

Equality Analysis Report

Part 1

Information about the activity

(a) Title of activity / budget proposal title: To a new special school to serve children and young people with social, emotional and mental health (SEMH) needs.	(b) Committee meeting (Decision Maker) and date: Executive (September 2026)
(c) Service area: Children's Services	(d) Is this activity: ☒ New ☐ Change ☐ Review
(e) Lead Officer Name and Title: Charlie Cotter, Pupil Place Planning Officer	(f) Other Officer name(s) and title(s) supporting in carrying out the Equality Analysis, undertaking any reviews or actions: (If applicable)
(g) Is this activity delivered as part of any Council Plans or Strategies, if 'Yes' please list below: ☒ No ☐ Yes: please specify the relevant plan(s) or strategy(ies):	(h) Approved by Director or Head of Service: Name: Chris Morris Date: 13/07/2026 Review Date:

(i) Description of the Activity or Budget Proposal (e.g. Policy, Strategy, Plan, Service).

Local authorities in England have significant legal duties regarding children with special educational needs and disabilities (SEND):

- Local authorities must identify all children in their area who have or may have special educational needs, and where a child has an education, health and care plan (EHCP), they must arrange the special educational provision specified in it. This includes conducting assessments when requested and ensuring the child's needs are properly evaluated.
- Local authorities have a duty to secure the special educational provision specified in a child's EHCP, which includes naming a specific school or other institution. They must have regard to the parent's preference for a particular school (within certain conditions) and ensure the placement is appropriate to the child's age, ability, aptitude, and special educational needs, whilst also being compatible with the efficient education of other children and the efficient use of resources.

Bedford Borough Council, as the local Children's Services authority, has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and for children and young people aged 0 to 25 years old with special educational needs and/or disabilities (SEND). To achieve this, the Council has to keep the number of mainstream and specialist school places under review and to take appropriate steps to manage the position where necessary.

The Education and Inspections Act 2006 (the 'free school presumption') also requires local authorities to adopt a strategic role, with a duty to promote choice, diversity and fair access to school provision. The 2011 Education Act changed the arrangements for establishing new schools. As a result, whenever a local authority identifies the need to establish a new school it must, in the first instance, seek proposals to establish an academy and run a free school presumption process to identify a preferred sponsor.

The Council has identified the need to establish a new SEMH special school. This is proposed to be on the site of the former St Joseph's Primary School, to open in spring 2027. The existing school building will be refurbished to accommodate 80 pupils aged 9 to 16 years old whose primary need is SEMH. A local SEMH special school would ensure local children were able to attend provisions closer to home, reduce home to school transport expenditure and also lead to reductions in exclusions across Bedford borough.

(j): Who are the beneficiaries?

- ☒ **Service Users**
- ☐ **Staff**
- ☐ **Stakeholders**
- ☐ **Other, please state** Children and young people in the borough with SEMH needs
- ☐ **No direct beneficiaries**

Part 2

Screening Test

a) The activity relates to one or more of the aims of the Council's equality duty to treat everyone fairly, create a safe environment, promote equal opportunity with equal outcome, and/or foster good relations	Yes	☒	No	☐
b) The activity relates to an area where there are known inequalities.	Yes	☒	No	☐
c) It is foreseeable that the activity could / will affect protected characteristics or other relevant groups differently.	Yes	☒	No	☐
d) It is foreseeable that the activity could / will impact positively or negatively on one or more of the protected characteristics or other relevant groups.	Yes	☒	No	☐
e) Is it foreseeable that the activity can affect relationships between certain protected characteristics or other relevant groups?	Yes	☐	No	☒
f) Are you decommissioning or commissioning a service?	Yes	☒	No	☐
If you have ticked YES to one or more of the above questions, continue to complete Part 3 of the form.				

Part 3

Impact on Protected Characteristics and Other Relevant Groups

(a) Data, consultation, survey & research

List evidence, data, information, and/or consultation used to understand the impact of your activity on the protected characteristics and other group.	➤ 5 Year Plan for Mainstream School Places 2026 to 2030 ➤ Local SEND Reform Plan ➤ Weekly reports on the number of children and young people with EHCPs in Bedford borough ➤ Spring 2026 census data pertaining to Bedford borough ➤ Responses to a pre-launch non-statutory public consultation (between 18th May and 14th June 2026). 96% of respondents agreed or strongly agreed that there is a growing need for additional provision to support pupils with SEMH needs. ➤ Special educational needs in England (Department for Education, June 2026) ➤ DfE figures for January 2025 published 12.06.2025 in “Special educational needs in England” (https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england)
---	--

(b) Assessing Impact

Protected Characteristics	Positive Impact	Negative Impact	No or neutral Impact	Key findings of data, consultation, survey etc. <i>If there are gaps in the evidence, list this in the actions section below.</i>
Age	☒	☐	☐	The provision of a new SEMH special school will have a positive impact on pupils aged 9-16 (Y5 to Y11) enabling more pupils to attend a specialist provision local to their home address. One respondent raised a concern that the planned age range of the school means that children under 9 years old will not receive support for SEMH needs. This has been addressed in the actions section below.

Disability	☒	☐	☐	In line with the 0-25 SEND Code of Practice (2014), the successful sponsor must ensure all children and young people have access to a broad, balanced and appropriate curriculum that is inclusive of those with SEND. Additionally, as part of The Equality Act (2010) any reasonable adjustments to support children and young people with disabilities (whether of a physical, educational or mental health nature) to access the same provision as others should be made. There is currently a cohort of 2418 children who have education, health and care plans (EHCPs) in Bedford borough; 409 (17%) have SEMH designated as their primary need. Currently, the lack of local SEMH provision is forcing the Council to have to name out-of-borough SEMH schools for children who require this type of specialist setting. This scheme would enable the Council to name a local provision, improving access to specialist education and reducing long journeys which can cause unnecessary stress to vulnerable young people and their families.
Gender Reassignment	☐	☐	☒	The change will have no impact on this characteristic as support would be offered by the school regardless of gender reassignment.
Pregnancy and maternity	☐	☐	☒	The change will have no impact on this characteristic as support would be offered by the school regardless of pregnancy status.
Race	☐	☐	☒	The change will have no impact on this characteristic as support would be offered by the school regardless of race.
Religion or belief	☐	☐	☒	The change will have no impact on this characteristic as support would be offered by the school regardless of religion or belief.
Sex	☒	☐	☐	The change will have a positive impact on this characteristic as places at the school will be open to both males and females.
Sexual Orientation	☐	☐	☒	The change will have no impact on this characteristic as support would be offered by the school regardless of sexual orientation.
Marriage and Civil Partnership	☐	☐	☒	The change will have no impact on this characteristic as support would be offered by the school regardless of parent(s)/carer(s) status of marriage or civil partnership. The pupils attending the school would not be of legal age to get married or form a civil partnership.

Other groups	Positive Impact	Negative Impact	No or neutral Impact	Key findings of data, consultation, survey etc. <i>If there are gaps in the evidence, list this in the actions section below.</i>
Care Leavers and Care Experienced People ¹	☐	☐	☒	The change will have no impact on this characteristic as support would be offered by the school regardless of care status.
Socio-economic ²	☒	☐	☐	Allocation of pupil places is not income-based as this will be a state-funded school, open to pupils regardless of their socioeconomic background. The change will positively impact on this characteristic by increasing access to local specialist education provision and reducing the likelihood of pupils being excluded from mainstream schools, improving social mobility.
Carers	☒	☐	☐	The change will have a positive impact on this characteristic as carers of children with SEMH needs will know that the young people will be supported in a nurturing environment.
Rural Communities	☒	☐	☐	The change will positively impact on this characteristic by increasing access to local specialist education provision and reducing the number of children and young people who have to travel long distances to out-of-borough placements. Home-to-school transport will be available to those pupils for whom it is required.

¹ Bedford Borough Council passed a motion for this group to be recognised as a protected characteristic.

² Not a protected characteristic, but important to consider this when undertaking the EA.

(c) The Public Equality Sector Duty (PSED)

Eliminate unlawful discrimination, harassment and victimisation	Admissions will be via Bedford borough's EHCP panel and follow the statutory placement consultation process as per legislation set out in the SEND Code of Practice. Only sponsors who are pre-approved by the Department for Education will be eligible to bid to run the new special school. Many children and young people with SEMH needs experience barriers including feelings of isolation, marginalisation and discrimination in mainstream schools. Increasing the availability of specialist provision to meet the needs of these vulnerable individuals aims to eliminate these risks.
Advance equality of opportunity	Between 2015/16 and 2024/25 the Department for Education reported a 133% increase in the number of CYP in Bedford with EHCPs whose primary need is SEMH and a 73% increase for those receiving SEND support (no EHCP) for SEMH challenges. Sustained growth reflects national trends in childhood mental health, compounded locally by socioeconomic deprivation in specific areas of the Borough, particularly south and west Bedford. Pupils with unmet SEMH needs are at higher risk of emotional-based school avoidance, school suspension and exclusion than those without the same needs profile. Access to specialist provision will increase the likelihood that pupils with SEMH needs will have the support they need to succeed and receive continuous, uninterrupted access to education. The Council expect that the successful sponsor will engage in multi-agency partnership working to support children, young people, and their families; this is to include partnerships with schools, key health services and CAMHS to support systemic positive outcomes for children and young people with SEMH needs. The successful sponsor will embed integrated therapeutic and educational practice and champion clear and ambitious post-16 pathways. These factors are designed to provide students with SEMH needs the support they require to achieve outcomes comparable to their peers who do not have the same mental health challenges.

Foster good relations between people, who share a protected characteristic and those who do not.	The proposed special school will provide the support that children and young people with SEMH needs require to thrive. Enabling these pupils to attend a school locally will facilitate their building a peer group within the community. The Council will encourage the successful sponsor to permit use of the SEMH school for SEND holiday clubs, which would have further community benefits and promote the development of positive relationships by a variety of community members.
---	---

(d) Actions

Actions	What will be done	By whom?	By when?	Date completed and outcome
Are there any gaps in the evidence? if so, what will need to be done to address this?	A statutory consultation on the successful applicant opening the SEMH special school.	The sponsor/multi-academy trust appointed by the Secretary of State.	Prior to entering into a funding agreement with the Secretary of State to run the new special school; likely to be October/November 2026.	Review consultation responses and use this information to support drafting of conditions in legal agreements between the successful sponsor and the Council.
What are the negative impacts identified? How will you lessen the impact?	Children with SEMH needs will not be eligible to attend the new SEMH school until they reach the age of 9, however, will be supported in existing SEMH provisions specifically designed for primary age pupils.	Bedford borough's EHCP panel will continue to follow the statutory placement consultation process as per legislation set out in the SEND Code of Practice.	Ongoing.	Children with SEMH needs continue to be fairly assessed and access suitable SEMH support.
Are there other relevant actions and if so, what are these?	10 inclusion bases are proposed to be created within schools as part of the Council's Local SEND Reform Plan. These will provide additional places for primary, secondary and post-16 pupils.	The Council's Education and Capital Projects teams.	September 2028.	Additional places created to support pupils from primary to post-16 age.

Part 4

Conclusion

(a) Recommendation

No major change required <i>The evidence shows no negative impact or potential risk for discrimination.</i>	☒
Adjustments required	☐
Justification to continue the activity	☐
Stop the activity	☐

(b) Summary of analysis

In preparing this report, due consideration has been given to the Borough Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

The equality analysis is based on a variety of source data: Department for Education statistical analysis of SEND needs at national and local authority level, school census data; views of relevant local residents/Cllr representatives and consultation enabling local stakeholders to make comment on the proposals.

During the procurement process, potential sponsors will be required to demonstrate understanding of the statutory and public sector equality duties and a willingness to take on these duties on the Council's behalf to ensure that individuals with identified protected characteristics are supported adequately and efficiently.

The equality analysis has identified that the proposed new SEMH special school is expected to have a positive impact.