
Appendix 5: Equalities Impact Assessment

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	Financial Services, School Funding Team
Lead Officer	David Shirer
Title	Mainstream primary and secondary formula 2020-21
MTFP Reference (if relevant)	
Cabinet Date (if relevant)	11 December 2019
Start Date	1 April 2020
Review Date	

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

The Council is required to set a local formula to distribute funding to mainstream primary and secondary schools, including academies. Government policy is to replace local formulas with the National Funding Formula (NFF). There is no date for the replacement of local formulas, but it will be no earlier than 2021-22.

Since 2018-19 the local formula in Durham has used a transitional version, which recognises the need to reduce differences between the local formula and the NFF, in order to avoid excessive funding turbulence when the NFF replaces local formulas, whilst also not making commitments so far in advance of confirmation of the date of the replacement of local formulas and the final version of the NFF.

A national EIA for the NFF is available through the gov.uk website:

<https://www.gov.uk/government/publications/national-funding-formula-for-schools-and-high-needs> (Pages 17 to 19)

This is relevant, because the transitional option, is based on the NFF.

The council has also considered options for the level of protection provided through the Minimum Funding Guarantee (MFG), which limits changes in funding per pupil arising from changes to the formula. In the past it has been used to limit reductions in funding from year-to-year. However, for 2020-21, it will be used to guarantee a minimum increase in funding per pupil.

Local authorities will be able to set a minimum increase in a range from 0.5% to 1.84%.

The MFG is funded by capping increases in funding per pupil for other schools, so setting a higher rate for the MFG will benefit some schools, but disadvantage others.

The council is minded to adopt a transitional rate for the MFG for 2020-21, which would be 1.17%, the mid-point between the minimum and maximum of the permitted range.

The effect of the MFG options on funding is limited:

<i>MFG funding and cap on increases in funding per pupil</i>	MFG = 0.5%	MFG = 1.0%	MFG = 1.17%	MFG = 1.5%	MFG = 1.84%
Funding provided through MFG (£, rounded)	103,000	119,000	125,000	145,000	173,000
Cap on increases in funding per pupil	6.71%	6.51%	6.44%	6.27%	6.06%
Number of schools with MFG funding	10	10	11	13	15
Number of schools that have funding capped	6	11	11	16	19

Because of the limited impact this is not considered further in this impact assessment.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

Pupils, their families and school-based staff. Also affected are the Council, which is responsible for maintaining schools, academy trusts and Roman Catholic and Church of England diocese, in respect of voluntary controlled and voluntary aided schools.

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	N	N
Disability	N	Y
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	N	N
Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

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How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The formula includes factors which act as proxy measures for pupils who are likely to need additional support to achieve the expected level of attainment, which will contribute to increasing equality of opportunity.

The formula does not differentiate between pupils from different groups and allocates funding on the basis of factors that are likely to be relevant to their educational needs.

Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

NFF EIA (see link above)

Analysis in respect of faith schools (attached)

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	Y
No evidence of actual or potential impact on some/all of the protected characteristics?	N

Sign Off

Lead officer sign off: David Shirer	Date: 18 November 2019
Service equality representative sign off: Mary Gallagher	Date: 19 November 2019

If carrying out a full assessment please proceed to section two.

Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: Age															
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.		What further action or mitigation is required?												
No adverse impact	Basic funding per pupil increases from primary (reception to Year 6) to KS3 (Years 7 to 9) to KS4 (Years 10 to 11). This is in line with normal practice in most authorities and the NFF and recognises the increasing cost per pupil as they get older: <i>As pupils progress through key stages, the breadth and complexity of the curriculum increases, requiring more subject experts, specialist teaching facilities and examination fees expenditure. (NFF EIA, paragraph 19, DfE).</i>		None												
<table border="1"> <thead> <tr> <th><i>Basic funding per pupil in 2020-21 formula options (£ / pupil)</i></th> <th>Primary</th> <th>KS3</th> <th>KS4</th> </tr> </thead> <tbody> <tr> <td>Non-faith schools</td> <td>2,904.05</td> <td>4,017.43</td> <td>4,759.79</td> </tr> <tr> <td>Faith schools</td> <td>2,904.05</td> <td>4,017.43</td> <td>4,759.79</td> </tr> </tbody> </table>				<i>Basic funding per pupil in 2020-21 formula options (£ / pupil)</i>	Primary	KS3	KS4	Non-faith schools	2,904.05	4,017.43	4,759.79	Faith schools	2,904.05	4,017.43	4,759.79
<i>Basic funding per pupil in 2020-21 formula options (£ / pupil)</i>	Primary	KS3	KS4												
Non-faith schools	2,904.05	4,017.43	4,759.79												
Faith schools	2,904.05	4,017.43	4,759.79												

Protected Characteristic: Disability		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>Limited positive impact</p> <p>The transitional formula will increase the proportion of funding allocated to Low Prior Attainment (LPA), which is one of the DfE's proxy indicators for Special Educational Needs (SEN).</p>	<p>Most funding to meet the needs of children with disabilities is provided separately to this formula.</p> <p>The proportion of LPA allocated funding will increase from 4.8% in the 2019-20 formula to 6.1% in the transitional formula.</p>	None

Protected Characteristic: Marriage and civil partnership (workplace only)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
N/A		

Protected Characteristic: Pregnancy and maternity		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None	This is not relevant to school funding	None

Protected Characteristic: Race (ethnicity)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>Limited positive impact</p> <p>The transitional formula will include a factor in respect of pupils with English as an Additional Language providing slightly more resources to schools for such pupils.</p> <p>The transitional formula will include a mobility factor, which is potentially relevant to Gypsy/Roma pupils and pupils of Irish traveller heritage.</p>	<p>Support is provided centrally for schools in respect of these pupils, but this change will mean that the formula will allocate relatively more resources to schools with relatively more pupils recorded as having had English as an Additional Language in the past three years.</p> <p>This factor was not used in the formula in previous years, because the funding allocated to Durham for the formula did not include any allocation for mobility. The funding for 2020-21 will include funding for mobility and this will be included as part of the transitional formula.</p> <p>Support for Gypsy/Roma pupils and pupils of Irish traveller heritage is available through centrally funded service provided by the Council, which responds to specific needs, as opposed to a formula allocation based on lagged data.</p>	<p>None</p>

Protected Characteristic: Religion or belief		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>The formula is applied to Roman Catholic primary and secondary schools and Church of England primary schools (there are no Church of England secondary schools). The formula does not differentiate between schools according to whether they are faith schools or not.</p> <p>Funding per pupil for faith schools is less than for other schools, but this is a result of applying the formula, which takes account of additional needs (deprivation, English as an Additional Language, mobility and Low Prior Attainment), where faith schools tend to have fewer eligible pupils.</p>	<p>The proportion of pupils who are eligible for funding through additional needs factors is higher for non-faith schools in most categories which is predominately why faith schools will see a smaller increase in funding per pupil.</p> <p>See 'Annex A' accompanying this EIA</p>	<p>None</p>

Protected Characteristic: Sex (gender)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
The formula does not differentiate between pupils on this basis and there are no single-sex schools affected by the formula		None

Protected Characteristic: Sexual orientation		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None	The formula does not differentiate between pupils on this basis	None

Protected Characteristic: Transgender		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
None	The formula does not differentiate between pupils on this basis	None

Section Three: Conclusion and Review

Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.
With the exception of age, the formula does not differentiate according to protected characteristics. The differentiation in respect of age is in accordance with common practice and recognises differences in the provision required by pupils of different ages. There is a small positive impact in relation to disability as the transitional formula will increase the proportion of funding allocated to Low Prior

Attainment (LPA), which is one of the DfE's proxy indicators for Special Educational Needs (SEN).

Faith schools generally receive less funding than non-faith schools. The formula does not differentiate between schools but does take account of additional needs and school size in calculating allocations. A comparison of faith and non-faith schools supports a view that differences between these types of school is a result of differences in the proportion of pupils who are eligible for additional needs funding in pupil characteristics and school size.

Will this promote positive relationships between different communities? If so how?

No impact expected

Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?
None required	Not Applicable	Not Applicable	Not Applicable

Review

Are there any additional assessments that need to be undertaken? (Y/N)	Analysis of gender declared on school censuses
When will this assessment be reviewed? Please also insert this date at the front of the template	November 2020 – In line with the setting of the schools formula for 2021/22

Sign Off

Lead officer sign off: David Shirer	Date: 19 November 2019
Service equality representative sign off: Mary Gallagher	Date: 20 November 2019

Annex A:

Protected Characteristic: Religion or belief

1. The formula is applied to Roman Catholic primary and secondary schools and Church of England primary schools (there are no Church of England secondary schools). The formula does not differentiate between schools according to whether they are faith schools or not. At present formulas are set locally, but the National Funding Formula (NFF) will replace local formulas sometime after 2020-21.
2. Since 2018-19 the local formula in Durham has used a transitional version, which recognises the need to reduce differences between the local formula and the NFF, in order to avoid excessive funding turbulence when the NFF replaces local formulas, whilst also not making commitments so far in advance of confirmation of the date of the replacement of local formulas and the final version of the NFF.
3. Table 1 shows average funding per pupil, broken down between faith and non-faith schools and primary and secondary. Funding per pupil is more for non-faith schools for both primary and secondary:

<i>Average funding per pupil (£, rounded)</i>	Faith schools	Non-faith schools
Primary	4,600	5,100
Secondary	5,300	5,700

4. This pattern is repeated for average pupil-led funding. Pupil-led funding includes the basic amount per pupil plus funding for additional pupil needs (deprivation, low prior attainment, English as an Additional Language and mobility):

<i>Average pupil-led funding per pupil (£, rounded)</i>	Faith schools	Non-faith schools
Primary	3,600	3,800
Secondary	5,100	5,400

5. Basic funding per pupil is the same for all schools, whether faith or non-faith. The rates of funding per pupil for additional pupil needs are the same for all schools but the proportion of pupils who are eligible for additional needs funding varies between schools and for most needs the proportion is greater for non-faith schools, which is why the pupil-led funding per pupil is greater for non-faith schools. A breakdown by formula factor is shown in Appendix B.
6. Funding is also provided for school-led factors, principally an amount per school, (lump sum), plus amounts for schools in sparsely populated areas, schools with split-sites and a school that shares facilities with a leisure centre. These factors are allocated on the same basis across all primary and all secondary schools, regardless of whether they are faith schools or not, according to whether they meet the criteria for eligibility. The only differences are in the lump sums per school between primary and secondary schools.
7. The school-led funding per pupil for faith and non-faith schools is shown below, along with the numbers of pupils on roll recorded for the purposes of determining formula funding:

Table 3				
	Average school-led funding per pupil (£)		Average number on Roll	
	Faith schools	Non-faith schools	Faith schools	Non-faith schools
Primary	983	1,209	162	194
Secondary	144	208	1,003	805

8. It might be expected that school-led funding per pupil would be greater for the category with fewer pupils, because school-led funding is spread over fewer pupils than in larger schools. Table 3 shows that this is the case for secondary schools, but not primary schools, for which, despite the average number of pupils being smaller in faith schools, the average funding per pupil is less than for non-faith schools.
9. The figures for non-faith schools are distorted by four schools with pupil-led funding of more than £5,000 per pupil. This is partly because they are very small, with numbers on roll of six, eight, thirteen and

twenty-three pupils, and partly because these schools all qualify for sparsity funding. If these schools are excluded, the funding per pupil for non-faith schools is £838 for primary schools, which is less than the funding per pupil for faith primary schools.

10. Schools are also affected by a requirement to provide funding at a Minimum Per Pupil Funding level and the Minimum Funding Guarantee (MFG). These apply equally to faith and non-faith schools. The MPPF is part of the NFF and is mandatory for local formulas. This is assessed as part of the EIA for the NFF, which can be accessed through:

<https://www.gov.uk/government/publications/national-funding-formula-for-schools-and-high-needs> (Pages 17 to 19)

11. The impact of MFG funding has not been assessed, because of its limited impact. A summary of the impact is shown below:

Table 4				
	Average school-led funding per pupil (£)		Average number on Roll	
	Faith schools	Non-faith schools	Faith schools	Non-faith schools
Primary	7,600	(3,300)	5	16
Secondary	-	15,200	-	1

12. The average for non-faith primary schools is a negative number, because MFG adjustments include the impact of capping increases in funding per pupil. None of the faith schools had a negative MFG adjustment.

Annex B:

Pupils entitled to additional pupil-led funding		Faith schools	Non-faith schools	Difference	
Free School Meals	Prim	15.36%	26.89%	-11.53%	Pupils who were recorded as eligible for FSM on the preceding October's School Census
	Sec	12.38%	21.19%	-8.82%	
FSM Ever6	Prim	20.93%	34.91%	-13.98%	Pupils who have been recorded as eligible for FSM on any School Census in the past six years
	Sec	22.09%	36.22%	-14.13%	
IDACI Band G	Prim	51.67%	38.04%	13.63%	The pupils least likely to suffer deprivation on the basis of the Income Deprivation Affecting Children Index – these pupils are not eligible for deprivation funding through this factor
	Sec	45.52%	39.70%	5.82%	
IDACI Band F	Prim	15.24%	15.53%	-0.29%	Pupils eligible for IDACI funding. Those in band F are the least likely to suffer deprivation
IDACI Band E		10.42%	17.73%	-7.31%	
IDACI Band D		10.53%	14.09%	-3.57%	
IDACI Band C		8.08%	12.21%	-4.13%	
IDACI Band B		12.43%	11.89%	0.54%	
IDACI Band A		9.32%	12.67%	-3.34%	
IDACI Band F	Sec	14.96%	12.92%	2.03%	
IDACI Band E		12.87%	15.07%	-2.19%	
IDACI Band D		10.44%	11.77%	-1.33%	
IDACI Band C		6.70%	8.06%	-1.36%	
IDACI Band B		6.27%	8.12%	-1.85%	
IDACI Band A		4.32%	7.15%	-2.82%	
English as an Additional Language	Prim	3.36%	2.30%	1.06%	Pupils recorded as not having English as a first language in the last three years
	Sec	0.20%	0.58%	-0.38%	

Pupils entitled to additional pupil-led funding		Faith schools	Non-faith schools	Diff-erence	
Mobility	Prim	4.46%	5.87%	-1.41%	Pupils who have moved during the academic year
	Sec	1.90%	3.57%	-1.67%	
Low Prior Attainment	Prim	33.20%	37.97%	-4.77%	Pupils who have not reached the expected standard in their previous phase of education
	Sec	16.44%	20.14%	-3.70%	

13. Note that the proportions of pupils who are eligible for funding through these factors is higher for non-faith schools in most categories. Note also that the proportion of pupils in IDACI Band G, who are not eligible for funding, because they have the lowest probability of suffering deprivation, is higher for faith schools, particularly primary schools.