

THE EQUALITY ACT 2010

A SINGLE EQUALITY DUTY

“What does this mean for schools?”

The Equality Act 2010 brings together for the first time all the legal requirements on equality. It applies to all schools and academies and covers all aspects of school life which are to do with how a school treats pupils and prospective pupils; their parents and carers; its employees and members of the community.

1. What is the Equality Duty?

The Equality Act introduces a single equality duty and this is known as the **public sector Equality Duty**, which came into force on 5 April 2011.

The Equality Duty covers the following protected characteristics:

- Disability
- Gender Reassignment
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour or nationality
- Religion or Belief – includes lack of belief
- Sex (referred to previously as gender and includes issues of transgender)
- Sexual Orientation

The protected characteristics of ‘Age’ and ‘Marriage and Civil Partnership’ apply to schools as employers, but not with regard to the treatment of pupils or prospective pupils.

The Equality Duty has three aims and requires schools to show how they are meeting these by giving **due regard** to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **Foster good relations** between people who share a protected characteristic and people who do not share it.

Having **due regard** means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by schools, specifically to:

- Remove or minimise disadvantages suffered by children and adults who share a relevant protected characteristic that is connected to that characteristic.
- Take steps to meet the needs of children and adults who share a relevant protected characteristic that is different from the needs of people who do not share it
- Encourage children and adults 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.

The Equality Duty is obligatory, which means that all three of its aims must be met. These responsibilities should be built into the work that schools already do.

The weight given to the Equality Duty should be in proportion to its relevance. However it is important to note that “proportionality” and “relevance” is not dependent on the size of the school population who experience disadvantages connected to a protected characteristic. Equality is important, even if there is no one from a protected characteristic in the school or local community. Education plays a vital role in influencing young people and developing positive attitudes to diversity.

The three aims of the Equality Duty will be relevant to all school functions including:

- progress, attainment and assessment
- behaviour, discipline and exclusions
- pupils’ personal development, welfare and well-being
- teaching and learning
- admissions and attendance
- curriculum
- staff recruitment and professional development
- partnerships with parents and community

What this means in practice is that schools need to:

- have a pro-active approach
- ‘mainstream’ equality by building it into existing policies and procedures
- meet all three aims of the Equality Duty

2. What are the specific duties?

The specific duties require schools to:

- Publish information to demonstrate compliance with the three aims of the Equality Duty within all their functions and to do this at least annually.
- Set and publish equality objectives, at least every four years.

To achieve the specific duties, schools will need to collect and analyse data related to the protected characteristics to determine their focus for the equality objectives.

It is up to each school to decide for itself what information it publishes to demonstrate its compliance with the Equality Duty. ***There is no prescribed format.*** The sensible starting point will be to simply look at what equality information it publishes already, and to consider whether that gives a reasonable picture of progress on equality issues affecting its pupils, parents/carers, community and staff to raise standards for all. ***It is essential to maintain and ensure the focus is on performance, not process.***

Schools must ensure that the information they publish and the equality objectives they set are easily accessible for people. In addition to publishing them electronically on their website, schools should consider making them available in other formats. They should also consider whether the information is provided in a way which makes it easy for everyone to understand and use.

Schools are required to have published this information by **6 April 2012**. After this date, the information must be published at least annually.

School governing bodies are ultimately responsible for ensuring that schools meet the duty and should work closely with the whole school community to:

- Evaluate how well the school is already achieving the three aims of the general duty across all of the protected characteristics listed earlier.
- Identify where there are gaps and prioritise these for actions identifying at least 3 measurable 'equality objectives' to focus on over the next 3 years,

- Develop, implement and review policies, including the 'Single Equality Policy'.

The Single Equality Policy details all protected characteristics, and makes clear the school's responsibilities under the Act, its commitment and what it will do to achieve 'equality of opportunity' for the whole school community.

a) Single Equality Policy

An updated model policy can be found on the intranet at

<http://intranet.oxfordshire.gov.uk/links/intranet/schoolsequalityguidance>

It is important that policy is put into practice and therefore, it should be linked to achieving equality objectives. This should be part of the school's existing planning processes.

b) Agreeing Equality Objectives

The governing body's equality audit will indicate priorities for improving outcomes and narrowing gaps. These are likely to be turned into equality objectives.

A format for setting out objectives can be found at appendix 1.

c) The governing body must review progress in achieving equality objectives at least once a year

4. Specific Duties: Employment

See guidance form Strategic HR:

- [Equality in employment](#)
- [Annex 1a: How to use the Equal Opportunity Recruitment Monitoring Form](#)
- [Annex 1b: The Equal Opportunity Recruitment Monitoring Form](#)

5. Where can schools get help?

For further advice and support, please contact the following Oxfordshire Services:

Equality and Diversity Achievement Service

4th Floor, County Hall, New Road
Oxford OX1 1NW

Tel No: 01865-810545

Email: EDAS@oxfordshire.gov.uk

Governor Services

Unipart House, Garsington Road
Oxford OX4 2GQ

Tel: 01865 – 797320

Email governors@oxfordshire.gov.uk