

Equality & Community Impact Assessment

Relating to: Proposals for school funding reform

Date: 10th September 2012

Introduction

This Impact Assessment supports the County Council in meeting its legal obligations under the **Public Sector Equality Duty**, now contained in section 149 of the Equality Act 2010. The Equality Duty ensures that public bodies have due regard to the statutory needs referred to in section 149 when exercising their functions.

Section 149 provides that in exercising its functions an authority must have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- foster good relations between people who share a protected characteristic and those who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it involves having due regard (in particular) to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not share it involves having due regard (in particular) to the need to tackle prejudice and to promote understanding.

The Steps involved in meeting the needs of the disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. Compliance with the duties in section 149 may involve treating some persons more favourably than others; but not if that would itself involve conduct which is made unlawful under the Equality Act 2010.

The protected characteristics to which the duty applies are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, also marriage and civil partnership but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard to** means consciously thinking about the statutory needs as part of the process of decision making, when the proposals are still at a formative stage, and before a decision is reached. This means that consideration of those equality issues must influence the decisions reached by public bodies. The Equality Duty must be exercised in substance, with rigour and with an open mind.

Indirect discrimination occurs where a condition criterion or practice is applied which would put people with one of the protected characteristics at a particular disadvantage, when compared with persons who do not share that characteristic, and the imposition of that condition, criterion or practice is not a proportionate means of achieving a legitimate aim, i.e. it cannot be objectively justified.

Indirect discrimination may occur in two ways.

1. It may occur when the neutral provision, criterion or practice, applied to everyone, affects people with a protected characteristic in a different way to those who do not share the protected characteristic; or
2. The neutral provision, criterion or practice does not cause any distinctly different effect on a protected group, but “tainting by numbers” occurs – there is a sufficiently substantial disparity in the statistical breakdown of a particular protected group affected by the provision, criterion or practice, to suggest that they are placed at a particular disadvantage when compared to those who do not share that protected characteristic.

Remember that the Equality Duty involves having due regard to the needs to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, as well as to eliminate discrimination and other conduct which is unlawful under the Equality Act 2010.

This is an interim Equality Impact Assessment which identifies potential impact and mitigating actions that could apply in regards to implementation of the School Funding Reform policy from the Department for Education. It is an interim assessment because there are a range of options on the level of the lump sum and the ageweighted pupil unit (AWPU) allocation that would result, and on funding for vulnerable pupils. A more complete EIA can be made once the first stage of the decision making processes has been achieved. This will involve identifying schools where there are high proportions of vulnerable groups and where the schools may have less in their budget as a result of the new formula.

1. Person responsible for undertaking this assessment:

Name: Edel Keating Service: Commissioning Support Team	Telephone: 01452 426642 E-mail: edel.keating@gloucestershire Date of Assessment: 8th August 2012
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2. Name and brief description of the policy, service, strategy, procedure or function: (indicate whether new or revised)

Department for Education policy for School Funding Reform – towards a national funding formula

PROPOSAL

The government has declared an intention to introduce a national funding formula for schools during the next comprehensive spending review period. In the meantime, Local Authorities are required to simplify their funding formula for schools but will have some local discretion, particularly on special educational needs. In particular, this will move Gloucestershire schools from a 'needs-led' formula base which uses multiple factors through which funding is allocated to all schools in the county to a standardised formula with a maximum of 10 factors. There are major implications for individual schools and for the LA. Critically though for schools, a Minimum Funding Guarantee limits the amount any mainstream school may lose to 1.5% per pupil for 2013/14 and 2014/5.

The DfE published two consultation papers in 2011 on school funding reform and a third in March 2012, this time setting out in detail changes for 2013/14 onwards.

Dedicated Schools Grant (DSG) continues but divided into 3 blocks:

- Schools
- Early Years
- High Needs

The DfE proposals also encourage maximum delegation of centrally held funding to schools through the 10 factors permitted for use.

The factors are:

1. **A basic per pupil entitlement**
2. **Deprivation (using either FSM or IDACI indicators)**
3. **English as an additional language (for the pupil's first 3 years in school only)**
4. **Low cost, high incidence SEN**
5. **Looked after children**
6. **Lump sum**
7. **Premises factors**
8. **Split sites**

- 9. Rates
- 10. PFI arrangements

3. Briefly describe its aims and expected outcomes

Aims of the DfE school funding reform are to bring a standardised approach to how schools are funded nationally so there is equity and transparency across all areas of the country as a preparatory step to implementing a national funding formula.

Expected outcomes:

- Schools will receive more funding through delegation using the 10 factors provided;
- Schools will have less centrally funded LA support services;
- Schools can decide on how they want to direct additional delegated funding to improve outcomes for their pupils;
- The structure of school funding will be based on national average spending levels;

4. Describe how this policy will impact on the Council's duty to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

Identify what particular groups of people will be affected by this policy.

The challenge for the Local Authority is to introduce a simplified funding system in line with the Department for Education policy that is equitable, fair and transparent but which, at the same time retains flexibility to meet the needs of individual pupils and groups of pupils known to be vulnerable and at risk of underachieving.

There are 75,943 pupils aged 4-16 on register in 296 Gloucestershire schools as per the January 2012 School Census. Gloucestershire is predominantly a rural county with 40% of children attending schools in the two main urban areas of Gloucester City and Cheltenham Borough.

The following children were identified as potentially affected by the introduction of this policy:

Children aged 4-16 years

Children from Black and Minority Ethnic groups. There are currently 8,807 (11.6%) of school aged children from BME groups

Children with English as an Additional Language (EAL). There are currently 3,321 children with EAL

Children with special educational needs (SEN) and disabilities. There are currently 14,138 children with SEN of which:

- 2,111 have a Statement of special educational needs (high needs) and
- 12,027 have lower level SEN and disabilities

Children attending religious denomination schools:

- 15,675 children attending schools under the Diocese of Gloucester
- 2,893 children attending schools under the Diocese of Clifton

Vulnerable children who are children at risk of poor educational and social outcomes:

Children not reaching the expected level of attainment for their age and stage of education

Children permanently excluded from school of which there are currently 80 (not sure what this figure is – do we need an annual number?)

Children who have received fixed term exclusions of which there are currently 3,153 (as above)

Children receiving education through the Hospital Education Service of which there are currently 73 and include

- Pregnant school aged girls

Children who have persistent absences from school of which there are currently 4,205

5. Provide details of the evidence you have gathered in making this assessment, including data sources, consultation undertaken and the outcome/s of this.

The EIA was informed by the following:

Data:

June 2012 – Impact on protected groups has been considered in each of the 4 work streams:.

- Funding Formula for mainstream schools;
- Special School funding
- Vulnerable children: Pupil Referral service and Race Equality and Diversity Service (READS)
- Central budgets and delegation

This stage of the EIA looked at evidence of potential impact on children as models of funding changes to schools were explored.

The School Census 2012 data was used to understand the numbers of children from each of the protected groups. These data also informed an understanding of impact on vulnerable children – children who are vulnerable to low attainment; behaviour difficulties; exclusions from school; persistent absence and resulting risks to safeguarding.

Fundamentally, the EIA explored the impact on children from the cumulative affect of the proposed changes, which the Schools Forum considered as part of their recommendations to Cabinet.

Consultation:

May – July: The EIA took account of the feedback from schools resulting from:

- A formal consultation paper with schools sent to all schools and available via the GCC website.
- Alongside this consultation, a number of meetings and briefings were co-ordinated in schools across the county to which headteachers and Governors were invited. These meetings were well attended and views, questions and concerns collated from each.

The consultation received over 80 responses from schools and a full report is available. Key points from the consultation with schools was that:

- The outcome of consultation was inconclusive, particularly with a lower than expected response rate
- A number of the consultation responses referred to the need to find a compromise or 'least worst' position on the lump sum

Further consultation with Schools and Governors will occur during 14-18th September.

Engagement Activities with wider stakeholder groups:

Children and young people attending the Pupil Referral Service (PRS) - 16th July - *four children from Yr 7/8 and two from Yr10 were engaged for the views on the service. They felt that the PRS helped them manage their anger and/or behaviour. They like the small classes, quiet atmosphere and, for the older ones, the chance to do subjects they wouldn't do at school. These are mainly vocational options linked to work experience. Younger students saw themselves going back to their schools (they were on what we call partnership places – i.e. still managing in mainstream but needing some help) but the older ones had all but given up on mainstream and were permanently excluded. They expected to finish their schooling at the PRU before going to college or work based training.*

Parent/Carers for children with SEN – 19th July – initial meeting, 10th and 20th Sept.

Community groups – individual meetings planned

Traveller/Roma – by end of August. GCC Gypsy and Traveller service is organising a date to meet with parents from the communities

Parents of vulnerable children and children with low level SEN – to be arranged for September.

Staff briefing – 6th September.

6. Is this Policy affected by, or will it have an impact on other Meeting the Challenge proposals? Yes/No. (If yes, please specify relevant project and indicate how it is affected).

Implementation of this policy primarily affects the Dedicated Schools Grant but, in conjunction with the government's current consultation on academy funding, will impact on non-DSG education based council services e.g. education welfare.

7. Where any particular group is affected differently by the policy in either a negative or a positive way, if you identify a negative impact, explain what actions you have undertaken or you plan to undertake, including consideration of any alternative proposals, to lessen or negate this impact.

The following table sets out the potential impacts on our protected groups and the proposed mitigating actions as set out in the paper to Cabinet on 12th September 2012.

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
Age 4-16	✓	✓		<p>Setting a lump sum amount for all schools irrespective of number of children on roll has been very challenging as both the numbers of schools in Gloucestershire and the variation in school sizes mean that no one amount results in a positive effect for all.</p> <p>Setting the lump sum paid to schools at £67,000 (which is at a broadly mid-range level) is the least bad option for most schools, with fewer primary and secondary aged children being negatively impacted on.</p>	<p>The Minimum Funding Guarantee until 2015/16 will ensure no school will see a change of more than 1.5% of their budget for 2 years (2013-2014; 2014-2015). This will give schools who may receive less in their budgets from 2015 some time to plan for the future.</p>	<p>To be determined by individual schools under the responsibility of Head Teachers and Governors.</p>
Age: 4-5 years 9-11 years	✓			<p>Age weighted pupil unit allocation The single amount for primary aged children will mean that current weightings for YR and Y5 & 6 will no longer be allowed. The single AWPU amount will mean that there is potential for a negative impact on some children where their schools</p>	<p>The Minimum Funding Guarantee until 2015/16 will enable schools to plan for the future.</p> <p>Initiatives to increase numbers of 2 and 3 year olds taking up nursery places will better prepare</p>	<p>To be determined by individual schools under the responsibility of Head Teachers and Governors.</p> <p>GCC and Schools Forum monitoring of nursery places take up and quality of provision</p>

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
Age: 14-16 years			✓	<p>may receive less in their overall budget due to the proposed funding changes.</p> <p>Key Stage 4 pupils (14-16 yr olds) receive additional funding to reflect the need for smaller class sizes for GCSE and equivalent courses.</p>	young children for school	

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
<p>Disability (indicate different impacts on different types of disability)</p> <p>1. Children with SEN but without a Statement (low needs SEN)</p> <p>✓</p>				<p>1.Children with low level SEN e.g. SEN Code of Practice: School Action or School Action plus will receive additional funding based on prior low attainment from their Early Years Foundation Stage Profile scores and Key Stage 2 level of attainment. There is a concern that EYFSP scores are too subjective and the data is therefore not robust.</p> <p>There is a risk that schools with high numbers of children with low level SEN may not receive adequate levels of additional funding and struggle financially to meet the needs of each individual child. This may act as a disincentive for schools to admit children with low level SEN and disabilities.</p>	<p>Schools will only be expected to meet the 'additional costs' of one high needs pupil for every 75 children on roll; this will ease the financial burden and help schools to meet low level SEN needs.</p>	<p>Both 1 & 2 below apply to all mitigating actions in this section.</p> <p>1.To be determined by individual schools under the responsibility of Head Teachers and Governors. 2. The council will track the impact on outcomes for children with SEN through the SEN monitoring service. Schools Forum will review how schools are allocating their SEN funding to ensure funding mechanisms are appropriate</p>
<p>2. Children with disabilities without a Statement of SEN e.g. some physical</p>			<p>✓</p>	<p>2.Children with disabilities without a Statement of SEN and who reach the expected levels of attainment for their age and Key Stage will not receive any additional funding through the</p>	<p>The LA will continue to retain an annual allocation from the Annual Capital Settlement from Central Government which is used to provide capital</p>	

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
<p>disabilities; insulin dependent; severe asthmatics;</p> <p>3. children with high needs and a Statement of SEN in mainstream schools</p>	✓			<p>new formula. This does not change current funding arrangements.</p> <p>3.Mainstream schools with children with high needs SEN and disabilities will need to meet the first £6,000 plus AWPUs costs of support. This is likely to have a negative impact on provision where schools have high numbers of children with high needs and low needs SEN. And to act as a disincentive for schools to admit children with high level needs.</p>	<p>items/adjustments for disabled children to attend school on a needs-led basis</p> <p>Schools will only be expected to meet the 'additional costs' of one high needs pupil for every 75 children on roll; this will ease the financial burden and help schools to meet low level SEN needs.</p>	
<p>4. Children with severe learning disabilities, profound and multiple learning disabilities attending</p>	✓			<p>4. Special schools will no longer receive funding based on numbers of high needs places they offer but will receive £10,000 per child on roll with the additional amount per child coming as a result of individual assessment of needs. Fluctuating income will make it harder for schools to plan their staffing.</p>	<p>Introduction of the Government's <i>New Approach to SEN and Disability Framework</i></p> <p>The Gloucestershire Association of Special School head teachers is commissioning a piece of consultancy to help them</p>	

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
Special Schools		✓		Children attending special schools will receive the level of support as identified from an individual assessment of need. This will enable a more thorough understanding and approach to meeting their needs and achieving positive outcomes for their learning.	develop a new business model	
Gender reassignment				No discernable affects from this policy were identified to the school aged population. Schools have a range of policies in place to address issues: Equal Opportunities and anti-Discrimination anti-bullying policies		
Marriage & civil partnership				No discernable affects from this policy were identified to the school aged population.	.	

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
Pregnancy & maternity			✓	<p>Gloucestershire Hospital Education Service data for 2011-12 recorded 15 referrals for pre-16 pregnancies (8xYr11, 6xYr10, 1xYr9)</p> <p>In future, places in the Hospital Education Service will be funded directly from the Education Funding Agency and it is likely that funding will only be provided for a narrower range of children than those currently educated by the HES in Gloucestershire.</p>	We await Government details of the new funding arrangements when further evidence will be gathered and analysed for the final EIA	GCC will assess further once details are available
Race (including Gypsy & Traveller) 1. Children with English as an Additional Language (EAL) 2. Black and Minority Ethnic Groups including Traveller and Gypsy	✓	✓		<p>Gloucestershire proposes a factor for allocating additional funding (£1.3m) for children with EAL for the first three years after their arrival.</p> <p>The EAL factor proposed does not include funding for BME who don't have EAL. There are 5486 children from BME groups without EAL who will not receive any additional funding to support their access to school and learning needs</p>	<p>Delegation of the central budget used to fund READs will mean schools can arrange the additional support they identify for this group of children.</p> <p>The council will explore</p>	GCC and Schools Forum to carry out a review of the arrangements being implemented by schools to meet needs and the outcomes being achieved

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Roma children				<p>through this factor. Gloucestershire currently provides a Race, Equalities and Diversity service who work with BME, Traveller and Gypsy/Roma children to improve attendance and attainment in school.</p> <p>Challenge: there is not an even distribution of children from BME groups across all schools, therefore without a 'factor' to use for BME, funding could be diluted across 296 schools resulting in insufficient funding for some schools to meet the particular needs of children from BME groups in their schools.</p>	<p>ways to develop the market so that schools can procure the support they need.</p> <p>Further evidence will be gathered and analysed for the final EIA</p>	
Religion or Belief	✓	✓		<p>There are 113 primary and 2 secondary, religious denomination schools in Gloucestershire with a total of 18,568 children on roll (School Census 2012). 19 of these schools have 50 or fewer children on roll. 31 schools have 51-100 children on roll. 34 have 101-200 on roll. 29 have 200-424 on roll 2 (secondary schools) have</p>	<p>The Minimum Funding Guarantee until 2015/16 will ensure no school will see a change of more than 1.5% of their budget for 2 years (2013-2014; 2014-2015). This will give schools who may receive less in their budgets from 2015 some time to plan for the future.</p>	<p>To be determined by individual schools under the responsibility of Head Teachers and Governors.</p>

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
				700+ on roll. Some of these schools will receive less in their budgets as a result of the proposed changes to funding.		
Sex/Gender: Boys			✓	From 2012 Pupil Referral Service Census there are 3 times more boys than girls on roll at the 3 locality-based PRUs. There are 4 times more boys than girls who received fixed term exclusions from school/are dual registered with the PRU and another school. Funding for early intervention for boys and girls at risk of permanent exclusion will now be delegated to schools.	The LA will continue to provide education access and provision to boys and girls who are permanently excluded from school. Discussions with schools are taking place to establish an area-based model whereby schools would agree to purchase early intervention places in their local PRU.	GCC will monitor outcomes from placements within PRUs and alternative provision To be determined by schools and individual PRUs
Girls	✓			There are significantly more boys attending special schools than girls (2012 School Census data shows 67% boys; 33% girls) According to the 2012 PRS Census, there are a total of 73 children using the Hospital Education Service. Of these, 50 are girls (of which 15 are pregnant). In future, places in the Hospital	See proposed arrangements for special school funding We await Government details of the new service when further evidence will be gathered and analysed for the final EIA	GCC will assess further once details are available

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
				Education Service will be funded directly from the Education Funding Agency and it is likely that funding will only be provided for a narrower range of children than those currently educated by the HES in Gloucestershire.		
Sexual Orientation				No discernable affects from this policy were identified to the school aged population. Schools have a range of policies in place to address issues: Equal Opportunities and anti-Discrimination anti-bullying policies		
Other groups: e.g. Vulnerable children and Socio-economically deprived groups (which may serve as a useful proxy for black and ethnic minority groups, the disabled and women who, research shows, are generally	✓			Vulnerable children: These are children who are identified as meeting more than one of the criteria from the list below: High and low needs SEN & Disabilities; EAL; Free School Meals	Please see above New factor for allocating funding A more precise and targeted way to allocate additional funding based on deprivation	

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
disproportionately represented in such groups)				Permanent exclusions;	The LA continues to provide access to education to children who have been permanently excluded from school.	Please see above
				Fixed period exclusions;	Consultation with school showed support for the provision of early intervention where children are at risk of permanent exclusion from school	Please see above
				Lower prior attainment;	Additional funding based on prior attainment in EYFS and KS2	
				Persistent absence from school BME;	Further analysis to determine which schools have proportionately large numbers of vulnerable children and where they may get less in their school budget will be completed once the first stage of decision making on funding levels has been agreed.	

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
Community Cohesion	Provide details of any ways in which the proposed activity would promote equality in the community between those who share a protected characteristic and those who do not, and how it would promote good relations between such groups <ul style="list-style-type: none"> • Is there equality between those who will and won't benefit from the proposal? • Are there strong relationships between groups and communities in the area affected and will the proposed action promote positive relationships? • Does the proposal bring groups/communities into increased contact with each other? 			The proposed changes will include cessation of centrally held Dedicated Schools Grant to meet the rental costs of some community facilities used by a small number of schools. Some of the rental amounts are nominal, while others are more substantial, but all schools will become responsible for meeting these costs from their own budget. This will bring an end to the anomalous arrangement that is unfair to the majority of school who have not benefited. The schools that are affected by this change will need to work closely with their community organisations to negotiate payment of these rents.	The LA is in contact with these schools and their landlords to ensure they fully understand the new position.	GCC will monitor as per responses from individual schools and/or their landlords.
Human Rights	Are there any particular areas for attention?			Human rights implications are closely allied with public sector equality duty and have been considered in that context No discernable affects from this policy were identified to the		

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring?
				school aged population. Schools have a range of policies in place to address issues: Equal Opportunities and anti-Discrimination and anti-bullying		

Declaration

We are satisfied that an Assessment has been carried out and where a negative impact has been identified, actions have been developed to lessen or negate this impact where possible. We consider that the negative impacts have been mitigated to the maximum extent possible and that the number of people in the protected groups who will suffer a negative effect thereafter is very small. The council remains under very significant financial constraints thus it is considered reasonable to continue with the proposed strategy. We understand that the Equality and Community Impact Assessment is required by the County Council and that we take responsibility for the completion and quality of this assessment.

Completed by:

Date:

Role:

Countersigned by:

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Date:

Name of relevant Portfolio Holder/Cabinet Member:

I confirm that I have examined and understood the potential impact of the proposal and confirm that I have had due regard to the needs set out in section 149 of the Equality Act 2010.

..... Cabinet Member

Date: