

A Guide to Undertake Equality Analysis

Appendix 3

Equality Analysis Template





Equality Analysis Template

The Equality Analysis (EA) may relate to a service, function, policy, procedure.

1. Officer completing the Equality Analysis (EA):

David Kirby, Service Manager School Organisation and Support

The service, function or policy being analysed:

Determined Admission Arrangements for Community and Voluntary Controlled Schools

Is the EA being completed for a new service, function or policy or review of an existing service, function or policy:

Yes No

Directorate - Service Area:

If this EA supports a Cabinet Report or similar, please insert title and date of report

Directorate: Families (Education)

Date of Report: Cabinet Meeting 22 February 2023

Determined Admission Arrangements for Community and Voluntary Controlled Schools 2024-2025

Date completed:

10 January 2023

Step 1 - Make sure you have clear aims and objectives on what you are impact assessing – The intended benefits

2. What are the aims of the service, function or policy you are analysing?

Under the School Admissions Code every Local Authority (LA) is required to draw up a scheme (or schemes) for co-ordinating admission arrangements for all mainstream, maintained schools (community, voluntary controlled, voluntary aided, foundation, free-schools and academies) within their area.

Even if there are no changes to admission arrangements, they must be consulted on at least once every seven years in accordance with The School Admissions Code, which is also now due. The School Admissions Arrangements (SAA) are required to adhere to the code ensuring the oversubscription criteria are simple, transparent, and objective. Having the ability to follow a set of admission arrangements and an application process where parents are fully supported is important.

Code compliant SAA's help contribute to the Council Plan as an overarching link to Strong families where children grow up well and achieve their full potential

All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school.

The current SAA adhere to the code and the oversubscription criteria is simple, transparent, and objective. The criteria are as follows:

-
Children with an Education Health and Care Plan are given overall priority to the named school. Remaining places are then allocated in accordance with the criteria below.

Criterion 1: Children and Young People in Care (as defined by Section 22 of the Children Act 1989). Children and Young People in Care and all previous Children and Young People in Care including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

Criterion 2: Children attending the corresponding Infant School (Infant to Junior transfers only)

Criterion 3: Medical/Social. Whether there are specific medical or social circumstances that can be met only by the child's attendance at the preferred school.

Criterion 4: Siblings. Whether siblings attend the school when the application is made and will still be attending the school when the young person is admitted.

Criterion 5: Religious reasons for attending a voluntary controlled school (as assessed by a supplementary information form).
Criterion 6: Distance. How close the child lives to the school with those living closest to the school getting the highest priority. The measurement between home and school will be determined by the straight-line measurement from the home address to the preferred school carried out by the CWC's software.

A number of academies have consulted on their admission arrangements and included children of staff at the school as criterion 6 (i.e. above distance) as it can assist with staff recruitment for vacant posts for which there is a demonstrable skill shortage and aid retention of staff.

Since 2019 a small number of children have been allocated to academies under the children of staff criteria with the breakdown as follows. This equates to 15 children out of a total of over 27,500 allocations

It is evident that the numbers allocated under the criteria are low and do not displace children from being able to attend a local school.

Children of staff is listed as a specific oversubscription criterion (i.e. it is not just a local policy) in paragraph 1.39 of The School Admissions Code 2021.

Approval of the admission arrangements without the proposed change to include children of staff may create a misalignment in staff recruitment and retention between maintained and voluntary controlled schools and some academies (who are the admission authority) in the local area.

In addition, having the option to assist with staff recruitment and retention can contribute to outcomes for children and young people. This will align to the Council Plan as an overarching link to Strong families where children grow up well and achieve their full potential.

School admission arrangements are regulated by the School Standards and Framework Act 1998 as amended by the Education and Skills Act 2008.

Admission arrangements must be compliant with the School Admissions Code 2021. Please see extracts from the code below

Appendix 1 – Relevant Legislation

1. This appendix sets out the primary legislation and regulations most relevant to admissions decisions. Admission authorities, Schools Adjudicators, appeal panels, local authorities and maintained schools must comply with the relevant law as well as acting in accordance with the provisions of this Code. This Code and the School Admission Appeals Code (the Codes) are applied to Academies through their Funding Agreements. The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law: that is for the courts.

Equality Act 2010

2. This Act consolidates the law prohibiting discrimination, harassment and victimisation and expands the list of protected characteristics. All schools must have due regard to their obligations under the Act and review their policies and practices to make sure these meet the requirements of the Act, even if they believe that they are already operating in a non-discriminatory way.

3. An admission authority must not discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.

4. An admission authority must not harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.

5. An admission authority must not victimise a person in relation to a protected act either done, or believed to have been done, by that person (e.g. bringing proceedings under the Equality Act 2010) in the arrangements and decisions it makes as to who is offered admission as a pupil.

6. This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.

7. Admission authorities are also subject to the Public Sector Equality Duty and therefore must have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.

8. The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

9. Further guidance on the Public Sector Equality Duty is available in the Department for Education's Advice to Schools on the Equality Act 2010, on the website of the Government Equalities Office and from the Equality and Human Rights Commission.

Human Rights Act 1998

10. The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

Step 2 – What does the information you have collected, or that you have available, tell you?

3. What Impact will or does the service, function or policy have on different equality groups at the moment on:-

Race, Disability, Sex, Gender Re-assignment, Age, Religion or Belief, Sexual Orientation, Maternity/Pregnancy, Marriage/Civil Partnership and other Socially Excluded Communities or Groups)?

There are no perceived negative impacts on different equality groups based on the current policy or the proposed minor change to the policy.

Children with an Education Health and Care Plan are given overall priority to the named school, this is a mandatory provision with the School Admissions Code 2021.

Highest priority (again in accordance with the code) is then given to Children and Young People in Care (as defined by Section 22 of the Children Act 1989). Children and Young People in Care and all previous Children and Young People in Care including those

children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

The next highest criteria (excluding Infant to Junior School transfers) gives regard to social and medical reasons for attending a specific school.

Admission arrangements must be compliant with the School Admissions Code 2021. Please see extracts from the code below

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4. An admission authority must not harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.

5. An admission authority must not victimise a person in relation to a protected act either done, or believed to have been done, by that person (e.g. bringing proceedings under the Equality Act 2010) in the arrangements and decisions it makes as to who is offered admission as a pupil.

6. This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.
7. Admission authorities are also subject to the Public Sector Equality Duty and therefore must have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.
8. The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
9. Further guidance on the Public Sector Equality Duty is available in the Department for Education's Advice to Schools on the Equality Act 2010, on the website of the Government Equalities Office and from the Equality and Human Rights Commission.

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4. **What does the equalities data or evidence you hold tell us about the people or groups who will be affected by the service, function or policy? (positive or negative impact)** What evidence/data already exists about the service and its users? (in terms of its impact on the 'equality groups', i.e. race, disability, sex, gender re-assignment, age, religion or belief, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and what does the data tell you? For example, are any groups not using or under-using the service?

The School Admissions Code 2021 does not allow oversubscription criteria that would contravene the Equality Act or Human Rights Act. The criteria in CWC (current and proposed) arrangements are all specifically allowed and listed in the code.

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8. The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

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5. Engagement and consultation - If we do not hold equality data relevant to this proposal, consultation will help to inform the impact of the proposed service, function and policy? If consultation has taken place, who have we consulted?

Pre-consultation

In order to gauge initial stakeholder opinion, drop-in sessions were held during September 2022, with Community and Voluntary Controlled Schools to gain views on including children of staff as an oversubscription criterion.

Schools that attended were supportive of the change to include children of staff criteria. They could see the value it would have in assisting with staff recruitment for vacant posts for which there is a demonstrable skill shortage and aid retention of staff. Schools were also content that it would not displace children from a local school.

Strategic Executive Board approved the commencement of a seven-week external consultation.

Consultation

External consultation commenced on 31 October 2022 and ended on 16 December 2022 exceeding the minimum 6 week consultation period specified in the code.

The School Admissions Code has been adhered to by consulting with statutory consultees and other interested parties, which included:

- Over 200 Headteachers, Principals, Governors and education stakeholders of Infant, Junior, Primary, Secondary, Pupil Referral Units, Special Schools and maintained nurseries in Wolverhampton
- Diocesan Authorities
- Multi Academy Trusts and Academy Trust CEO's
- All Councillors
- School Appeal Panel members
- West Midlands School Organisation Group (this group includes School Organisation Officers from the Councils of Staffordshire, Sandwell, Walsall, Birmingham, Dudley, Telford and Wrekin and Worcestershire)

In addition to this we have also consulted via

Internal dissemination via colleagues working with hard-to-reach communities.

The wider public has also been informed via a publicity campaign through CWC and School's social media channels, press releases, education bulletins including School newsletters (to reach parents and carers) and Governor newsletters.

Stakeholders could respond directly to the consultation via Council's Consultation Hub by completing a survey or by sending their views in by email or by post website etc. The survey and documents are all available in terms of accessibility in line with CWC policy (ie translations, print etc) . Consulation responses below

Do you agree with the inclusion of children of staff at the school as an oversubscription criterion? -

Y/N	Total	Percentage
No	26	38%
Yes	43	62%
Grand Total	69	100%

Response numbers are considered to be healthy following previous consultations on education matters. There has also been a variety of stakeholders responding. 38% of the responses have come from those identifying themselves primarily as parents/guardians/carers compared to 6% identifying as Teaching Staff and 10% identifying as Headteacher/Principal.

Due to the wide reach of the social media campaign from CWC and from Schools, the consultation has been accessible and regularly promoted by press releases, education bulletins and by email.

Step 3 – Identify the impact

6. Identifying the impact - from the data you have gathered, and the consultation undertaken to date to inform your decisions, can you please set out below details as to whether the impact or the potential impact is positive and or negative. Where a negative impact is identified, please outline solution to mitigate.

Equality Themes Protected Characteristics	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)
Age (including children, young people and older people)	School Admissions Code prescribe the entrance requirements. Code and CWC arrangements mandate age and education out of normal age cohort.		
Disability (including carers)	Highest priority must be given (prescribed by the code) to children and young people with an Education Health and Care Plan naming the school. Provision also for medical reasons to attend a specific school.		
Sex (male, female, trans, non-binary)	See relevant legislation in section 4 of this document		
Race (including Gypsies & Travellers and Asylum Seekers)	See relevant legislation in section 4 of this document		
Religion or Belief (including people of no religion or belief)	See relevant legislation in section 4 of this document Faith based oversubscription criteria in schools designated with a religious character is allowed in the code. As with		

Equality Themes Protected Characteristics	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)
	other publicly funded mainstream schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed.		
Gender Re-assignment (those that are going or have gone through a transition: male to female or female to male)	See relevant legislation in section 4 of this document		
Pregnancy and Maternity	See relevant legislation in section 4 of this document		
Sexual orientation (including gay, lesbian, bisexual and heterosexual)	See relevant legislation in section 4 of this document		
Marriage and Civil Partnership	See relevant legislation in section 4 of this document		

Equality Themes Protected Characteristics	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)
Human Rights	See relevant legislation in section 4 of this document		

Step 4 – Changes or mitigation actions proposed or adopted

7. What changes have been made, or are proposed to the service, function or policy after implementing the mitigating solutions above, is the service, function or policy more accessible and inclusive?

Having undertaken the analysis are there any changes necessary to the existing service/activity?

What changes or mitigating actions are proposed?

How will you provide this service to ensure it is accessible to all Equality Groups?

No changes identified . Consultation response supportive of change. Children of staff is listed as a specific oversubscription criterion (i.e. it is not just a local policy) in paragraph 1.39 of The School Admissions Code 2021

Step 5 – Monitoring

8. Monitoring - How are you going to monitor the resulting service, function, policy or procedure?

Each year the School Admissions Code requires CWC to determine (agree) their admission arrangements by 28 February. There is only a requirement to consult every 7 years. In accordance with CWC constitution they are determined at cabinet each year for transparency and review.

However there will be careful monitoring of the impact of the proposed new arrangements and if required there will be a new consultation and they will also be reviewed every year when they are determined.

Step 6 – To complete Action Plan on progress

9. Action Plan

Barrier	Improvement Action Required	Responsible Officer	Date for completion
No barriers identified but will be reviewed each year in accordance with section 8 of this document	Monitoring	Dave Kirby	Each October

10. Equality Analysis approved by (Head of Services):

Date:

Bill Hague

10 January 2023

Please keep a copy of the signed EA with the report for future updates, reviews etc.

11. Date of review:

October 2023

Please upload your completed Equality Analysis form by following the link to: Equality, Diversity and Inclusion (sharepoint.com).

This function is not available until June 2022.

Please email your completed Equality Analysis form to: EDI@wolverhampton.gov.uk

A word version of this template for larger and complex Equality Analysis is available.

It is important to retain a copy of your completed Equality Analysis for future reference

Additional notes

You can get this information in large print, braille,
audio or in another language by calling 01902 551155

wolverhampton.gov.uk 01902 551155

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