



The Public Sector Equality Duty

The Equality Duty requires public bodies to have **due regard** to the need to:

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

Protected Characteristics:

- Age
- Disability
- Gender Reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership (elimination of discrimination only)
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Due Regard means consciously thinking about the three aims of the Duty as part of the process of decision-making. For example:

- How they act as employers
- How they develop, evaluate and review policy
- How they design, deliver and evaluate services
- How they commission and procure from others

Advancing equality of opportunity involves considering the need to:

- Remove or minimise disadvantages suffered by people because of their protected characteristics
- Meet the needs of people with protected characteristics
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.



Central Bedfordshire Equality Impact Assessment

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed in discrimination law. This could mean making use of an exception or positive action provisions in order to provide a service in a way that is appropriate for people who share a protected characteristic.

Officers should:

Keep an adequate record showing that the equality duties and relevant questions have been actively considered.

Be rigorous in both inquiring and reporting to members the outcome of the assessment and the legal duties.

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

Title of the Assessment:	Consultation on Admission Arrangements 2014/15	Date of Assessment:	3 September 2012
Responsible Officer	Name:	Lydia Braisher	Extension Number:
	Title:	Senior Admissions Officer	
	Email:	lydia.braisher@centralbedfordshire.gov.uk	74769

Stage 1 - Setting out the nature of the proposal and potential outcomes.

Stage 1 – Aims and Objectives
<p>1.1 What are the objectives of the proposal under consideration?</p> <p>Central Bedfordshire Council’s consultation on admission arrangements for the academic year 2014/15, include the Council’s co-ordinated admissions scheme and the admission arrangements for Community and Voluntary Controlled schools where the Council is the admissions authority.</p> <p>The co-ordinated admissions scheme is the timetable that the Council and schools and academies will adhere to, to process applications received for the normal year of entry. The Council is the co-ordinating authority for all schools and academies and the scheme ensures that every child in Central Bedfordshire has a school place.</p> <p>The Council is proposing to change the admissions criteria for Community and Voluntary Controlled schools. This change will remove the following:</p> <ul style="list-style-type: none"> • Defined catchment areas for the Community and Voluntary controlled schools who

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Central Bedfordshire Equality Impact Assessment

operate this.

- The 'very exceptional' medical grounds criterion.
- Priority to Nurseries and Pre-Schools for the Community and Voluntary controlled schools who operate this.

The policy proposed will operate three criterion under which applications will be considered if the school is oversubscribed:

- 1) All 'looked after' children or children who were previously 'looked after'
- 2) Pupils with siblings at the school
- 3) Children who live nearest to the school determined by straight line distance from the school site to the pupil's home address.

The proposed policy is to bring equity to all Community and Voluntary Controlled schools which comply with the School Admissions Code and promote fairness.

The School Admissions Code sets out the requirement for the Local Authority to have a co-ordinated admissions scheme for the area. This has to be formulated by 1 January in the year the admission arrangements are to be determined for the relevant academic year and has to be consulted on.

Central Bedfordshire Council is the admissions authority for Community and Voluntary Controlled schools and therefore is required to consult on any changes it proposed to the admissions arrangements.

Consultation on admission arrangements has to take place between the 1 November and the 1 March for a minimum of 8 weeks.

1.2 Why is this being done?

The proposed admission arrangements for Community and Voluntary Controlled schools are to operate an open admissions policy and remove the defined catchment areas for the majority of Community and Voluntary Controlled schools that operate this.

Removing catchment areas provides parents and carers the freedom to express a preference

Central Bedfordshire Equality Impact Assessment

for the school without the restriction of a catchment area boundary and gives priority to pupils living nearest to the school.

The criterion of children living nearest to the school site determined by straight line distance establishes the priority of children for places at the school based on where they live in terms of proximity rather than by catchment area. The straight line distance method or 'open admission' as it is sometimes referred to creates a fairer system for those children who are sometimes 'pigeon-holed' by living or not living in a particular catchment area and provides equality and fairness to those families disenfranchised by not being able to afford to live in a particular catchment area.

An open admissions policy can be applied regardless of the other school or academy admission policies. Therefore if an Academy or own admission authority school wishes to define or change its 'catchment' area then a child living in the road which is no longer in this defined area isn't then penalised by not being in the catchment area of their nearest Community or Voluntary controlled school.

1.3 What will be the impact on staff or customers?

The Local Authority has a statutory duty to ensure that admissions are co-ordinated in their area for all children being admitted into the normal year of entry and only one offer of a school place is made. The Co-ordinated Admissions Scheme for the academic year 2014/15 fulfils this requirement, setting out the timeframes for processing admission applications.

The Local Authority is the admission authority for Community and Voluntary-Controlled schools. The proposed admissions criteria for all Community and Voluntary Controlled Schools for the Academic Year 2014/15 is as follows:

- 1) All 'looked after' children or children who were previously 'looked after'
- 2) Pupils with siblings at the school
- 3) Children who live nearest to the school determined by straight line distance from the school site to the pupil's home address.

The above is a proposed change to the current admission criteria removing the defined catchment area boundaries for Community and Voluntary Controlled schools.



The proposed change is to bring equity and fairness to the admissions process by aligning the admission policies for all Community and Voluntary Controlled schools. It is also felt that this change would simplify the admission process in light of more academy conversions and the proposals of a change of age range from some schools in the Dunstable and Houghton Regis area where the current catchment areas then become obsolete.

In the admission rounds for September 2012, reports were run to show the number of children admitted to a school and which catchment area they were in. This data showed that on average 58% of children are going to their catchment area school, which does indicate that a substantial number of children are going 'out of catchment' to a preferred school.

1.4 How does this proposal contribute or relate to other Council initiatives?

The Council's admission arrangements and co-ordinated admissions scheme supports the Medium Term Plan priority to improve educational standards at key stage 4.

The proposal if approved, to change admissions criteria from catchment to straight line priority will support the parallel proposal to Executive from the Home to School Transport Entitlement Team of providing transport on a nearest school policy which could lead to budget savings as outlined in that report.



Central Bedfordshire Equality Impact Assessment

1.5 In which ways does the proposal support Central Bedfordshire’s legal duty to:

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

Legislation contained within the School Admissions Code sets out the requirement for the Local Authority to have a co-ordinated admissions scheme for the area and for admission authorities to consult on their admission arrangements between the 1 November and the 1 March for a minimum of 8 weeks.

The Council will fulfil its statutory responsibilities by consulting within the timescales set out above and conducting a consultation with the relevant parties on changes to admission arrangements for Community and Voluntary Controlled schools, inviting thoughts and comments from all consultees.

The consultation sets out the requirement for the Local Authority to have a co-ordinated scheme for Central Bedfordshire to co-ordinate admissions in the normal year of entry for schools and academies so only one offer of a place is made to a child for a school or academy. This applies to admissions for Starting School and the transfer rounds for Middle, Secondary, Upper and the University Technical College.

Part of the consultation includes the admission arrangements for Community and Voluntary Controlled schools where a change in the admissions criteria is proposed to remove defined catchment areas and have an open admissions policy which gives more choice and opportunity for children and aims to be equitable and fair.

E.g. does it consider the needs of people who are at greater risk of lower quality of life outcomes, close achievement gaps, reduce racial tensions, increase participation in decision making and service delivery processes or increase a sense of belonging amongst different communities or groups?)

1.6 Is it possible that this proposal could damage relations amongst groups of people with different protected characteristics or contribute to inequality by treating some members of the community less favourably such as people of different ages, men or women, people from black and minority ethnic communities, disabled people, carers,



Central Bedfordshire Equality Impact Assessment

people with different religions or beliefs, new and expectant mothers, lesbian, gay, bisexual and transgender communities?

The Local Authority is the admission authority for Community and Voluntary Controlled schools and therefore must conduct its consultation in line with legislation with the following parties:

- a) Parents of children between the ages of two and eighteen
- b) Other persons in the relevant area who in the opinion of the admissions authority have an interest in the proposed admissions
- c) All other admission authorities within the relevant area.
- d) The Governing Bodies of Community and Voluntary Controlled schools
- e) Adjoining neighbouring local authorities
- f) The body or person representing religious denomination schools.

The 8 week consultation period will give all relevant parties the opportunity to respond.

Consideration will need to be given to whether the straight line distance criteria:

- might favour, in some areas prospective pupils living in neighbouring local authorities at the expense of Central Bedfordshire pupils, but the Council will ensure that every Central Bedfordshire child has a school place.

Stage 2 - Consideration of national and local research, data and consultation findings in order to understand the potential impacts of the proposal.

This is the most critical part of the assessment

Stage 2 - Consideration of Relevant Data and Consultation

In completing this section it will be helpful to consider:

- **Publicity** – Do people know that the service exists?
- **Access** – Who is using the service? / Who should be using the service? Why aren't they?
- **Appropriateness** – Does the service meet people's needs and improve outcomes?
- **Service support needs** – Is further training and development required for employees?
- **Partnership working** – Are partners aware of and implementing equality requirements?
- **Contracts & monitoring** – Is equality built into the contract and are outcomes monitored?

And 2.3 Refer to Equality Checklist (Pages 4-7 of guidance)

Please refer to the Equality Impact

Central Bedfordshire Equality Impact Assessment



2.1. Examples of relevant evidence sources are listed below. Please tick which evidence sources are being used in this assessment and provide a summary for each protected characteristic in sections 2.2 and 2.3.

Internal desktop research

<input type="checkbox"/>	Place survey / Customer satisfaction data		Demographic Profiles – Census & ONS
<input type="checkbox"/>	Local Needs Analysis	X	Service Monitoring / Performance Information
<input type="checkbox"/>	Other local research		

Third party guidance and examples

<input type="checkbox"/>	National / Regional Research		Analysis of service outcomes for different groups
X	Best Practice / Guidance	X	Benchmarking with other organisations Tower Hamlets, Haringey and Wandsworth EIAs
<input type="checkbox"/>	Inspection Reports		

Public consultation related activities

x	Consultation with Service Users	x	Consultation with Community / Voluntary Sector
<input type="checkbox"/>	Consultation with Staff		Customer Feedback / Complaints
<input type="checkbox"/>	Data about the physical environment e.g. housing market, employment, education and training provision, transport, spatial planning and public spaces		

Consulting Members, stakeholders and specialists

x	Elected Members		Expert views of stakeholders representing diverse groups
X	Specialist staff / service expertise		

Please bear in mind that whilst sections of the community will have common interests and

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

For details of existing consultation findings please contact Karen Aspinall Consultation Manager, Office of the Chief Executive
Karen.Aspinall@centralbedfordshire.gov.uk
 Telephone 0300 300 6286 (x 42967)

Central Bedfordshire Equality Impact Assessment

concerns, views and issues vary within groups. E.g. women have differing needs and concerns depending on age, ethnic origin, disability etc

Lack of local knowledge or data is not a justification for assuming there is not a negative impact on some groups of people. Further research may be required.

2.2. Summary of Existing Data and Consultation Findings: - Service Delivery Considering the impact on Customers/Residents

- Age: *e.g. Under 16 yrs / 16-19 yrs / 20-29 yrs / 30-44 yrs / 45-59 yrs / 60-64 yrs / 65-74 yrs / 75+*

The admission arrangements apply to all children who are of statutory school age or where the majority will become statutory school age during the academic year in which they start.

- Disability: *e.g. Physical impairment / Sensory impairment / Mental health condition / Learning disability or difficulty / Long-standing illness or health condition / Severe disfigurement*

All maintained schools are required to admit a child with a statement of special educational needs that names the school. The place is normally allocated before all other places in the admissions process and if the statement is finalised after this, the child is normally admitted over and above the admission number of the school. Admission to a Special School is dealt with by the Assessment and Monitoring Team, which is covered by different legislation.

Children with special educational needs, disabilities or medical needs who do not have a statement are covered by Fair Access Protocol which the Local Authority is required by the School Admissions Code to operate and all admission authorities must participate in. The Fair Access Protocol operates outside the admission arrangements and ensures that a child eligible under the protocol is secured a school place where this has been unattainable.

- Carers: *A person of any age who provides unpaid support to family or friends who could not manage without this help due to illness, disability, mental ill-health or a substance misuse*

Please set out in an Appendix to this assessment the details of data and consultation findings relating to diversity areas shown below. In this section please summarise findings and the conclusions you have drawn from those findings in relation to the areas



problem

Children who are carers are covered by the Fair Access Protocol and ensures that a child eligible under the protocol is secured a school place where this has been unattainable.

- Gender Reassignment: *People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex*

All Community and Voluntary Controlled schools are co-educational and provide for both male and female children and young people and must not discriminate against pupils who have the protected characteristic of gender reassignment.

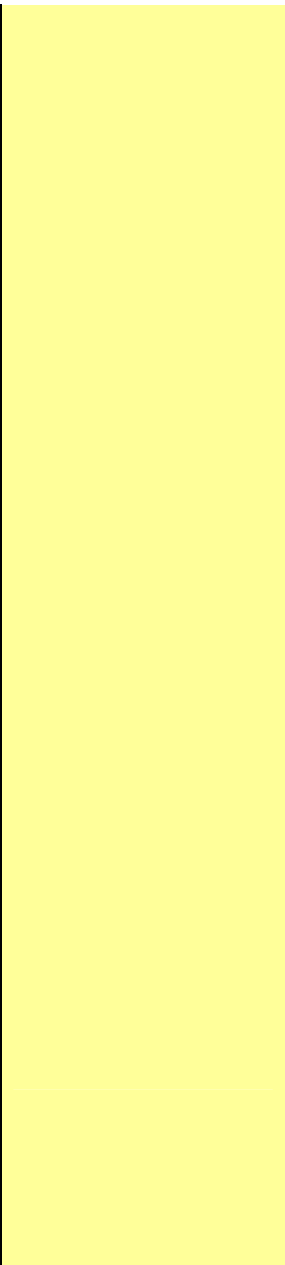
Gender reassignment is a personal process (rather than a medical process) which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with. This personal process may include undergoing medical procedures or, as is more likely for school pupils, it may simply include choosing to dress in a different way as part of the personal process of change.

- Pregnancy and Maternity: *e.g. pregnant women / women who have given birth & women who are breastfeeding (26 week time limit then protected by sex discrimination provisions)*

Admission arrangements apply to all children and young people and a pregnant mother or mother who has given birth and breastfeeding and is of statutory school age has the right of access to education.

- Race: *e.g. Asian or Asian British / Black or Black British / Chinese / Gypsies and Travellers / Mixed Heritage / White British / White Irish / White Other*

All Local Authorities and Admission Authorities have a duty to ensure that admission arrangements are fair and do not discriminate against race. Applications for school places do not



Central Bedfordshire Equality Impact Assessment

ask for a child's nationality or ethnic origin as this is not a factor when allocating school places.

- Religion or Belief: *e.g. Buddhist / Christian / Hindu / Jewish / Muslim / Sikh / No religion / Other*

Community Schools

Religious Education in community schools follows the agreed Religious Education Syllabus for the Authority.

Voluntary Controlled.

Religious worship usually follows the teaching of the Church of England, under the direction of the school Governors. Religious education follows the agreed Religious Education Syllabus for the Authority.

Faith does not feature in the admissions criteria for Community and Voluntary Controlled schools.

However Voluntary Aided schools are faith schools and can include faith criterion as part of their admissions criteria in line with the provisions of the School Admissions Code. Applications made on faith grounds are ratified by the school, with details provided to the School Admissions Team to allocate places accordingly as part of the co-ordinated admissions scheme.

- Sex: *e.g. Women / Girls / Men / Boys*

All Community and Voluntary Controlled schools are co-educational and provide for both male and female children and young people.

- Sexual Orientation: *e.g. Lesbians / Gay men / Bisexuals / Heterosexuals*

Any child or young person has the right of access to education and all schools are required to admit pupils regardless of sexual orientation.

- Other: *e.g. Human Rights, Poverty / Social Class / Deprivation, Looked After Children,*

Central Bedfordshire Equality Impact Assessment

Offenders, Cohesion, Marriage and Civil Partnership

Admission arrangements have to comply with the School Admissions Code and other legislation which affects the admission of children and young people to school, such as the Equality Act 2010, the Human Rights Act 1998.

The admission arrangements prioritise all 'looked after' children or children who were previously 'looked after', this is in line with the mandatory provisions of the School Admissions Code which prescribe that all 'looked after' children and those who were previously 'looked after' must be given the highest priority in oversubscription criteria.

The proposed admission arrangements for Community and Voluntary Controlled schools for 2014/15 removes defined catchment areas and will prioritise applicants by straight line distance thus providing freedom to express a preference for a Community or Voluntary Controlled school without the restriction of a catchment area boundary within the admissions criteria.

Siblings will be prioritised for the school after 'looked after' children and before the final criterion of straight line distance. The definition of a sibling in the arrangements is a brother or sister, half brother or sister, adopted brother or sister, step brother or sister or the child of the parent/carer's partner, and in every case, the child should be living at the same address. The sibling must be in the school at the time of application and be likely to remain in the school at the proposed date of admission. This sibling classification provides for children and young people from all family backgrounds regardless of whether the parents are married or in a civil partnership.

Young offenders are covered by the Fair Access Protocol and ensures that a child eligible under the protocol is secured a school place where this has been unattainable.

2.3. Summary of Existing Data and Consultation Findings – Employment Considering the impact on Employees - Not Applicable for this policy

- **Age:** e.g. 16-19 / 20-29 / 30-39 / 40-49 / 50-59 / 60+ **N/A**



Central Bedfordshire Equality Impact Assessment

- Disability: e.g. Physical impairment / Sensory impairment / Mental health condition / Learning disability or difficulty / Long-standing illness or health condition / Severe disfigurement N/A
- Carers: e.g. parent / guardian / foster carer / person caring for an adult who is a spouse, partner, civil partner, relative or person who lives at the same address N/A
- Gender Reassignment: People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex N/A
- Pregnancy and Maternity: e.g. Pregnancy / Compulsory maternity leave / Ordinary maternity leave / Additional maternity leave N/A
- Race: e.g. Asian or Asian British / Black or Black British / Chinese / Gypsies and Travellers / Mixed Heritage / White British / White Irish / White Other N/A
- Religion or Belief: e.g. Buddhist / Christian / Hindu / Jewish / Muslim / Sikh / No religion / Other N/A
- Sex: Women / Men N/A
- Sexual Orientation: e.g. Lesbians / Gay men / Bisexuals / Heterosexuals N/A
- Other: e.g. Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion, Marriage and Civil Partnership N/A
2.4. To what extent are vulnerable groups more affected by this proposal compared to the

population or workforce as a whole?

2.5. To what extent do current procedures and working practices address the above issues and help to promote equality of opportunity?

1) Consultation Process

It is proposed that the consultation period will commence from 12 November and conclude on 21 January. The Local Authority will publish the Co-ordinated Admissions Scheme and the proposed admission arrangements for Community and Voluntary Controlled schools on the website and advertise the consultation as widely as possible to gather the views of Parent/Carer(s), Governing Bodies of Community and Voluntary Controlled schools, all other admission authorities in the area, neighbouring local authorities and the Church of England and Catholic diocese

2) Content of Policy

A change in the admissions criteria is proposed to remove defined catchment areas and have an open admissions policy which gives more choice and opportunity for children and aims to be equitable and fair. The criterion of children living nearest to the school site determined by straight line distance establishes the priority of children for places at the school based on where they live in terms of proximity rather than by catchment area. The straight line distance method or 'open admission' as it is sometimes referred to creates a fairer system for those children who are sometimes 'pigeon-holed' by living or not living in a particular catchment area and provides equality and fairness to those families disenfranchised by not being able to afford to live in a particular catchment area

The admission arrangements continue to prioritise all 'looked after' children or children who were previously 'looked after'

Siblings will be prioritised for the school after 'looked after' children and before the final criterion of straight line distance. This supports the needs of families who can find it very difficult to get children to school on time if siblings are placed in different schools.

2.6. Are there any gaps in data or consultation findings



2.7. What action will be taken to obtain this information?

Stage 3 - Providing an overview of impacts and potential discrimination.

Stage 3 – Assessing Positive & Negative Impacts					
Analysis of Impacts	Impact?		Discrimination?		Summary of impacts and reasons
	(+ve)	(- ve)	YES	NO	
3.1 Age					
3.2 Disability					
3.3 Carers					
3.4 Gender Reassignment					
3.5 Pregnancy & Maternity					
3.6 Race					
3.7 Religion / Belief					
3.8 Sex					
3.9 Sexual Orientation					
3.10 Other e.g. Human Rights, Poverty / Social Class / Deprivation, Looked					

Impact should be shown as Yes or No



Central Bedfordshire Equality Impact Assessment

<i>After Children, Offenders, Cohesion Marriage and Civil Partnership</i>						
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Stage 4 - Identifying mitigating actions that can be taken to address adverse impacts.

Stage 4 – Conclusions, Recommendations and Action Planning			
4.1 What are the main conclusions and recommendations from the assessment?			
4.2 What changes will be made to address or mitigate any adverse impacts that have been identified?			
4.3 Are there any budgetary implications?			
4.4 Actions to be taken to mitigate against any adverse impacts:			
Action	Lead Officer	Date	Priority

Priority should be either High, Medium or Low. You can add rows using the Table>Insert Rows

Stage 5 - Checking that all the relevant issues and mitigating actions have been identified

Stage 5 – Quality Assurance & Scrutiny: Checking that all the relevant issues have been identified
5.1 What methods have been used to gain feedback on the main issues raised in the



Central Bedfordshire Equality Impact Assessment

assessment?	
Step 1:	
Has the Corporate Policy Advisor (Equality & Diversity) reviewed this assessment and provided feedback? <i>Yes/No</i>	
Summary of CPA's comments:	
Step 2:	
5.2 Feedback from Central Bedfordshire Equality Forum	<i>The Corporate Policy Adviser will advise whether this step is necessary.</i>



Stage 6 - Ensuring that the actual impact of proposals are monitored over time.

Stage 6 – Monitoring Future Impact	
6.1	How will implementation of the actions be monitored?
6.2	What sort of data will be collected and how often will it be analysed?
6.3	How often will the proposal be reviewed?
6.4	Who will be responsible for this?
6.5	How have the actions from this assessment been incorporated into the proposal?

Please give details and make clear whether this is already planned, or just a possibility. Clear ownership in terms of team etc must be given.

Stage 7 - Finalising the assessment.

Stage 7 – Accountability / Signing Off	
7.1	Has the lead Assistant Director/Head of Service been notified of the outcome of the assessment Name: _____ Date: _____
7.2	Has the Corporate Policy Adviser Equality & Diversity provided confirmation that the Assessment is complete?

Finalised Assessments can be used to inform the Equality Section of Committee Reports and should be saved with the strategy, policy, project, contract, or decision file for audit purposes and Freedom of Information Act



Date: _____

requests.