

COMMITTEE: RACE ADVISORY FORUM
DATE: 3RD MARCH 2003
SUBJECT: EQUALITY IMPACT ASSESSMENTS
REPORT BY: HEAD OF EQUALITIES
CONTACT OFFICER: VAL GRANT 01582 547147

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: ALL

RECOMMENDATION(S)

1. The Race Advisory Forum is recommended to
 - i) Note any adverse impact arising from the assessments at Appendix A
 - ii) Approve the Action Plans to address adverse impacts as set out in Appendix B
 - iii) Approve the consultation arrangements at paragraphs 9 to 11 of this report.

REPORT

2. The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000) places a general duty on a wide range of public authorities to promote Race Equality. This new enforceable positive duty means that, in everything we do, the Council should have due regard to the need to:
Eliminate unlawful racial discrimination;
Promote equality of opportunity; and

Promote good race relations between people of different racial groups.

3. The Council's Race Equality Scheme was published in May 2002. The Scheme addressed the assessment of policies and functions; consultation arrangements; monitoring for adverse impact; staff training and publication of result of assessments and consultation.
4. One of the requirements of the specific duty is for the Council to assess its policies and functions for an adverse impact on the promotion of race equality. In line with the Council's approach to addressing all areas of equalities, a broad assessment framework has been developed to assess race, gender, disability, age and sexuality.
5. We are aware that for some of these categories we will have very little information on which to make an informed judgement, nevertheless our commitment is to address all areas of inequalities, and therefore we will be assessing for impact across all groups.
6. A total of 30 services, functions and policies were identified in the Race Equality Scheme as a priority for 2002/03 and departments were required to assess a minimum of two services. The criteria for selection was based on the equality relevance test applied to all functions/services and the subsequent scoring based on high, medium and low priorities. The services selected for impact assessments include those services already schedule to have a Best Value Review and any new services.
7. A total of 19 Impact Assessments has been completed so far and the results were considered by the Executive on the 2nd.December 2002, together with the relevant action plans. This report sets out the results of a further four impact assessments prioritised for year one in the Race Equality Scheme. All the current assessments will be subject to consultation during February and March. Summaries of the judgements based on existing evidence are set out in Appendix A.
8. Appendix B outlines the action plans where appropriate to address any adverse impact identified. The action plan status keys are as follows:
EIP – Essential and in Place, END – Essential and needs developing, DIP- Desirable and in Place, DND – Desirable and needs developing and NR – Not required.
9. Consultation at every stage of the process is a major requirement of the Race Equality Scheme and the expectation is that the Council will consult relevant stakeholders on the outcome in terms of positive, neutral or adverse impact as well as each action plan for addressing adverse impact.

10. The aim of the consultation will be to find out what service users think of the service; whether different groups experience the service differently; whether service users or potential service users know how to access the service and how to use it; whether different groups are treated equitably and what outcomes different groups desire.
11. The Council has already listed all relevant organisations and bodies with which it will consult, as set out in the published Race Equality Scheme, which also includes trade unions and employee groups. In addition the Citizen's Panel will also be used as another forum in order to consult on the action plans, arising from the impact assessments with a cross section of the community. These consultations will take place during March 2003.

Lifelong Learning Department

12. Impact assessments have been completed on the following two services and a brief summary of each is given below. More detailed analysis of each of the services together with completed grids are held by the Performance Review Manager who will be pleased to supply these to Members upon request.

- **Exclusions**

13. Luton's approach to inclusion is consistent with the Government's legislative framework, the 1997 Green Paper 'Excellence for all Children: Meeting SEN, the more recent Disability Rights Act 2001 and the Government targets for reducing exclusions from school and the very recent DfES Revised Guidance on Exclusions.
14. Since Unitary status in April 1997 the Luton Education Service has, as part of its overall vision of 'Achievement and Access for all' sought to secure an increasingly more inclusive approach to meeting the special education needs of pupils including those pupils with behavioural needs.
15. The term 'excluded pupil' within the LEA usually refers to pupils in mainstream schools who are excluded, for behavioural reasons, either permanently or for a fixed term. This impact assessment has been carried out on this group of pupils only.
16. The number of exclusions in Luton has dramatically decreased since 1997 and the current position of Luton in comparison with National, Unitary and Statistical neighbour averages is shown in the following table.

	% of pupils in special schools	% of pupils permanently excluded
Luton's position	1.6%	0.05%
National Average	1.2%	0.14%
Unitary Average	1.3%	0.17%

17. The latest data for the academic year 2001-2002 shows that the majority of both permanent and fixed term exclusions are white pupils and that these numbers are disproportionate to the LEA Ethnic breakdown for the same year. Similarly, the majority of all excluded pupils are male. Unfortunately, there is no correlation

between ethnicity and gender so it is not possible at the moment to analyse the data in more detail but a report will be written to provide this additional analysis in future.

18. The comparatively low numbers of both permanent and fixed term exclusions reflects the considerable efforts and strong commitment that is made to avoid excluding pupils and that it is seen as a last resort. The numbers of exclusions remain very low compared with other local education authorities and the decision has been reached therefore that Luton's Inclusion Strategy and subsequently this impact assessment has a positive impact on race, gender and disability.

- **Admissions**

19. Luton Local Education Authority (LEA) is the admissions authority for all community schools in the Borough. The LEA's Admissions Team deal with:

- Statutory admissions to community infant and primary schools.
- Transfer from infant to community junior schools.
- Transfer from junior/primary schools to community and foundation¹ high schools.
- Request for transfer between schools in the Borough, outside of the normal transfer times.
- Request for admission from parents of pupils who have moved into Luton, outside of the normal transfer times.
- Advice to parents on all aspects of admissions, including their statutory right of appeal.

The Admissions Team operate according to national legislation and guidance in the DfES Code of Practice on Admissions.

20. The LEA's Admissions Criteria (2003/4) is detailed below in the order in which it will be applied.

- a) To pupils living in the catchment area of the school where the parents express a written first preference for the school.
- b) On medical grounds supported by a medical certificate.
- c) To brothers and sisters of pupils currently attending the school
- d) On the nearest distance, measured in a straight line, between the central point (to be determined by the Governing Body) of the main school site and the pupil's home address, with those living closer to the school being accorded higher priority

21. The majority of parents apply for a place at their catchment area school thus the ethnicity of pupils in schools reflects its local community. The recent 2002 joint Audit Commission and OFSTED themed inspection report made recommendations regarding the allocation of social housing that the Council are currently considering.

22. As Luton Borough Council's admissions criteria and its application are based on national legislation, any major changes in policy could only come from changes or amendments to national legislation. Whilst these criteria do have an adverse impact on certain pupils e.g. pupils living outside the school's catchment area and pupils without medical grounds, the impact on race, disability, gender, age and sexuality is neutral.

Environment and Regeneration Department

Impact assessments have been completed for the Luton-Dunstable Local Plan and Engineering & Transportation Service Best Value Review. A brief summary of each is

¹ The LEA administers the transfer to high school for those foundation high schools that 'buy into' the LEA's administration of the process. The annual transfer arrangements for foundation high schools are administered in accordance with the policy determined by each school's governing body.

given below. More detailed analysis of each of the services together with completed grids are held by the Performance Review Manager who will be pleased to supply these to Members upon request.

- **Luton-Dunstable Local Plan**

23. Adverse Impact Assessments were undertaken on Luton-Dunstable Local Plan (LTP), (Engineering and Transportation Service). The outcome of the impact assessment was Neutral, with some evidence to this effect and little public concern that the service is operated in a discriminatory manner.

24. The LTP is published every 5 years, and the current Plan (published in July 2000) covers the period between April 2001 and March 2006 and is annually reviewed. The LTP sets out the principles applied to various modes of transport, and action to be taken to implement schemes to encourage the greater use of sustainable modes of transport and maintain the existing transport infrastructure.

25. A multi-disciplinary team of LBC officers regularly monitors the aims and policies, and the results are published in the Annual Progress Report (APR) submission to Government. Group Managers and staff are involved in consultation with local residents, commercial premises, and other interested parties, including forums with an interest in promoting equalities such as representatives from Luton Older Peoples' Forum and the Disability Resource Centre.

26. The impact assessment action plan reflects the need to include representatives from ethnic and other minority groups to attend the local transport forum on a regular basis, undertake more consultation with established focus groups when undertaking individual schemes (which fall under the general umbrella of the LTP) and improve access to public transport information and bus stop environments for disabled people, women and the elderly.

- **Engineering & Transportation Service Best Value Review**

27. The Adverse Impact Assessment was undertaken on Engineering & Transportation Service Best Value Review, which is approaching the end of stage 3 (vision report) of the 4-stage process (in accordance with the LBC Best Value (BV) guidelines). The review covers the services provided by all five Groups within the division; Highways and Structures engineering, Parking, Road Safety, Traffic and Programming, and Transportation Strategy. The work of all groups is aimed at developing and implementing improvements to the existing transport infrastructure of the Town in line with transport schemes and other travel initiatives identified within the Local Transport Plan (LTP).

28. Evidence collected during the consultation and challenge processes indicate that the provision of service is fair and there is no differential impact. The amount of evidence varies (dependent on the stage reached in the development and implementation of each transport scheme or travel initiative) to specific community groups. The indications are that consultation on individual schemes, as they evolve, that as evidence increases it will provide further proof of the neutral impact.

29. The impact assessment action plan reflects the current status of the review (3rd stage vision report). Insofar as there are only 2 actions to be undertaken. To undertake a European Foundation Quality Management (EFQM) audit to provide a base line for establishing the divisions' customer focus, people development and public responsibility perception. The second action, to complete the options and improvements report (4th stage of the BV review process). The adverse impact assessment has been undertaken as part of the BV review process.

APPENDIX

30. Appendix A - Summary of Impact Assessments carried out.

31. Appendix B - Action Plans for the services assessed by Lifelong Learning and Environment and Regeneration Departments.