

Equality Impact Assessment (EqIA): Dorset Council owned childcare

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Job Title:	Principle Lead for Best in Life Children's Commissioning Service
Members of the assessment team:	Tina Ironside and Michael Pochin
Date assessment started:	21 January 2022
Date of completion:	28 April 2023
Review date:	30 June 2023 (and bi-monthly until project completed)

1. Initial information

1.1 Provision of childcare and early education by Dorset Council of:

- Blandford Nursery and out of school provision
- Shaftesbury Nursery

2. Purpose of assessment

2.1 This assessment is part of a review of service delivery.

3. Internal or external impact

3.1 This review impacts our internal workforce (employees working in the provisions stated in 1.1) and external (residents and communities, specifically children and their parents/carers)

4. Brief overview of its aims and objectives:

4.1 Dorset Council operate two childcare registrations:

- Blandford Nursery and Oscars After School and Holiday Club
- Shaftesbury Nursery

4.2 We have reviewed the childcare provision run by Dorset Council in Blandford and Shaftesbury, with our principal objectives being to:

- a) Secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children)¹ in Blandford and Shaftesbury.
- b) Ensure the provisions are run by an organisation with the dedicated leadership, experience, resources, and skills to do this effectively.

¹ A statutory duty for all local authorities under the Childcare Act 2006

- 4.3 Whilst we must ensure sufficient childcare, we have no statutory obligation to provide childcare ourselves. Most childcare settings are run by the private sector, voluntary organisations, or schools. In Dorset, apart from the childcare provision detailed in 4.1, all provision is run by these sectors. These types of organisations have education and childcare as their core business with the dedicated leadership, experience, resources, and skills to run a thriving childcare settings.
- 4.4 We are therefore seeking alternative providers to run these provisions, who can deliver with no reduction in the current service provision e.g., age ranges and opening times. Alternative providers who can evidence improved service provision will be prioritised in our evaluation process.
- 4.5 We want Dorset to be a great place to live, work and visit – for everyone. Our Council Plan details [our values, behaviours and principles](#), including our equality objectives.
- 4.6 [Our Children, Young People and Families Plan](#) describes our commitment to ensuring all children have the best start to life and education throughout their childhood.
- 4.7 The review of Dorset Council run childcare provision aligns with the objectives in 4.5 and 4.6. We are committed to ensuring the changes resulting from this review do not discriminate anyone with [protected characteristics or other groups who may face disadvantage and discrimination](#). This EqIA aims to achieve this. It’s an evolving document that is reviewed and has been updated regularly (dates on page 14).
- 4.8 We are aspirational that if our objective to ‘Ensure the provisions are run by an organisation with the dedicated leadership, experience, resources, and skills to do this effectively’ (4.2) is achieved, this could positively impact all children attending these provisions and their families.
- 4.9 This assessment considers the equality impact of alternative providers running these provisions on:
- parents, carers, and children
 - employees of the provisions

5. Background to this proposal

5.1 The table below summarises the provisions:

Shaftesbury Children’s Centre Nursery	Blandford Children’s Centre Nursery	Oscars After School Club	Oscars Holiday Club
Babies from 3 months old and children up to 5 years old.	Babies from birth up to 4 years 11 months	Children aged 4 to 12 years.	Children aged 4 to 12 years.
Open 50 weeks a year	Open 50 weeks a year	Open term time only	Open school holidays
Mon, Wed and Thur 8am to 6pm. Tue and Fri 8am to 4pm	Mon to Fri 8am to 6pm	Mon to Fri 3pm to 6pm	Mon to Fri 8am to 6pm

5.2 Blandford nursery and the out-of-school provisions operate under the same Ofsted registration.

5.3 Eligible employees of the provisions would TUPE to a new provider. TUPE protect employees' rights when:

- an organisation, or part of it, transfers from one employer to another
- a service transfers to a new provider

Evidence gathering and engagement

6. **What sources of data, evidence or research has been used for this assessment?** (e.g., national statistics, employee data):

6.1 In reaching the decision, we considered data relating to:

- current usage of the services
- information about local population trends²
- equality employee data
- other legislation, guidance and data:
 - [Early Years Foundation Stage Statutory Framework](#)
 - [Childcare Act 2006](#)
 - [Equality Act 2010](#)
 - [ACAS TUPE guidance](#)
 - [Dorset Childcare Sufficiency Report 2022/23](#)

7. **What did this tell you?**

a. **Current usage of the services**

7.1 Both nursery provisions are currently full with waiting lists indicating demand for places exceeds the supply. See the tables below.

Blandford nursery 71 children on roll summer term 2023	Babies under 1	12 to 27 months	2-year-olds	3- and 4-year-olds
Up to 15 hours funding	n/a	n/a	10	21
Up to 30 hours funding	n/a	n/a	n/a	25
Eligible for EYPP	n/a	n/a	n/a	7
No. of children where parents have paid for hours	0	6	8	9
No. of children on a waiting list	38		18	31
No. of children with SEND	0	0	0	5

Shaftesbury nursery 80 children on roll summer term 2023	Babies under 1	12 to 27 months	2-year-olds	3- and 4-year-olds
Up to 15 hours funding	n/a	n/a	12	23
Up to 30 hours funding	n/a	n/a	n/a	27
Eligible for EYPP	n/a	n/a	n/a	13
No. of children where parents have paid for hours	2	9	5	11
No. of children on a waiting list	0	2	10	1
No. of children with SEND	0	1	5	14

NB: the children paid hours may also be accessing the funded hours.

7.2 There are 120 children on roll who access Blandford's after-school provision and/or the holiday club (Spring 2023). The holiday club attendance averages at 30 children, which is

² Data from the early years census and other local/national government sources.

the maximum capacity. Whilst the after-school club is also registered to take 30 children, current staffing shortages means they can only take 16 children.

7.3 There are very few parents who pay for additional hours in addition to the early education funding. In both settings there are only 33% (50) of spaces which are 'privately funded' by families. The remainder 77% (99) are funded by Government funding.

7.4 16% (25) of the total children on roll in both settings have Special Educational Needs or Disabilities (SEND) in April 2023.

7.5 13% (19) children were in receipt of Early Years Pupil Premium (EYPP) in April 2023, which is for eligible low-income families. Most children eligible for EYPP become eligible for free school meals (FSM) once they start school. Supporting this children in their learning and development is important because there is evidence the achievement of children receiving FSMs is lower compared to their peers.

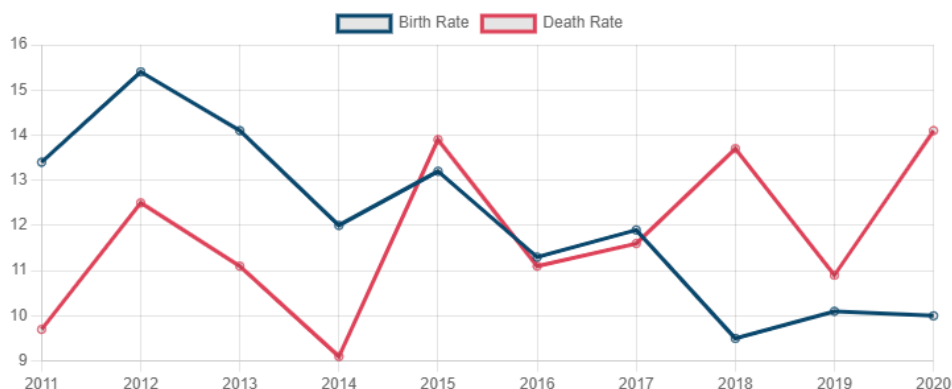
7.6 The [Holiday Activities and Food \(HAF\) programme](#) supports school children who are eligible for free school meals during the holidays. Research has shown that school holidays can be pressure points for some families, especially those on low incomes. At Oscars Holiday Club, we delivered HAF places in Easter 2022, but we were unable to offer it in Easter 2023 due to staff shortages. We hope to reinstate delivery of HAF for the summer 2023 school holidays.

b. Population data

7.7 Population data³ showed the majority (96.9%) of the Blandford population is 'White' and 96.6% in Shaftesbury. Full details of ethnicity groups are shown in Appendix 1(p.14). This is slightly lower than the Dorset Council profile of 97.1%. It also shows that whilst deprivation in Shaftesbury is below national averages, it's above the Dorset Council average. Child poverty⁴ is 16.8% in Shaftesbury, compared to an average of 12.1% for Dorset Council and 17.1% nationally.

7.8 Birth rates for Blandford and Shaftesbury⁵ are summarised in the graphs below. This shows that whilst overall, there has been a decrease in birth rate over the last decade. in both areas there has been an increase since 2018.

Graph 1: [Blandford](#) birth rates

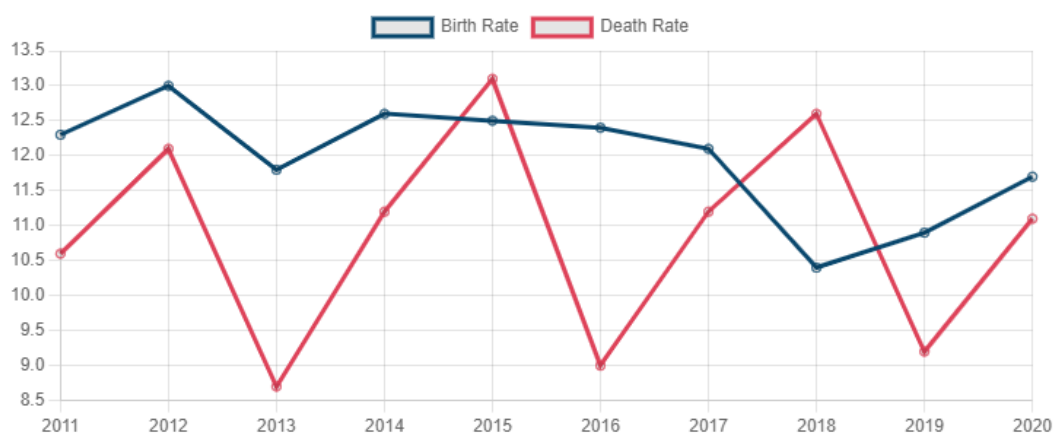


Graph 2: [Shaftesbury](#) birth rates

³ [2021 Census](#), Office for National Statistics

⁴ Child poverty measured by the Income Deprivation Affecting Children Index

⁵ Source: Office for National Statistics



7.9 The evidence collected on service usage and population data tells us that we should strive to retain these provisions.

c. Equality employee data

7.9.1 Equality data for employees in these childcare provisions was extracted from our HR system in January 2023. In summary, of the 29 employees:

- the majority were aged 25 to 39 years (38%). The split between the three other age groups is roughly equal
- none have identified as disabled. However, 41% had no data recorded and 7% preferred not to say
- 52% identified as White British and 7% as being from an ethnic minority group. 41% had not declared their ethnicity
- all employees are female
- 45% work full-time and 55% part-time
- 48% identified as heterosexual. The remaining 52% had not declared their sexuality

d. Other legislation, guidance, and data

- 7.10 Section 3.80 of the [Early Years Foundation Stage](#) (EYFS) framework states ‘The EYFS requirements sit alongside other legal obligations and do not supersede or replace any other legislation which providers must still meet’. These include employment law and anti-discrimination legislation.
- 7.11 Section 3.59 of the EYFS states ‘Providers must follow their legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments)’.
- 7.12 Section 3.20 of the EYFS states ‘Providers must follow their legal responsibilities under the Equality Act 2010 including the fair and equal treatment of practitioners⁶ regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation’.
- 7.13 The Childcare Act 2006 gives local authorities a duty to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children).

⁶ Practitioners means the employees and volunteers working within childcare provision

- 7.14 Eligible employees of the provisions would TUPE to a new provider regardless of whether they have protected characteristics or not. TUPE protects employee's current terms and conditions including pay and pensions. The TUPE rights protect employees when both of these things apply:
- they are legally classed as an employee
 - the part of the organisation that's transferring is in the UK
- 7.15 Our Dorset Childcare Sufficiency Report 2022/23 provides an overview of childcare supply and demand across Dorset. In addition, we have undertaken a more detailed assessment of childcare demand in Blandford and Shaftesbury. This indicated that the Dorset Council run provisions are required to meet demand.

8. Who have you engaged and consulted with as part of this assessment?

- 8.1 Employees at these provisions were informed in Spring 2022 that we were seeking alternative providers. They were updated in March 2023 to explain that an option we had been exploring had been discounted and we are still exploring options to find alternative providers. They were also signposted to wellbeing support. There were expected concerns raised and a request to be kept up to date, which we have now committed to do monthly.
- 8.2 Managers from the provisions have provided the data specific to their areas of responsibility.
- 8.3 HR have provided details of all staff employed in the provisions.
- 8.4 Employment law requires consultation with any employees who are affected by this change. Formal consultation will start if approval to procure or transfer provisions is given.
- 8.5 We will meet our responsibilities for public consultation when required and this EqlA will be updated accordingly.

Further information needed to help inform decision making

9. Is an EqlA required?

- 9.1 Yes, an EqlA is required and is detailed on the following pages.

10. Assessing the impact on different groups of people

Key to impacts

Positive Impact	<ul style="list-style-type: none"> the proposal eliminates discrimination, advances equality of opportunity and/or fosters good relations with protected groups.
Negative Impact	<ul style="list-style-type: none"> protected characteristic group(s) could be disadvantaged or discriminated against
Neutral Impact	<ul style="list-style-type: none"> no change/ no assessed significant impact of protected characteristic groups
Unclear	<ul style="list-style-type: none"> not enough data/evidence has been collected to make an informed decision.

10.1 We have assessed the impact on the protected characteristics for the following groups:

1. Children (aged from birth to 12 years)
2. Parents and carers
3. Employees of the provisions

Target group 1: Children

Impacts on who or what?	Choose impact	How
Age	Neutral	<p>The transfer of services to another provider should maintain as a minimum the age ranges and opening times detailed in 5.1.</p> <p>See 7.12, 7.13 and 7.15 summarising EYFS and our sufficiency duty, applied to all protected characteristics.</p>
Disability	Neutral	<p>The two nurseries support a significant number of children with SEND. The transfer of services to another provider should maintain capacity as all childcare providers are required to make provision for children with SEND.</p> <p>See 7.12, 7.13 and 7.15 summarising EYFS and our sufficiency duty, applied to all protected characteristics.</p>
Gender reassignment and Gender Identity	Neutral	<p>Gender reassignment not applicable for the age ranges detailed in 5.1.</p> <p>See 7.12, 7.13 and 7.15 summarising EYFS and our sufficiency duty, applied to all protected characteristics.</p>

Impacts on who or what?	Choose impact	How
Marriage or civil partnership	Neutral	Not applicable to children
Pregnancy and maternity	Neutral	Not applicable to children
Race and Ethnicity	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics.
Religion and belief	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics. If a faith school was proposed as an option for running the provisions, we would need to review the impact for region and belief.
Sex (consider men and women)	Neutral	See 7.12, 7.13 and 7.15 summarising EYFS and our sufficiency duty, applied to all protected characteristics.
Sexual orientation	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics. Although this age range can't be legally sexually active, some may still identify as LGBTQI+
People with caring responsibilities	Neutral	Whilst not applicable to most, some children attending the out-of-school club might be young carers. See 7.12, 7.13 and 7.15 summarising EYFS and our sufficiency duty, applied to all protected characteristics.
Rural isolation	Neutral	The new provider will need to ensure that access arrangements continue to be at least as good as at present. See 7.15 detailing our sufficiency duty, applied to all protected characteristics.
Socio-economic deprivation	Neutral	One of the key drivers for childcare legislation is to help parents work and therefore reduce deprivation. See 7.15 detailing our sufficiency duty, applied to all protected characteristics.
Single parents	Neutral	Not applicable (refer to parents/carers section instead)
Armed forces communities	Neutral	There are significant Armed Forces communities in the Blandford (Blandford Camp) and Shaftesbury (Salisbury Plain) areas. By maintaining these services, we will assist families in the armed forces to access childcare. See 7.15 detailing our sufficiency duty, applied to all protected characteristics.

Target group 2: Parents and carers

Impacts on who or what?	Choose impact	How
Age	Neutral	See 7.12, 7.13 and 7.15 summarising EYFS and our sufficiency duty, applied to all protected characteristics.
Disability	Neutral	See 7.12, 7.13 and 7.15 summarising EYFS and our sufficiency duty, applied to all protected characteristics.
Gender reassignment and Gender Identity	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics.
Marriage or civil partnership	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics.
Pregnancy and maternity	Neutral	The provision of these services is specifically intended to support families, including babies. See rows 1 and 2 which apply to all protected characteristics.
Race and Ethnicity	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics.
Religion and belief	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics. If a faith school was proposed as an option for running the provisions, we would need to review the impact for region and belief.
Sex (consider men and women)	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics.
Sexual orientation	Neutral	See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics.
People with caring responsibilities	Neutral	By maintaining these services, we will assist families to access childcare. This includes all families regardless of marital status. See 7.12 and 7.13 summarising EYFS, applied to all protected characteristics.
Rural isolation	Neutral	The new provider will need to ensure that access arrangements continue to be at least as good as at present. See 7.15 detailing our sufficiency duty, applied to all protected characteristics.
Socio-economic deprivation	Neutral	One of the key drivers for childcare legislation is to help parents work and therefore reduce deprivation. See 7.15 detailing our sufficiency duty, applied to all protected characteristics.
Single parents	Neutral	See 7.15 detailing our sufficiency duty, applied to all protected characteristics.

Impacts on who or what?	Choose impact	How
Armed forces communities	Neutral	<p>There are significant Armed Forces communities in the Blandford (Blandford Camp) and Shaftesbury (Salisbury Plain) areas.</p> <p>By maintaining these services, we will assist families in the armed forces to access childcare.</p> <p>See 7.15 detailing our sufficiency duty, applied to all protected characteristics.</p>

Target group three: Employees of the provisions

Impacts on who or what?	Choose impact	How												
Age	Neutral	<p>See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.</p> <p>NB: The equality employee data we hold for these provisions summarises age groups:</p> <table border="1"> <thead> <tr> <th>Age group</th> <th>Number of employees</th> </tr> </thead> <tbody> <tr> <td>25-39</td> <td>11</td> </tr> <tr> <td>40-49</td> <td>5</td> </tr> <tr> <td>50-59</td> <td>6</td> </tr> <tr> <td>16-24</td> <td>7</td> </tr> <tr> <td>Total</td> <td>29</td> </tr> </tbody> </table>	Age group	Number of employees	25-39	11	40-49	5	50-59	6	16-24	7	Total	29
Age group	Number of employees													
25-39	11													
40-49	5													
50-59	6													
16-24	7													
Total	29													
Disability	Neutral	<p>See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.</p> <p>NB: Within the equality employee data we hold for these provisions, no staff have identified as disabled.</p>												
Gender reassignment and Gender Identity	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.												
Marriage or civil partnership	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.												
Pregnancy and maternity	Neutral	<p>The provision of these services is specifically intended to support families, including babies.</p> <p>See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.</p>												
Race and Ethnicity	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.												

Impacts on who or what?	Choose impact	How
		NB: Within the equality employee data we hold for these provisions two identified as 'other black and minority ethnic' and 52% White British. However, 41% had not declared their ethnicity
Religion and belief	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics. If a faith school was proposed as an option for running the provisions, we would need to review the impact for religion and belief.
Sex (consider men and women)	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics. NB: The equality employee data we hold for these provisions, shows that all employees are female.
Sexual orientation	Neutral	See row 1 that applies to all protected characteristics. NB: The equality employee data we hold for these provisions, shows 48% identified as heterosexual. The remaining 52% had not declared their sexuality.
People with caring responsibilities	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.
Rural isolation	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.
Socio-economic deprivation	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.
Single parents	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics.
Armed forces communities	Neutral	See 7.12, 7.13 and 7.14 summarising EYFS and 7.16 describing TUPE, applied to all protected characteristics. There are significant Armed Forces communities in the Blandford (Blandford Camp) and Shaftesbury (Salisbury Plain) areas. Therefore, some employees may be from these communities e.g by marriage or civil partnership.

Please provide a summary of the impacts:

All of the impacts are classified **as neutral** since the existing services will continue, albeit through a new provider. This assumes that the new provider will be at least as committed to, and effective in, its Equality and Diversity procedures as Dorset Council.

Action Plan

Summarise any actions required as a result of this EqIA.

Issue	Action to be taken	Person(s) responsible	Date to be completed by
1	Although alternative providers have equality and diversity legal responsibilities under the Equality Act 2010 and EYFS, this will be emphasised in specifications and/or agreements. For example, requiring evidence of inclusive practice.	Tina Ironside and Liz Curtis-Jones	Indicative timeline: By January 2024
2	Evaluation of providers will have a specific equality and diversity section.	Tina Ironside and Liz Curtis-Jones	Indicative timeline: By January 2024
3	Update the EqIA immediately if there are any changes in a provider's ability to maintain neutral impact on any protected characteristics for each target group. This includes religion and belief, if a faith school was proposed as an option for running the provisions.	Tina Ironside and Liz Curtis-Jones	Ongoing throughout planning and implementation phase
4	Update EqIA if public consultation is required.	Tina Ironside and Liz Curtis-Jones	As required

Sign Off

Officer completing this EqIA:	Liz Curtis-Jones	Officers involved in completing the EqIA:	Tina Ironside and Michael Pochin
Date of completion:	28 April 2023 Updated 9/3/22,8/12/22, 16/1/23, 17/3/23	Version Number:	6
EqIA review dates:	June 2023 and bi-monthly thereafter	Equality Lead Sign Off:	James Palfreman-Kay

Next Steps:

- the EqIA will be reviewed by Business Intelligence & Performance and if in agreement, your EqIA will be signed off.
- if not, we will get in touch to chat further about the EqIA, to get a better understanding.
- EqIA authors are responsible to ensuring any actions in the action plan are implemented.

Appendix 1

Ethnicity Data Office for National Statistics census2021

	<u>Blandford Forum Town</u>	<u>Shaftesbury</u>	<u>Dorset</u>
Asian, Asian British or Asian Welsh	1.5%	1.4%	1.1%
Black, Black British, Black Welsh, Caribbean or African	0.2%	0.2%	0.3%
Mixed or multiple ethnic groups	0.9%	1.3%	1.2%
White	96.9%	96.6%	97.7%
Other ethnic group	0.5%	0.4%	0.4%