

# Meeting the Equality Duty

Making it work for your school

# Equality Duty- the context

<https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

[https://www.equalityhumanrights.com/sites/default/files/psed\\_guide\\_for\\_schools\\_in\\_england.pdf](https://www.equalityhumanrights.com/sites/default/files/psed_guide_for_schools_in_england.pdf)

**“In the most effective schools, the headteacher and governors establish a clear vision, rooted in an unwavering commitment to ensure the success of every pupil. Equality of opportunity is at the heart of this vision, with an insistence that all pupils will do well.” November 2012, Sir Michael Wilshaw**

## By the end of the session you will:

- Understand what your school needs to do to fulfil the Equality Duty
- Understand what effective practice looks like and have clear actions on how you are going to improve your delivery of the Duty, with key resources to help
- Have reviewed your own Equality Statement and Objectives

# Actions from this training

What will we **stop** doing?

What will we do that's **new**?

What actions are needed:

Immediately?

Next term?

The following term?

# What schools have to do: the general duty

General duty: the over arching legal requirement is that schools must consider how their policies and practices, day to day, impact on pupils and staff. Schools must give 'due regard' to:

- **Eliminating unlawful discrimination, harassment and victimisation and any other unlawful conduct in the Equality Act 2010.**

This means everything a school does must be fair, non-discriminatory and not put individuals or groups of people at a disadvantage. A school must not discriminate, harass or victimise a pupil or potential pupil in relation to: admissions; the way it provides education for pupils; how it provides pupils access to any benefit, facility or service; excluding a pupil or subjecting them to any other detriment. Unlawful behaviours include; direct and indirect discrimination; failing to make reasonable adjustments for disabled pupils or staff; discrimination arising from disability; harassment related to a protected characteristic, or victimisation of someone because they have made or helped with, a complaint about discrimination.

- **Advancing equality of opportunity**

This means: removing or minimising disadvantages suffered by people with protected characteristics\* due to having that characteristic. Schools must take steps to meet the needs of people with protected characteristics that are different from people who do not have that characteristic (including taking account of a disability). Schools must encourage protected groups to participate in public life and in any other activity where participation is disproportionately low.

- **Fostering good relations**

This means: Tackling prejudice and promoting understanding.

**The protected characteristics are:** Age, Disability, Pregnancy and maternity, Religion or belief, Race, Sex, Sexual orientation, Gender reassignment, Marriage and civil partnerships (the latter for the first aim of the duty).

**A school must not discriminate, harass or victimise a pupil or potential pupil in relation to:** admissions; the way it provides education for pupils; how it provides pupils access to any benefit, facility or service; excluding a pupil or subjecting them to any other detriment.

# What schools have to do: the specific duty on schools

There are two specific duties to help them meet their general duty. Schools must:

## 1. Publish Information ( a statement) on how they are complying with the Equality Duty.

This must include as a minimum;

- Information on the school population and its diversity and workforce (if employs 150 or more)
- Information on **how** the school is performing in relation to the 3 areas of the general duty (eliminating discrimination, advancing equality of opportunity, fostering good relations) and how the school involves those affected by inequality in their decision making, action planning and impact evaluation.
- Be updated annually

## 2. Develop and publish specific and measurable objectives. (minimum at least one, every 4 years.)

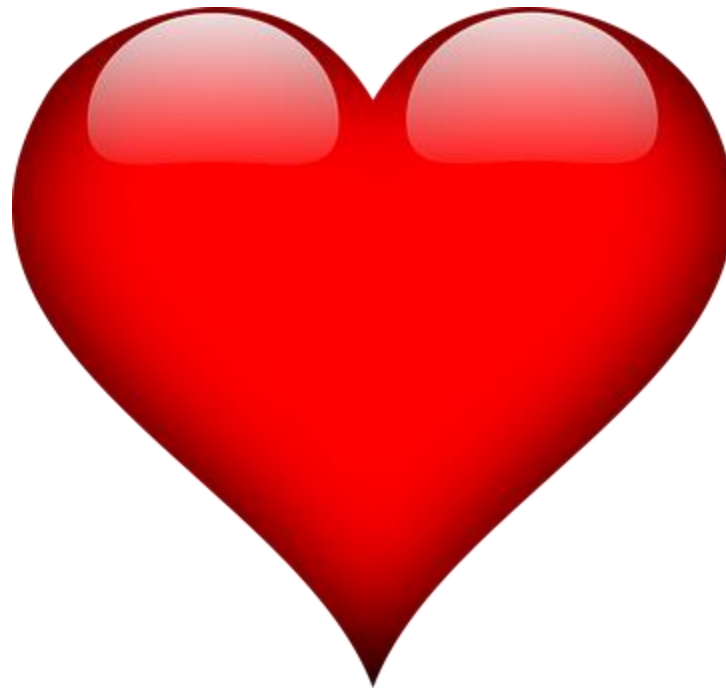
Objectives should be clearly focussed (eg on groups with protected characteristics, disadvantaged....), enable achievable and measurable improvements, be time related (an action plan not necessary , but..... SIP?)

Objectives should address a specific need in the school to achieve improvement and arise from school evaluation, a consultation.....ie it should be clear why this objective is in place and what is being done to address it

Best practice to review and publish progress against objectives .....

**What does it mean if something is**

**“at the heart of the school’s work”?**



## Fundamental British Values

- Democracy
- Rule of law
- Individual liberty
- Mutual respect and tolerance of those with different faiths and beliefs

Pupils develop and demonstrate **skills and attitudes** that will allow them to **participate fully in and contribute positively to life in modern Britain.**

**Q – British values? Or values for children and young, British people?**



## Ofsted, SMSC and the Equality Duty

With regards to SMSC: Outstanding schools; Pupils' spiritual, moral, social and cultural development and, within this, the promotion of fundamental British values, are at the heart of the school's work

### **The spiritual development of pupils is shown by their:**

- ability to be reflective about their own beliefs, religious or otherwise, that inform their perspective on life and their interest in and respect for different people's faiths, feelings and values

### **The moral development of pupils is shown by their:**

- interest in investigating and offering reasoned views about moral and ethical issues and ability to understand and appreciate the viewpoints of others on these issues.

# Ofsted, SMSC and the Equality Duty

## **The social development of pupils is shown by their:**

- use of a range of social skills in different contexts, for example working and socialising with other pupils, including those from different religious, ethnic and socio-economic backgrounds
- willingness to participate in a variety of communities and social settings, including by volunteering, cooperating well with others and being able to resolve conflicts effectively
- acceptance and engagement with the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs; they develop and demonstrate skills and attitudes that will allow them to participate fully in and contribute positively to life in modern Britain.

## **The cultural development of pupils is shown by their:**

- understanding and appreciation of the wide range of cultural influences that have shaped their own heritage and those of others
- understanding and appreciation of the range of different cultures within school and further afield as an essential element of their preparation for life in modern Britain
- interest in exploring, improving understanding of and showing respect for different faiths and cultural diversity and the extent to which they understand, accept, respect and celebrate diversity, as shown by their tolerance and attitudes towards different religious, ethnic and socio-economic groups in the local, national and global communities.

# Disability

- You may and, often, **must** treat a disabled person more favourably than a person who is not disabled
- You may have to make changes to your practice so that as far as reasonably possible a disabled person can benefit from what you offer to the same extent as that of a person without a disability. Schools must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only
- There is no defence for NOT making a reasonable adjustment. Where a school does something which places a disabled pupil at disadvantage it must take reasonable steps to avoid that disadvantage. Schools have a duty to not only consider reasonable adjustments for particular disabled pupils but also 'general' adjustments which may be needed for disabled pupils 'generally'.... i.e. a strategic wider view to planning....
- Schools have a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through EHCPs or from any other source(s)
- Schools must not discriminate against a disabled pupil because of something that is a consequence of their disability
- Schools **MUST** have and implement an Accessibility Plan, which aims to: increase the extent to which disabled pupils can participate in the curriculum; improve the physical environment so disabled pupils can take better advantage of education, benefits, facilities, services...; improve the availability of accessible information to disabled pupils

# Equality Duty: Roles and responsibilities

Aspect of the duty	Governors	Headteacher/ Senior Team	Teachers and support staff
Eliminating unlawful discrimination, harassment and victimisation			
Advancing equality of opportunity			
Fostering good relations			

# My school and The Equality Duty- reflection

## points

- Do leaders, staff and governors understand what the Duty is and why it is important?
- Do they understand how it relates to the school aims and ethos?
- Do they understand and how it is integrated in to what you school 'does'?
- Do they understand what direct/ indirect discrimination is? What harassment etc. is ?
- Do they know what the protected characteristics are and the special issues relating to these\*?
- Do they understand what this means for what they must do in their roles?

# Equality Duty: Evaluation

Aspect of the Duty	What do we do?	What's the evidence?	How are we doing? (RAG)	Notes/ actions/ comments
Eliminating unlawful discrimination, harassment and victimisation				
Advancing equality of opportunity				
Fostering good relations				

# Resources & Preventative T&L

- <https://schools.southwark.gov.uk/pshe-healthy-schools/diversity-equalities-2>
- The Equality Act 2010 and schools; departmental advice for school leaders, school staff , governing bodies and local authorities. DfE May 2014
- What equality law means for you as an education provider: schools. EHRC 2014
- Public Sector Equality Duty Guidance for Schools in . EHRC 2014
- Technical Guidance for Schools in England. EHRC 2014
- Promoting fundamental British values as part of SMSC in schools. DfE November 2014
- The Wroxham School Equality Policy – approved spring 2015
- The Key Guide to Writing Equality Objectives – 2017
- PSHE & Wellbeing Curriculum Framework and Resource Bank, incl. Relationships & Sex Education
- “Teaching about values” – Citizenship Foundation
- Website subscriptions:
  - PSHE Association & SEAL Community
- Islamophobia: <https://tellmamauk.org/about-us/> and <http://educateagainsthate.com/>
- Unicef’s Rights Respecting Schools
- P4C - SAPERE

# Equality Scenarios & Case Studies





# Equality Statement & Objectives - handout

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# Reflection and questions....

