



Appendix D

Policy Development - Equality Impact Assessment

Addressing the needs of all sections of the Community

Purpose - Delivering Excellent Services and Inclusive Employment Practices:

Central Bedfordshire Council wants to ensure that it provides services which address the needs of all members of the community and employs a workforce that at all levels is representative of the community it serves.

The Council conducts Equality Impact Assessments as policies are developed to:

- Consider issues relating to age, disability, gender, gender reassignment, race, religion and belief and sexual orientation;
- Obtain a clearer understanding of how different groups may be affected;
- Identify changes which may need to be built into an initiative as it is developed;
- Comply with legislative requirements;
- Identify good practice;

Principles of Equality of Opportunity:

- All sections of the community must have access to information & services.
- Policies and Services should be appropriate to the needs of different groups of people.
- Policies and Services should be developed in consultation with local communities.
- Services that are delivered through an external contractor or statutory agency must also address the needs of all sections of the community.
- Policies and Services should help to
 - **promote equality of opportunity,**
 - **tackle discrimination,**
 - **eliminate harassment,**
 - **promote good relations / positive attitudes amongst different groups of people &**
 - **encourage participation in public life**

Statutory Requirement to Undertake Equality Impact Assessments:

- Final approval of the policies etc, can only happen after the completion of an equality impact assessment.
- It is unlawful to adopt a policy contingent on an equality impact assessment.

If you need any assistance regarding this Assessment, please contact:

**Clare Harding, Corporate Policy Advisor (Equality & Diversity) Business Transformation,
Clare.Harding@centralbedfordshire.gov.uk 01234 228329 (Ext.42329)**



Equality & Diversity Checklist

Central Bedfordshire Council is legally required to:

- **Deliver** high quality, accessible services that meet the needs of all our customers.
- **Understand** issues relating to disability, gender, gender reassignment, race, religion or belief, age, and sexual orientation.
- **Engage** with **service** users, local communities, staff, stakeholders and contractors to identify and implement improvements
- **Tackle** barriers which restrict access to services
(e.g. inaccessible buildings, lack of employee understanding about customer needs)
- **Employ** a representative, well trained workforce

Services must demonstrate how they address the following issues:

1) PUBLICISING SERVICES:

- ★ **How does the service ensure that all sections of the community are aware of the service?** *(e.g. variety of approaches to publicity, awareness levels measured?)*
- ★ **When is the service available?** *(e.g. opening hours and any out of hours service)*

2) ACCESSIBLE SERVICES:

- ★ **How does the Service ensure that all sections of the community have equality of access?**
(e.g. variety of contact mechanisms and delivery points provided such as phone or website. Provision to help customers with additional needs to access the service such as disability access, provision of Interpreters?)
- ★ **Does the service monitor and analyse levels of service take up?** *(e.g. are certain groups not using the service or over-represented? Are the reasons for this investigated?)*
- ★ **Does the service consider options for delivering services in a different way to facilitate easier access for customers?** *(e.g. outreach approaches)*

3) APPROPRIATE SERVICES:

- ★ **How does the service check that it is meeting the needs of all customers?**
*(e.g. Has the service set up inclusive Customer feedback mechanisms? Is this feedback analysed by equality criteria?
Is the service using a variety of inclusive consultation mechanisms for both existing, potential and ex-customers, including customers with special needs & community groups?)*
- ★ **Do the findings inform service development and improvement?**

4) SERVICE SUPPORT NEEDS:

- ★ **How does the service identify staff training needs?** *(e.g. via staff appraisal process)*
- ★ **What E&D training has been undertaken?**



5) PARTNERSHIP AND PROCUREMENT:

How does the Service ensure that equality legal requirements are addressed when working in partnership or with contractors? (e.g. contract clauses, targets and monitoring)



Title of the Assessment:	Home to School Transport Policy	Date of Assessment	22/02/10
Responsible Officer: Email:	Carol Wooding Carol.wooding@centralbedfordshire.gov.uk	Extension Number	
Equality Impact Assessors	Clare Harding Corporate Policy Adviser – Equality and Diversity Katherine Peddie Head of Policy & Strategy	Version	2

Relevance Test: Is an equality impact assessment required?

Relevant?	Yes	No
Does the strategy, policy, service, project, contract or decision impact on people?	✓	
Will it benefit some people and communities & not others (community cohesion)?	✓	
Does it involve making decisions based on people’s characteristics or circumstances?	✓	
Will it have a significant impact on someone’s life or wellbeing?	✓	
If you have answered yes to any of the above an impact assessment must be completed		
Not Sure?	Yes	No
The service is a support function or administrative		
There is insufficient evidence to make a judgement		
If you have answered yes to the above please contact Clare Harding for further advice		
Not Relevant?	Yes	No
There is no discernable impact on people		
If you have answered yes to the above please contact Clare Harding for confirmation that an impact assessment will not be required		

1) What are the objectives of the policy / strategy / plan?

The objectives of this policy are to review the criteria for the provision of free home to school transport to ensure that the authority meets its statutory duties, that there is a fair and equitable provision and avoidance of unreasonable public expenditure.

2) Levels of Awareness and Access:

Take-up rates – What methods do you use to monitor the characteristics of service-users?
(e.g. gender, ethnicity, disability, age, religion or belief etc.)

Currently 6109 pupils, aged 5-15, are provided with home to school transport based on a range of criteria. This is broken down as follows:

Mainstream Transport

Eligibility Based on	Number
Distance	2742
Nearest school policy	240
Extended Rights to Free Travel	16
Road Safety	2185

Nearest School policy road safety	48
Denominational transport	296
Permanently excluded pupils	30
Medical needs	11
Discretionary transport	4
Concessionary seats	33
	5605

These characteristics cannot currently be broken down to establish provision based on gender, ethnicity, disability, age, religion or belief etc.

Special Educational Needs (SEN) Transport

Pupils Provided with SEN Transport	Numbers
Central Bedfordshire Schools	357
Bedford Borough Schools	118
All other schools	29
Total	504

Transport is currently provided for all pupils who attend a special school or a specialist provision in a mainstream school. The proposal in the policy is that transport needs of a child are considered as part of the statutory assessment process based on individual need, and will be reassessed at annual review.

Are some groups under or over represented compared to census data for Bedfordshire?

There are currently 504 children with SEN who are eligible for free transport.

From the data available at the time of undertaking this equality impact assessment, we do not have sufficient information to know whether or not some groups are under or over represented. However, we are developing a more robust information system by working closely with the Assessment and Monitoring Team.

Data does suggest that the cost of providing transport for children with statements of special educational needs is disproportionately high. Approximately 40% of the total expenditure on transport for statutory age pupils is on transport for SEN pupils; however the numbers represent only 9% of the total currently eligible for transport. Careful thought needs to be given to this, as this may be appropriate under disability legislation, which would acknowledge that this may be appropriate to promote equality.

Some groups are over represented, particularly children in special schools or specialist provision and children attending schools on denominational grounds. The previous policy provided transport for these groups of children over and above the statutory responsibility.

Where parents might be eligible for free transport on low income grounds there is insufficient local data to tell us whether certain groups lack awareness and are not accessing the service. National data suggests that certain groups such as some ethnic minority groups and socio-economically disadvantaged groups may not be aware of provisions within the local authority.

What steps could you take to improve levels of awareness or access to services?



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As well as collection and monitoring of robust data, public information on entitlement and eligibility needs to be accessible to all parents and carers with children of school age. Once the policy is agreed an information leaflet will be developed and made widely accessible.

In developing the policy, consideration has been given to the provision of 'discretionary transport' in particular and providing some clarity around how those decisions may be taken to ensure that certain groups are not disadvantaged. As part of the broader sustainable transport review we anticipate that collection and monitoring of demographic data will be more robust and ensure that in the delivery and implementation of the policy that vulnerable groups are not being discriminated against.

The policy makes provision for Discretionary Transport for particular groups, e.g. children excluded from school, and children receiving nursery education as per the School Standards and Framework Act 1998.

Where parents/carers are dissatisfied with the way that their application for transport has been processed they will be asked to follow the Central Bedfordshire Council complaints procedure.

3) Understanding the needs of local communities: (issues relating to disability, gender, race, religion or belief, and age)

What methods will you use to find out whether this policy will take into account the needs of all sections of the community?

Home to School Transport is available to all eligible children in Central Bedfordshire in line with statutory legislation and guidance.

Improved data collection will enable targeted support to low income families to ensure that they receive transport to which they are entitled.

Please refer to the Equality Impact Assessment Screening for your Service / Business Plan for examples of relevant evidence or contact: Clare Harding, Corporate Policy Advisor (Equality & Diversity) for further details

National Research	<input type="checkbox"/>	Local Research	<input type="checkbox"/>
*Consultation with Service Users	<input type="checkbox"/>	*Consultation with Community / Voluntary Sector	<input type="checkbox"/>
*Consultation with Staff	<input type="checkbox"/>	Customer Feedback	<input type="checkbox"/>
Analysis of service outcomes for different groups	<input type="checkbox"/>	Inspection Reports	<input type="checkbox"/>
Statutory Equality Guidance	<input checked="" type="checkbox"/>	Legislation	<input checked="" type="checkbox"/>

Consultation has been undertaken, initially for 28 working days from 6th January up to the 12th February 2010 and subsequently extended until the 19th February. This has taken into account the views of service users and stakeholders from the groups that may be affected. The consultation questionnaire has included request for information on religion / belief of the parent / carer and whether or not the child has a disability and any ethnicity.

Consultation methodology has been inclusive of specific groups who will be affected by the policy, particularly children receiving transport on denominational grounds and children with special educational needs.



The screenings used in preparing this Equality Impact Assessment are attached as appendices A and B.

The policy has taken into account the Child Poverty Strategy and requirements under the Enjoy and Achieve strand of Every Child Matters.

****For details of existing consultation findings please contact Karen Aspinall Consultation Manager Business Transformation Karen.Aspinall@centralbedfordshire.gov.uk 01234 42967 (Ext 42329)***

Legislation and guidance

A local authority has a statutory responsibility to provide free home to school transport for certain children of statutory school age. The responsibilities are set out in the Education Act 1996 and the Education and Inspections Act 2006.

Central Bedfordshire Council is committed to providing free home to school transport to meet its statutory obligations. Free transport is provided for all statutory age children who live in Central Bedfordshire and who attend their catchment area or nearest school, where the distance from home to school is over the statutory walking distance

- More than 2 miles from home for children aged under 8
- More than 3 miles from home for children aged 8 and over

In addition, where children are in a family with a low income there is additional entitlement:

- Children aged 8 but under 11 must have travel arrangements made where they live more than 2 miles from their nearest qualifying² school by the shortest available walking route.
- For children aged 11 and over free transport is provided in one of two ways:
 - to a choice of one of the three nearest qualifying schools provided it is more than 2 miles by the shortest available walking route, but not more than 6 miles by motorised route from the child's home.
 - and also to the nearest suitable school preferred by reason of a parent's, or those with legal responsibilities, religion or belief provided it is more than 2 miles by the shortest available walking route and not more than 15 miles by motorised route from home.

A qualifying school is defined as a community, foundation or voluntary school; community or foundation special school, non-maintained special school; pupil referral unit or maintained nursery school, with places available that provides education appropriate to the age, ability and aptitude of the child and any special educational needs that the child may have.

In addition to these specific duties there is a general duty on local authorities to provide any transport it considers necessary, free of charge. The policy for discretionary transport is based on the Home to School Travel and Transport Guidance (DCSF 2007),

Special Educational Needs

The Authority currently provides transport for all children who attend a special school or specialist provision in a mainstream school irrespective of distance. The policy proposes that the normal distance criteria will be applied for pupils attending these schools but that an individual assessment of transport needs will be carried out as part of the statutory assessment and subsequently at each annual review.

Some children with SEN and/or a disability may, by reason of their SEN and/or disability, be unable to walk even relatively short distances to school, and where this is identified, transport will be agreed through the assessment process.



Medical Needs

Children with a mobility problem caused, for example, by a temporary medical condition such as a broken leg, may also be unable to walk to school. Where a child attends their catchment area or nearest school the policy proposes that transport will be provided.

Road Safety

The policy proposes a review of transport provided on road safety grounds based on the national guidance *Identification of Hazards and the Assessment of Risk of Walked Routes to School*. This will ensure that the authority has a robust process for risk assessing individual routes to school and will take into account particular groups, for example Gypsy Roma Traveller children.

Transport to a faith school on the grounds of the parent's religion

As the proposed policy has options to remove free entitlement to denominational transport, it is important to understand clearly the statutory guidance (pages 28-30):

“Many parents will choose to send their children to a school as near as possible to their home. However, some parents choose to send their children to a school with a particular ethos because they adhere to a particular faith, or philosophy. In many cases these schools may be more distant, and many local authorities adopt home to school travel policies that facilitate attendance at such schools. The Act places a duty on local authorities to make arrangements for secondary pupils from low income backgrounds to attend the nearest school preferred on grounds of “religion or belief”, where that school is between two and 15 miles from their home.

“Whilst under the *European Convention on Human Rights (ECHR)*, parents do not enjoy any right to have their children educated at a faith or a secular school, or to have transport arrangements made by their local authority to and from any such school, the Secretary of State hopes that local authorities will continue to think it right not to disturb well established arrangements, some of which have been associated with local agreements or understandings about the siting of such schools.

“The Secretary of State continues to attach importance to the opportunity that many parents have to choose a school or college in accordance with their religious or philosophical beliefs, and believes that wherever possible, local authorities should ensure that transport arrangements support the religious or philosophical preference parents express.

“Although the provisions of the Equality Act 2006 (which places a duty on local authorities not to discriminate against a person on the grounds of their religion or belief), do not apply to the exercise of an authority's functions in relation to transport, local authorities will need to be aware of their obligations under human rights legislation.

“In exercising their functions, local authorities will therefore need to respect parents' religious and philosophical convictions as to the education to be provided for their children in so far as this is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure. It may be incompatible, for example, on grounds of excessive journey length, or where the journey may have a detrimental impact on the child's education.

“Local authorities should also ensure that they do not discriminate contrary to Article 14 of the ECHR. For example, where transport arrangements are made for pupils travelling to denominational schools to facilitate parents' wishes for their child to attend on religious grounds, travel arrangements should also be made for pupils travelling to nondenominational schools, where attendance at those schools enables the children to be educated in accordance with their parents' philosophical convictions, and vice versa.

“Children from low income backgrounds are eligible for free travel arrangements to the nearest school preferred on grounds of “religion or belief” (see paras 98 to 100). However, local authorities may wish to use their discretionary powers to extend transport arrangements beyond this statutory

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requirement. Where local authorities make arrangements under their discretionary powers (section 508C), and have policies of levying charges for such transport, the Secretary of State believes that local authorities should pay careful attention to the potential impact of any charges on low income families whose parents adhere to a particular faith or philosophy, and who have expressed a preference for a particular school as a result of their religious or their philosophical beliefs. In the Secretary of State's opinion, where local authorities make travel arrangements for such children, these should be provided free of charge in the case of pupils from low income families (pupils entitled to free school meals or whose parents are entitled to their maximum level of Working Tax Credit).

"Local authorities should give careful consideration to discrimination issues, and seek legal opinion if they are unsure about the effect of their policies, before publishing them each year."

Transport for Permanently Excluded Pupils

Transport for permanently excluded pupils is based on the normal distance criteria. However, the policy recognises that there will be some pupils who have difficulty accessing school and that, in certain circumstances, transport for shorter distances will need to be considered.

Transport for children moving school in years 10 and 11

The policy recognises that sometimes families and children, through no choice of their own, experience disruption in their home circumstances. In these exceptional cases and to support children in achieving their full potential and succeeding in their GCSE examinations, transport will be provided from their new address to their previous school.

Transport for Looked After Children, Unaccompanied Refugees and Asylum Seeking Children

This small number of children can be some of the most vulnerable children in need of support. Schools places are identified that can best meet the child's individual needs, and this may not be the nearest school to their home address.

Disabled Parents

The Disability Discrimination Act 2005, has placed a duty on the public sector to promote equality of opportunity for disabled people and to eliminate discrimination. This duty is anticipatory, meaning that public authorities must review all their policies, practices, procedures and services to make sure they do not discriminate against disabled people, and to ensure that all their services are planned with disabled people's needs fully considered in advance (Home to School Travel and Transport Guidance, DCSF, 2007). The policy takes into account the needs of disabled parents by acknowledging that in some circumstances, where a parent is unable to walk with their child to school, free transport will be provided.

Socially disadvantaged families

The Education and Inspection Act 2006, places additional responsibility on the authority to provide transport where children are in a family with a low income.

- Children aged 8 but under 11 must have travel arrangements made where they live more than 2 miles from their nearest qualifying school by the shortest available walking route.
- For children aged 11 and over free transport is provided in one of two ways:
 - to a choice of one of the three nearest qualifying schools provided it is more than 2 miles by the shortest available walking route, but not more than 6 miles by motorised route from the child's home.
 - and also to the nearest suitable school preferred by reason of a parent's, or those with legal responsibilities, religion or belief provided it is more than 2 miles by the shortest available walking route and not more than 15 miles by motorised route from home

Discretionary Transport

The Secretary of State has indicated that local authorities may want to use their discretionary powers to facilitate provision for children who have expressed an interest in vocational studies. This is not



addressed in this policy but will be included in policy relating to the development of 14-16 Diploma strands.

4) Meeting the needs of local communities:

Provide details of issues that have been identified -

The provisional outcome of the consultation is that ;

1. Denominational transport - parents of children in receipt of denominational transport have expressed significant concern about the removal of free home to school transport, particularly if this occurs with effect from the start of the new academic year.
2. SEN transport - the introduction of individual assessment of need for pupils with SEN is supported.
3. Road safety criteria – the introduction of a new assessment process for road safety transport is supported, however some respondents have expressed concern about the impact this may have on existing transport routes.

Provide details of improvements that have been identified –

1. There is a need for clarity on the allocation of transport on discretionary grounds.
2. Provision for collection and monitoring of data needs to be explicit within the policy.
3. The Children Families and Learning Commissioning team will be responsible for the implementation of the policy and ensure the monitoring of take up of service and regular reviews of those in receipt of the service. Data produced by the team will be regularly reviewed and monitored within the Directorate Senior Management team.

5) Promoting Equality of Opportunity –

How will the policy help improve the outcomes experienced by different people?

The Policy recognises that there are some children who do not meet the criteria for free home to school transport who, nonetheless, would benefit from free home to school transport to enable them to access education, help achieve their potential and have positive life opportunities.

Do you have any data available which demonstrates this?

Are there examples of good practice that can be built on?

The Statutory Guidance helps interpret the law correctly and provides case studies of good practice. Copies of policies from other authorities and their Equality Impact Assessments have been reviewed in preparing for the development of the policy.

6.) Conclusions and Action

6.1) What are the main conclusions from the assessment?

There are potential impacts on equality groups which have been clearly identified and collection and monitoring of robust information will help establish exactly what those impacts will be (both positive and negative).



6.2) What are the priority recommendations and actions?

- Provision for collection and monitoring of data needs to be explicit within the policy.
- Criteria for discretionary transport must be clear and transparent and explicitly consider the needs of all the equality groups.
- That the EIA is updated following the results of the consultation and the policy reflects the consultation findings.
- The EIA to be reviewed by the Central Bedfordshire Equalities Forum in February 2010.

6.3) What changes will be made to address any adverse impacts that have been identified?

The policy will be reviewed annually and any adverse impacts will be addressed at this time.

6.4) Are there any budgetary implications?

As part of Central Bedfordshire Council’s overall aim to make the most effective use of the resources available the review of policy has identified potential areas of savings whilst continuing to target resources where they are most needed.

6.5) Actions to be Taken:

Action	Date	Priority (high / medium low)	Responsible Officer
A review of the Home to School Transport Policy is carried out on annual basis.	Autumn 2010	High	Carol Wooding
Improved data collection and monitoring developed. Quarterly statistics provided to CFLMT	Sept 2010	Medium	Carol Wooding
Improved information on entitlement for parent/carers	Sept 2010	Medium	Carol Wooding

7.1) What methods have been used to gain feedback on the main issues raised in the assessment?

Checks have been made with:

- Head of Policy and Strategy – Children Families & Learning
- The Corporate Policy Advisor (Equality & Diversity) for comment & decision re further scrutiny
- To be taken to the Central Bedfordshire Equality Forum in February 2010.



Equality & Diversity - Key Issues to Consider:

The following key issues are not intended to provide a comprehensive or exhaustive list of issues, but should help give an indication of issues which need to be taken into account. Whilst a particular section of the community will have common interests and concerns, views and issues will vary within groups. For example, women will have differing needs and concerns depending on age, ethnic origin, disability etc.

Gender: Issues for women may include:-

- Personal security & safety
- Mobility & transport
- Caring for dependents
- Access to education
- Access to leisure and recreation facilities
- Health and social services
- Participation in public life
- Employment and training opportunities

Consider:-

- Whether service development or employment proposals promote a safe, secure and accessible environment for women, including access to public transport.
 - Whether proposals recognise women’s overwhelming responsibility for domestic labour and caring for dependants
-

Gender: Issues for men may include:-

- stereotyping
- educational attainment
- low take up of health services
- School exclusion
- recognition of caring responsibilities
- lack of access to flexible working

Consider -

- Whether outreach approaches are required to encourage men to engage with services
-

Gender: Issues for transsexuals may include:

- Bullying / Harassment
- Right to Privacy
- Support during transition stage
- Time off for Medical Treatment
- Dress Codes
- Use of single sex facilities

Consider:

- whether it will be necessary to brief or train colleagues
-

Race: Issues for ethnic minority groups may include:-

- Access to jobs and training
- Culture e.g. diet, dress
- Participation in public life
- Awareness of services
- Access to appropriate services
- Access to translation & interpretation
- Educational attainment / Exclusion rates
- Resources for voluntary / community groups
- Racial harassment and violence
- Support for business development

Consider:-

- Differences between and within ethnic groups.



Disability: Issues for disabled people may include:-

- Social isolation
- Mobility and transport
- Access to education / leisure activities
- Safety and security
- Low incomes / reduced employment
- Access to information (alternative formats)
- Accessibility of buildings / services
- Participation in public life

Consider:-

- The vast range and varying degrees of disability. Some people may have more than one disability
- Whether proposals promote independent living e.g. through improvements in access, mobility and safety

Religion Faith or Belief: Issues for people who follow a particular religion may include

- Dietary requirements / Fasting
- Religious Observance
- Dress / Jewellery
- Arrangements for Birth / Bereavement
- Leave for Religious Festivals
- Washing / Bathing

Consider:-

- Variations within religions can be significant and people will differ in the extent to which they actively practise their religion – Never make assumptions, ask individuals what’s relevant for them

Age - Older People: Issues for older people may include:-

- living in a safe community
- Loneliness and isolation
- Bereavement
- Access to local facilities
- being able to live in their own home
- Being in control / having choice over care
- Reduced income
- Affordable, accessible transport

Consider:-

- Ways of involving older people in consultation

Age - Young People: Issues for younger people may include:-

- Bullying / Peer Pressure
- Access to leisure activities
- Personal Development / Relationships
- Education / Training / Employment Options
- Income / budget management
- Transport

Consider:-

- - Whether or not children may be made more or less vulnerable as a result of the service development
- Age appropriate methods of consultation with young people

Sexual Orientation: Issues for gay lesbian or bisexual people may include:

- bullying / hate crime
- rejection by family
- attainment /staying on at school
- workplace benefits for partners e.g. pensions
- intrusive questions / right to privacy
- stereotyping
- depression / self harming
- safe environment to come out in

Consider:-

- Issues of sexual orientation may be compounded by other equality strands such as race, religion, age and disability making issues more difficult to manage. For example as a result of previous



legislation, older LGB people may be very nervous about disclosing their sexual orientation and may feel very isolated

More Information:

General:

<http://www.cehr.org.uk/>

http://www.theequalitiesreview.org.uk/publications/interim_report.aspx

Gender

<http://www.eoc.org.uk/>

<http://www.womenandequalityunit.gov.uk/index.htm>

Gender Reassignment

<http://www.beaumontsociety.org.uk>

Race:

<http://www.cre.gov.uk/>

<http://www.voluntaryworks.org.uk/brec/Index.asp>

Disability:

<http://centralbedsaccessgroup.co.uk>

<http://www.drc-gb.org/>

<http://www.sightconcern.org.uk/>

<http://www.drcbeds.co.uk/>

Religion Faith and Belief:

<http://www.bcof.org.uk/>

<http://www.bbc.co.uk/religion/tools/calendar/index.shtml>

Age:

Older People - <http://www.ageconcernbeds.com/>

Young People <http://www.connx.org.uk/>

Sexual Orientation

<http://www.stonewall.org.uk/>

<http://www.bproud.org.uk>

If you need any assistance regarding this Assessment, please contact:

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