

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Children's Services	Service area: Built Environment
Lead person: Nigel Wilson	Contact number: 07891 271056

1. Title: Conversion of Elmete Wood BESD School to Academy Status

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

2. Please provide a brief description of what you are screening

The decision whether or not to enter into Commercial Transfer Agreements between Leeds City Council, the Governing Bodies of Elmete Wood BESD School, Tinshill PRU, Burley Park PRU, Oakwood PRU and the Wellspring Academy Trust in relation to the transfer of contracts and assets of the schools from Leeds City Council and the Governing Bodies of the schools to The Wellspring Academy Trust.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	X	
Could the proposal affect our workforce or employment practices?	X	
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> Eliminating unlawful discrimination, victimisation and harassment Advancing equality of opportunity Fostering good relations 	X	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?** (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

An effect of the receipt of an Academy Order is that the Local Authority must cease to maintain the school in question on the date (the “conversion date”) on which the school, or a school that replaces it, opens as an Academy. This means that the LA can no longer pay for staff, assets or premises related repairs on behalf of the Academy.

Leeds City Council does not approve a conversion to Academy status – the Council is not party to this process and the decision lies with the Department for Education (“the DfE”) although officers will work closely with those schools to provide all of the information required regarding staff, assets and property in order to facilitate the conversion.

The Council cannot challenge the decision to become an Academy and it is an instruction that must be followed following receipt of an Academy Order. As Local Authorities are unable to influence the conversion process and therefore are unable to control the impact that an Academy will have on those groups who may be affected by the conversion, the DfE have undertaken an Equality Impact Assessment in relation to the Academies Bill and have also completed a Race Impact Assessment in relation to the Academies Programme – both of these are publicly available on the DfE’s website.

The purpose of the Transfer is to provide for risks and information obligations for the parties when the academy is running the school from the conversion date. A key document is the Commercial Transfer Agreement relating to staff, assets and contracts (where applicable). It provides for apportionments of payment of salaries, pension contributions, etc. and indemnities from both parties in relation to employment matters. The decision to formally enter into a CTA and the other project documentation is one of the final steps of the DfE pre-determined conversion process.

LCC has minimal statutory obligations around the TUPE process. Although technically in a community school the school staff are employed by LCC, the statutory responsibilities around employment of staff were discharged to individual school Governing Bodies and LCC undertakes its statutory duty by writing to the Governing Bodies of each school and outlining the authority’s guidance in relation to the intended transfer of undertakings (TUPE) and what they must carry out as a minimum in order to be legally compliant.

As with all conversions, irrespective of whether they are a self-converter or sponsored Academy, all consultations regarding the proposed academies were undertaken by a number of stakeholders including the Governing Bodies and the multi-Academy Trust that the schools are joining (Wellspring Academy Trust). However, it should be noted that there is no set guidance on how to quantify what appropriate consultation actually means in terms of duration and consultees. All interested parties should however, have been provided with opportunity to respond and ask questions.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

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.

All levels of school (secondary, primary and special) are able to apply for Academy status 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 and special education needs, and to raise standards for such pupils in under-performing schools.

Public Concerns

As with any Central Government policy, there are likely to be opposing views on the policy. It is clear that there is a lot of misrepresentation and incorrect information surrounding the Academies Programme, and one of the main concerns expressed by the public is that Academies are able to be selective in their admissions policy due to being independent of LA control.

However, 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.

Effect on LCC's Services

One of the key impacts on LA's is that funding is provided direct to Academies rather than coming through the LA, including an element of funding which covered service areas such as Asset Management , Educational Welfare Services Finance, and some statutory and regulatory duties relating to central services that do not transfer to Academies such as HR and legal functions.

There is no doubt that this loss of funding will impact on the LA's ability to deliver these services in the future as more schools convert to Academies and the level of funding coming into the LA continues to reduce. This loss of funding is again outside of the LA's control and the DfE expect that local authorities will be able to make higher levels of savings and that the amount of funding required for these responsibilities will reduce accordingly.

However, there is an acceptance by the DfE that there is a cost to deliver these services and the DfE is therefore wanting to ensure that local authorities receive appropriate levels of funding for the responsibilities that they retain for pupils in Academies. That is why, under new proposals, local authorities will receive some of the funding for each pupil in an Academy, as well as for all pupils in maintained schools.

As highlighted in the previous section, the transfer of staff and assets will happen (where applicable) irrespective of the council's level of involvement and engagement. However, positive engagement by the Council will help to foster continuing good working relationships with the Academies.

• Actions

(think about how you will promote positive impact and remove/ reduce negative impact)

The 'Leeds for Learning' policy is an ambitious city-wide commitment to achieving a child friendly city that drives school improvement and reflects the new relationship with schools, the integrated children's services and the changes to national policy and funding.

The Local Authority has a duty to promote high standards and champion educational excellence. The relationship between the authority and its schools must influence the city wide agendas such as 'improve attainment and close the achievement gap', 'improve attendance and develop positive behaviour' and to 'create a life ready for learning'; all of which are aspirations from the Children and Young People's Plan. We will continue to apply the cycle of monitor, evaluate, challenge and support with schools in order that they become strong and capable of contributing to the key priorities of the city.

As highlighted in the previous section, the transfer of staff and assets will happen irrespective of the council's level of involvement and engagement. However, positive engagement by the Council will help to foster continuing good working relationships with the Academies.

By managing the academy process and agreeing the various project documents, LCC are also fostering a positive relationship with the Multi-Academy Trust.

Academies are public bodies for the purposes of the Equality Act and will be subject to the new public sector equality duty and specific duties in relation to setting equality objectives and publishing equality information. An on-going relationship between the Council and the schools will ensure that the organisations can work together to promote equality of opportunity and eliminate discrimination.

There are potential equalities implications in terms of service provision once schools have become Academies (in issues such as admissions, exclusions and special needs for example) as well as the potential equalities implications in relation to any staff transfer. The Council and schools are working together closely to ensure that equality issues are identified and that Governing Bodies are made aware of these before making a final decision.

5. If you are *not* already considering the impact on equality, diversity, cohesion and integration you *will need to carry out an impact assessment*.

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Viv Buckland	Head of Learning Systems	12/08/16

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

Date screening completed	11/08/16
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	