**Equalities log template**

**Issue: Consultation on proposed increase in Ofsted inspection fees for independent schools from 2018, and proposed amendment to the independent school standards**

**A: Ofsted inspection fees**

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

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|  | **Yes** – *say which protected characteristics*  Race  Religion or belief  *Say which persons*  The increase in fees will have an impact on proprietors of independent schools excluding academies and will impact on independent faith schools. The increases contained regulations have a greater proportionate impact on small schools. However, the average faith school inspected by Ofsted is larger than the average non-faith school (the mean is 134 vs 69 pupils at 15/9/17). The increase in fees may affect the financial viability or business model of a school.This may indirectly affect those pupils who attend the school, the parents and teachers, if the future financial model of viability is at risk.    In particular, small faith schools used primarily or exclusively by families with that faith who prefer to use them in preference to state schools, often for faith reasons. These pupils will often be of Muslim or Jewish faith, but also Christian and some other faiths as well. Although they will be of varying races even within one school they are more likely to share protected characteristics of race with other pupils in the school than with the general population.  The families of such pupils.  Staff who are employed at such schools |

**Part 2:**

| **Will there be a positive impact on people with the protected characteristics identified above?** | **Will there be a be a negative impact on people with the protected characteristics identified above?** | **Justification of conclusion of analysis** | **Conclusion** *(e.g. impact is positive, go ahead; negative impact, go ahead if justified; negative impact, don’t go ahead.)* | **Date when equality conclusion will be reviewed** (e.g., in light of new information;change in circumstances; at a policy review.) |
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| Only indirectly -  the increase is fees are required in order to achieve fuller cost recovery in respect of the cost of inspections. Inspections are required as part of the regulation of schools and maintains standards in schools, to the ultimate benefit of pupils | Yes, potentially because of increased costs for the schools | Many of the schools affected by the increase are small faith schools which either charge low fees (typically £2k-3k pa) or rely on donations from their community. This is because their target families who prefer to use these schools are usually of more limited means than most families which send children to independent schools; the choice of the faith school usually arises because alternative state or other faiths schools are not seen by the families as catering properly for the. The proposed increase in the fee rates and arrangements will place a further financial burden on the proprietors of the schools who may pass the burden onto the families of pupils. Staff employed at the schools, who are known by the department to be often paid very low salaries, may be affected indirectly by the increase in fees as it may put financial pressure on the proprietor. | The increase in the rates of fees and changes in the arrangements enables Ofsted to move further to a full cost recovery rate for fees. This will help to ensure that good quality and effective inspections continue to take place, thereby ensuring the regulatory provisions relating to schools are fit for purpose and standards can be maintained.  The increase in fees and additional fees that will be required to be made in respect of inspections will impact on small faith schools, particularly small ones. This could affect the business models and put finanacial pressure on some proprietors of independent schools who could pass on theburden to parents, via staff employment or engagement. However, the increases and new arrangements are required to achieve cost recovery which is in line with the Spending Review 2015. In addition, there have been no increase since 2009.The new arrangements and fee increases are required in order to ensure that the quality of inspections of and standards in schools are maintained, to the benefit of pupils and their families.  The need to bring in increases gradually to ameliorate the effect on schools and families has influenced the level of proposed fee increase. The move to full-cost recovery is likely to continue in later years (2019 onwards). Ultimately, places are available in the state sector for any child of compulsory school age; if a school could not continue to operate because of financial pressures, the state sector could accommodate those children and their education would not suffer.  The employment prospects of staff in independent schools is not a matter for DfE but in any event there is no over-riding reason to exempt any sub-group of such schools from increased charges simply because of the effect on staff employment – that would be disproportionate.  On balance the increases should go ahead. There is no over-riding equalities justification for not bringing in the increases or exempting certain types of school. | In 2018, when a decision will be taken on fee levels for 2019. The move towards full cost recovery will be a factor in that review |

**B: Amendment to independent school standards**

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

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|  | **Yes**  The amendment will enable the revised and updated version of the National Minimum Standards (NMS) for Boarding Schools and the National Minimum Standards for Residential Special Schools (NMS for RSS) to be used in the regulation of independent schools which have boarding accommodation or are RSS. There will be no particular impact on groups of people with specific protected characteristics of faith or race. However there will be a particular impact on people with disabilities, since nearly all pupils of RSS have disabilities. Some pupils of other independent schools with boarding accommodation also have disabilities. The NMS are a tool to regulate and encourage boarding and residential special schools to maintain a high and consistent standards. |

**Part 2:**

| **Will there be a positive impact on people with the protected characteristics identified above?** | **Will there be a be a negative impact on people with the protected characteristics identified above?** | **Justification of conclusion of analysis** | **Conclusion** *(e.g. impact is positive, go ahead; negative impact, go ahead if justified; negative impact, don’t go ahead.)* | **Date when equality conclusion will be reviewed** (e.g., in light of new information;change in circumstances; at a policy review.) |
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| Yes, to the ultimate benefit of pupils attending RSS who have disabilities as proper regulation increases the likelihood that they will be in schools which meet the latest standards for RSS  The inmpact on pupils of a specific faith or race in schools will be regulated on the basis of the latest version of the NMS, is to the ultimate benefit of the pupils, but this impact is not particular to them. | No. Some schools attended by pupils of a specific faith or race, may be de-registered or have a relevant restriction imposed as a result of non-compliance with the revised and updated NMS. But this will not have a particular impact on those groups. There will be a particular impact on pupils with disabilities attending RSS which are de-registered or have a relevant restriction imposed since their education might be disrupted in the short term. | Although some independent schools with boarding accommodation cater for pupils with specific faiths, and indirectly specific races, the impact on them is not particular compared with those not sharing these protected characteritics. By contrast pupils with disabilities form the whole pupil cohort in RSS and will be particularly affected.  If de-registration or a restriction is imposed when a school is not meeting the standards, any detrimental effect if enforcement action is more than outweighed by the need to ensure that pupils are in a safe palce and are being provided with a good education. | The changes are to the ultimate benefit of pupils attending independent schools which have boarding accommodation or are RSS, and should go ahead | 2019, or an earlier date if the NMS/NMS for RSS are amended before that date |