

## Equalities log template

**Issue: Post-Consultation Version of log for regulatory and enforcement policy statement for independent schools**

**Part 1: Will the outcome of this decision have a particular impact on any persons who share one or more protected characteristics?**

No	Yes
<p>give reasons or rationale</p>	<p>say which protected characteristics</p> <ul style="list-style-type: none"> <li>• Age</li> <li>• Race</li> <li>• Religion or belief</li> <li>• Sex</li> <li>• Sexual orientation</li> <li>• Gender reassignment</li> <li>• Marriage and civil partnership</li> </ul> <p>Say which persons</p> <p><u>Age</u> (because the statement as now worded makes it less likely that enforcement action will follow simply because younger children are not taught about the protected characteristics - even though the statement overall represents a stricter approach than hitherto)</p> <p><u>Race</u> (because schools serving pupils who are Jewish or of racial origins more likely to be of the Muslim faith are more likely to take advantage of the scope to teach less about characteristics created by dropping the secondary school line, and therefore, the children there might be likely to have a narrower education about protected characteristics, but the revised wording of the statement makes it less likely that enforcement action will be taken against them, although the statement overall represents a stricter approach than hitherto);</p>

No	Yes
	<p><u>Religion or belief</u> (because schools adhering to certain versions of Judaism or Islam are particularly likely to be on the margins of what is considered to be an acceptable interpretation of the standards involved, and therefore children of these faiths in independent schools might be likely to have a narrower education about protected characteristics, but the revised statement makes it less likely that the schools will have enforcement action taken even though the statement overall represents a stricter approach than hitherto);</p> <p><u>Sexual orientation</u> (because this is one of the protected characteristics which schools may decide it is not age appropriate to teach, including to children who are of secondary school age and because the pupils themselves or members of their families, and staff, will have differing sexual orientations – but the revised statement makes it less likely that enforcement action would follow even though the statement overall represents a stricter approach than hitherto);</p> <p><u>Marriage and civil partnership</u> (because although pupils themselves are unlikely to be in such arrangements, members of their families or staff may be, and there is the risk that a school may decide that it is not appropriate to teach about civil partnerships, using age appropriateness as a mask for religious objection to this institution, but the revised statement makes it less likely that enforcement action will follow even though the statement overall represents a stricter approach than hitherto); and</p> <p><u>Gender reassignment</u> (as both pupils or members of their families or staff may be transgender and because this is one of the protected characteristics particularly at issue which school may decide it is not age appropriate to teach but the revised statement makes it less likely that enforcement action will follow even though the statement overall represents a stricter approach than hitherto).</p>

## Part 2:

<p><b>Will there be a positive impact on people with the protected characteristics identified above?</b></p>	<p><b>Will there be a negative impact on people with the protected characteristics identified above?</b></p>	<p><b>Justification of conclusion of analysis</b></p>	<p><b>Conclusion</b> (e.g. <i>impact is positive, go ahead; negative impact, go ahead if justified; negative impact, don't go ahead.</i>)</p>	<p><b>Date when equality conclusion will be reviewed</b> (e.g., in light of new information; change in circumstances; at a policy review.)</p>
<p><i>a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act</i></p> <p>Yes. The policy statement sets out a more structured approach to regulatory and enforcement action. This makes it more likely – though less so than for the consultation version due to changes relating to enforcement when only one or two requirements are not met – that schools which do not teach respect for persons with particular protected characteristics will be subject to enforcement action, and will either have to change their teaching or close down. The increase chance of enforcement action, will hopefully act as a deterrant, and mean greater and better teaching of the requirements in the ISS that are intended to promote tolerance and respect for others. An education of this sort will mean that pupils are less prone, and as adults, to behaviours that result in discrimination or harassment against people because of their protected characteristics.</p>	<p><i>a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act</i></p> <p>Possibly, if the statement leads to schools which have only one or two unmet requirements not having enforcement action taken against them even though they have failed to teach pupils about respect for other people having particular regard to the protected characteristics. The argument being that in those cases where enforcement action would otherwise have been taken, the requirements in the ISS which are intended to promote tolerance and respect, will not be taught. This in turn meaning that pupils from the schools in question develop into less etc tolerant individuals</p>	<p>Despite this potential downside, we think that it is appropriate to have the policy statements to ensure consistency in decision-making and in setting out a stricter policy, that should encourage greater compliance with the ISS.</p> <p>In addition, where a school is failing to meet one or two requirements, taking enforcement action may not be the proportionate response given how it can impact on pupils, their parents and proprietors. .</p> <p>Many consultation responses from religious interests opposed the statement, on the basis that it appeared to make action more likely against faith schools.</p> <p>However, we do not think that this means there will be indirect discrimination arising from the operation of the</p>	<p>Go ahead with publication, and ensure that it is implemented effectively, so that the overall positive benefits are realised.</p>	<p>By December 2020</p>

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		<p>policy. Decisions taken on enforcement action will have regard to impact on pupils at particular schools and will only be made in favour of enforcement when, in the circumstances of the case, the the action is considered appropriate and proportionate. In addition, setting out and publishing an enforcement policy is part of good administration, and is a suitable means of achieving transparent and accountable decision-making. .</p>		

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<p><i>b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</i> -----</p> <p>Yes. The policy statement sets out a more structured approach to regulatory and enforcement action. This makes it more likely – though less so than for the consultation version due to changes relating to enforcement when only one or two standards are not met – that schools serving particular faith communities and/or racial groups which do not meet the independent school standards will face enforcement action and in consequence improve, to the benefit of their pupils and increasing the likelihood that their education will produce equality of opportunity with those outside those faith communities. If instead of improving, the schools are forced to close this will still increase equality of opportunity by tending to ensure that pupils will go to better schools.</p> <p>More generally, all good education advances equality of opportunity between groups of people with different protected characteristics.</p>	<p><i>b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</i> -----</p> <p>Yes, in that the policy set out in the statement makes it more likely – though less so than for the consultation version due to changes relating to enforcement when only one or two standards are not met – that schools which do not meet the independent school standards face enforcement action and if they do not improve will be closed down, leading to disruption to the education of their pupils in the short-term. This is most likely to occur with schools serving particular faith communities and/or racial groups because they tend to be the schools most often having long term failings against the standards - though that is not limited to such schools. However the disruption will be short term unless parents of the pupils affected make education choices which are damaging in the long term.</p> <p>Yes, in that parents of pupils with the particular protected characteristics identified above might be unable to find school places which they consider acceptable and will withdraw children from formal education altogether, to the</p>	<p>Although short term disruption to education may occur as a result of taking a more structured approach to enforcement through following the policy set out in the statement, the negative consequences of that are less significant than the long term advantages to pupils of being educated in schools which meet the independent school standards.</p> <p>If the assumption is correct that schools serving particular faith communities and/or racial groups are more likely to face enforcement action is correct, that does not in our view give rise to indirect discrimination, for reasons given above. In addition, it is legitimate to ensure that schools are held to the standards by enforcement action where appropriate since those standards are intended to assure that pupils have the opportunity to receive an acceptable education and have their welfare and safety assured whilst at school.</p>	<p>Go ahead with publication and ensure that it is implemented effectively, so that the overall positive benefits are realised.</p> <p>In addition the more transparent basis for decision-making makes it less likely that enforcement action is perceived as being taken because of a protected characteristic of proprietor, staff or pupils.</p>	

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	<p>detriment of the education of those children, resulting in their growing up with attitudes unacceptable in wider society, which would not advance equality of opportunity with persons not having those protected characteristics.</p>	<p>If parents choose to withdraw children from formal education then their education at home must be suitable in accordance with s.7 of the Education Act 1996, and local authorities have powers and duties set out in sections 436A and 437-442 of the 1996 Act to ensure that such education is suitable, or that the children instead attend school.</p>		

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<p><i>c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</i></p> <p>Yes. The policy statement sets out a more structured approach to regulatory and enforcement action. This makes it more likely – though less so than for the consultation version due to changes relating to enforcement when only one or two standards are not met – that schools serving particular faith communities and/or racial groups which do not meet the independent school standards will face enforcement action and in consequence improve, to the benefit of their pupils and increasing the likelihood that their education will foster good relations by ensuring that pupils at these schools will not grow up holding attitudes incompatible with life in wider society. If instead of improving, the schools are forced to close this will still foster good relations by tending to ensure that pupils will go to better schools and do not grow up holding attitudes incompatible with life in wider society.</p> <p>More generally, all good education fosters good relations between groups of people with different protected characteristics</p>	<p><i>c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</i></p> <p>Yes, in that the policy set out in the statement makes it more likely – though less so than for the consultation version due to changes relating to enforcement when only one or two standards are not met – that schools serving particular faith communities and/or racial groups which do not meet the independent school standards will face enforcement action because they tend to be the schools most often having long term failings against the standards - though that is not limited to such schools.. They may either improve to meet the standards in ways which parents and other members of the faith communities construe as incompatible with their faith, or have to close. In either case, parents and other members of other communities may see this as an attack on the values of their faith and become more isolated from wider society.</p> <p>Yes, in that parents of pupils with particular characteristics might be unable to find school places which they consider acceptable and will withdraw children from formal education altogether, to the detriment of the education of those children, resulting in their growing up with</p>	<p>The fostering of good relations between children who share the particular characteristics identified above (or the adults they will become) and persons who do not share those characteristics is more important to wider society, in the government's view, than values which are not in keeping with those of wider society.</p> <p>This is despite the fact that many consultation responses from religious interests opposed the statement, on the basis that it appeared to make action more likely against faith schools. However that is putting faith concerns above the benefits which enforcement action can have towards fostering good relations relations, etc</p> <p>In addition, the policy statement is intended to provide a more transparent and accountable basis for decision-making. This in our view should make it less likely that enforcement action is</p>	<p>Go ahead with publication and ensure that it is implemented effectively, so that the overall positive benefits are realised.</p>	

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	<p>attitudes unacceptable in wider society, which would not foster good relations with persons not having those protected characteristics.</p>	<p>perceived as being taken because of a protector characteristic of proprietor, staff or pupils – despite the opposition expressed by people from particular faith groups to the pinciple of the statement .</p> <p>If parents choose to withdraw children from formal education then their education at home must be suitable in accordance with s.7 of the Education Act 1996, and local authorities have powers and duties set out in sections 436A and 437-442 of the 1996 Act to ensure that such education is suitable, or that the children instead attend school so that children gow up with attitudes more acceptable in wider society.</p>		