

THE PUBLIC SECTOR EQUALITY DUTY

Section 149 of The Equality Act 2010 sets out The Public Sector Equality Duty by detailing a **General Duty** which is made up of three aims. The Equality Act 2010 (Specific Duties) Regulations 2011 set out **Specific Duties** which state actions that public authorities must take. Overall then, there are two core parts to the Public Sector Equality Duty that schools should be aware of:

1. **The General Duty** (imposed by section 149 of the Equality Act 2010) and;
2. **The Specific Duties** (*imposed by the Equality Act 2010 (Specific Duties) Regulations 2011*).

All schools are required to set themselves specific, measurable objectives and publish a wide range of information to demonstrate their compliance with the requirements of the above **by 6th April 2012***.

The Duty encompasses all 9 of the “protected characteristics” as set out within The Equality Act 2010. They are:-

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|--------------------------|-----------------------|---------------------------------|
| 1. Age | 2. Disability | 3. Gender Reassignment |
| 4. Pregnancy & Maternity | 5. Race | 6. Religion or Belief |
| 7. Sex | 8. Sexual Orientation | 9. Marriage & Civil Partnership |

* Public authorities required to publish information by 6th April 2012 are:-

- The governing body of an educational establishment maintained by an English local authority (within the meaning of section 162 of the Education and Inspections Act 2006)
- A local authority with respect to the pupil referral units it establishes and maintains by virtue of section 19 of the Education Act 1996
- The proprietor of a City Technology College, City College for Technology or the Arts, or an Academy.

The General Duty

The **General Equality Duty** is made up of three aims which state that a school must, in the exercise of its functions, have due regard to the need to:-

1. **Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;**
2. **Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;** this means:-
 - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - encouraging persons 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.
3. **Foster good relations between persons who share a protected characteristic and persons who do not share it;** this means:-
 - tackling prejudice.
 - promoting understanding.

The Specific Duties

The **Specific Duties** state that a school must carry out actions as follows:

1. Publish information to demonstrate its compliance with the General Equality Duty (not later than **6th April 2012**); and subsequently publish this information at intervals of not greater than one year. The information a school publishes must include, in particular, information relating to persons who share a relevant protected characteristic who are its employees and other persons affected by its policies and practices (i.e. pupils).
2. Prepare and publish one or more specific and measurable objectives the school thinks it should achieve to meet the General Equality Duty. The school must publish these objectives by **6th April 2012**; and subsequently publish these objectives at intervals of not greater than four years.
3. Publish the above information in such a manner that it is accessible to the public; the school may do this by publishing the information within another published document.

Taking account of the implications of the legislation (and case law, codes of practice and guidance), the Equality Duty requires schools to take the following key actions:

Key Activity to be Delivered	Key Components of the Activity
<p>Schools should develop their equality objectives ensuring they are specific, measurable and outcome-focussed. These are the developments/improvements that the school aims to achieve and the steps they intend to take to achieve them.</p>	<p>Schools will need to:</p> <ul style="list-style-type: none"> • Take a view on which of their functions are most relevant to the Equality Duty. • Identify areas where the most impact can be made on equality. • Gather evidence with regard to equality. • Consult and involve representatives from protected groups in identifying priorities. <p>As a result of this schools will have:</p> <ul style="list-style-type: none"> – Developed equality objectives; – Clear information concerning the steps they intend to take to achieve the objectives (i.e. the actions that will be taken to achieve the objectives); – Made reference to the requirements of the Equality Duty and existing local, regional and national priorities. <p><i>Notes:-</i></p> <ol style="list-style-type: none"> 1. <i>Many objectives are likely to be about the closing and narrowing of gaps in attainment and take-up and fostering good relations.</i> 2. <i>The legal requirement is to publish at least one objective, however, for the majority of schools it is unlikely that a single objective would evidence that the school is taking the Duty seriously and has due regard for equality.</i>
<p>Schools should engage with a full range of interested parties concerning their work to fulfill the Equality Duty when setting equality objectives, developing action plans and reviewing progress. This is to ensure that objectives and actions are focused, relevant and successful in achieving the maximum impact and benefit for all.</p>	<p>School will need to:</p> <ul style="list-style-type: none"> • Take reasonable steps to consult and involve employees, pupils and others who have an interest in how they carry out their functions (or where appropriate their representatives). <ul style="list-style-type: none"> – As the Equality Duty is implemented in future years, the objective-setting process will also include a review of previous objectives and progress against them. – Schools should take a proportionate and common-sense approach on whom they consult and on what. This may include working collaboratively in consultation arrangements.

Key Activity to be Delivered	Key Components of the Activity
<p>Schools should assess and analyse their policies and practices to ensure all that they further the aims of the General Duty.</p>	<p>Schools will need to:</p> <ul style="list-style-type: none"> • Take into account evidence of the impact on equality when proposing or consulting on a policy or initiative. • Ensure that evidence of the likely impact on equality affects the way in which policies and services are designed, delivered and reviewed. <p>– This means conducting effective, proportionate Equality Impact Assessment and Analysis (EqIAA).</p>
<p>Schools should monitor the composition of their workforce on an annual basis. The results of this monitoring should be analysed and interpreted so that it can be used to identify actions that can be taken to advance equality and good relations.</p>	<p>Schools must publish:-</p> <p>Information on the effect that policies and practices have had on employees from the protected groups:</p> <ul style="list-style-type: none"> • Analysis of employment policies and practices that has been undertaken, setting out how they further the aims of the duty. • Any information used in that analysis. • Details of any engagement with interested parties on workforce equality when the analysis was undertaken. • Consider the appropriateness of publishing: <ul style="list-style-type: none"> - the race, disability, gender, age breakdown and distribution of your workforce. - indication of likely representation on sexual orientation and religion or belief provided that no individuals can be identified as a result. - an indication of any issues for transsexual staff, based on our engagement with transsexual staff or voluntary groups. - pay gap information for gender and other protected groups. - success rates of job applicants. - take-up of training opportunities. - applications for promotion and success rates. - applications for flexible working and success rates. - return-to-work rates after maternity leave. - grievance and dismissal. - other reasons for termination like redundancy and retirement. - length of service/time on pay grade. <p><i>Note:-</i> <i>The publication of this information applies only where a school has 150 employees or more. Where a school has fewer than 150 employees, they do not have a duty to publish this information; however it will still be useful to have this information to feed into objective setting decisions.</i></p>

Key Activity to be Delivered	Key Components of the Activity
<p>Schools should monitor the composition of pupils and their experiences of the schools' services on an annual basis. The results of this monitoring should be analysed and interpreted so that it can be used to identify actions that can be taken to advance equality and good relations.</p>	<p>Schools must publish:-</p> <ul style="list-style-type: none"> • Analysis of policies and practices that has been undertaken, setting out how they further the aims of the Duty. • Any information used in that analysis. • Details of any engagement with interested parties on equality when the analysis was undertaken. • Performance information relating to functions, especially around outcomes: <ul style="list-style-type: none"> - achievement rates - access to services. - satisfaction with services. - complaints with an indication of reasons for complaints. (all broken down by protected group). <p>Outcomes of analysis should feed into equality objectives and actions in order to ensure implementation of improvement/development activity.</p>
<p>Schools should publish information concerning their equalities work and progress annually; either as an individual document or as part of another report.</p>	<p>Schools will need to:</p> <ul style="list-style-type: none"> • Make public their equality objectives and the actions that will be taken to achieve the objectives. • Publish an annual report on progress made against the equality objectives set. • Fully review the equality objectives at least every four years to enable them to be updated to reflect progress and changing circumstances. This will include consulting and involving people in conducting this review. • Publish workforce data (where 150 staff members or more are employed) and the composition of pupils and their experiences of the schools' services. • Publish the Equality Impact Assessment and Analysis progress made. <p><i>Note:</i> <i>It is up to each school to decide how and where to publish information. For many schools this means the school website, a brief summary on notice-boards, newsletters and within staff information</i></p>

There is no longer a requirement to develop or publish an **equality scheme**, but schools can choose to present their objectives within a similar document if they feel they have found it to be a useful approach for organising equality information and for communicating plans to stakeholders; provided they meet all the other publication requirements.

Equality Publications - Contents

Overall, there are two key documents that should be published in order to meet with the Specific Duties. These are:

1. Equality Performance Report

(to meet Specific Duties 1 and 3 as set out on page 2 of this document)

Contents would include:-

The approaches taken to managing equalities in school - what structures are in place that ensure equality and community cohesion remain 'on the agenda' and are proactively addressed on an on-going basis?

e.g. Governors, Committees, SLT, staff responsibilities etc.

Pupil data - analysed by age, race, sex, disability

- Achievement rates
- Access to services
- Satisfaction with services
- Complaints

Bullying/harassment

Any analysis of bullying/harassment incidents with an indication of any issues around age, race, sex, disability (this information may be merged into the "complaints" section above).

Any relevant further work

This would provide information concerning any work/activity/projects that have contributed to equality and community cohesion.

Employment

This would cover monitoring information on the composition of the workforce and employment issues.

EqlAA Progress

A copy of any EqlAA schedule and what progress has been made with an – explanation of approaches taken.

Details of key issues emerging as a result of analysing all of the above.

2. Single Equality Plan

(to meet Specific Duties 2 and 3 as set out on page 2 of this document)

This document covers the schools objectives for equality and community cohesion.

Objectives should be identified as a result of:

- Analysing the implications of the above Report;
- Reviewing your own knowledge of issues to be addressed, AND;
- Consultation activity (which has been conducted in such a way that the feedback you receive clearly influences your objective-setting).

Further Guidance

A range of general guides to the Equality Duty are available from the Government Equalities Office and The Equality and Human Rights Commission (EHRC) - links to access these guides are provided below:

Government Equalities Office - Quick start guide to the Public Sector Equality Duty
<http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/equality-duty>

Government Equalities Office - Quick start guide to the Specific Duties
<http://www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/specific-duties>

The Equality and Human Rights Commission (EHRC) – An introduction to the Equality Duty
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/introduction-to-the-equality-duty/>

The Equality and Human Rights Commission (EHRC) – The Equality Duty and Schools
http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/research-and-policy-papers-on-the-duty/#The_equality_duties_and_schools_report

For The Equality Act 2010 (Specific Duties) Regulations 2011 visit:
<http://www.legislation.gov.uk/uksi/2011/2260/contents/made>

For The Public Sector Equality Duty (part 149 of The Equality Act 2010) visit:
<http://www.legislation.gov.uk/ukpga/2010/15/section/149>