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Equality and Diversity Information and objectives (Public Sector Equality Duty for Publication)

May 2021

Policy Statement Introduction

The Spires Federation has due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities.

The Spires Federation meets all the requirements of this legislation.

Cross reference: The Spires Federation Equality Policy May 2021

Legal Framework

The Equality Act 2010

The Equality Act 2010 (Specific Duties) Regulations 2017

Under specific duties, proprietors of academies are required to draw up and publish equality objectives every four years and annually publish information demonstrating how they are meeting the aims of the general public sector equality duty.

The Public Sector Equality Duty came into force across Great Britain on 5 April 2011. It means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.

Policy guidance

What is the Equality Act 2010?

The Equality Act 2010 replaced nine major Acts of Parliament, as well as almost a hundred sets of regulations, dealing with equality and discrimination. The Act provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. The new law should make it easier for school leaders and governors to understand their legal responsibilities and tackle inequalities in education. In England and Wales, the Act applies to all maintained and independent schools, as well as academies and free schools.

It covers all aspects of school life to do with how a school treats pupils and prospective pupils, parents and carers, employees, and members of the community. Everything a school does must be fair, non-discriminatory and not put individuals or groups of people at a disadvantage. In particular, 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 actions and behaviours are unlawful?

The Act defines a number of types of unlawful behaviour, including:

- Direct discrimination
- Indirect discrimination
- Failing to make reasonable adjustments for disabled pupils or staff
- Discrimination arising from disability
- Harassment related to a protected characteristic
- Victimisation of someone because they have made, or helped with, a complaint about discrimination

Protected characteristics

The Act uses the term “protected characteristics” to refer to aspects of a person’s identity. Treating a person less favourably because they have one or more of these characteristics would be unlawful. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The protected characteristics of age and marriage and civil partnership apply to schools & academies as employers, but not in relation to their provision for pupils.

Public Sector Equality Duty

Since April 2011, schools and academies have also been bound by a part of the Equality Act 2010 called the Public Sector Equality Duty (also known as the PSED, or simply the “Equality Duty”).

The Equality Duty replaces the previous three sets of duties on schools and academies to promote disability, gender and race equality through having equality policies and action plans for these groups. Some schools and academies chose to meet these previous duties by combining the three policies into a “single” equality policy.

There is now no requirement for schools and academies to have equality policies, schemes and/or action plans. This has been made clear in the updated list of statutory policies for schools and academies from the Department for Education (DfE). The new Equality Duty has two parts: the “general” duty and “specific” duties.

The general duty is the overarching legal requirement for schools and academies and means they must consider how their policies, practices and day-to-day activities impact on pupils and staff. Schools/academies are required to have “due regard” to the need to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity.
- Foster good relations.

The two specific duties for schools/academies aim to assist them to meet the general duty. Schools and academies should have complied with these two duties from April 6, 2012. They are:

- To publish information to show how they are complying with the Equality Duty. This must be updated at least annually.
- To prepare and publish one or more specific and measurable equality objectives at least every four years.

What is meant by ‘due regard’?

Having due regard means that schools and academies must consciously think about the three aims of the Equality Duty as part of decision-making, developing and reviewing policies and how they deliver services.

According to advice for school leaders and governors from the DfE: “The duty to have ‘due regard’ to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications.”

Publishing equality information

As a minimum, schools/academies should publish information on:

- The diversity of the school/academy population.
- How they are performing in relation to the three aims of the Equality Duty.
- The diversity of their workforce, although this only applies to schools

Measurable objectives

Schools/academies can set equality objectives to tackle any issues of discrimination, inequality and disadvantage.

Objectives might be linked to challenges the school or academy is already responding to in the school improvement plan, or can address issues and concerns identified through consultation with pupils, staff and parents.

Some of the challenges that equality objectives can address include:

- Narrowing gaps in attainment between groups of pupils, for example girls and boys
- Improving school attendance of pupils from particular groups
- Increasing the participation of particular groups in school activities
- Reducing prejudice-related bullying and the use of derogatory language

- Improving knowledge, skills and attitudes to enable pupils to appreciate and value difference and diversity – for example increasing understanding between pupils from different faith communities
- Improving the participation and engagement of different groups of parents and communities

Specific and measurable explained

It is a statutory requirement that equality objectives are “specific and measurable”. This is to make sure that objectives are not vague or flimsy statements, but reflect achievable and measurable improvements that the school/academy wishes to make.

Objectives should be clearly focused and demonstrate measurable outcomes. Including a time framework, that indicates when an objective will have been in part or wholly achieved, will also enable success to be measurable.

Equality objectives should be clearly relevant to the groups with protected characteristics named in the Equality Act, but may refer also to groups disadvantaged by social and economic factors.

Here are three examples of objective statements that aim to address equality priorities, but would not meet the requirement to be “specific and measurable”.

- To train staff on how to respond effectively to prejudice-related bullying
- To increase the percentage of boys in key stage 2 achieving Level 4-plus in mathematics
- To narrow the gap in attendance rates between Gypsy Roma Traveller children and other children in the school

Here are the same objective statements that have modified to make them “specific and measurable”

- By July 2020, 90 per cent of the staff will feel confident in responding effectively to prejudice-related bullying, as shown by the annual staff survey
- By the end of the 2019/20 school year, the percentage of boys in key stage 2 achieving ARE or above in mathematics will increase from 68 to 73 per cent, and to 80 per cent by the end of 2019/20
- The attendance rates of Gypsy Roma Traveller pupils will improve year-on-year to meet a target of 96.5 per cent attendance by the end of 2020/21

How many equality objectives?

There is no requirement for schools/academies to publish a set number of equality objectives. The approach should be proportionate, with larger schools and academies likely to have more objectives than smaller ones. However, given the wide range of equality issues in schools, it is likely that many will wish to publish more than one objective.

DfE advice for school leaders and governing bodies states that a school or academy “should set as many objectives as it believes are appropriate to its size and circumstances; the objectives should fit the school’s needs and be achievable”.

It is up to schools and academies themselves to decide on the format they will adopt for publishing equality information and objectives. For most, setting up an equalities page on their website will be the best approach.

Schools/academies may also find it useful to publish some information on the following alongside each objective:

- Why objectives have been chosen, including any relevant consultation and engagement
- A short description of what is going to be done to achieve each objective

What next?

Schools/academies should keep their equality objectives under review as they would with elements of any school improvement plan. Developing an action plan can help map activities that will be needed to achieve an objective. There is no requirement, however, to publish an explicit and separate action plan. It is also good practice to publish some information on the progress that is being made towards meeting the equality objectives the school/academy has set itself.

The role of school governing bodies

Governing bodies are the “responsible body” for ensuring that the school/academy meets the requirements of equality legislation. Essentially this means they should:

- Ensure the school/academy takes all reasonable steps to ensure that its employees do not carry out unlawful discriminatory actions or behaviour.
- Support and guide the school/academy to have “due regard” for equality in all its functions.
- Ensure the school/academy complies with the Equality Duty and meets the two “specific duties” for schools/academies.

Spires Federation Equality objectives 2021-2025

1. By July 2024, there will be a balance between boys and girls attainment in meeting the expected standard in mathematics by the end of KS1.
2. By July 2025, the most vulnerable 20% of pupils will meet the expected standard in the multiplication check by the end of Year 4.
3. To monitor and analyse boys’ achievement in Reading by the end of KS2
4. By September 2024, 90% of staff will feel confident to ensure high quality pupil understanding of difference, equality and diversity and anti-racism.