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Wednesday 6 November 2013

Free schools failing on equalities, new research shows

Race on the Agenda (ROTA) has published new research that shows that free schools are failing to comply with statutory requirements on equality.

The research appears soon after the recent Ofsted inspection of the Al-Madinah free school in Derby, which found that statutory requirements, including those on equality, were not being met.

The Equality Act 2010 requires all schools, including free schools, to fulfil the public sector equality duty. By 6 April 2012, all schools should have published information to demonstrate their compliance with the duty, and should have published one or more specific and measurable equality objectives.

The equality duty exists to support schools to tackle unlawful discrimination, meet diverse needs, identify and address the reasons for different educational outcomes for different groups, and create school environments where all pupils feel safe from all kinds of bullying and harassment.

Race on the Agenda's report, based on a survey in October 2013 of the 78 free schools that opened in 2011 and 2012, finds that:

- Only two of them are fully meeting the requirement to publish equality information and measurable equality objectives.
- Only six (7.7%) have published at least one equality objective - a poorer level of compliance than other types of school.
- Most free schools appear to be unaware of the Equality Act 2010 and the equality duty, with less than a quarter (23.1%) making reference to the Act in key policies and documents.
- Two-fifths of free schools (39.7%) are failing to identify prejudice-related bullying and/or derogatory language in their anti-bullying or behaviour policies.

The research findings indicate that free schools are failing to be transparent on equality issues. By not publishing equality information and objectives, they make it impossible for parents and local communities to know how they are promoting equality and tackling discrimination, and to hold them to account.

In the report, ROTA makes several recommendations, including:

- Free school governors should take steps to ensure that they know and understand what the Equality Act 2010 requires.
- Ofsted should make compliance with the public sector equality duty a focus of school inspection.
- The Equality and Human Rights Commission (EHRC) should determine and publish how it would use its enforcement powers to require free schools to comply with the equality duty.

Andy Gregg, ROTA's Chief Executive said:

"We are very concerned at what these findings show. Not only are the governing bodies of free schools failing in a core function to ensure that statutory duties are met, the Department for Education is also failing to make sure that free schools take promoting equality seriously.

"We have noted that Ofsted has recently judged the Al-Madinah free school in Derby as inadequate and has required it to meet statutory equality requirements on racism, disability and special educational needs. Our research shows that these failings appear to be much more widespread than in those free schools that have attracted recent media attention."

Professor Gus John said:

"It would seem that in addition to freedom from the National Curriculum and from the need to employ qualified teachers, with 'free' schools comes the freedom to ignore the Equality Act 2010 and the safeguards Parliament intends that it should provide, especially to the most vulnerable in the schooling system."

Councillor Ralph Berry (Lab), Lead Member, Bradford Council, said:

"The evidence from ROTA's research shows that free schools are, for the most part, simply neglecting duties that exist to ensure public services can be held to account. If public bodies are not transparent and accountable on equalities, then we shall start to see a pick and mix culture where the needs of particular groups of children will be ignored, and the disadvantages they face will not be tackled."

ENDS

Notes to Editors:

1) The research report, ***Do free schools help to build a more equal society? An assessment of how free schools are complying with statutory requirements on equality***, was written by education consultant Bill Bolloten and staff at ROTA. The report is available on the ROTA website at: http://www.rota.org.uk/webfm_send/241.

2) The data and research findings on free schools and the PSED is also available on the ROTA website at: http://www.rota.org.uk/webfm_send/242.

3) For more information, or to request an interview, please contact our Senior Policy Officer, Barbara Nea. Email: Barbara@rota.org.uk Tel: 0207 697 4093.

Race on the Agenda (ROTA) is a London-based, BAME-led social policy organisation focused on issues affecting Black, Asian and Minority Ethnic (BAME) communities. All ROTA's work is based on the principle that those with direct experience of inequality should be central to solutions to address it. Our policy priorities of health, education and criminal justice are shaped by the lived experiences of BAME communities and their organisations.

Further information is available on our website www.rota.org.uk.