

## **EQUALITIES IMPACT ASSESSMENT: ACADEMIES BILL**

### **Description of the policy**

1. The Academies Bill will enable all maintained schools, including primary and special schools, to apply to become Academies. This will give them the freedoms and flexibilities to continue to drive up standards and narrow the gap between rich and poor.
2. Pupils in our most disadvantaged communities have historically been failed by weak and underperforming schools. The Academies programme was established to raise standards by breaking the cycle of underperformance and low expectations. They have historically replaced underperforming schools and are designed to raise the aspirations and achievement of local pupils. The Government will continue to use the Academies programme to support excellent sponsors in turning round our weakest schools.
3. Now, though, all schools will have the right to access Academy status, spreading the benefits of autonomy across the education system. Initially, outstanding schools will be given the right to opt in to Academy status and will be expected to support a weaker school in return. This will provide an additional pool of excellent sponsors who can help in the transformation of schools in our most disadvantaged communities. The essential moral purpose of the Academies programme will continue to drive Government policy.
4. Though the legal framework for the Government's Free schools policy was established in the 2002 Education Act, the Academies Bill will make it easier for charities, teachers and parents to open new schools in response to demand. This will mean real choice for parents who cannot afford to move to the catchment area of a successful school or send their children to private schools. The Bill requires the Secretary of State to take into account the impact on other schools when assessing Free school applications.
5. In recognition of the importance the Government attaches to protecting our most vulnerable children, the Government tabled an amendment at report stage to provide parity between Academies and maintained schools in relation to admissions and provision for children with Special Educational Needs (SEN).
6. In addition there is now provision in the Bill to give Local Authorities statutory responsibility for funding low incidence SEN for pupils in Academies and to give the Secretary of State powers to intervene where they fail to do so.
7. The Government is committed to transparency so a new clause in the Bill amends Schedule 1 to the Freedom of Information Act 2000 which lists those public bodies covered by the Act. It provides for Academy proprietors (the legal entities that run Academies and enter into Academy arrangements with the Secretary of State) to be bodies subject to the Freedom of Information Act, in relation to their functions of establishing, maintaining and running Academies.
8. As independent educational institutions, Academies are not currently included in the list of public authorities in Schedule 19 of the Equality Act 2010.

However, Schedule 19 will be updated before the duties come into force in 2011 and Academies will be included in time for that commencement. Therefore, by the time those duties are implemented, it will be clear that an Academy is a 'public authority' for the purposes of the Equality Act.

9. Academies are required to act in accordance with all relevant provisions of the School Admissions Code and the School Admission Appeals Code. The school admissions framework is intended to ensure that the school admissions system is fair to *all* children regardless of race, ethnicity, gender or ability and the School Admissions Code prohibits admission authorities from disadvantaging children from any particular social or racial group or those with SEN.

### **The Evidence Base**

10. In this assessment, Academies are compared against both the national average and a comparison group of schools which are in similar circumstances to Academies in that they have pupils with similar levels of prior attainment and are in similar areas of social deprivation. The analysis is focused on schools that have been open for at least two years and that had pupils sitting Key Stage 4 exams in both 2008 and 2009.

11. The evidence provided in this Equalities Impact Assessment (EIA) focuses on evidence related to gender, ethnicity, SEN and disability and exclusions within existing Academies.

12. It is worth bearing in mind that existing Academies have a very different profile of pupils when compared to the national average, with more ethnic minorities and pupils with SEN. The provisions in the Academies Bill to extend the Academies programme will bring in a range of schools with different characteristics. Once we have a clearer idea of the schools likely to be involved a more detailed assessment will be possible.

### **What the evidence shows – key facts**

13. Average attainment at the end of Key Stage 4 is improving at a faster rate in Academies than the national average and also at a faster rate than a matched comparison group of similar schools (with similar attainment history and intakes). Attainment of pupils from deprived backgrounds, using Free School Meal eligibility as a proxy, is also improving faster in Academies than in other schools.

### **Ethnicity**

14. Table 1 shows that Academies have a higher intake of pupils from minority ethnic communities than the national average, reflecting the communities in which they serve. In 2009, for example, 66.5% of pupils in Academies were of White ethnic origin compared with 83.8% of pupils nationally and 70.5% of pupils in the comparison group of schools. However, Table 1 shows that the mix of ethnicity is slightly different between the comparison group of schools, with

Academies having a higher proportion of Black pupils and a lower proportion of Asian pupils relative to the comparison group.

15. Looking at the change between 2008 and 2009, Table 1 shows that Academies became slightly more ethnically diverse as the proportion of White pupils decreased slightly from 67.3% to 66.5%. We will seek to measure changes over time in the ethnic profile of the schools and the year 7 intakes and update this EIA as soon as possible.

16. Table 2 below provides a detailed breakdown of attainment by ethnic group, which shows that for every ethnic group, attainment is lower in Academies than the national average. However, this reflects the fact that Academies are operating in challenging areas. Comparing the figures with a comparison group of schools (which have similar intakes) shows that attainment for each ethnic group in Academies is broadly in line with attainment of similar pupils in the comparison group of schools.

17. The tables show that in the 63 Academies open for long enough to have results in 2008 and 2009, there was a large improvement in the proportion of ethnic minority pupils gaining 5+ GCSEs A\*-C including English and Maths, compared to the national average. Against the comparison group the picture is more mixed.

18. Between 2008 and 2009 the proportion of pupils from a mixed ethnic background achieving 5+A\*-C including English and Maths increased by 7.2 ppts in Academies, compared with 5.0 ppts nationally and 10.0 ppts in the comparison schools. For Asian pupils, the proportion of pupils achieving 5+A\*-C including English & Maths increased over the same period by 2.7 ppts in Academies, 3.0 ppts nationally and 2.5 ppts in the comparison schools. For Black pupils the increase was 5.3ppts in Academies, 4.4 ppts nationally and 5.9 ppts in the comparison schools. The figures for Chinese pupils, those from other ethnic background and those pupils unclassified should be treated with caution as the numbers involved are very small.

19. This is a complex picture and requires further investigation. We know that results are improving relatively fast for deprived pupils and for boys in Academies (see table 4), but we will undertake further analysis to break down the results for pupils from different ethnic backgrounds to understand why some of the groups above are not improving as fast as in the comparison schools. It may reflect the particular difficulties that Academies face in their local areas or it may reflect the different make up of the minority ethnic group categories, with Academies having higher concentrations of the groups of pupils that underperform throughout the whole system. Further analysis of this issue is underway and will be incorporated into this EIA as soon as possible.

**Table 1 - Proportion of pupils by ethnic group**

	63 Academies with results in both years		National Average <sup>2</sup>		Comparison group <sup>1</sup>	
	2008	2009	2008	2009	2008	2009
<b>Asian</b>	9.5	9.7	6.6	4.5	12.5	13.3
<b>Black</b>	14.4	14.7	3.7	6.4	8.3	8.6
<b>Chinese</b>	0.7	0.7	0.4	0.5	0.5	0.5
<b>Mixed</b>	4.5	4.6	2.7	2.2	3.5	4.1
<b>White</b>	67.3	66.5	84.2	83.8	71.7	70.5
<b>Any other ethnic group</b>	2.8	3.2	0.9	0.5	1.4	1.8
<b>Unclassified</b>	0.8	0.6	1.5	2.1	1.4	1.1
<b>All pupils</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

1) This comparison group contains 310 schools that have similar intakes and levels of deprivation to Academies.

2) Maintained mainstream schools including CTCs and Academies.

**Table 2 - Proportion of pupils achieving at least 5 GCSEs, grades A\* -C including English and Maths**

	63 Academies with results in both years			National Average <sup>2</sup>			Comparison group <sup>1</sup>		
	2008	2009	Change 08-09	2008	2009	Change 08-09	2008	2009	Change 08-09
<b>Asian</b>	39.0	41.8	2.7	51.6	54.6	3.0	38.6	41.1	2.5
<b>Black</b>	31.9	37.1	5.3	41.4	45.8	4.4	35.0	41.0	5.9
<b>Chinese</b>	46.7	59.7	13.1	71.1	74.0	3.0	54.2	55.5	1.3
<b>Mixed</b>	30.0	37.2	7.2	47.5	52.4	5.0	26.1	36.1	10.0
<b>White</b>	27.5	32.5	5.0	48.4	51.7	3.4	27.4	31.6	4.2
<b>Any other ethnic group</b>	34.5	37.9	3.4	47.4	51.0	3.6	34.6	43.8	9.2
<b>Unclassified</b>	18.5	43.8	25.3	39.4	44.3	5.0	23.8	29.3	5.5
<b>All pupils</b>	<b>29.2</b>	<b>34.9</b>	<b>5.7</b>	<b>49.1</b>	<b>51.7</b>	<b>2.6</b>	<b>29.4</b>	<b>34.1</b>	<b>4.6</b>

1) This comparison group contains 310 schools that have similar intakes and levels of deprivation to Academies.

2) Maintained mainstream schools including CTCs and Academies.

### Gender

20 Latest figures show that Academies are largely in line with the national average in terms of the profile of their intakes by gender. Table 3 shows that there are slightly more boys in Academies relative to the national average (53.2% of pupils compared with 50.5% of pupils nationally), but changes year on year

are consistent with changes nationally. For example, the slight dip in the proportion of pupils who were boys in 2009 nationally was mirrored in the figures for Academies.

<b>Table 3 - Proportion of pupils by gender</b>							
	<b>63 Academies with results in both years</b>		<b>National Average <sup>2</sup></b>		<b>Comparison group<sup>1</sup></b>		
	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>	
Girls	46.4	46.8	49.4	49.5	45.0	44.8	
Boys	53.6	53.2	50.6	50.5	55.0	55.2	
<b>All pupils</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	

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21. Table 4 shows that girls in Academies are out-performing boys (in line with the national trends). However, from 2008 to 2009 boys improved at a faster rate than girls. The proportion of boys achieving 5+A\*-C including English and Maths increased by 6.6 percentage points. This was a faster rate of improvement than boys nationally (3.0 percentage points) and boys in the comparison schools (4.5 percentage points).

<b>Table 4 - Proportion of pupils achieving at least 5 GCSEs, grades A* -C including English and Maths</b>									
	<b>63 Academies with results in both years</b>			<b>National Average <sup>2</sup></b>			<b>Comparison group<sup>1</sup></b>		
	<b>2008</b>	<b>2009</b>	<b>Change 08-09</b>	<b>2008</b>	<b>2009</b>	<b>Change 08-09</b>	<b>2008</b>	<b>2009</b>	<b>Change 08-09</b>
Girls	32.7	37.2	4.6	52.9	55.0	2.2	32.3	37.1	4.8
Boys	26.3	32.9	6.6	45.3	48.4	3.0	27.1	31.6	4.5
<b>All pupils</b>	<b>29.2</b>	<b>34.9</b>	<b>5.7</b>	<b>49.1</b>	<b>51.7</b>	<b>2.6</b>	<b>29.4</b>	<b>34.1</b>	<b>4.6</b>

1) This comparison group contains 310 schools that have similar intakes and levels of deprivation to Academies.

2) Maintained mainstream schools including CTCs and Academies.

## Special Educational Needs (SEN) and Disability

22. Table 5 highlights little difference in the proportions of pupils with a SEN statement between Academies, the comparison group of schools and all other mainstream schools. However, both Academies and the comparison schools have a higher proportion of SEN pupils without a statement than the national average (31.1% of all pupils in Academies and 29.3% of all pupils in the comparison schools). There is also general stability in the intake of SEN pupils in Academies. This evidence suggests SEN pupils are not under-represented in the existing Academies and that Academies continue to have a positive impact on disability in relation to admissions.

23. There is considerable divergence between the attainment levels of pupils with SEN when compared to those without SEN; this is evidenced across the whole schools system. However, in Academies pupils with SEN have made significant increases in their attainment levels over the last year. Table 6 shows that in the 63 Academies that have been open for long enough to have results in 2008 and 2009 the proportion of SEN pupils achieving 5 good GCSEs including English and Maths is lower than the national average.

Table 5 shows the proportion of pupils without a SEN statement. In 2009 it was 31.1% in Academies, 29.3% in the comparison group and 20.1% nationally.

24. It is not possible to say with certainty from Table 6 which group of schools serve SEN pupils better because by definition, we cannot know their individual circumstances and challenges. However, the outcomes for pupils with SEN are at least in line with what we might expect when compared to similar schools.

	<b>63 Academies with results in both years</b>		<b>National Average <sup>2</sup></b>		<b>Comparison group<sup>1</sup></b>	
	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>	<b>2008</b>	<b>2009</b>
No identified SEN	65.6	65.8	79.4	77.4	68.4	67.6
SEN without a statement	31.0	31.1	18.0	20.1	28.3	29.3
School Action	20.8	19.2	12.0	13.3	19.2	18.4
School Action +	10.2	11.9	5.9	6.8	9.1	10.9
SEN with a statement	2.7	2.7	2.3	2.3	2.6	2.8
Unclassified	0.7	0.4	0.4	0.2	0.7	0.3
<b>All pupils</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

1) This comparison group contains 310 schools that have similar intakes and levels of deprivation to Academies.

2) Maintained mainstream schools including CTCs and Academies.

**Table 6 - Proportion of pupils achieving at least 5 GCSEs, grades A\* -C including English and Maths**

	63 Academies with results in both years			National Average <sup>2</sup>			Comparison group <sup>1</sup>		
	2008	2009	Change 08-09	2008	2009	Change 08-09	2008	2009	Change 08-09
No identified SEN	40.5	46.7	6.2	58.8	61.6	2.8	39.3	44.5	5.2
SEN without a statement	10.9	12.8	2.0	15.6	18.6	3.0	10.3	13.0	2.7
School Action	13.6	15.9	2.2	17.5	21.2	3.7	12.0	13.9	1.9
School Action +	5.2	7.9	2.7	11.8	13.4	1.6	6.8	11.5	4.7
SEN with a statement	5.5	4.9	-0.6	9.4	10.4	1.0	3.6	5.8	2.1
Unclassified	26.4	15.4	-11.0	25.7	13.3	-12.4	16.3	12.1	-4.1
<b>All pupils</b>	<b>29.2</b>	<b>34.9</b>	<b>5.7</b>	<b>49.1</b>	<b>51.7</b>	<b>2.6</b>	<b>29.4</b>	<b>34.1</b>	<b>4.6</b>

1) This comparison group contains 310 schools that have similar intakes and levels of deprivation to Academies.

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## Exclusions

25. Overall, rates of exclusions are higher in Academies compared to local authority maintained secondary schools. However, the characteristic of pupils most likely to be excluded show a similar pattern to that of local authority maintained secondary schools, and there is no evidence to suggest that Academies are disproportionately excluding certain types of pupils. In 2007/08 the rate of permanent exclusion from Academies was 0.42 per cent (a decrease from 0.47 per cent in 2006/07), compared to 0.21 per cent for local authority maintained secondary schools. The rate of fixed period exclusion in Academies was 13.7 per cent (a decrease from 18.8 per cent in 2006/07) compared to 9.8 per cent for local authority maintained secondary schools.

26. Although boys are more likely to be excluded than girls, this is not disproportionately higher in Academies compared to local authority maintained secondary schools. In 2007/08 the permanent exclusion rate for boys in academies was approx 2.5 times higher than that for girls (the equivalent figure for local authority maintained secondary schools was 3). Boys represented 75% of the total number of permanent exclusions each year (the equivalent figures for local authority maintained secondary schools was 76%). The rate for boys with one or more fixed period exclusions in Academies was approximately 2 times higher than that for girls (the equivalent figure for local authority maintained secondary schools was 2.5). Boys accounted for 70 per cent of the total number of pupils with one or more fixed term exclusions in Academies (the equivalent figure for local authority maintained secondary schools was 71%).

27. The rates of exclusions among pupils with SEN (both with and without

statements) are higher in Academies compared to local authority maintained secondary schools, however this is a reflection of overall exclusion rates in academies being higher than local authority maintained secondary schools rather than academies disproportionately excluding pupils with SEN. The difference in the exclusion rates between pupils with SEN and those with no SEN is higher in local authority maintained secondary school than in Academies.

28. In 2007/08, 0.97 per cent of pupils with SEN (both with and without statements) were permanently excluded from academies, compared to 0.18% of children with no SEN. The equivalent figures for local authority maintained secondary schools are 0.72% compared to 0.08%. This shows that the exclusion rate for pupils with SEN in academies was approx 5 times higher than that for pupils with no SEN, this compares to the rate of SEN pupils being 9 times higher than pupils with no SEN in LA maintained secondary schools.

29. In 2007/08, in academies, of those pupils with SEN (both with and without statements), 14.1 per cent had one or more fixed period exclusions; the rate for pupils with no SEN was 5.2 per cent. The equivalent figures for LA maintained secondary schools are 13.9 per cent and 3.2 per cent. Therefore the exclusion rate of pupils with SEN in academies was approx 3 times higher than that for pupils with no SEN, this compares to the rates of exclusions among SEN pupils being 4 times higher than pupils with no SEN in LA maintained secondary schools.

30. Pupils from Black ethnic groups have consistently been more likely than the overall average for all pupils to be excluded. However exclusions amongst Black pupils are not disproportionately higher in Academies than local authority maintained secondary schools.

31. In 2007/08, in Academies 0.5 per cent of pupils from Black ethnic groups were permanently excluded, compared to 0.4 percent of Non-Black pupils. The equivalent figures for local authority maintained secondary schools are 0.4 per cent and 0.2 per cent respectively. In Academies, 10 per cent of pupils from Black ethnic groups had one or more fixed period exclusions, compared to 7.4 per cent of Non-Black pupils. The equivalent figures for local authority maintained secondary schools are 9.0 per cent and 5.1 per cent respectively.

### **Former CTCs and Independent schools**

32. Former CTCs and Independent schools that are now academies have pupils with a different socio-economic background from the rest of the academies and their experiences will contribute to the evidence on the potential impact of the academies programme being expanded to include many more successful schools.

33. Table 7 shows that the predecessor schools' performance was much higher than other predecessor schools, so they started from a much higher level when they became academies. Prior attainment of pupils is much higher, the average point score for pupils at KS4 in 2009 was around 29, this compares to

around 25 in other academies and around 27 nationally, (Source: achievement and attainment tables). The first CTCs closed and converted to academies in 2005. These academies collectively have not made as much progress as other academies because the closer to 100% the results are, the less room there is to improve.

**Table 7 – Proportion of pupils achieving 5+ GCSEs A\* - C including English and Maths**

Cohort (No. of Academies opened)	2001 KS4 (15 year olds)	2002 KS4 (15 year olds)	2003 KS4 (15 year olds)	2004 KS4 (15 year olds)	2005 (End of) KS4	2006 (End of) KS4	2007 (End of) KS4	2008 (End of) KS4	2009 (End of) KS4
2005 (3)	62.8	65.9	66.7	73.2	73.2	78.4	78.2	82.6	81.7
2006 (1)	62.3	59.0	61.1	64.1	59.0	63.2	66.0	68.5	53.5
2007 (5),(2)	52.2	51.5	59.9	56.8	53.2	54.4	58.6	64.0	64.8

34 Table 8 below shows that attainment is much higher than in other Academies among all ethnic groups. Ethnic minorities also did better than white pupils in this group. Although attainment fell between 2008 and 2009 across nearly all ethnicities, other research has shown that attainment tapers off at between 75% and 100%: With more schools showing gently oscillating changes in results over time.

35 Academies that were formerly CTCs have a higher proportion of ethnic minorities than the national average. Around 66.9% of pupils are white compared to 83.8% nationally. Black pupils, the largest minority group in these academies, comprise of around 11% of pupils, compared to 6.4% nationally. This is closely followed by Asian pupils at 9.5% compared to around 4.5% nationally.

**Table 8 – Proportion of pupils achieving 5+ GCSEs A\* - C including English and Maths and the proportion of pupils in each ethnic group**

	11 Academies that were former CTCs or Independent Schools					National Average (Maintained Mainstream including Academies and CTCs schools)					
	Proportion of pupils achieving 5+ A* -C Including Eng and Maths			% change	Proportion of pupils in each ethnic group		Proportion of pupils achieving 5+ A* -C Including Eng and Maths			Proportion of pupils in each ethnic group.	
	2008	2009	08 - 09		2008	2009	2008	2009	08 - 09	2008	2009
<b>Asian</b>	78.4	76.3	- 2.1	8.9	9.5	51.6	54.6	3.0	6.6	4.5	
<b>Black</b>	73.9	70.3	- 3.7	10.7	11.0	41.4	45.8	4.4	3.7	6.4	
<b>Chinese*</b>	88.0	92.0	4.0	1.5	1.4	71.1	74.0	3.0	0.4	0.5	
<b>Mixed</b>	77.2	76.8	- 0.5	8.4	8.0	47.5	52.4	5.0	2.7	2.2	
<b>White</b>	69.1	67.3	- 1.8	67.5	66.9	48.4	51.7	3.4	84.2	83.8	
<b>Any other ethnic group*</b>	80.0	70.4	- 9.6	0.9	1.5	47.4	51.0	3.6	0.9	0.5	
<b>Unclassified*</b>	51.4	61.3	9.9	2.1	1.7	39.4	44.3	5.0	1.5	2.1	
<b>All pupils</b>	<b>71.1</b>	<b>69.5</b>	<b>- 1.6</b>	<b>100</b>	<b>100</b>	<b>48.3</b>	<b>51.7</b>	<b>3.4</b>	<b>100</b>	<b>100</b>	

Source: National Pupil Database

\* The small numbers of pupils in these groups mean that the attainment data needs to be treated with caution.

36. It is not possible to split the ethnic groups by FSM/ Non FSM because of the relatively small number of pupils and academies. However, the table below show that FSM rates in these Academies to be much closer to the national average. Attainment among FSM pupils is much higher than in other academies and the

national average. The reason for this may be because their prior attainment is much higher than for FSM pupils in other Academies.

**Table 9 - Proportion of pupils achieving 5+ GCSEs A\* - C including English and Maths and the proportion of pupils split by FSM and non FSM**

	Proportion of pupils achieving 5+ A* -C Including Eng and Maths - 2009		Proportion of pupils eligible for FSM 2009
	Non-FSM	FSM	
11 Academies that were former CTCs or Independent Schools	70.5	64.2	16.1
National (Maintained Mainstream including Academies and CTCs schools)	55.1	28.0	12.6

37. To sum up, former CTCs and Independent schools have pupils with different characteristics to other academies and have different outcomes. These academies may provide a more accurate indication of how the academies program may develop if more successful schools become academies.

### **Challenges and opportunities**

38 Most Academies are already improving the educational experiences of the most disadvantaged young people in England. The figures show that divergence in attainment is still an issue, particularly in relation to ethnicity, and academies must continue to meet the challenge of improving standards and education for all.

39 As the characteristics of Academies change over time we will monitor closely the impact of widening the Academies programme (to voluntarily converting schools and to primary and special schools) on the performance of all pupils in the Academies programme.

### **Equality impact assessment**

40. The aim of the Academies Bill is to enable more schools to become Academies, giving them the freedoms and flexibilities they need to continue to drive up standards. Although the provisions do not in themselves have any direct equality aspects, the aim is to secure and increase the educational attainment of all school pupils and therefore their chances of better employment and a more rewarding life.

41. The proposals will apply to primary and special schools and so the overall impact will be to increase the diversity of schools on offer to ALL pupils, including those catering for pupils with disabilities who attend special schools, and to raise standards for such pupils in under-performing schools.

## **Next steps**

42. This EIA is a living document and further policy work will be undertaken to ensure that any risk of negative impact is mitigated and any potential positive impact is maximised. We will continue to actively identify and consider opportunities to promote equality issues in consultation with key stakeholders with a view to improving disability, ethnicity and gender equality. This will include further consideration of the exclusion rates in Academies and, once the profile and characteristics of new Academies are known, further work will be possible to assess the potential impact on different pupils.

43 We recognise that the reforms in the Academies Bill represent a significant change in the pace at which schools can move to Academy status and the need for open discussion about the success of the Academies programme. To this end arrangements will be put in place to facilitate appropriate accountability to Parliament so that members can see how the policy is working - and the public can have clarity over how any issues are addressed.