

**Kent County Council  
Equality Analysis/ Impact Assessment (EqIA)**

**Directorate/ Service:** Children, Young People and Education

**Name of decision, policy, procedure, project or service:** School Funding Formula Review – School Funding Consultation

**Responsible Owner/ Senior Officer:** Patrick Leeson, Corporate Director of CYPE

**Version:** 5

**Author:** Simon Pleace, Finance Business Partner for CYPE

**Pathway of Equality Analysis:**

Corporate Director of CYPE – Monday 23 October 2017

Cabinet Member for CYPE – Monday 23 October 2017

Schools Funding Forum – Friday 1 December 2017

CYPE Cabinet Committee – Tuesday 5 December 2017

Cabinet – 11 December 2017

**Summary and recommendations of equality analysis/impact assessment.**

- **Context**

Our statutory obligation is to run a local funding formula for schools that calculates the annual revenue budget for each school in Kent

- **Aims and Objectives**

We are consulting on changes to the local funding formula in light of the Government's decision to a) introduce a soft national funding formula from 1 April 2018, and b) invest an additional £1.3billion in the national budget for schools.

The Department for Education published its own equalities impact assessment alongside its consultation on proposals to introduce a National Funding Formula back in December 2016. A copy of that assessment can be accessed here: [https://consult.education.gov.uk/funding-policy-unit/schools-national-funding-formula2/supporting\\_documents/NFF\\_EqualityImpactAssessment.pdf](https://consult.education.gov.uk/funding-policy-unit/schools-national-funding-formula2/supporting_documents/NFF_EqualityImpactAssessment.pdf)

This is not a new policy. The proposals we are consulting schools on are merely refinement of the existing arrangements for allocating funding to schools via the local funding formula.

The proposals concern the number of factors, in accordance with school finance regulations, as well as how much funding is provided through each factor. The formula allocates funding to school governing bodies. It is the governing body of each school that is then responsible for making decisions on how that funding is to be spent. The governing body will be expected to expedite their Equality Duty under the Equality Act 2010 and its associated Guidance.

- **Summary of equality impact**

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## **Adverse Equality Impact Rating Low**

The reason why this has been given a Low Equality Impact Assessment rating is because it only presents a small proportion of the overall schools budget. Schools will still have to ensure the educational attainment of EAL students.

### **Attestation**

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning School Funding Formula Review – School Funding Consultation. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

### **Head of Service**

Signed: \_\_\_\_\_ Name: \_\_\_\_\_

Job Title: \_\_\_\_\_ Date: \_\_\_\_\_

### **DMT Member**

Signed: \_\_\_\_\_ Name: \_\_\_\_\_

Job Title: \_\_\_\_\_ Date: \_\_\_\_\_

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## **Part 1 Screening**

**Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?**

**Could this policy, procedure, project or service promote equal opportunities for this group?**

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Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqlA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
<b>Age</b>				Potentially more funding provided to secondary school age pupils (compared to primary school age pupils)
<b>Disability</b>			<p>School budgets contain a notional amount of funding for SEN and this is made up of a basket of factors, including low prior attainment and deprivation. The proposals within the consultation may affect the amount of notional SEN funding each school receives</p> <p>Pupils with more complex needs are funded from a separate budget and are not in scope of this</p>	

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			consultation.	
<b>Gender</b>		Prior attainment of pupils is a consideration that schools will need to look at in the funding formula. Kent data suggest that across all key stages, boys progress is lower than girls.		
<b>Gender identity/ Transgender</b>	N/A	N/A	N/A	N/A
<b>Race</b>		.	The amount of funding distributed to schools for pupils with English as an additional language (EAL) may change as a result of the consultation proposals. Specifically the rates set by Government under the National Funding Formula are lower than those currently used in Kent's local	

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			<p>funding formula. However the decision on how much funding is spent on EAL pupils is a decision for individual schools and is not determined by the Local Authority</p>	
<b>Religion and Belief</b>			<p>The Formula budget applied to faith schools is exactly the same as non-faith schools therefore faith schools are not adversely impacted by these funding proposals</p>	
<b>Sexual Orientation</b>	N/A	N/A	N/A	N/A
<b>Pregnancy and Maternity</b>			<p>There is nothing in the current or proposed formula mechanism that takes into consideration additional funding for children and young people who may become parents at school.</p>	
<b>Marriage and</b>	N/A	N/A	N/A	N/A

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<b>Civil Partnerships</b>				
<b>Carer's Responsibilities</b>			There is nothing in the current or proposed formula to allow additional or less funding for young carers	

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## **Part 2**

### **Equality Analysis /Impact Assessment**

As a result of the consultation proposals, schools will attract differing levels of additional funding. Changes to individual school budget shares are a routine annual event and schools are used to managing their service delivery according to the variations in funding. It is the impact of local school policies and governing body decisions on resource allocation that will affect individual pupils. The LA has not power to impose restrictions on how the local funding formula should be spent.

The impact on school pupils is unknown and cannot be quantified as individual school governing bodies determine how their resources will be used.

The impact on school budgets cannot be quantified precisely as the factors that determine them change annually in line with changes in school pupil data.

If the overall net impact of those changes for any one school is significant the proposals include provision for the changes to be deferred (via the operation of a minimum funding guarantee) to provide reasonable time for governing bodies to determine their strategies for adjustment.

### **Protected groups**

In relation to Race, one proposal within our consultation was to lower the amount of funding we provide to schools for pupils with English as an Additional Language. This proposal has arisen as the Government's National Funding Formula rate for EAL pupils is lower than Kent's local funding formula rate. Overall the impact of this proposal is to provide £3.289m less funding to primary schools and £2.324m less funding to secondary schools. The impact of this proposal could be offset by a number of other proposals through the increasing of other factor rates. In addition one of the proposals is to set the Minimum Funding Guarantee rate at 0% which would provide complete protection based on current per pupil funding levels.

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We do not believe any of the other protected groups will be directly or indirectly negatively impacted by these changes.

### Information and Data used to carry out your assessment

We have used the same data used to calculate the 2017-18 school budgets, and modelled this using the Department for Education published National Funding Formula rates.

#### Kent School Profile- Children and young people supported categorised by gender as at 31 March 2017

Gender as at 31.03.2017	UASC*	CIC (exc. UASC)	CP/CIN (exc. UASC and Care Leavers)**	Care Leavers (exc. UASC)
Male	93.37%	55.74%	53.69%	52.87%
Female	6.63%	44.26%	46.26%	47.13%
Indeterminate	-	-	0.05%	-

#### Kent School- Children and young people supported categorised by sexuality or gender orientation as of 31 of March 2017

Sexual Orientation as at 31.03.2017	UASC*	CIC (exc. UASC)	CP/CIN (exc. UASC and Care Leavers)**	Care Leavers (exc. UASC)
Bisexual	0.08%	-	-	0.48%
Gay/Lesbian	0.25%	-	-	0.64%
Heterosexual	14.73%	0.50%	0.05%	40.13%
Not Recorded	71.68%	98.44%	99.76%	51.74%
Rather Not Say	0.08%	-	0.02%	0.80%
Unknown	13.18%	1.06%	0.17%	6.05%

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Kent Children and young people supported categorised by Ethnicity as of 31 March 2017

Ethnicity as at 31.03.2017	UASC*	CIC (exc. UASC)	CP/CIN (exc. UASC and Care Leavers)**	Care Leavers (exc. UASC)
White British	-	86.76%	81.86%	87.41%
White Other	2.37%	5.10%	5.79%	4.46%
Mixed	0.57%	6.02%	4.99%	4.94%
Asian	6.06%	0.71%	1.90%	0.48%
BCiCk and Minority Ethnic Group	42.47%	1.06%	2.57%	2.23%
Any other ethnic group	48.53%	0.35%	0.90%	0.48%
Refused	-	-	0.03%	-
Information not yet obtained	-	-	1.48%	-
Not Recorded	-	-	0.48%	-

\*UASC figures taken from caseload report and will therefore include CIC and Care Leavers

\*\*This includes all cases from caseload report excluding those CIC and Care Leavers. This means if they were both CP and CIC they have not been included

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## **Who have you involved consulted and engaged?**

Kent County Council has run a public consultation inviting all Kent schools and academies, as well as Headteachers, Governors & Trustees and School Business Managers to respond to the proposals. In addition to this a number forums were held in order to provide the opportunity for schools leaders to discuss and debate the funding proposals.

Noting the changes related to EAL funding, we invited VSK LAC with overview for Unaccompanied Asylum Seeking Children to participate in consultation on the Kent Schools' Funding Forum and the Kent Governors Association.

The consultation was open to the public through the KCC website and open to anybody or group that had an interest in the schools funding formula.

Following the consultation, additional equality issues were raised in relation to any of the other protected groups. Where comments were made, they generally agreed with the analysis for the impact assessment. One respondent from a school in west Kent raised some concerns on equality issues but was not specific with regard to which protected groups it was felt could be adversely impacted. This will be followed up and if necessary a verbal update will be given at the CYPE Cabinet Committee on 5 December 2017.

## **Analysis**

There is potential positive impact for all schools with key stage 3 and 4 pupils. The proposed funding formula will have a positive impact on notional SEN funding as it is expected to increase.

## **Adverse Impact**

Even though the impact of lowering the EAL funding rate will be minimal to most schools in relation to their total school budget and the total number of EAL pupils within the school, there is no scope to change the formula to mitigate this risk. The risk of adverse

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equality impact in relation to educational outcomes based on Race, will rest on how schools will ultimately provide support to EAL learners through their total school budget.

**Positive Impact:**

See above

**JUDGEMENT**

The Council's local funding formula is essentially an internal resource allocation mechanism aimed at providing a fair share of the available budget to each Kent school. It is not a service provision policy; neither does it dictate how money is to be spent. That decision is made by the governing body.

The funding system must always, according to regulations, treat each pupil of the same age and characteristics equally. Some positive action for disadvantaged groups (e.g. from deprived backgrounds, pupils with low prior attainment and English as an Additional Language) is allowable and is already a feature of the formula. As indicated above, however, what is provided for in the formula is not an indication of how the governing body must then use it.

**Our judgement is to continue the policy. The policy will be consulted on in order to ascertain whether the adverse impacts are as identified and to consider if there can be any mitigation in the final decision around the factors and rates with the local funding formula.**

**Internal Action Required            YES/NO**

There is potential for adverse impact on particular groups and we have found scope to improve the proposal...

**Equality Impact Analysis/Assessment Action Plan**

Protected	Issues identified	Action to be	Expected	Owner	Timescale	Cost
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Characteristic		taken	outcomes			implications
Race	Potential reduction in funding for EAL	<p>Statutory consultation with all schools and academies.</p> <p>Monitor English as an Additional Language attainment (including UASC pupils).</p> <p>Continued dialogue with schools through Headteacher meetings</p>	Better understanding of the impact of the new funding formula	<b>Matt Dunkley</b>	<b>2019/20 Academic Year review</b>	<b>Business as usual</b>

**Have the actions been included in your business/ service plan?** (If no please state how the actions will be monitored)  
Yes/No

Appendix

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Please include relevant data sets

Please forward a final signed electronic copy and Word version to the Equality Team by emailing [diversityinfo@kent.gov.uk](mailto:diversityinfo@kent.gov.uk)

If the activity will be subject to a Cabinet decision, the EqIA must be submitted to committee services along with the relevant Cabinet report. Your EqIA should also be published.

The original signed hard copy and electronic copy should be kept with your team for audit purposes.

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