



# Equality Toolkit for Schools

[www.lancashire.gov.uk](http://www.lancashire.gov.uk)



## Equality Toolkit for schools

This toolkit is designed to support schools to meet their legal duties under the current equality legislation. It contains a straightforward explanation of what is required by law and some suggestions as to how schools can put this into practice. The duties for schools under the legislation should not represent an extra burden for schools; instead, they can serve to support and enhance good practice. Additionally it will help schools prepare for Ofsted inspection.

*Inspectors will assess the extent to which the provider complies with the relevant legal duties as set out in the Equality Act 2010,<sup>10</sup> including, where relevant, the Public Sector Equality Duty and the Human Rights Act 1998.*

*Education Inspection Framework (DfE, May 2019)*

<a href="#">Section A: Introduction to equality law .....</a>	<a href="#">3</a>
<a href="#">Section B: The Public Sector Equality Duty – what this means for schools ...</a>	<a href="#">4</a>
<a href="#">Section C: Whole school equality analysis. ....</a>	<a href="#">6</a>
<a href="#">Section D: Publishing Information. ....</a>	<a href="#">10</a>
<a href="#">Section E: Publishing Objectives. ....</a>	<a href="#">12</a>
<a href="#">Section F: Equality check for new policy or practice.....</a>	<a href="#">14</a>

Published in April 2013 for use in Lancashire schools.

Revised December 2020

This document has been drawn up by a team of advisory teachers within the School Improvement Service. We welcome feedback about the document. Please send any comments to [ema.support@lancashire.gov.uk](mailto:ema.support@lancashire.gov.uk). Our team can offer training and advice on equality issues in schools. For more information please contact [ema.support@lancashire.gov.uk](mailto:ema.support@lancashire.gov.uk)

## Section A: Introduction to equality law

The legal framework which underpins equality in the UK has been developed in stages over the last 100 years and by the end of the last century there were laws in place to prevent race discrimination, sex discrimination and disability discrimination. In 2000 the Race Relations (Amendment) Act introduced for the first time a 'positive duty' which required public sector organisations, including schools, to develop policies and identify actions to improve their practice in relation to race equality. It was no longer enough to simply avoid discrimination; schools were now required to show how they are taking action to improve equality. This 'positive duty' was subsequently extended to other equality strands. In recent legislation it has become known as the **Public Sector Equality Duty** (sometimes abbreviated to PSED).

The Equality Act 2010 brought together and replaced all the previous equality legislation (e.g. Race Relations Act, Sex Discrimination Act and Disability Discrimination Act). Some anomalies and inconsistencies between the different strands of legislation were removed and some areas were clarified. The requirement to publish an Equality Policy was replaced with the requirement to publish equality information and objectives. As previously, schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief and sexual orientation. Protection was also extended to pupils who are pregnant or undergoing gender reassignment.

The Department for Education has put out comprehensive guidance for schools on the equality law. This spells out clearly what is and what is not lawful under the Act. It can be downloaded from: <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

The Equality and Human Rights Commission (EHRC) has produced a series of helpful guides for schools:

- **'Technical Guidance for Schools in England'** gives detailed information that sets out clearly what schools may and may not do under the act. Download from here: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-schools-england>
- **'Public Sector Equality Duty Guidance for Schools in England'** outlines the duties placed on schools and includes some very helpful examples of good practice and shows how addressing equality issues can support the general work of schools. This can be downloaded from: <https://www.equalityhumanrights.com/en/publication-download/public-sector-equality-duty-guidance-schools-england>
- The EHRC website also contains other helpful information about a whole range of equality issues. <http://www.equalityhumanrights.com>

## Section B: The Public Sector Equality Duty –what this means for schools

The Equality Act (2010) introduced the Public Sector Equality Duty (PSED) which imposes certain duties on public sector organisations (including schools). This Section outlines the details of these requirements. It explains what you are required to do to comply with the law and gives suggestions on how to meet these requirements in a way which will support the work of the school rather than making extra work.

The Public Sector Equality Duty (PSED) comprises a **general duty** and **specific duties**. These are outlined below.

### General Duty

The PSED General duty has three main elements (sometimes called the three 'arms'). In carrying out their functions, public bodies (including schools) are required to have 'due regard' to the need to:

1. Eliminate discrimination, harassment and other conduct that is prohibited by the Act,
2. Advance equality of opportunity between people who share a protected characteristic and people who do not share it,
3. Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

'Due regard' has been defined in case law and means that consideration of these three elements must be embedded in the work of the school and whenever a major decision is taken or a new policy is developed schools need to consider the implications for equality. These considerations must be based on a serious analysis of equality factors and should not be a tick box exercise. They need to be considered at the time and not as an afterthought.

### Specific duties

There are two specific duties that schools must comply with

1. to publish information to demonstrate how they are complying with the Public Sector Equality Duty, and
2. to prepare and publish equality objectives.

Schools need to update the published information at least annually and to publish objectives at least once every four years.

## **What does this mean in practice?**

In simple terms this means that, in everything they do, schools must:

- look for and stop any discrimination
- look for and stop any harassment or bullying
- look for and break down any barriers to participation
- find ways to overcome disadvantage experienced by certain groups
- look for and meet the specific needs of different groups
- foster good relations between different groups

By law schools need to consider all of these points in relation to the characteristics protected by the Equality Act 2010 namely: gender, ethnicity (including nationality or national origins), disability, sexual orientation, religion or belief, gender reassignment, pregnancy or maternity. They also need to consider age and marital or civil partnership status but not in relation to pupils. Many schools will want to ensure that they do this in relation to other priority groups and for all individuals in the school community.

Schools need to publish information which shows how they are doing this in relation to the protected characteristics and publish specific objectives which they have set themselves to advance equality within their school.

## **Publishing Information and Data Protection**

When publishing information about groups within school, schools need to consider whether this makes it possible to identify individuals.

"The Department for Education does not generally publish information which relates to fewer than 3 people (school staff or pupils) but it will be for schools to determine whether the data they wish to publish will be suitable or not. The full rules to which DfE adheres on the publication of data can be viewed online at Gov.uk."

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315587/Equality\\_Act\\_Advice\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf)

## Section C: Whole School Equality Analysis

To be undertaken annually

### **Step 1: Get a group together**

Bring together a group of people to work through the equality analysis process. Ideally the group should include a governor (governors have responsibility for ensuring that schools meet the PSED) and a range of members of the school community – e.g. teachers, welfare staff, admin staff, parents. If your group does not include pupils you need to consider how you will involve pupils in the process. Brief the group on the public sector equality duty and on the process that you will follow.

### **Step 2: Gather up your existing information**

Collect together the information you already hold that relates to equalities. This can include:

Data from the Analyse School Performance (ASP) or Lancashire School Information Profile e.g.

- Local community profile
- School population
- Pupil attainment
- Attendance
- Exclusions

Data from school sources e.g.

- Participation in extra-curricular activities
- Parental involvement
- Behaviour log
- Prejudice-based bullying log
- Pupil attitude questionnaires
- Health needs assessment questionnaires
- Parent surveys
- Staff profile
- Governor profile
- PTA profile

Relevant documents, e.g.

- School development plan
- Published equality objectives
- School council reports
- Copies of school policies

The first time you do this it may take some time to track down and organise all the different items but in future years this will be more straightforward as you can use the equality information published on your web-pages or elsewhere as a starting point.

### **Step 3 Organise your data**

You need to analyse your data according to all the ***protected characteristics*** that

are set out in the Equality Act. These are:

- Gender
- Ethnicity
- Disability
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity

(Age, and marital and civil partnership status are also protected characteristics but not in relation to pupils)

It is unlikely that your school will hold data on all of these characteristics. You are not required to collect any more data for this exercise. Instead, where there are gaps you need to consider whether you need more information. If so, you could find out more by consulting with relevant groups of parents or pupils, or you could consult external sources that could inform your priorities for action (e.g. [Stonewall School Report](#), [Race Disparity Audit](#)).

### **(Optional step) Identify extra groups in your school**

As well as considering the protected characteristics listed above, you could choose to include other groups that are a priority for your school. This is, of course, optional but you might find this helpful. Groups might include e.g.

- Socio-economic circumstances ( )
- EAL
- Looked after children
- Young carers
- Or other groups specific to your school

### **Step 4 Examine the data**

Go through the data you have collected and note down any apparent inequalities between different groups. Do this systematically considering each of the different protected characteristics in turn (including any that you have added).

Ask questions such as:

- How does boys' performance compare with that of girls?
- Is attendance at parents evening comparable for different ethnicities or different families (e.g. same sex parents)?
- Do disabled pupils participate in extra-curricular activities?
- Are certain groups of children over represented in exclusions?
- Who are the victims of bullying?
- Who are the perpetrators?
- Have there been any disability hate incidents?
- Is homophobia an issue in our school?
- What about other prejudices, e.g. Islamophobia?
- Do our policies reflect our public sector equality duties?

These are examples of the kinds of questions to ask and do not represent a complete list. As well as the obvious questions about pupil progress, attainment, attendance and participation, we recommend you ask questions that relate to all aspects of school life including:

- teaching methods
- pupil grouping

the learning environment  
the curriculum  
resources and materials  
extended learning opportunities (e.g. school trips)  
personal development and pastoral guidance  
staffing, staff development and recruitment  
school policies (e.g. behaviour and discipline, safeguarding, attendance, food, school travel)  
partnerships, including links with families/carers  
governance

As you ask these questions, make a note of any potential issues regarding equality and also any examples of measures that you are already taking to address inequality.

### **Step 5: Compile a list of possible actions**

Examine in turn each of the inequalities that you noted as you analysed your data (or external sources of data). Consider what these inequalities might indicate in terms of the three arms of the public sector equality duty. Ask yourself each of the following questions:

First Duty:

- Does this indicate discrimination, harassment or victimisation? If so, consider what steps you can take to eliminate this.

Second Duty:

- Does this indicate that certain groups of people are experiencing disadvantage? If so, consider what steps you can take to minimise this disadvantage.
- Does this indicate that some groups of pupils have specific needs? If so consider what steps you can take to meet these needs?
- Does this indicate that some groups of people are not fully participating in activities? If so consider what steps you can take to encourage their full participation.

Third Duty:

- Does this indicate any tension or lack of understanding between different groups? If so consider what steps you can take to improve relations and increase understanding between these groups.

When you are considering what steps to take remember that it is quite lawful for schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics. This is called **Positive Action**. It needs to be a proportionate way of achieving the relevant aim – for example providing special catch-up classes for traveller children or a project to engage specifically with alienated Asian boys.

If you are not sure of the answer to any of the questions note down what steps you could take to find out more.

When you have considered all the inequalities in turn then you will end up with a list of steps for action. Some may be quite straightforward and you can implement these



at once. Others will require careful consideration and planning before they can be implemented. You will need to draw up priorities for action.

### **Step 6 Identify priorities for action**

It is unlikely that you can make all the improvements you would like at once; therefore you need to identify some realistic priorities for action that will have the maximum effect on equality in your school. These priorities will become your **equality objectives**.

Equality objectives, by law, need to be **specific** and **measurable** so it is not enough to simply identify a general priority, you will need to consider what outcome you want to achieve and how you will measure your progress towards this.

### **Step 7 Publish equality information and objectives**

How to do this is set out in detail in the following Sections (Sections D and E).

### **Step 8: Review your progress**

The equality information you publish is required by law to be reviewed and updated annually and objectives need to be updated every four years. We recommend that you update your school information and report on progress towards your objectives at least once a year. Additionally whenever you are considering introducing a new policy or changing your practice you need to consider how this will impact on equality. You can use the **new policy equality check** in Section F for this.

## Section D: Publishing Information

### How to publish the information

Schools are required by law to publish equality information but the legislation does not stipulate in what form this should be published, this is up to the school. However, the information needs to be accessible to all members of the school community and the wider public. The DfE guidance suggests setting up a webpage to group all the equality information in one place. This would be simple to set up and could include links to other areas of the school website as well as some new information. We recommend this approach.

### What information do you need to publish?

Local-authority-maintained schools are covered by the public sector equality duty in the Equality Act 2010. This means you have to publish:

- details of how your school is complying with the [public sector equality duty](#) - you should update this every year
- your school's equality objectives - you should update this at least once every 4 years.

Other information to be published:

- evidence that the school is aware of the requirements of the Equality Act and determined to comply. This could include a range of school policies where discrimination and equality is addressed (for example the behaviour or anti-bullying policy) or evidence of staff training on equality.

You need to publish information which shows how you are meeting the general equality duty. The general duty is set out in full in Section B of this document. In brief, it means you need to show how you consider equality in all aspects of school work. It is up to schools to decide what information to publish and in what format. We suggest the following:

## Suggested format

### Statement of principle

We recommend you start with a clear statement of principle that reflects the school's commitment to advancing equality of opportunity, eliminating discrimination and harassment and fostering good relations. This could be linked to the school mission or values or aims where appropriate.

### Evidence of school practice that shows regard for equalities

There will be a range of evidence you can include in this Section. Pick from the list below or add your own:

- **School policies**  
Copies of (or links to) school policies which support equality measures. (*e.g., the behaviour policy, or anti-bullying policy, the sexual relations education policy, community cohesion policy or the recruitment or pay policies*)
- **Curriculum**  
Note of curriculum content which...
  - encourages pupils to challenge discrimination and stereotyping
  - promotes understanding of a range of religions and cultures
  - promotes friendship between different groups
- **Staff meetings**  
Notes of meetings where staff are reminded of their responsibilities under the Act or where relevant issues have been discussed
- **Governors' meetings**  
Notes of (or links to minutes of) governors' meetings where governors have been reminded of their responsibilities under the Equality Act, or where there is evidence of equality impact issues being considered when decisions are made (this could also be useful evidence that due regard is being had to this part of the duty).
- **Staff training**  
Notes of staff training on equality issues could be included.
- **Assemblies and special projects**  
Notes of assemblies and special projects which encourage pupils to develop good relations with different people, this could include school twinning arrangements or initiatives to deal with tensions between different groups of pupils within the school itself.
- **Community involvement**  
Notes of initiatives that encourage and support community involvement.
- **Equality checks**  
Notes of equality checks that have been undertaken as new policies or practices have been introduced and the resulting actions (see Section F).

### **Summary of the equality analysis**

You can summarise how you carried out your equality analysis and what you found out (see Section C). It is up to you to decide how much detail you provide. We suggest you include:

- a breakdown of the school community by equality strand (as far as your dataset allows)
- a summary of the issues you identified during your analysis
- a list of people who were involved or consulted
- an outline of the steps you are taking to address any issues or support needs.

### Staff data

If a school employs 150 staff or more, it is necessary to publish equality data for staff. In smaller schools this is not required.

**Note on confidentiality and anonymity:** It is important that you maintain confidentiality and ensure that it is not possible to identify individuals from the data published. That would mean, for example, in a small school it might be good to list the different religions of your pupils (if you record this) but it would not be appropriate, for example, to indicate that the only Jewish child was a Y3 boy with special needs who was eligible for free school meals as this might well allow people to identify the individual.

### Equality Objectives

Schools are required by law to publish these and they are discussed in the next Section

## Section E: Publishing Objectives

You are required by law to publish objectives which show how you plan to improve equality outcomes in your school. The process of whole school equality analysis set out in Section C will help you identify appropriate priorities for action and these become your equality objectives.

### How many?

The law does not state how many objectives you are required to publish. In theory one objective could be enough but most schools find many possible areas for action and they have the task of narrowing these down into a set of achievable objectives.

### How should they be phrased?

The law states that objectives need to be **specific** and **measurable** so it is important how your objectives are phrased.

As an example:

*Objective: to improve communication with parents*

This is too general and not measurable (it is also unclear how this would advance equality).

This objective could be rephrased as:

*Objective: to increase the number of Polish parents who participate in school activities by providing interpretation at parents' evenings and translations of letters home.*

This is now both specific and measurable.

Note that 'measurable' does not mean that it has to be numerical. You can measure your progress towards your objectives using qualitative information (i.e. text based)

as well. This means that staff surveys, parental questionnaires, minutes of meetings, complaint letters could all be sources of information to help gauge progress towards objectives as well as numerical data such as exam results, pupil progress, participation, attendance etc.

### **How much detail?**

It is important that equality objectives are included in the school development plan. As well as listing your equality objectives we recommend that you publish an extract of the school development plan which indicates who is responsible for ensuring the objectives are pursued, gives a time frame for their achievement, describes broadly what is going to be done to achieve each objective and mentions any financial implications and any requirements for staff training

### **When to review?**

You must update your objectives at least once every four years but we recommend that you review and report on progress annually.

## Section F: Equality check for new policy or practice

The Public Sector Equality Duty requires schools to consider the impact on equality whenever they introduce new policies or make changes to practice. (This is what is meant by 'having due regard'). This should be embedded in school practice and should be part of the decision making process, not an afterthought. It is not essential to keep a written record of this process but it is recommended as it will be useful evidence to show that you are meeting the general equality duty if ever you are challenged.

The following questions should be considered by the individuals who are responsible for introducing the new policy or practice and should be reported to the head teacher or the governing body as appropriate. This should also be copied to the equality lead in school.

Proposed new policy or practice:

Equality check completed by :

Date:

Q1 What is the aim of the new policy or practice?

Who will it benefit?

How?

What outcomes do you want to achieve?

Q2: Could the new policy/practice have an impact on members of groups with a protected characteristic? Consider each one in turn and tick the box if you think any of the considerations may be relevant to any of the groups. Add comments to explain why you have ticked the box.

Could the introduction of this new policy/practice...	Boys/ girls	ethnicity	disability	Sexual orientation	Religion or belief	Pregnancy/ maternity	gender reassignment	Age	(not a civil partnership status (only re	Other	Other	Comments
..discriminate against certain groups?												
..increase the chances of harassment for any groups?												
..disadvantage certain groups?												
.. help certain groups?												
..help certain groups to participate more fully?												
.. prevent certain groups from participating more fully?												
..highlight specific needs of certain groups?												
..have an effect on relations between different groups?												

Q 3: If you have ticked any of the boxes above consider...

A: What could you do to minimise the negative effects?
B: What could you do to maximise any positive effects?
C: Are there any groups / individuals it would be helpful to consult with or involve as you go forward?

Q4: In light of this equality check, do you recommend going ahead with this policy?  Yes  No  Yes but with amendments

Suggested amendments:
-----------------------

Published in April 2013 for use in Lancashire schools.

Revised December 2020

This document has been drawn up by a team of advisory teachers within the School Improvement Service. We welcome feedback about the document. Please send any comments to [ema.support@lancashire.gov.uk](mailto:ema.support@lancashire.gov.uk). Our team can offer training and advice on equality issues in schools. For more information please contact [ema.support@lancashire.gov.uk](mailto:ema.support@lancashire.gov.uk)



