

Governing Body Meeting
Spring Term 2013

Report by the Assistant Director for
Human Resources

**EQUALITY AND DIVERSITY POLICY TEMPLATE AND EQUALITY ACT
2010 (GENERAL AND SPECIFIC DUTIES) OVERVIEW**

1. INTRODUCTION

- 1.1 The equality and diversity policy template has been developed for reasons of best practice and to complement the requirement of the Equality Act 2010.
- 1.2 The template is designed to be flexible to suit the needs of different schools. It provides space for a school to insert their own policy statements and examples including, the opportunity to summarise how it is addressing the public sector equality duty of the Equality Act.

2. BACKGROUND

- 2.1 The Equality Act 2010 introduced a single public sector equality duty (PSED) and applies to all maintained and independent schools, including academies, maintained and non-maintained special schools. The Act replaces the previous duties to promote race, disability and gender equality extending the requirement to cover nine protected characteristics. There are certain exceptions, which apply to schools with a religious character and single sex schools.

The PSED is sometimes referred to as the 'general duty' and covers the following eight protected characteristics: age*, disability, gender reassignment (transgender / gender identity), pregnancy and maternity, race, religion or belief (including non belief), sex (gender) and sexual orientation.

The general duty came into force in April 2011 and has three main aims. In carrying out their functions, schools (and other public bodies) are required to have 'due regard' to the need to:-

- eliminate unlawful discrimination
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations across all characteristics, and between people who share a protected characteristic and people who do not share it.

*Protected characteristic 'age' is not a relevant characteristic in consideration of a school's duties only in its role as an employer, and not in relation to pupils. Protection against discrimination does however extend to pupils who are pregnant or have recently given birth and pupils for whom the gender reassignment characteristic is relevant.

- 2.2 Having 'due regard' means consciously thinking about the three aims of the PSED as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by schools (and other public bodies) – how they act; how they design, deliver and evaluate and review policy; how they design, deliver and evaluate their school activity and how they commission and procure from others.
- 2.3 The PSED also explicitly recognises the need to take account of disabled people's impairments (pupils, parents, employees, governors, visitors etc). This requires schools to make reasonable adjustments where appropriate.
- 2.4 The PSED is supported by the specific duties, which came into force in September 2011. The specific duties required schools to publish by 6 April 2012:
- Information to demonstrate how they are complying with the PSED – this information must include, in particular, information relating to people who share a protected characteristic (to be updated annually)
 - Their equality objectives (reviewed at least once every four years)

It is for schools themselves to decide in what format they publish equality information / equality objectives but the setting up of a dedicated website page with information and links is the method most popularly adopted by schools and other public bodies. Note that the specific duties do not require schools to prepare or publish equality schemes. (Where schools do have existing equality scheme/s it will provide a useful starting point to evidencing the new PSED).

3. INFORMATION

- 3.1 Where the school already has an equality and diversity policy or equivalent document, the template need not be used. The governing body should however satisfy themselves that the areas in the template document and requirement of the general and specific duties are covered in information published.
- 3.2 An equality and diversity policy is one example of information that could be published on the school's website to show how the three aims of the PSED are being addressed. Examples of other information it is useful to publish (including relevant web links) include:-

Eliminating unlawful discrimination

- the school's anti-bullying policy;
- recruitment or pay policies;
- evidence of staff /governor update / training on the Equality Act and;
- information about how the school monitors equality issues e.g. diversity incidents

Advancing equality of opportunity:

- attainment data which shows how pupils with different protected characteristics are performing;
- information about the work done in response to analysis of data in order for example to support disabled children, help boys improve their written English or help girls improve in the sciences or boost the English language skills of children whose first language is not English.

Fostering good relations:

- examples where work / assemblies/ the curriculum have focused upon promoting diversity for example, sharing an understanding of different religions and cultures;
- initiatives that deal with tensions between different groups of pupils within the school itself e.g. the role of peer mentors

3.3

When completing Section 3 'Purpose and Scope of Policy' (in template format), to demonstrate how they are promoting equality and diversity examples a school might use are:-

- the work the school is doing around school buddies / mentors and the difference it is making.
- information about an event the school has hosted to bring together the school community (parents, pupils, governors and visitors from different backgrounds) that promotes diversity, learning and understanding.

3.4

Any organisations carrying out a public function on behalf of a public body / school e.g. contractors; also have a duty under the PSED. Section 4 (in template format) 'Roles and Responsibilities' provides a statement of what the school expects from different stakeholders including contractors. Where a contractor is carrying out a public function on behalf of the school it is not enough that they avoid discrimination but they must also positively promote equality where relevant. Promoting best practice, all stakeholders should be appropriately signposted to the school's diversity policy.

4. ISSUES FOR CONSIDERATION

- 4.1 The governing body is asked to note the content of this paper and promote the use of the equality and diversity policy template by schools where required.

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