

# Equality Act Requirements

## 12 key messages

1

One act of parliament replaces several earlier acts on discrimination.

One overall duty - the Public Sector Equality Duty (PSED)

One requirement - Schools and other public bodies should have 'due regard' for equalities. The meaning of this phrase is explained below.

### The General Duty

Have due regard for equalities

Specific duties

A. Publish information which shows compliance with the general duty

B. Publish at least one equality objective

2

There are 2 kinds of duty

The General duty

The specific duties - there are two specific duties

3

There are three needs towards which schools and other public bodies must have due regard.

- A) Eliminate discrimination
- B) Advance equality of opportunity
- C) Foster good relations

4

Ofsted is bound by the PSED and with the explicit approval of government it will inspect four kinds of personal development amongst pupils: @spiritual, @moral, @social and @cultural in accordance with the PSED.

5

Good practice suggests objectives should be SMART:

Objectives should have five features @Specific, @Measurable, @Achievable, @Relevant and @Time-limited:

6

There are six principles established by case law underlying the concept of 'due regard' -

- ◇ Awareness - all staff should know and understand what the law requires
- ◇ Timeliness—the implications for equalities of new policies and practices should be considered *before* they are introduced.
- ◇ Rigour—there should be rigorous and open-minded analysis of statistical evidence and careful attention to the views of staff, pupils, parents and carers.
- ◇ Non-delegation—compliance with the PSED cannot be delegated
- ◇ Continuous—due regard for equalities should be taking place all the time
- ◇ Record keeping - keep bullying incident records, achievement analysis, including minutes of staff and governor meetings.

7

There are 7 letters in the word OPERATE. They can be used to help memorise important concepts.

- ◆ **Outcome-focused:** closing gaps in attainment and other outcomes at school, in the use of sanctions and punishments and in fostering and maintaining good relations.
- ◆ **Proportionality and permissiveness:** Schools are permitted to interpret legislation according to their own context and circumstances, not a one size fits all approach
- ◆ **Evidence based:** there should be sound evidence for decisions made
- ◆ **Reasonable and rigorous:** Not just box ticking but no more than good enough
- ◆ **Accountability:** schools must make themselves accountable for their progress on equalities to parents./carers and to local groups and organisations
- ◆ **Transparency:** Information must be published which enables schools to be held to account. This should be easy to find and easy to understand.
- ◆ **Engagement:** It is good practice to consult and involve people with legitimate interest.

While the OPERATE memorising device is not official, the seven points are derived from ministerial statements in the House of Commons.

8

The number 8 has played a part in the history of struggles to change the laws of the UK over many years. Milestones such as: 1928 saw women get the vote and in 1948 the Universal Declaration of Human Rights set the global context on anti-discrimination legislation.

How many more milestones can you think of that carry the number 8?

9

- The legislation sets out nine strands or aspects of human diversity known as the nine protected characteristics.
- age; • disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race; • religion or belief;
- sex; • sexual orientation.

Age and marriage or civil partnership are not applicable in the provision of services to children and young people. However they may apply to parents or carers. They apply to teachers.

10

There are ten protected characteristics if you add the important aspect of social class

11

In 2011 the duties under this act came into effect.

12

By April 2012, schools were required to publish information showing compliance with the public sector equality duty, plus at least one equality objective.