

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.

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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 2017/18	Date of Assessment:	
Responsible Officer	Name: Lydia Braisher	Extension Number:	74769
	Title: Admissions Manager		
	Email: lydia.braisher@centralbedfordshire.gov.uk		

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

Stage 1 – Aims and Objectives	GUIDANCE
<p>1.1 What are the objectives of the proposal under consideration?</p> <ul style="list-style-type: none"> To approve the commencement of the Council's consultation on admission arrangements as it is the admissions authority for Community and Voluntary Controlled schools to ensure the statutory requirements for admissions consultation is met. <p>Central Bedfordshire Council is the admissions authority for Community and Voluntary Controlled schools and is proposing changes to the admission arrangements for two Community schools in the area.</p> <p>The Council has a statutory duty to ensure that admissions are co-ordinated for all admission authorities in the local authority's area for all children being admitted into the normal year of entry and only one offer of a school place is made.</p> <p>The Co-ordinated Admissions Scheme for the academic year 2017/18 fulfils this requirement, setting out the timeframes for processing admission applications.</p>	

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The proposed changes to the Council's admission arrangements include:

- **The removal of the feeder school criteria in the admissions policy for Leighton (Community) Middle School.**
- **An amendment to the catchment area at Houghton Regis (Community) Primary School to include all housing in a recent local housing development known as Tilia Park.**

For admission arrangements determined in 2016 for entry in September 2017, consultation must be for a minimum of 6 weeks and must take place between 1 October 2015 and the 31 January 2016. The Admission Arrangements must then be determined by 28 February 2016.

The Council will conduct its consultation from 12 October – 23 November 2015 to gather the views of all consultees. Admission Authorities are required to consult with the following parties:

- i. Parents of children between the ages of two and eighteen;
- ii. Other persons in the relevant area who in the opinion of the admissions authority have an interest in the proposed admissions;
- iii. All other admission authorities within the relevant area;
- iv. The Governing Bodies of Community and Voluntary Controlled schools;
- v. Adjoining neighbouring local authorities;
- vi. The body or person representing religious denomination schools.

1.2 Why is this being done?

Leighton Middle School's admissions criteria currently deviates from the standard admissions policy in operation for most of Central Bedfordshire's Community and Voluntary controlled schools and includes a criterion that gives priority to children who have previously attended a number of named local Lower Schools for a period of 3 years or more.

The admissions criteria for Leighton Middle School is detailed below:

1. All 'looked after' children or children who were previously 'looked after'
2. Children living in the catchment area with siblings at the school

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3. Children living in the catchment area
4. Other children with siblings at the school
5. Children who have spent a significant time (3 years or more) in a Leighton Buzzard/Linslade/Hockliffe school, i.e. Beaudesert, Clipstone Brook, Doverly Down, Greenleas, Heathwood, Leedon, Linslade, Mary Bassett, Pulfords, Southcott, St. George's, St. Leonard's, Stanbridge and Hockliffe Lower Schools.
6. Children who live nearest to the school determined by straight line distance from the school site to the child's home address

This criterion has been in existence for many years. The south Leighton catchment area for the school has seen significant housing development which is due to continue until around 2020. As such, families that move to the area may be disadvantaged in applying for a middle school place if they are out of catchment. Removing this criterion therefore would address the current inconsistency for out of catchment applicants and would also align the school's admission criteria with the majority of the Council's admission arrangements in its schools.

It is therefore proposed to remove criterion 5 which prioritises children based on their feeder school and length of attendance in order to standardise the policy and make it fairer and more equitable, which Leighton Middle School are also in support of.

Houghton Regis Primary School, is a one and a half form entry primary school serving pupils between the ages of 4 and 11 in the south Houghton Regis area.

The school's catchment area includes a recent housing development, Tilia Park. The majority of this development falls into the catchment area for Houghton Regis Primary although a small proportion of this falls into the catchment area for Beecroft Primary.

The catchment lines were drawn prior to the construction of the housing development and in order to retain equity to all those living within this new development it is proposed to amend the catchment line to include the area within the catchment of Houghton Regis Primary School, which the school are in support of.

1.3 What will be the impact on staff or customers?

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The Local Authority is the admission authority for Community and Voluntary-Controlled schools and is proposing to amend the admission arrangements for two Community schools, Leighton Middle School and Houghton Regis Primary School.

The proposed amendment to Leighton Middle School's admission policy to remove the penultimate criterion, which gives priority to pupils at feeder lower schools in the Leighton/Linslade area will have a positive impact in terms of promoting equality of opportunity.

The proposed amendment to Houghton Regis Primary School's admission policy to amend the catchment area to include all of the Tilia Park Housing development is to make the catchment area for the school more fairer and equitable for families living in this development.

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 2017/18 fulfils this requirement, setting out the timeframes for processing admission applications.

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

The Council's co-ordinated admissions scheme and admission arrangements for Community and Voluntary schools supports the Council's priority to improve educational attainment.

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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

The School Admissions Regulations 2012 require Admission Authorities to consult where changes are proposed on their admission arrangements, including any supplementary information form that will apply for admission applications for the following academic year.

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 two Community schools; Leighton Middle School and Houghton Regis Primary School, inviting thoughts and comments from all consultees.

Legislation contained within the School Standards and Framework Act 1998 requires Local Authorities to have a co-ordinated admissions scheme for their area where parents can apply on a common application form for a place in the normal year of entry at a school or an academy.

The Council is required to co-ordinate the admissions for children in their area so that only one offer of a school place is made per prospective pupil. The co-ordinated admissions scheme must be formulated by 1 January in the relevant determination year and must be consulted on with the admission authorities in the area if it is substantially different from the previous year.

Central Bedfordshire's Co-ordinated Admissions Scheme sets out the arrangements and timetable by which applications will be processed. The scheme details the processes and procedures that the Council and other admissions authorities need to work to in order to process the applications by the offer date for the normal year of entry at a school or academy.

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?)

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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, 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 6 week consultation period will give all relevant parties the opportunity to respond.

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 Assessment

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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	<input type="checkbox"/>	Demographic Profiles – Census & ONS
<input type="checkbox"/>	Local Needs Analysis	<input checked="" type="checkbox"/>	Service Monitoring / Performance Information
<input type="checkbox"/>	Other local research	<input type="checkbox"/>	

Third party guidance and examples

<input checked="" type="checkbox"/>	National / Regional Research	<input type="checkbox"/>	Analysis of service outcomes for different groups
<input checked="" type="checkbox"/>	Best Practice / Guidance	<input type="checkbox"/>	Benchmarking with other organisations
<input type="checkbox"/>	Inspection Reports	<input type="checkbox"/>	

Public consultation related activities

<input checked="" type="checkbox"/>	Consultation with Service Users	<input checked="" type="checkbox"/>	Consultation with Community / Voluntary Sector
<input type="checkbox"/>	Consultation with Staff	<input type="checkbox"/>	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

<input checked="" type="checkbox"/>	Elected Members	<input type="checkbox"/>	Expert views of stakeholders representing diverse groups
<input checked="" type="checkbox"/>	Specialist staff / service expertise	<input type="checkbox"/>	

Please bear in mind that whilst sections of the community will have common interests and concerns, views and issues vary within groups. E.g. women have differing needs and concerns

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)

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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 or an Education, Health and Care Plan (EHCP) that names the school. The place is normally allocated before all other places in the admissions process and if the statement or EHCP 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 SEND 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

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problem

Children who are carers are covered by the Fair Access Protocol, which 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

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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.

Voluntary Controlled schools can include faith as part of their admissions criteria and the following VC schools prioritise children whose parents/carers have, at the time of application, shown commitment to the Church of England or another Christian church by attending a service at least once a month for the year prior to an application being made above any other children.

- Dunton Lower School
- St. Andrew's Lower School
- Wrestlingworth Lower School
- Edward Peake Middle School

Applications made on faith grounds are ratified by the admissions team and the school, with details provided to the School Admissions Team to allocate places accordingly as part of the co-ordinated admissions scheme.

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.

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- **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, 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 Council is proposing to change the admission arrangements for Leighton Middle School and Houghton Regis Primary School, both Community schools. The Council is proposing to remove the feeder criterion from Leighton Middle School to make the policy more equitable and promote equality of opportunity and amend the catchment area for Houghton Regis Primary School to include all of the Tilia Park development, as a small part of this development is not in catchment to the school to make the admission arrangements at Houghton Regis Primary School more equitable for families living within this housing development.

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

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

N/A

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 October 2015 and conclude on 23 November 2015. 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) of children between the ages of two and eighteen years old, 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 and any other person who has an interest in the proposed admission arrangements.

2) Content of Policy

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

Children who live in the catchment area with siblings at the school are prioritised above children living in the catchment area in order to keep families together. Other siblings are then prioritised, before children living nearest to the school determined by straight line distance from the school site to the child's home address. Four VC schools prioritise children whose parents/carers show commitment to the Church of England or another Christian church by attending a service for the specified amount of time, as the penultimate criterion.

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 After Children,					

Impact should be shown as Yes or No

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<i>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 assessment?

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Step 1: Consultation document and online and paper questionnaire for all interested parties to provide feedback.	
Has the Corporate Policy Advisor (Equality & Diversity) reviewed this assessment and provided feedback? Yes/No	
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? Date: _____

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 requests.

N/A

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