

## Resource Sheet

*Acorn tree PCS resource sheets aim to give an overview of what the issue is, some useful ideas, strategies and resources, and some pointers towards next steps or further information.*

### **The Equality Act 2010**

#### **A brief guide for SENCOs**

The Equality Act 2010 replaced a number of previous anti-discrimination laws and introduced a new Public Sector Equality Duty on public institutions including schools.

Previously, schools had to have a number of anti-discriminatory policies and plans and there was often confusion about exactly what was required. The new duties are intended to be less onerous and more streamlined.

The Act protects more groups who are liable to discrimination and aims to ensure that barriers to equal opportunities are removed.

The law supports everything schools are doing to include pupils and celebrate equality and diversity.

Every school is working to promote inclusion and has already done much to eliminate discrimination, advance equality of opportunity and foster good relations between groups. We have perhaps not pulled that evidence together in one place in order to recognise our successes. This duty gives us the opportunity to do so.

The aim of this article is to help your school meet the legal duty, and assemble the evidence required by the specific duties to publish equality information and objectives. While you, as SENCO, will want and need to be involved in the

process, it is not a job that should (or can) be done by one person. If your school is not currently meeting the duty in any way you may well be the perfect person to start the equalities ball rolling!

## The Equality Act 2010

The Equality Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil in

- Admissions
- The provision of education and associated services
- The provision of any benefit, facility or service, and
- Exclusions or any other detriment

Schools are required to have due regard to the need to:

- Eliminate 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
- Foster good relations between people who share a protected characteristic and those who do not

Schools and other public bodies have a legal duty to show how they are meeting the three duties by:

- Publishing equality information annually
- Preparing and publishing equality objectives at least every four years

There is also still a requirement to publish an Access Plan which outlines how a school intends to improve access for disabled pupils to:

- The physical environment
- The curriculum, and
- Written information

The protected characteristics for the purpose of the Act are:

- Age (as an employer but not applicable to pupils)
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex

- Sexual orientation

## **A plan of action for your school**

### **1. Preparation stage**

If you have not done this piece of work before or you are looking to make a fresh start, then select a project group of interested people who will co-ordinate and advance the equalities agenda for your school. This group should include at least one Governor and be representative of your community.

### **2. Gather information**

Gather the equality information that you already hold and identify gaps. You need to gather equalities information for employees as well as pupils though unless your school employs more than 150 people you do not need to publish the information about staff.

### **3. Engagement**

Evidence how you engage currently with the protected groups and identify gaps

### **4. Compile evidence**

Using the evidence you have collected in 2 and 3 above, analyse your school's effectiveness in promoting each of the three general duties for each of the protected groups.

### **5. Publish information**

This is something that needs to be done every year.

### **6. Prepare and publish objectives**

Your objectives should be prepared and published at least every four years. Under previous legislation schools were required to produce equality schemes. That requirement no longer exists though schools may choose to continue producing such a scheme if it helps them to comply with the duty.

### **7. Remember your Access Plan!**

You might include your access plan as part of this piece of work. If it is separate it is likely that much information will overlap and should be cross referenced.

Some additional notes:

Audit the evidence that shows how your school already meets the general duties. The information can be both qualitative and quantitative.

You will already have information about attainment levels by different groups, exclusions data, attendance levels, access arrangements and take up of opportunities, rates of bullying etc. You are not required to collect any statistical data that you do not already collect routinely. Where there are gaps indicate

whether it is because the evidence is not available or not applicable. If the former, is this something that you need to address? It might become one of your objectives. And if the latter, why have you decided that it is not necessary to publish the information?

You may have recognised that attainment levels for boys are lower than that of the girls in a particular curriculum area or year group, that pupils with ASD are over-represented in exclusion figures or that incidents of homophobic bullying seem to be increasing. You might have evidence from parental feedback that families appreciate the efforts you are making to provide information in a variety of languages and formats. OFSTED reports may highlight the respect that pupils show for each other in your school, and you may have on-going and positive links with a local faith community.

Involve as many people as you can in gathering the evidence. Everyone will have a different perspective and may have noticed something pertinent that another group had not.

	How do we eliminate discrimination, harassment and victimisation for this group?	How do we advance equality of opportunity for this group?	How do we foster good relations between this group and others?
Age			
Disability			
Gender reassignment			
Pregnancy and maternity			
Race			
Religion or belief			
Sex			
Sexual orientation			

### 3. Engagement

It is important that schools consult and engage with people who will be affected by, and have an interest in their decisions on equality matters. This will include pupils and their families, staff, Governors and the local community.

Your school will already have developed successful ways of including pupils, families and the local community in other consultations so use whatever method

works for your setting. Some schools run successful focus groups, others use online feedback to specific questions, while paper questionnaires work for some settings.

Where the gathering of equalities information shows that hearing impaired pupils are not participating in after school clubs a school might decide to engage with those pupils and their families to find out why. While the school itself might have thought that the lack of a signer was the major factor, it may in fact be that the children attend a local deaf youth club on a particular evening and that simply changing the day of the after school club would enable their participation. Without engagement, inappropriate and ineffective adjustments might have been made.

People are happy to give their opinion if they believe it is valued and is reflected in action. Whatever engagement method you choose it is important that you report and act upon the findings.

Ensuring that equalities is a standing agenda item for School Council and Governor meetings helps show a school's commitment to meeting their legal duties.

#### **4. Compile the Evidence**

By combining what you have found out in your information gathering exercise and engagement activities you will be able to compile evidence for how you are meeting your legal duties.

You should decide what is and is not appropriate to publish, bearing in mind the need for confidentiality and discretion. The fact that the two pupils with a visual impairment in Year 3 are attaining less well than their peers in reading is important for you to know, but not appropriate to publish with any level of detail since the pupils could easily be identified. A comment that the reasonable adjustments made for disabled pupils in literacy are being reviewed and staff training opportunities investigated would be sufficient.

Information about staff equalities should be collected to highlight any potential issues, but unless the school employs over 150 staff, that information does not have to be published. It would be important for the Head teacher and Governors to know if a member of staff required reasonable adjustments because of a disability, but should staff information be published it must not be possible to identify the individual.

#### **5. Publish the information**

Guidance suggests that your school website is an appropriate place to publish equalities information. You should ensure that it is also available on request in

other appropriate formats – perhaps in the language spoken at home by families in your community.

Give enough detail to evidence how your setting is meeting the general duties not to discriminate, harass or victimise, to advance equality of opportunity and to foster good relations between groups, bearing in mind the need to preserve confidentiality of individuals.

This information must be updated and published annually.

## **6. Prepare and publish objectives**

Your objectives should be based on the evidence you have gathered and the engagement you have undertaken. They can last for up to four years though some are likely to be achieved and updated before that time.

The number of objectives you have will reflect the issues you have revealed and the size and available resources of your setting.

There is no prescribed number of objectives though it is important that they are achievable and measurable.

## **7. Remember your Access Plan**

There is still a duty to have an Access Plan outlining how your school will improve access for disabled pupils to the physical environment, the curriculum, and written information. Much of the data and information you have gathered for your equalities work will inform this plan. Your Access Plan can be a standalone document or may sit within another piece of work.

### **Additional support:**

The Department for Education has advice for schools on meeting their duties at:

<http://www.education.gov.uk/aboutdfe/advice/f00215460/equality-act-2010-departmental-advice>

The Equality and Human Rights Commission has produced a number of useful documents for schools including guidance on the Public Sector Equality Duty at:

[http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/public\\_sector\\_equality\\_duty\\_guidance\\_for\\_schools\\_in\\_england\\_final.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/public_sector_equality_duty_guidance_for_schools_in_england_final.pdf)

Technical guidance on making reasonable adjustments for disabled pupils is at:

[http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/reasonable\\_adjustments\\_for\\_disabled\\_pupils\\_guidance\\_pdf.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/reasonable_adjustments_for_disabled_pupils_guidance_pdf.pdf)

