



Department
for Education

English Baccalaureate

Equality Analysis

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Introduction

1. The English Baccalaureate (EBacc) is a suite of core academic subjects that the large majority of young people should study to the age of 16. It was introduced in 2010 as a performance measure to encourage the study of English, mathematics, science, a modern or ancient foreign language, and either history or geography. The government undertook a consultation on the implementation of the EBacc commitment from 3 November 2015 to 29 January 2016 [here](#).

2. The consultation set out the proposals to support the ambition that the large majority of pupils take the EBacc. It asked two questions with specific regard to issues of equality:

- Question 9: Whether any of the proposals set out in the consultation have the potential to have an impact, positive or negative, on specific pupils, in particular those with 'relevant protected characteristics'.
- Question 10: How any adverse impact could be reduced to better advance equality of opportunity between persons who share a protected characteristic and those who do not share it.

3. The issues raised in response to these questions form part of the considerations discussed in this document. This document has been published alongside the government's response to the [consultation](#). The consultation attracted 2,755 responses. There were 1,235 responses to question 9 and 1,135 responses to question 10.

4. This document summarises responses to the public consultation on the implementation of the EBacc, and views expressed by stakeholders in face-to-face meetings.

5. This document assesses the equalities impact of implementing the government's commitment for the large majority of pupils at key stage 4 in state-funded schools to study, and take GCSEs in, the EBacc subjects as part of the overall curriculum and qualifications offer at their school. It considers whether, and how, implementation of the EBacc commitment may have an impact – positively or negatively – on pupils with 'relevant protected characteristics', and how any negative impact could be reduced. Section 149 of the Equality Act 2010 (the Public Sector Equality Duty) requires the Secretary of State, when exercising functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

6. The relevant protected characteristics are disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Age is not a relevant protected characteristic in relation to pupils in schools.

7. Children with special educational needs (SEN)¹ make up a significant proportion of the school population; 14% of pupils have an identified special educational need² and it is crucial that the EBacc policy helps to support their educational progression. Although special educational needs are not a protected characteristic, a number of pupils with SEN are disabled and some pupils with SEN require significant amounts of extra support. Recognising that there is substantial variation between types of SEN and that not all pupils with SEN will have the same needs, this document also considers the impact of the EBacc on pupils with SEN.

8. Disadvantaged pupils and pupils with English as an Additional Language (EAL) are not groups covered specifically by the Equality Act, but have been included in this analysis wherever possible.

9. We believe that schools can, and should, make appropriate provision to support the large majority of pupils to access the benefits of greater equality of opportunity that will come from entering the EBacc. These provisions may take a number of forms including additional teacher support, reasonable adjustments and other access arrangements in exams and effective use of pupil premium funding, for example. Lessons should be planned carefully to ensure that there are no barriers to every pupil achieving. In many cases, such planning will mean that these pupils will be able to study the EBacc as part of a rounded education.

10. We will continue to monitor the impact of increasing the entry rates to EBacc subjects on the outcomes for all pupils and, in particular, those with protected characteristics, SEN, disadvantaged and EAL pupils.

¹ A child or young person has SEN if they have a learning difficulty or disability, which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she: has a significantly greater difficulty in learning than the majority of others of the same age, or has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

² [Special educational needs: an analysis and summary of data sources \(September 2016\)](#)

Issues raised in response to the consultation and government response

11. Question 9 of the consultation asked whether respondents thought that any of the proposals had the potential to have an impact, positive or negative, on specific pupils, in particular those with relevant protected characteristics (disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation). We received 1,235 responses to this question, and this section summarises those.

12. Few responses identified impact on pupils with specific protected characteristics. Most suggested either that any negative impact would affect all pupils (36% of responses) or that there would be no impact on any one group (6% of responses).

Disability and Special Educational Needs

13. Disability was the most commonly mentioned protected characteristic, although responses generally referred to pupils with SEN rather than pupils with disabilities. The two groups partly overlap; pupils who have SEN may have a disability under the Equality Act 2010, and those disabled pupils who require special educational provision will be covered by the SEN definition.

Suitability

14. Some responses suggested that pupils with some forms of SEN may find EBacc subjects challenging and are likely to take fewer qualifications, which reduces their curriculum choice. Some suggested that many pupils with SEN would be better served by taking different qualifications, including technical courses. Some responses expressed concern that schools may be reluctant to admit pupils with SEN because these pupils are less likely to be able to cope with the EBacc.

15. Similarly, some responses expressed concern about the appropriateness of the EBacc for some pupils, particularly for pupils with SEN but without a statement of SEN or an Education, Health and Care (EHC) plan (i.e. those on SEN support). Respondents felt that the EBacc suite of subjects was, in some cases, beyond the ability of some pupils with severe and complex needs including some with disabilities, and that they would have problems accessing the curriculum. They suggested that some of these pupils should focus on mathematics and English as their key aim for education.

Support

16. Organisations representing pupils with SEN and their families said that schools do not always provide the necessary additional support needed by some pupils with SEN to ensure they reach their potential including, where appropriate, the opportunity to study the EBacc.

17. There are some high attaining pupils who have SEN, some of whom take the EBacc and others who may, because of their particular SEN, enter fewer subjects at key stage 4. Some responses said that studying languages may be particularly difficult for some pupils with SEN, and that they may need more time for literacy and numeracy or for support with their additional needs.

18. Some responses suggested that there may be a tension in school timetables to provide appropriate option blocks or pathways for pupils with different types of SEN. They said that these pupils may need additional support and a personalised curriculum which may not include all the EBacc pillars. Pupils with additional needs may need more time in the curriculum for support with these needs and may take fewer subjects at key stage 4 as a result.

Government response

19. In 2016, EBacc entry levels for pupils with identified SEN were low. Only 12% of all pupils with SEN were entered. For those with more complex or severe SEN that entitled them to a statement of SEN or EHC plan the entry rate was lower, only 4% entered the EBacc. The comparable figure for all pupils is 40%. Pupils with identified SEN also had achievement rates considerably below the national average. Only 5% of all pupils with SEN achieved the EBacc and even fewer of those with a statement or EHCP (2%). The table in annex B gives a full breakdown of entry by SEN type.

20. As the consultation response sets out, the EBacc is appropriate for the vast majority of pupils. However, for some pupils with SEN, their EHC plans will set out the curriculum that is appropriate for them, which may indicate that not all of the EBacc subjects would be deemed appropriate. For other pupils who have SEN but no EHC plans, schools have a duty to consider the most appropriate curriculum on a case-by-case basis. Schools will need to consider the factors outlined in the consultation response when making these decisions, such as whether the alternative options chosen are significantly more likely to support that individual pupil to progress and maintain broad options post-16. The replacement of the EBacc attainment threshold measure with an EBacc average point score that measures pupils' point scores across the five pillars, will encourage schools to support all pupils to achieve their potential in the EBacc subjects. By producing EBacc entry data compared to similar schools data, we are enabling those looking that the data to take into account school intake when considering EBacc entry levels.

21. As with all other pupils, those with SEN and disability benefit from good quality teaching, with high aspirations and expectations of their progress. To enter the EBacc subjects, many pupils with SEN will require teaching that is differentiated and personalised in order to meet their individual needs; the SEN and Disability Code of

Practice³ describes a process of Assess, Plan, Do and Review that supports teaching and learning of those with SEN. To support this, local authority formulae for funding schools take account of the distribution of children with SEN, particularly through a factor linked to low prior attainment. Local authorities will provide separate top-up funding from their high needs budget for those with the highest levels of SEN and disability.

22. If a pupil has an EHC plan, it will include a recommended school for them. The school named must give the pupil a place, even if they are not able to take the EBacc. For other pupils who have SEN, but no EHC plans, schools are required to follow their own admissions policies and cannot discriminate and not offer places to pupils on the basis of SEN.

British Sign Language

23. Some responses suggested that the British Sign Language (BSL) should be recognised in the language pillar for deaf pupils, who are otherwise able to study the remaining subjects in the other EBacc pillars, as this would be more suitable. They suggested that this could be achieved by awarding bodies developing appropriate specifications for BSL as a GCSE in languages.

Government response

24. There is currently no GCSE available in BSL and none of the awarding bodies regulated by Ofqual to deliver GCSEs has suggested developing one. If a GCSE were to exist, we could then consider whether it could be included in the languages pillar of the EBacc.

Implications for special schools

25. Organisations representing pupils with SEN and their families also expressed concern about challenges for special schools to deliver the government's EBacc goal, as these schools cater for pupils with complex SEN. These organisations tended to agree that EBacc performance for special schools should be published to recognise achievements of pupils in special schools. Some suggested that the data should not be published for schools with no pupils able to study the EBacc and that pupil destination should be added in the performance tables.

³ [SEND Code of Practice 0 to 25](#)

Government response

26. We have confirmed in the consultation response document that while special schools' EBacc data will be published in performance tables, we will not expect high rates of EBacc entry from these schools. Pupil destination data is already included in performance tables for special schools.

Other groups with protected characteristics

EBacc entry by gender and ethnicity

27. Data shows that there is variation in the entry and attainment of pupils by gender and ethnicity. Boys are less likely to take and achieve the EBacc subjects than girls. White pupils have lower entry rates than some other ethnic groups. In 2016, 38% of white pupils entered the EBacc, compared with 40% of all pupils, 47% of Asian pupils, and 63% of Chinese pupils.

28. Girls also outperformed boys. The gap between the percentage of girls and boys achieving the EBacc is 10 percentage points, with 30% of girls achieving the EBacc, compared with 20% of boys in 2016.

Government response

29. We believe that all pupils can benefit from studying a rigorous academic curriculum. Our EBacc policy is designed to ensure that all pupils, whatever their ethnicity or gender, benefit from studying the core academic subjects at GCSE. The EBacc average point score performance measure will mean that schools are encouraged to support all pupils to achieve their potential in the EBacc subjects. Good teaching will ensure that all pupils regardless of their gender and ethnicity can achieve their potential when studying the EBacc subjects, and as outlined in the government's response to the consultation, we are supporting schools to deliver this.

Pupils with English as an additional language (EAL)

30. Some responses suggested that pupils with English as an additional language (EAL) may find some aspects of the EBacc curriculum challenging because of their weaker English language skills.

Government response

31. As outlined in the consultation document, the Department for Education recognises that the EBacc will not be appropriate for a small minority of pupils. A decision not to enter a pupil for the EBacc should be taken on a case-by-case basis by each school and they should arrange for appropriate alternatives for them. We recognise that

new arrivals to the country may find it challenging to fully access the curriculum and may require additional support to develop English language skills.

32. Schools will want to be aware that key stage 4 data shows that pupils with EAL have EBacc entry and achievement rates that are slightly above average. In 2016, 45% of pupils whose first language was not English entered the EBacc with 28% of all EAL pupils achieving it. Again, as outlined in the government's response to the consultation, no single factor such as EAL should automatically exclude a pupil from entering the EBacc and our accountability measures will encourage schools to support all pupils

Faith

33. Some responses suggested that there may be a particular impact on pupils attending faith schools, in that these pupils may have reduced choice of qualifications because they might be required to take a religious studies qualification in addition to the EBacc, thus reducing the number of other subject choices at key stage 4.

Government response

34. All schools, including academies and free schools, are required to teach religious education at all key stages, including key stage 4. Some schools choose to ask pupils to study Religious Studies GCSE as a way to accredit and recognise what pupils have learnt in religious education. In addition, many schools with a religious character will, in support of their school's ethos, encourage pupils to study Religious Studies GCSE. Good quality religious education can help to develop pupils' knowledge of their own faith, as well as fostering greater mutual understanding and tolerance of other faiths and cultures.

Pregnancy and maternity

35. Some responses suggested specific challenges created by the EBacc for pregnant pupils or those with children, who might find it more difficult to access the full suite of EBacc subjects.

Government response

36. As outlined in the government's response to the consultation the decision not to enter a pupil for the EBacc will need to be considered on a case-by-case basis by each school, and they should support the pupil to take as many EBacc subjects as possible. Through the Care to Learn programme the government provides childcare support to eligible young parents in England who are under the age of 20 so that they can undertake education or training.

Other groups identified

37. Another group commonly identified in response to our question about issues affecting particular groups of pupils was pupils with low prior attainment. Some responses said that they, and in particular disadvantaged pupils, may not benefit – or may achieve lower grades – as a result of studying EBacc subjects. Attainment is not a protected characteristic, but responses highlighted the higher likelihood of particular ethnic groups to be low achievers. Pupils from groups including Gypsy Roma, Irish Traveller and black Caribbean backgrounds are currently less likely to achieve key attainment benchmarks at key stages 2 and 4 - in particular boys within these groups. There was concern that the result of this might be to widen the achievement gap and as a consequence, affect pupils' future progression to further and higher education.

38. Some respondents suggested that EBacc would lead to a reduction of arts provision in key stage 4. In such a scenario, these respondents were concerned that low income families would be less likely to support their children to take part in extracurricular creative activities to compensate for a reduction in key stage 4 arts subjects.

Government response

39. In 2016, pupils with low prior attainment⁴ were much less likely to be entered for and achieve the EBacc; 8% of pupils with low prior attainment were entered for the EBacc, and 1% (of all pupils with low prior attainment) achieved it. The proportion for medium attainers was 35% entering and 15% achieved; and for high attainers 67% entering and 55% achieved. We believe that no single factor should automatically exclude a pupil from entering the EBacc. In particular, pupil ability should not, on its own, determine whether a pupil should enter the EBacc. Pupils of all abilities can benefit from studying the range of subjects the EBacc offers; they provide an academic foundation for young people, and help to keep their options open to a range of careers and schools will be encouraged to do so by performance measures, particularly the move to an average point score for EBacc attainment.

40. Performance from pupils entitled to free school meals remains low with only 23% taking the EBacc and 10% achieving it in 2016. Similarly, only 25% of disadvantaged pupils were entered for the EBacc in 2016, with 12% achieving it. The EBacc policy aims to tackle this problem by ensuring that the vast majority of pupils, including those from disadvantaged backgrounds, take the EBacc subjects. High quality teaching, and therefore ensuring the supply of high quality teachers, will be key to ensuring that pupils can successfully achieve their potential when studying the EBacc subjects. Also

⁴ Prior attainment is defined as in the KS4 statistical first release. High prior attainment is above the expected level at KS2 (level 4), middle attainment at the expected level at KS2, and low prior attainment is below this level.

additional teacher support, reasonable adjustments and effective use of pupil premium funding should support pupils to be able to study the EBacc as part of a rounded education.

41. Some schools serving disadvantaged communities have shown that background is not a barrier to achieving the EBacc by entering high proportions of disadvantaged pupils for the EBacc – with significant proportions achieving it. For example, at King Solomon Academy in Paddington, London, 74% of pupils who took their GCSEs in 2015 were disadvantaged pupils, 80% of pupils at this school entered the EBacc, with 76% achieving it.

42. Responses also raised concerns that disadvantaged pupils would have reduced access to arts subjects. As outlined in the consultation response the EBacc has been designed to be limited in size in order to allow students to continue to study additional subjects that reflect their individual interests and strengths. Between 2012 and 2016, we invested over £460 million in a diverse portfolio of music and arts education programmes. These programmes are designed to improve access to the arts for all children, regardless of their background, and to develop talent across the country.

Suggestions from consultation responses on how to mitigate any impact on pupils with protected characteristics

43. Question 10 of the consultation also asked how any adverse impacts, that respondents had identified, could be reduced to advance better equality of opportunity between persons who share a protected characteristic and those who do not. We received 1,135 responses to this question.

44. Few responses identified strategies to promote equality between particular groups with protected characteristics. Most suggested broader changes or strategies that they believed would improve equality between all groups. These suggestions included that the EBacc should not become the default option for any child, and changing the definition of the EBacc.

45. Some respondents said that there will need to be improved teaching quality and robust monitoring of pupil progress to ensure that pupils who would previously not have taken EBacc subjects are able to achieve them. Some respondents said that language teachers may not be well equipped to teach language GCSEs to more pupils with SEN.

46. Stakeholders suggested that school leaders should be sensitive to the needs of pupils with SEN, particularly those in transition from key stage 2 to secondary schools and from key stage 3 to key stage 4. They stressed that careful consideration should be given in designing appropriate curriculum models and pathways for pupils with SEN given that the EBacc may not be appropriate for many of these pupils and their future education or career.

Government response

47. The consultation response set out how studying the EBacc subjects will ensure that children are not locked out of the opportunities their contemporaries take for granted. It also responds to the question of amending which subjects are included in the EBacc. We have outlined above the importance of good quality teaching to ensure that all pupils can achieve their potential when studying the EBacc subjects, and further information on teacher recruitment is outlined in the consultation response. The section on SEN above covers the duty on schools to consider the most appropriate curriculum on a case-by-case basis, and the need for a differentiated and personalised teaching approach for pupils that need it, including pupils with SEN.

Annex A: EBacc entry and achievement by pupils' ethnicity, 2015/16

Ethnicity	% EBacc Entry	% EBacc achievement
White	38.2	23.7
white British	37.8	23.4
Irish	49.8	34.7
traveller of Irish heritage	12.3	3.3
Gypsy / Roma	5.1	1.4
any other white background	45.4	28.3
Mixed	42.3	26.7
white and black Caribbean	32.9	17.7
white and black African	42.1	25.8
white and Asian	49.8	35.1
any other mixed background	46.0	29.9
Asian	47.1	31.3
Indian	55.9	41.3
Pakistani	38.9	22.4
Bangladeshi	46.2	29.2
any other Asian background	53.4	38.3
Black	43.0	23.0
black Caribbean	36.1	15.9
black African	46.6	26.4
any other black background	39.5	20.3
Chinese	62.7	52.0
any other ethnic group	48.7	30.8
unclassified ^{1,9}	34.0	20.7
All pupils	39.7	24.7

Source: [SFR03 2017 National Characteristic tables](#)

Annex B: EBacc entry and achievement by pupils' SEN type, 2015/16

SEN type	EBacc Entry (%)	EBacc Achievement (%)
No identified SEN	44.5	28.1
All SEN pupils	11.9	4.9
SEN Support	14.6	5.9
<i>SEN without a statement</i>	.	.
<i>school action</i>	.	.
<i>school action +</i>	.	.
SEN with a statement or EHC plan	4.0	1.8
All pupils ^{2,15}	39.7	24.7
specific learning difficulty	13.3	5.2
moderate learning difficulty	6.7	1.4
severe learning difficulty	0.2	x
profound & multiple learning difficulty	0.6	x
behaviour, emotional & social difficulties	.	.
social, emotional and mental health (SEMH)	12.0	5.0
speech, language and communications needs	10.1	3.6
hearing impairment	24.6	14.6
visual impairment	28.1	16.1
multi-sensory impairment	14.0	8.4
physical disability	20.4	11.2
autistic spectrum disorder	14.2	7.1
other difficulty/disability	18.3	8.1
SEN support but no specialist assessment of type	15.8	4.8
All SEN primary need pupils	11.9	4.9

Source: [SFR03 2017 National Characteristic tables](#)

. = Not applicable.

x = Figures not shown in order to protect confidentiality.



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