

Equality & Community Impact Assessment

Relating to: Proposals for school funding reform

Date: 11th October 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.

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.

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 final version of the Equality Impact Assessment on proposed changes to school funding by the Department for Education has been made following recommendations made to Council and Schools Forum during September and is based on evidence gained through extensive data analysis and consultation with Gloucestershire schools, Gloucestershire School Forum, Local Authority staff and stakeholder groups.

1. **Person responsible for undertaking this assessment:**

Name:	Telephone: 01452 426642
Edel Keating	E-mail: edel.keating@gloucestershire
Service: Commissioning Support Team	Date of Assessment: 11th October 2012

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

Gloucestershire Hospital Education Service data for 2011-12 recorded 15 referrals for pre-16 pregnancies (8xYr11, 6xYr10, 1xYr9)

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

Children at risk of permanent exclusion

Children missing from education

Children receiving education through the Hospital Education Service including pregnant school aged girls

Children who have persistent absences from school

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 head teachers 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 occurred between 12th – 25th September which included consultation meetings on 14th, 17th and 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 with further meetings on 10th and 20th Sept.

Community groups – Discussion with some community groups. Letter received from representative from the Secretary of Cheltenham Muslim Association.

Gypsy/Roma – 6th September, visit to Traveller site to meet with parents

Staff briefing – 6th September, for all council staff involved with support to vulnerable children.

Series of meetings with representatives from council team to discuss potential impacts if the changes and possible mitigating actions.

Visits to individual schools (3 primary and 2 secondary schools) with high numbers of children from the protected groups to engage their views on impact and possible mitigation for specific groups of children – 20-21st 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 Local Authority Central Spending Equivalent Grant (LACSEG) associated with academy funding, substantial impact on non-DSG, centrally funded services is likely.

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 may receive less in their overall</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 young children for school</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>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>	In-year contingency to meet additional places/growth in primary settings	GCC and Schools Forum to monitor in-year growth in pupil numbers in primary schools

	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>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 (to the nearest whole number) 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.</p> <p>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>
2. Children			✓	2.Children with disabilities		

	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>with disabilities without a Statement of SEN e.g. some physical disabilities; insulin dependent; severe asthmatics;</p> <p>3. children with high needs and a Statement of SEN</p>	✓			<p>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 new formula. This does not change current funding arrangements.</p> <p>3. Schools with children with high needs SEN and disabilities will need to meet the first £6,000 plus AWPU 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 may act as a disincentive for schools to admit children with high level needs.</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 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 (to the nearest whole number) on roll; this will ease the financial burden and help schools to meet low level SEN needs.</p>	
<p>4. Children with severe learning</p>	✓			<p>4. Special schools will no longer receive funding based on numbers of high needs places</p>	<p>Introduction of the Government's New</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?
disabilities, profound and multiple learning disabilities attending Special Schools		✓		<p>they offer but will receive £10,000 per child on roll with a top-up from High Needs budget based on an assessment of each child's individual needs.</p> <p>Fluctuating income will make it harder for schools to plan their staffing.</p> <p>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.</p>	<p><i>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 develop a new business model</p>	
Gender reassignment			✓	<p>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</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?
Marriage & civil partnership			✓	No discernable affects from this policy were identified to the school aged population.	.	
Pregnancy & maternity			✓	Gloucestershire Hospital Education Service currently supports school-aged pregnant teenagers and mums. Funding changes to the Service may mean this part of the service will need to be reviewed.	Schools and the Local Authority have responsibilities to ensure these children access education with top-up from High Needs budget where appropriate	GCC and Schools Forum to assess further once details are available
Race (including Gypsy & Traveller) 1. Children with English as an Additional Language (EAL)		✓		Gloucestershire proposes a factor for allocating additional funding (£1.3m) for children with EAL for the first three years after their arrival.		
2. Black and Minority Ethnic Groups including Traveller and Gypsy Roma children	✓			Gloucestershire currently provides a centrally funded Race, Equalities and Diversity service who work with BME, Traveller and Gypsy/Roma children to improve attendance and attainment in school. Schools Forum has decided to delegate this funding to schools.	Schools with high numbers of BME, Traveller and Gypsy/Roma children can use delegated budget to arrange and co-ordinate the additional support they identify for these children. Consultation with schools with high numbers of BME,	GCC and Schools Forum to carry out a review of the arrangements being implemented by schools to meet needs and the outcomes being achieved

	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>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</p>	<p>Traveller and Gypsy/Roma children showed an eagerness to integrate their own support for these groups within whole school programmes of learning and thus allow a more integrated approach to monitoring outcomes.</p> <p>Schools with infrequent or low numbers of BME, Traveller and Gypsy/Roma children can use delegated budget to arrange support as needed either through cluster arrangements with other schools; direct support from schools with high numbers of BME, Traveller and Gypsy/Roma who have in-house expertise or through consultants advertised through GlosEd.</p> <p>Proposal to delegate funding using deprivation factor i.e. free school meals which provides best fit within the restricted factor formula</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>particular needs of children from BME groups in their schools.</p> <p>There is a risk that Traveller and Gypsy/Roma children will not be counted as frequently they do not apply for free school meals when entitled – please see section on vulnerable children below.</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).</p> <p>19 of these schools have 50 or fewer children on roll.</p> <p>31 schools have 51-100 children on roll.</p> <p>34 have 101-200 on roll.</p> <p>29 have 200-424 on roll</p> <p>2 (secondary schools) have 700+ on roll.</p> <p>Some of these schools will receive less in their budgets as a result of the proposed changes to funding.</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>
Sex/Gender: Boys			✓	<p>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</p>	<p>The LA will continue to provide education access and provision through PRUs to boys and girls who are permanently excluded from school.</p>	<p>GCC will monitor outcomes from placements within PRUs and alternative 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?
Girls	✓			<p>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.</p> <p>There are significantly more boys attending special schools than girls (2012 School Census data shows 67% boys; 33% girls)</p> <p>Please see section under Pregnancy and Maternity</p>	<p>Discussions with schools are taking place to establish an area-based model whereby schools could agree to purchase early intervention places in their local PRU or provide their own support from delegated budget.</p> <p>See proposed arrangements for special school funding</p>	To be determined by schools and individual PRUs
Sexual Orientation			✓	<p>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</p>		
Other groups: e.g.	✓			Vulnerable children:		The proposed new service for

	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?
Vulnerable children and Socio-economically deprived groups (which may serve as a useful proxy for black and ethnic minority groups including Traveller and Gypsy/Roma, the disabled who, research shows, are generally disproportionately represented in such groups)				<p>These are children who are identified as at risk of missing schooling or underperform and who meet a number of the criteria from the list below:</p> <p>High and low needs SEN & Disabilities;</p> <p>EAL;</p> <p>Free School Meals</p> <p>Permanent exclusions;</p> <p>Fixed period exclusions;</p> <p>Lower prior attainment;</p>	<p>Please see section on Disability</p> <p>New factor for allocating funding</p> <p>A more precise and targeted way to allocate additional funding based on deprivation</p> <p>The LA continues to provide access to education to children who have been permanently excluded from school.</p> <p>Schools offered 'buy-back' opportunities for early intervention work. Consultation with schools showed support for the provision of early intervention where children are at risk of permanent exclusion from school</p> <p>Additional funding based on</p>	<p>vulnerable children will evaluate whether the actions taken have mitigated the potential impact on vulnerable groups.</p> <p>Please see above</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>Persistent absence from school</p> <p>BME;</p> <p>Traveller and Gypsy/Roma</p> <p>SEN</p>	<p>prior attainment in EYFS and KS2</p> <p>Statutory responsibility for prosecution with LA</p> <p>Schools to make own arrangements either in-house; buy-back of consultancy and/or intervention time through school partnership arrangements.</p> <p>Increased delegation of DSG through free school meal factor to schools to meet needs, however children from these communities frequently do not claim free school meals when they may be entitled (please see reference to vulnerable children below)</p> <p>The new service for vulnerable pupils will include a post to support traveller education to ensure links with the community are maintained.</p> <p>See section on disability</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?
				Vulnerable children affected by the cumulative impact of the proposed changes	Proposal to develop and implement a new, reduced service to meet the needs of the most vulnerable children	
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? 			Delegation of funding used to fund READS service could impact negatively on provision of community classes and coordination of achievement awards ceremonies for BME	Discussions will be held with headteachers on options for sustaining achievement awards.	The proposed new service for vulnerable children will evaluate whether the actions taken have mitigated the potential impact on vulnerable groups.
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		

	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?
				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 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: Edel Keating

Date: 11 October 2012

Role: Commissioning Manager

Countersigned by: Linda Uren, Commissioning Director, Children & Families

Linda Uren

Date

12/10/12

Name of relevant Portfolio Holder/Cabinet Member: Cllr Jackie Hall

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

J Hall

Cabinet Member

Date:

17/10/12

