

Kings Priory Equality Analysis

1 Summary of academy proposal

1. The Kings School Tynemouth is an independent school. The Priory Primary School is a maintained school.
2. The Kings School and the Priory Primary School, in partnership with Woodard Academies Trust, propose to merge to form the Kings Priory School, a state funded academy for children aged 3 to 18 years old.
3. Kings Priory School will have a Christian ethos and will provide 1,400 place 4-18 Academy situated across two sites 200 yards away. The existing Priory site would house 525 Junior School pupils and the Kings School site would house 625 pupils aged 11-16 and a 250 place 6th form.

2 Summary of overall effects of the proposal

4. The proposal would introduce 980 additional maintained places. Overall the secondary surplus capacity across the school system is currently 14.1% which was forecast to rise to 18.1% by 2015/16 without the additional places being introduced by the new academy. North Tyneside Council estimate that surplus capacity will rise to 20.1% as a result of the net additional places being added to the system.
5. The Local Authority has stated that the amalgamation will result in a disproportionate impact on neighbouring secondary schools and in particular Marden High School. The Impact Assessment indicates that this will result in a 35% decline in the roll of Marden.
6. The Local Authority has also raised concerns about Year 9 admissions at Monkseaton High School, predicting a short-term decline in pupil admissions of 12%.
7. The impact on neighbouring primary schools is considered to be marginal because Priory primary school is currently in the maintained sector and is already largely full.
8. Falling rolls can have a negative impact on pupils at the school. There would be less funding available as funding is linked to the number of pupils on roll. Depending on how well the school is able to manage its budget, this could result in fewer staff (including fewer support staff), a reduced curriculum offer, and / or fewer additional activities for pupils. There are examples of schools successfully managing reduced resources without this impacting on the quality of the education offer for pupils, but there are also schools that struggle to manage this and pupils' education can suffer as a result.

9. Therefore in undertaking the consideration required by section 149, it is necessary to recognise that pupils who may have attended other local schools will now attend Kings Priory (including those who could not have afforded to attend the predecessor, fee-charging Kings School) meaning that the proposal may result in a fall in educational standards at local secondary schools, in particular Marden High School and to a lesser extent Monkseaton High School. It is also necessary to recognise that, as Kings Priory would have an oversubscription criterion giving priority to siblings of existing pupils at the school, it is reasonable to assume that the existing profiles of pupils at Priory School and Kings School is to a certain extent likely to be perpetuated in the new academy.

3 The public sector equality duty

10. Section 149 of the Equality Act provides that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2)

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

(4)

(5)

(6)

(7) The relevant protected characteristics are-

Age; disability; gender reassignment; pregnancy and maternity;
race; religion and belief; sex; sexual orientation

11. Accordingly, there are three separate statutory objectives that need to be considered.

12. This annex considers the impact of the Kings Priory proposal in relation to the statutory objectives listed in s 149(1) of the Equality Act. In the present context, the primary focus of this consideration focuses on the impact that the establishment of the proposed academy is likely to have on school age children (both those who attend the proposed academy and those who attend other schools). It is considered unlikely that the establishment of the proposed academy will have any material impact in relation to other children or adults.

4 Relevant protected characteristics

13. The relevant protected characteristics are: disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

14. According to paragraph 1 of Schedule 18 of the 2010 Act, age is not a protected characteristic, where, as in this case, the function in question relates to the provision of education to pupils in schools.

Gender reassignment, pregnancy and maternity, and sexual orientation

15. Whilst the Department does not have access to any available data on the number of potentially affected children falling into these relevant groups and considers that such data is unlikely to be reasonably obtainable, it is unlikely that any significant number of children with these protected characteristics would be affected in any way by the establishment of the proposed academy.

16. Therefore, in relation to people with these characteristics, although it is not possible to reach a positive conclusion that the establishment of the proposed academy would achieve any of the statutory objectives referred to in s 149(1) EA 2010, it is also unlikely that it would have an adverse impact on the achievement of the statutory objectives.

Religion or belief, disability, sex and race

17. The Department considers that the protected characteristics most likely to be relevant for the purposes of section 149 are religion or belief, disability, sex and race.

5 Data in relation to religion or belief, disability, sex and race

18. The available data on these groups is summarised below, and set out more fully in annex 1. The following points, amongst others, may be noted.

Religion or belief

19. The Department does not collect data, nor is it aware of any other robust and comparable data, on the faith of pupils attending individual schools and therefore we do not know the religious beliefs of pupils currently at Priory Primary School or the local catchment area. As a proxy measure, consideration has been given to the religious characteristics of those living in North Tyneside in the 2011 census data (see Annex A). Of the total population, 64% are of Christian faith, 34.6% are of non-faith or did not state a faith and 1.7% are of other faiths. This is considered in more detail in paragraphs 31 and 35 below.

Disability

20. As to disability, data is not collected on this but data is collected on the proportion of children with a statement of special educational needs (SEN) and on the proportion of children with SEN but no statement at maintained schools. SEN can include but is not limited to disabilities, and not all children with disabilities will have statements of SEN (particularly where the disability in question is a physical disability only). However, bearing those qualifications in mind, it is considered that data on SEN is the best available proxy for data on disability. Across the local authority, 2.6% of secondary-aged pupils and 1.1% of primary-aged pupils have statements of SEN. No pupils at Kings School have statements of SEN and data is not available on the proportion that have SEN but no statements. 5 pupils at Priory primary school have SEN statements and a further 12.3% have identified SEN but no statements. The proportion of pupils with SEN but no statements is lower at Priory than three of the four closest primary schools. At nearby secondary schools, the proportion of pupils with SEN but no statements ranges from 5.5% to 24.8%, and the proportion of those with SEN statements ranges from 1.7% to 3.6%.

Sex

21. Neither the two predecessor schools, nor any of their neighbouring schools are single-sex schools. At Priory primary, 50.2% of pupils are girls whereas at Kings, 41.7% are girls (in the primary phase, this is 46.7%, in the secondary phase it is 40.0%). The proportion of girls at Priory school are comparable to neighbouring schools whereas Kings' figures are much lower. We do not know the reasons for this but it could be linked to Kings currently being a fee-paying school and parents currently making different choices about whether to pay for their girls' or boys' education. If that were to be the case, we would expect that the academy would have a roughly equal proportion of girls and boys. In the light of the fact that the proportions of girls and boys attending the proposed new academy will be similar to the proportions of girls and boys attending neighbouring schools that might be adversely affected, it is unlikely that there would be a

disproportionate effect (whether beneficial or adverse) on either girls or boys. Therefore although it is not possible to reach a positive conclusion that the establishment of the proposed academy would achieve any of the statutory objectives of s 149(1) EA 2010 in relation to this protected characteristics, it is also unlikely that it would have an adverse impact on the achievement of the statutory objectives.

Race

22. At all the schools considered, including Kings and Priory, the great majority of pupils (c.90%) are white, which reflects the racial make-up of the local authority as a whole. From the 2011 census data, 95% of the population of North Tyneside was white. At Marden High, 92% of pupils are white British, with the next biggest ethnic groups being 'other white ethnic origin' (1.3%) and Bangladeshi ethnic origin (0.9%). At Monkseaton High, 92.3% of pupils are white British, with the next biggest groups being Bangladeshi pupils (3.8%) and 'other mixed background' (1.1%). Kings School has stated that 90% of its pupils are white British and it also has a small (undefined) number of pupils from the following groups: Chinese, Asian, Black, Mixed and Any Other White Background. In the light of the fact that the proportions of pupils from different racial groups attending the proposed new academy will be similar to the proportions of pupils from different racial groups attending neighbouring schools that might be adversely affected, it is unlikely that there would be a disproportionate effect (whether beneficial or adverse) on pupils from any of the different racial groups. Therefore although it is not possible to reach a positive conclusion that the establishment of the proposed academy would achieve any of the statutory objectives of s 149(1) EA 2010 in relation to this protected characteristics, it is also unlikely that it would have an adverse impact on the achievement of the statutory objectives.

6 Application of section 149 to the above facts

23. Having regard to the available data, the Department considers the impact of this proposal in relation to the following questions:
- (i) Is the proposal likely to eliminate any existing unlawful discrimination, harassment or victimisation against/of persons with a particular protected characteristic set out in paragraph 11 above?;
 - (ii) Does the proposal advance equality of opportunity?;
 - (iii) Does the proposal foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
 - (iv) If any adverse impacts are identified, are there any measures that could be implemented to mitigate those adverse impacts?

Is the proposal likely to eliminate any existing unlawful discrimination,

harassment or victimisation against/of persons with a particular protected characteristic?

24. Having had regard to the consultation responses from the Local Authority, as well as other consultees and the consultation report from Woodard Academies Trust, the Department notes that no issues of unlawful discrimination, harassment or victimisation were raised regarding persons with a particular protected characteristic in the provision of education locally.
25. Accordingly, on this basis it does not appear to the Department that there is any existing unlawful discrimination, harassment or victimisation against/of persons with a protected characteristic in the provision of education locally, and therefore the question of eliminating such unlawful activity does not arise.
26. The Department has also noted that the academy will have an anti-bullying policy that sets out the responsibilities of staff and students to address any incidents of bullying or harassment.

Does the proposal advance equality of opportunity?

27. The local authority has raised concerns that as a result of Kings School becoming part of the state sector, it estimates that over time there will be a 35% drop in pupil numbers at neighbouring Marden High school. In its first year, this equates to reduced funding of £85k for the school. Historically, 87% of Priory primary school pupils have transferred to Marden whereas in future these pupils are likely to remain part of Kings Priory. The local authority also estimates that Monkseaton High School would suffer a short-term decline in pupil places of 12% but that the impact on pupil numbers would be zero by 2019. Further, in relation to the issue of surplus secondary school places in the area, the Local Authority asserts that the area already has a 14.1% surplus because of the lower birth rate, which is forecast to rise to 18.1% by 2015/16 without the additional places being introduced by this proposal. It estimates that surplus capacity will rise to 20.1% as a result of the net additional maintained places being added to the system.
28. As noted in paragraph 8 above, falling rolls make it harder for schools to be financially viable and can have consequent impacts of reduced staffing and a reduced curriculum offer: unless carefully managed, this can lead to a poorer education for pupils. The Department recognises that the majority of surplus places are not connected to the Kings Priory proposal but that the academy will have an additional impact, particularly in Marden High School and to a lesser extent at Monkseaton High School.
29. In relation to whether the academy proposal promotes equality of opportunity for pupils with protected characteristics, the Department has considered whether neighbouring schools have a higher proportion of pupils with protected characteristics than the new academy is likely to have. If there was, this would suggest that falling rolls at these schools

could have a disproportionate adverse impact on the education of these pupils.

30. The Department notes that Kings and Priory schools have a lower proportion of pupils with SEN than neighbouring schools. If this remains constant when the academy opened, this could mean that a greater proportion of pupils with SEN would be affected by the impact of falling school rolls than might benefit from the creation of the academy. As noted in paragraphs 21-22, the pupil populations at Kings and Priory schools are broadly comparable to Marden High, Monkseaton High and other neighbouring schools in relation to the protected characteristics of race and sex. Consequently, disabled children might be disproportionately over-represented in schools with falling rolls, and therefore disproportionately affected if this were to lead to a poorer quality of education as a result.
31. With regards to the protected characteristic of religious beliefs, data is not available on the religious beliefs of pupils in any of the schools as noted in paragraph 19. However, given that Kings was previously a faith-designated school and the new academy will also be faith-designated, the Department notes that both Kings and the academy could have a higher proportion of Christian pupils compared to both the affected schools and the local population more generally. Consequently, non-Christians might be disproportionately over-represented in schools with falling rolls, and therefore disproportionately affected if this were to lead to a poorer quality of education as a result.

Does the proposal foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

32. The proposal will foster good relations between persons who share a relevant protected characteristic and persons who do not in the following ways. By fostering good relations in the school, the school will help to foster good relations in the community:
33. The Academy will have comprehensive equalities policies in place, including:
- an Equality Duty policy that sets out how the governing body will meet its equality duties and the actions to be taken by the academy's senior leadership team to implement and monitor the delivery of the policy;
 - an accessibility plan that references the needs of pupils, parents and carers, staff, and visitors, and which will be reviewed annually;
 - the SEN policy is aligned with the current code of practice, and will ensure that support and challenge is provided to respond to each individual pupil's needs (SEN can include pupils with disabilities);
 - an anti-bullying policy that sets out the responsibilities for staff and students to address any incidents of bullying or harassment;

- a pupil admissions policy that complies with the Admissions Code, with pupils being admitted to the academy without reference to ability, social background or any of the protected characteristics; and
- staff recruitment and selection policies and procedures that provides equality of opportunity and prevents discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status, being lesbian, gay or bisexual, religious beliefs and trade union membership.

34. Such policies are common across many schools, including those based on statutory codes where they apply. Therefore, while this will serve to foster good relations, the Department expects that this will be on a similar basis to all other local schools.

35. The Department noted that as a result of opening of a faith-designated academy, non-Christian groups could choose to withdraw their children from assemblies or elect to take their children out of the school, thereby reducing the level of interaction at the school between pupils of the Christian faith and those of other faiths and none. In the absence of data on the faith pupils attending individual schools, it used census data as a proxy measure, alongside the results of the consultation exercises on the academy proposals. It concluded that there is no evidence to indicate that non-Christian parents will respond to conversion in this way. The Christian ethos was mentioned in the prospectus but this has not been raised as an issue by parents during the development phase of the academy proposals. In particular, there was no opposition from parents of children at Priory school. The absence of parental objection in response to the consultation and the publication of the prospectus are an indication that children of all faiths and none who currently attend Priory do not consider they will be adversely affected, in relation to this particular characteristic, by the Christian ethos of the academy.

Are there any measures that can be implemented to mitigate those adverse impacts?

36. It is proposed that the following clause forms part of the Funding Agreement between the Secretary of State and the Academy Trust:

2AA The Company will use its best endeavours to admit numbers of children attracting the pupil premium, including the services premium, that are proportionate to such children resident in the Local Authority. This will be subject to an annual review by the Secretary of State. Where the Company has not admitted such children in such proportion, the Secretary of State may require the Company to determine admission arrangements (subject to consultation in accordance with the School Admissions Code) that include the pupil premium admission criterion.

37. Given that Kings, as a fee-paying school, currently has no pupils who receive the pupil premium, this should ensure that the school becomes more representative of its local community with the policy aim that it

should lead to improved educational opportunities for these pupils who could not previously have afforded the fees at Kings School. This could also help to mitigate the adverse impact on groups of pupils with protected characteristics if such pupils also receive the pupil premium. Aside from this, it is not considered that there are any measures that could be implemented by the Department, short of not proceeding with the new academy, that could mitigate the potential adverse effects described above.

Conclusion

38. The creation of the academy is expected to result in lower pupil numbers (and hence finances / viability) at neighbouring schools who will have fewer pupils as a result, at least in the short term – particularly Marden High. The analysis above suggests that pupils with SEN and probably therefore with the protected characteristic of disability) and non-Christian pupils are likely be over-represented at these schools compared to Kings Priory, and there could therefore be some adverse effect on these groups. The Department does not consider that there would be either a positive or negative impact in respect of groups of pupils with other protected characteristics.

Equalities Assessment Annex 1

Religious characteristics of North Tyneside (Total no. of religious persons 200,214)		
Faith	Number	% of total
Christian	128,185	64%
Buddhist	436	0.22%
Hindu	513	0.26%
Jewish	92	0.05%
Muslim	1,493	0.75%
Sikh	354	0.18%
Other	528	0.26%
Non	56,408	28.2%
Not stated	12,792	6.4%

Proportion of pupils eligible for pupil premium, with EAL or with SEN

Primary

School	Distance from Priory	% Eligible for Pupil Premium	% with English as an additional language	% with a statement SEN	% SEN without a statement	% Girls
National Average	N/A	18.1	18.1	1.4	17.1	49.0
LA Average	N/A	16.8	4	1.1	17.6	
Priory Primary School	N/A	3.8	0.8	1.4	12.3	50.2
Kings School	0.1	N/A	0.6	N/A	N/A	46.7
King Edward Primary School	0.7	9.6	1	-	11.9	51.2
Christ Church CofE Primary School	0.8	16.5	9.6	-	16.3	49.4
Monkhouse Primary School	0.9	8.2	1.8	-	19.5	46.2
Hadrian Primary School	1.0	16.6	1.6	-	14.4	53.1

Secondary

School	Distance from Kings	% Eligible for Pupil Premium	% with English as an additional language	% with a statement SEN	% SEN without a statement	% Girls
National Average	N/A	14.8	12.9	1.9	18.3	49.6
LA Average	N/A	12.6	3	2.6	16.1	
Kings School	N/A	N/A	0.7	N/A	N/A	40.0
Marden High School	1.2m	6.8	0.9	2.5	13.1	48.0
John Spence Comm High School	1.5m	15.6	2.2	2.8	24.8	48.0
Marden Bridge Middle School	2m	12.5	6.9	1.7	22.2	54.5
Monkseaton High School	2.5m	15.9	5.2	2.6	17.3	47.1
Monkseaton Middle School	2.8m	14.3	4.3	3.6	19.4	50.5
Whitley Bay High School	3.1m	3.5	2.4	1.7	5.5	50.2

Ethnic origin of pupils

Primary

School Name	% of pupils white British ethnic origin	% of pupils Irish ethnic origin	% of pupils any other white background ethnic origin	% of pupils white and black Caribbean ethnic origin	% of pupils white and black African ethnic origin	% of pupils white and Asian ethnic origin	% of pupils any other mixed background ethnic origin	% of pupils Indian ethnic origin	% of pupils Pakistani ethnic origin	% of pupils Bangladeshi ethnic origin	% of pupils Asian any other background ethnic origin	% of pupils Caribbean ethnic origin	% of pupils any other black background ethnic origin	% of pupils Chinese ethnic origin	% of pupils any other ethnic group ethnic origin	% of pupils unclassified
Priory Primary School	93.1	0.8	2.2	0.8	0	2.2	x	x	0	0	x	0	0	0	0	0
King Edward Primary School	96.5	x	0	x	1	0	x	0	0	0	0	0	x	x	0	0
Monkhouse Primary School	94.6	0	1.8	0	0	0	x	0	0	1.8	x	0	0	0	0	0
Christ Church CofE Primary School	84.3	x	6.1	0	0	0	0	x	x	x	0	x	0	0	0	4.3
Hadrian Park Primary School	98	0	0	x	0	0	0	0	x	0	x	0	0	0	x	0

Secondary

School Name	% of pupils white British ethnic origin	% of pupils Irish ethnic origin	% of pupils traveller of Irish heritage ethnic origin	% of pupils any other white background ethnic origin	% of pupils white and black Caribbean ethnic origin	% of pupils white and black African ethnic origin	% of pupils white and black Asian ethnic origin	% of pupils any other mixed background ethnic origin	% of pupils Indian ethnic origin	% of pupils Pakistani ethnic origin	% of pupils Bangladeshi ethnic origin	% of pupils any other Asian background ethnic origin	% of pupils Caribbean ethnic origin	% of pupils African ethnic origin	% of pupils any other black background ethnic origin	% of pupils Chinese ethnic origin	% of pupils any other ethnic group ethnic origin	% of pupils unclassified
Marden High School - A Specialist Maths, Science and Media Arts College	92	x	x	1.3	0.6	x	0.5	0.5	x	x	0.9	0.5	0	x	0	x	0.6	2.4
John Spence High School	95.7	0	0	1.7	x	x	x	0.9	0	0	x	x	0	0.4	x	0	x	0
Marden Bridge Middle School	88.1	x	0	2.1	x	x	x	2.3	0	x	4.6	x	0	0	x	0	0.6	x
Monkseaton High School	92.3	0	0	0.6	0	x	x	1.1	0	x	3.8	0.6	0	0.5	0	x	0	x
Monkseaton Middle School	91.5	0	0	x	0	1	1.3	1	x	0	3.3	x	0	x	0	0	0	0
Whitley Bay High School	94.5	x	0	1	0.2	x	0.8	0.7	0.5	0	1.2	0.2	x	0	0	0.4	x	x

Kings School has not been able to supply the Department with a full breakdown of the ethnic origin of its pupils but has stated that 90% are white British. It also has a small (undefined) number of pupils from the following groups: Chinese, Asian, Black, Mixed and Any Other White Background.