' below.

Action Plan

Action	Who is accountable	Time frame
Meeting with DPS providers and other local authorities to develop the offer available to Gloucestershire's Children and Young People.	GCC EHCP & Commissioning Services	Ongoing

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Monitoring and Review

Please indicate what processes/actions will be put in place to keep this 'activity' under review. For example will progress be monitored/ reported to a board, scrutiny committee, project board etc

The progress of the DPS will be monitored by the officers in the SEND team and Commissioning team. Progress will be reported to the Heads of Service for Commissioning for Learning and Children with Additional Needs.

Sign off and Scrutiny

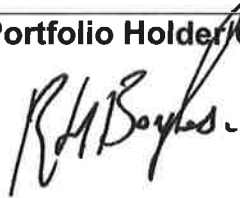
By signing this statement off as complete you are confirming that 'you' have examined sufficient information across all the protected groups and used that information to show due regard to the three aims of the general duty. This has informed the development of the activity

Senior level sign off: 	Date: 4 March '19
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I am in agreement that sufficient information and analysis has been used to inform the development of this 'activity' and that any proposed improvement actions are appropriate and I confirm that I as the decision maker have been able to show due regard to the needs set out in section 149 of the Equality Act 2010.

Name of relevant Portfolio Holder/Cabinet Member: Cllr Richard Boyles

Signed by Portfolio Holder/Cabinet Member:



R.H. Boyles

Date:

4 MARCH 2019

Publication

If this statement accompanies cabinet paper it will be published as part of the cabinet report publication process. Statements accompanying cabinet reports are also published on our website. If this statement is not to be submitted with a cabinet paper please maintain a copy for your own records that can be retrieved for internal review and also in case of future challenge.