

## Equality Impact Assessment (EIA) Template – Part 1

<b>Policy title and purpose (brief outline):</b>	<b>Reform of School Governance: proposals to revise and consolidate the school governance regulatory framework.</b>
<b>Name of official:</b>	<b>Tracey Jones</b>
<b>Department:</b>	<b>Education &amp; Public Services</b>
<b>Date:</b>	<b>To be completed</b>
<b>Signature:</b>	

## **1. Please provide a brief description of the policy/decision.**

Governing bodies have a vital and demanding role to play in the success of our schools. This is because they set the strategic direction for their school, and hold the head teacher to account for the school's educational and financial performance.

We believe that skills must be a fundamental consideration when all categories of governor are being appointed, and that governing bodies need to have the full range of skills required to enable successful governance as well as the flexibility to adapt to the particular needs of their schools.

Governance requirements relating to school staffing and disciplinary matters also need to be updated so that, for example, governing bodies may draw on the expertise of suitably skilled individuals when making decisions on matters of importance such as the appointment of head teachers.

The purpose of making these changes is to enable better governance and more successful schools, which in turn will lead to improved outcomes in terms of educational attainment and well-being for their pupils.

We propose to bring about this reform of school governance by revising and consolidating the regulations which currently underpin the school governance framework in Wales. These regulations are:

- The School Government (Terms of Reference) (Wales) Regulations 2000
- The New Maintained Schools (Wales) Regulations 2005
- The Government of Maintained Schools (Wales) Regulations 2005
- The Governor Allowances (Wales) Regulations 2005
- The Staffing of Maintained Schools (Wales) Regulations 2006
- The Changing of School Session Times (Wales) Regulations 2009
- The Federation of Maintained Schools (Wales) Regulations 2014.

Together they are known as “the Existing Regulations”.

**2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?**

Informal engagement on our proposals for reforming the school governance regulatory framework has already taken place with the Association of Directors of Education in Wales (ADEW), the School Practitioners' Panel and representatives from the Education Workforce Unions. There was broad support of the need to reform school governance with our proposals to have better skilled, more flexible governing bodies being particularly well received.

A 14 working week web-based public consultation on our proposals – including the draft Government and Staffing of Maintained Schools (Wales) Regulations 2017 (“the New Regulations”) - is taking place from 11 November 2016. This is to take account of the school Christmas break.

In addition to being publically available on the Welsh Government internet site, links to the consultation have also been provided to key stakeholders such as Estyn, local and diocesan authorities, a 10% sample of school governing bodies (including various faith and non-faith schools), the Equality and Human Rights Commission, the Children's Commissioner for Wales and education Consortia.

The consultation response form contains a specific question requesting views on this EIA and the potential impact of our proposals on such matters as disability, race, religion and belief (including non-belief) and human rights.

There is also an “equalities” question in the same response form which requests views on our analysis in the Regulatory Impact Assessment (RIA) of the possible effect of the new Regulations on equality of opportunity, the Welsh language, sustainable development and the rights of the child.

Internal discussions have taken place with Welsh Government officials in the Workforce Strategy Unit to ensure that our proposals regarding changes to staff disciplinary committees and head/deputy head teacher appointment panels are workable.

**3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?**

We consider the evidence for revision and consolidation of the school governance framework to be strong.

Many of the existing Regulations which underpin the school governance framework in Wales are over 10 years old. Anecdotal evidence from school governing bodies and ADEW has long been that the Regulations need to be updated as governing bodies need to be better equipped to meet their demanding role. Governors are often appointed on the basis that they represent certain persons or bodies rather than because of the skills they possess skills, and governing bodies may lack the flexibility to “tailor” themselves to the individual needs of their schools. In addition, the “suite” of Regulations which currently underpin the governance framework are unwieldy and need to be consolidated.

In his report on the *Future Delivery of Education Services in Wales*<sup>1</sup> Robert Hill described the quality and skills of governing bodies as variable. This was consistent with the Welsh Government’s Schools Challenge Cymru initiative which also raised concerns about the quality of school governors.

Successive annual reports by Her Majesty’s Inspector for Education & Training in Wales (Estyn) have also found school governance to be variable, although the latest reports show some general improvement in the level of challenge offered by governing bodies. However, this may be due to the recent introduction of mandatory training for school governors.

In its report “*Step Change – A new approach for schools in Wales*”<sup>2</sup> the CBI stressed that “*the focus for composition of governing bodies must be skills - ensuring the right people with the right skills are in place is the key to effectiveness*”. The Report concluded “*More freedom should be given to governing bodies to determine composition based on skills, rather than representative roles such as parent governor, LA governor or staff governor*”.

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<sup>1</sup> <http://gov.wales/docs/dcells/consultation/130621-delivery-of-education-report-en.pdf>

<sup>2</sup> <http://www.cbi.org.uk/cbi-prod/assets/File/pdf/step-change-a-new-approach-to-schools-in-wales.pdf>

The CBI recommended therefore that the restrictions on representation on governing bodies should be relaxed and action should be taken to ensure more volunteers from the business community can serve as governors.

The Task and Finish Group on school governance, which was established by a previous Minister for Education to consider the fitness for purpose of the school governance framework in Wales, concluded that governing bodies need to be more skilled in their governance role, and also need to be able to recruit more widely so that the very best individuals participate in governing schools.

The Group also recommended a shift from the current stakeholder model to a “Stakeholder Plus” approach to school governance. This approach would retain the valuable contribution made by the variety of stakeholders in the current school governance model, but the ‘Plus’ aspect would allow governing bodies the flexibility and freedom to recruit additional governors on the basis of skills need.

In its response to the Hill report the Group concluded that there needed to be, amongst other matters, more of an emphasis on the skills governors need to discharge their duties rather than who they represent as well as greater clarity about the role and accountability of governing bodies.

We are seeking to revise the legislative framework within which school governance operates to provide school governing bodies with the flexibility they require to be effective, and to constitute themselves to meet the particular needs of their schools.

The responses to the consultation on our proposals will be analysed and a summary provided in the final version of this document.

***It is important to note any opportunities you have identified that could advance or promote equality.***

**Impact**

**Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).**

**Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.**

**4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?**

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people  <i>(Children and young people, up to 18)</i>	x			<p>As explained in section 3 above, our proposals are based on anecdotal evidence from school governing bodies and ADEW as well as the CBI's <i>"Step Change – A new approach for schools in Wales"</i> and the recommendations of the Task &amp; Finish Group.</p> <p>The proposals are expected to bring about better school governance and more successful schools, which in turn will lead to improved outcomes for their pupils.</p>

				<p>This will have a positive impact on the educational attainment and wellbeing of all children and young people who attend maintained schools in Wales. In turn, young peoples' career prospects will improve.</p>
<p>People 18-50</p>	<p>x</p>			<p>Our proposals will be of benefit to parents and carers who want their children's education and well-being, as well as their career prospects, to be as good as possible.</p> <p>Better educated children should result in a better-skilled workforce; this will help to bring about an increase in prosperity in local communities.</p> <p>Enabling school governors to be appointed because of their skills - rather than just because they represent certain persons or bodies - widens the "pool" of persons who may become governors.</p> <p>Suitably skilled individuals of this age group who wish to contribute to the success of their schools and the future</p>

				prosperity of their local communities may do so without needing a “direct” connection with a school.
Older people (50+)	x			The benefits of our proposals for this age group are virtually the same as the benefits for the 18-50 age group discussed above. However, older people are more likely to be grandparents than the 18-50 age groups (although older people may also be parents).

#### 4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			x	Our proposals apply equally to all maintained schools in Wales, and have no impact on any disability which school governors, staff or pupils may have.
Hearing impairment			x	As above.
Physically disabled			x	As above.

Learning disability			x	As above.
Mental health problem			x	As above.
Other impairments issues			x	As above.

#### 4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male			x	Our proposals are gender neutral – they apply equally to all maintained schools in Wales.
Female			x	As above.

#### 4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			x	Our proposals are gender neutral – they apply equally to all maintained schools in Wales.

#### 4.5 Because of their marriage or civil partnership?

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None / Negligible</b>	<b>Reason for your decision (including evidence)/ How might it impact?</b>
Marriage			<b>x</b>	Our proposals apply equally to all maintained schools in Wales, and have no impact on the marital status of governors, school staff or the parents/carers of pupils.
Civil Partnership			<b>x</b>	As above.

#### 4.6 Because of their pregnancy or maternity?

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None / Negligible</b>	<b>Reason for your decision (including evidence) / How might it impact?</b>
Pregnancy			<b>x</b>	Our proposals apply equally to all maintained schools in Wales, and have no impact on pregnancy or maternity.
Maternity (the period after birth)			<b>x</b>	As above.

#### 4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			x	Our proposals affect all maintained schools equally and have no impact on race, no matter what the ethnic origin of school governors, staff or pupils.
National Origin (e.g. Welsh, English)			x	As above.
Asylum Seeker and Refugees			x	As above.
Gypsies and Travellers			x	As above.
Migrants			x	As above.
Others			x	As above.

#### 4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?

<p>Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)</p>			<p>x</p>	<p>Our proposals apply to all maintained schools in Wales, whether or not they have a religious basis.</p> <p>In the case of “faith” schools we have, where necessary, adapted our proposals to try to ensure that the religious character of such schools is upheld and that the impact on such schools is negligible.</p> <p>For example, in the case of voluntary aided “faith” schools we propose that the Diocesan Officer should have a right to vote as well as attend any head or deputy head teacher appointment panel to “balance” that we intend – for all maintained schools - to also give the right to vote as well as attend to the local authority’s Head of Education.</p> <p>We have also adapted our proposals for the membership of school governing bodies to take account of the need for voluntary and foundation schools to have foundation/partnership governors.</p> <p>The use of whole governing bodies in</p>
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				<p>voluntary aided schools to act as head and deputy head teacher appointment panels is unwieldy and may lead to difficulties in agreeing on a suitable appointment. Proposals to make the size of such appointment panels more manageable should not mean that the religious character of voluntary aided schools is not properly taken into account whenever a head or deputy head teacher is appointed.</p> <p>We ask “faith” schools to raise any concerns they may have to our proposals by responding to the consultation.</p>
Belief e.g. Humanists			x	Our proposals will apply to all maintained schools in Wales, whether or not they have a religious basis, and have no impact on belief (e.g. Humanists).
Non-belief			x	See above.

#### 4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			x	Our proposals apply equally to all maintained schools, and have no impact on sexual orientation no matter what the orientation of school governors, staff or pupils.
Lesbians			x	As above.
Bi-sexual			x	As above.

#### 4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN	x			The right to education in Protocol 1 of Article 2 to the Human Rights Act 1998 <sup>3</sup> is supported

<sup>3</sup> Please see Belgian Linguistic (1968) 1 EHRR 252 in which the European Court of Human Rights stated that the rights protected in Article 2 include a right to an effective education.

Conventions				by these proposals, as we are seeking to improve educational outcomes for pupils by way of better school governance.
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***If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.***

***Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.***

## Equality Impact Assessment – Part 2

### **1. Building on the evidence you gathered and considered in Part 1, please consider the following:**

#### **1.1 How could, or does, the policy help advance / promote equality of opportunity?**

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

Suitably skilled and flexible governing bodies will be better able to respond to the specific needs of their schools, and secure improved outcomes for their pupils in terms of well-being and educational attainment. This should lead to better career prospects for pupils and help to bring about an increase in prosperity in Wales.

Disadvantaged communities may benefit particularly; stronger and more “tailored” school governance which secures improved outcomes and better career prospects for its pupils will also raise pupils’ motivation and aspirations. A well educated and motivated potential work force may attract more businesses to invest in a local area, leading to “quality” job opportunities and a more prosperous community.

#### **1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?**

In the case of “faith” schools we have adapted some of our proposals to try to ensure that the religious character and ethos of such schools is upheld, so that the impact of our proposals is negligible.

This is explained in greater detail in section 4.8 of Part 1.

### **1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?**

The opportunity to become a school governor and contribute to the success of local schools and the improvement of your community will be opened up. No longer will selection criteria be based solely on whether an individual belongs to or represents a certain body, but on the skills he or she can offer. This may encourage individuals from under represented minority groups to apply to be a school governor, thus promoting good community relations.

As explained in section 1.1 of Part 2, disadvantaged communities may benefit particularly; a well-educated and motivated workforce will attract business investment and “quality” jobs into these communities and so lead to greater prosperity. This may aid cohesion with surrounding communities who have traditionally been more affluent.

## **2. Strengthening the policy**

### **2.1 If the policy is likely to have a negative effect (‘adverse impact’) on any of the protected groups or good relations, what are the reasons for this?**

**What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?**

No negative impacts have been identified in Part 1.

### **2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.**

**(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)**

No negative impacts have been identified in Part 1.

### 3. Monitoring, evaluating and reviewing

#### How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

As explained in section 2 of Part 1, we are undertaking a 14 working weeks web based consultation on our proposals to revise and consolidate the school governance framework in Wales.

This impact assessment has been published alongside the consultation on our proposals which includes a draft version of the proposed New Regulations that are required to bring those proposals into effect.

The publication of these documents provides stakeholders with an opportunity to provide feedback and comments. Any feedback will be considered and will be used to inform policy development.

A summary of responses to the consultation will be published in due course.

We expect that a review of the revision and consolidation of the school governance framework will be undertaken in the year following the first year in which the new framework has effect.

As Estyn considers the quality of school governance under the “leadership” strand of the schools inspection process, we expect to meet with representatives from Estyn to ascertain their views on the impact of our reforms.

It is anticipated that the review will also involve direct liaison (which may include electronic means of communication) with ADEW, Diocesan Authorities, the School Practitioners’ Panel and representatives from the Education Workforce Unions.

The first year for which the new framework is expected to have effect will be 1<sup>st</sup> December 2018 to 30<sup>th</sup> November 2019; therefore the review will take place from December 2019 and report by May 2020.

The equality impacts will be considered on an ongoing basis, but this assessment will formally be reviewed alongside the review of the policy.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

#### 4. Declaration

**\*Please delete as appropriate:**

**The policy \*does / does not have a significant impact upon equality issues**

#### Official completing the EIA

Name: Tracey Jones

Department: Education & Public Services

Date: [To be completed]

Signature:

#### Head of Division (Sign-off)

Name: Steve Vincent

Job title and department: Deputy Director, Schools Effectiveness Division.

Date: [To be completed]

Signature:

Review Date: May 2020.