

PUBLIC SECTOR EQUALITY DUTY WORKBOOK



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AIM OF THIS WORKBOOK

The aim of this workbook is to help you meet legal requirements and explain the practical implementation of the equality duty in schools.

The workbook takes you through a number of stages to enable:

- a review of existing equality information available;
- a review of how you currently engage with the protected groups;
- an analysis of your effectiveness in promoting each of the three aims of the general duty for each of the protected groups;
- consideration and a decision about what equality information to publish;
- consideration and a decision about what equality objectives to set; and
- the development of an action plan in relation to the equality objectives

Establishing a working group

Unless the gathering and analysis of such information is a well established process within the school, it may be advisable to establish a working group. The role of the group is to ensure compliance with the specific duties of the Act, and to keep under review where there may be gaps in the production of equality data and information.

A decision should be made by Governors about who should be part of the working group. The working group should include at least one governor as the responsibility for compliance rests with the governing body. Governing Bodies might want to have representation from whichever committee normally deals with staffing matters and the committee that deals with pupil/curriculum focused matters.

The working group however, could also include staff and pupil representation as well as representation from the wider community. Where possible, representation from individuals from protected groups should be sought.

Governing bodies may also choose to work with other local governing bodies, particularly where aspects of the community are similar (e.g. an Infant and Junior Governing Body may choose to work with their feeder secondary school).

LEGISLATIVE REQUIREMENTS OF THE PUBLIC SECTOR EQUALITY DUTY

On 5 April 2011, the Public Sector Equality Duty under section 149 of the Equality Act 2010 came into force replacing the previous race, gender and disability duties. This new duty extends to all aspects of a person's identity, known as 'protected characteristics' that are protected under the Equality Act 2010.

The Act provides for a **general duty** under section 149, which requires Governing Bodies to:

1. **Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010**, by removing or minimising disadvantages suffered by people due to their protected characteristic.
2. **Advance equality of opportunity between people who share a protected characteristic and people who do not**, by taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
3. **Foster good relations across all protected characteristics - between people who share a protected characteristic and people who do not**, by encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

In September 2011, the Equality Act 2010 (Specific Duties) Regulations 2011 came into force requiring all schools to comply with two specific duties, to demonstrate their compliance with section 149 of the Equality Act. The **specific duties** are:

1. **Annually publish equality information relating to people who share a particular characteristic and are affected by the school's policies and practices.** The legislation makes it clear that this does not apply to schools with less than 150 staff, so in many instances, you will be required only to publish pupil data. The purpose of this is to ensure that the public have as complete and clear a picture as possible of how their school has addressed the three aims of the general duty, what has been achieved as a result and what areas need to be targeted for development. The first date for publication of this information was 6 April 2012.
2. **Publish one or more objectives at least every 4 years to achieve one of the three aims of the general equality duty.** The purpose of this is to demonstrate that Governing Bodies have analysed their equality information, engaged as appropriate with relevant groups and set specific and measurable targets for improvement. **The first date for publication of these objectives was 6 April 2012. In practice this means that equality objectives need to be published again by April 2016 to meet the four yearly requirement.**

The legislation stipulates that the information is published in a manner which is accessible to the public, such as on the school's website, and this can be either published as stand alone document or as part of another document.

PROTECTED CHARACTERISTICS

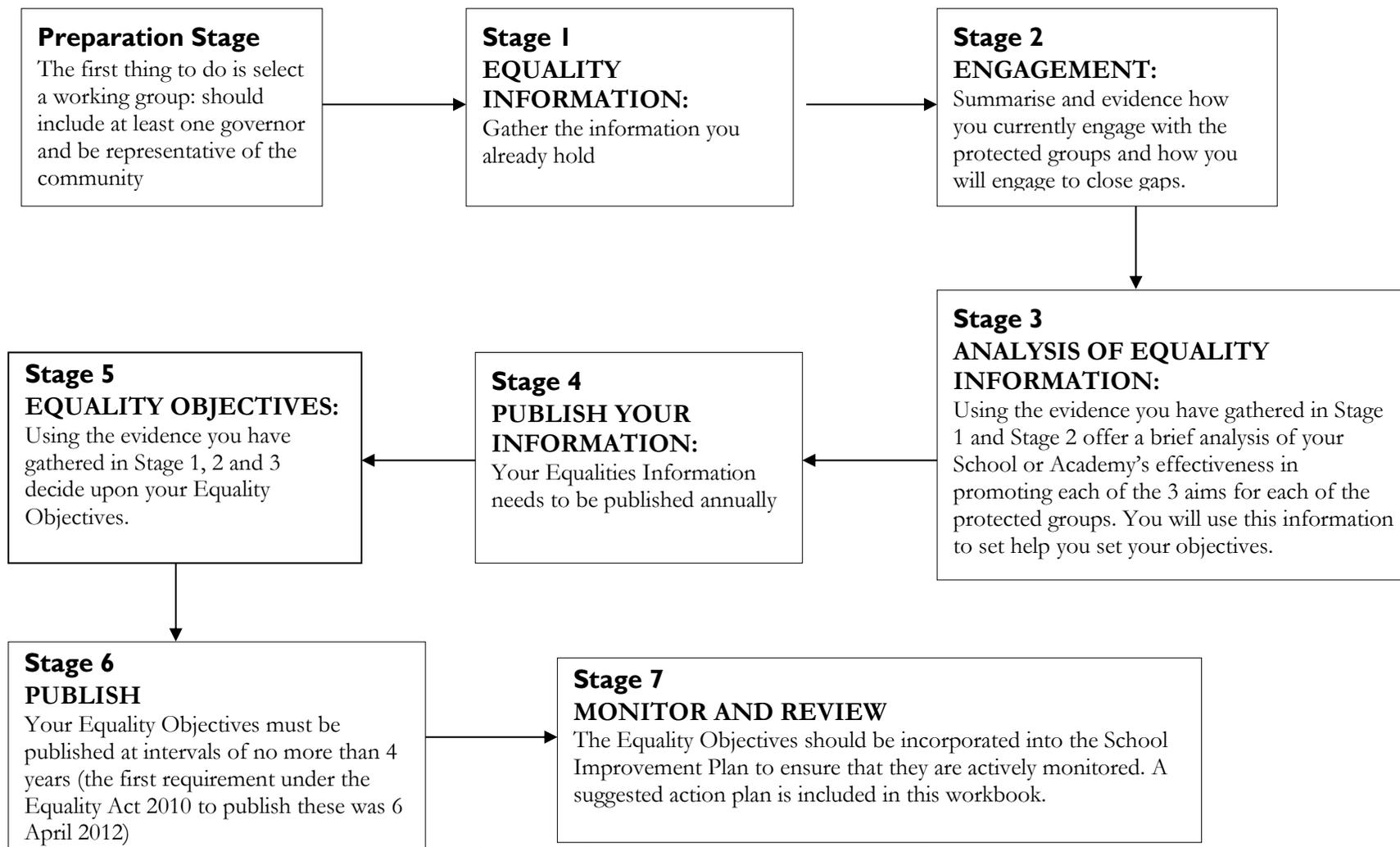
The Equality Act sets out obligations in relation to “protected characteristics”.

The protected groups are:

Age	Not applicable to pupils
Disability	Applicable to both staff and pupils
Sex	Applicable to both staff and pupils
Gender re-assignment	Applicable to both staff and pupils
Race	Applicable to both staff and pupils
Pregnancy and maternity	Applicable to both staff and pupils
Marriage and civil partnership	Not applicable to pupils
Religion and belief	Applicable to both staff and pupils
Sexual orientation	Applicable to both staff and pupils

Schools may also have other characteristics that are not protected in the legislation but are relevant to their local circumstances, such as having a connection with the forces community, or those with refugee/asylum status etc. You may choose to consider these groups and publish information in relation to these groups, albeit there is not a legal requirement to do so.

FLOWCHART TOWARDS COMPLIANCE WITH THE PUBLIC SECTOR EQUALITY DUTY



STAGE 1: EQUALITY INFORMATION

You can use the matrix below to assemble your evidence of the equality information that you already hold. Where there are gaps, you will need to consider if this is because this information is not available and would be difficult to gather; not available but could be gathered; not available but relevant information could be provided via engagement or not applicable.

If your school has over 150 staff, you will need to consider what staff information you have as you will be required to publish it. However, even if you have less than 150 staff, you may wish to still evidence how you comply with the aims of the general duty.

Protected characteristics	Aims of the general duty		
	What evidence do we hold that shows we eliminate unlawful discrimination, harassment and victimisation?	How do we advance equality of opportunity between people who share a protected characteristic and those who do not?	How do we foster good relations between people who share a protected characteristic and those who do not?
Race			
Disability			
Sex			
Gender re-assignment			
Pregnancy and maternity			
Age			
Religion and belief			
Sexual orientation			
Marriage and civil partnership			

STAGE I: EQUALITY INFORMATION GUIDANCE NOTES

When considering how to complete the matrix, it's important to remember that the focus is on the effect that the school's policies and practices have on meeting the aims of the general duty. You should:

- consider what quantitative and qualitative equality information you already have
- identify where gaps exist and , determine if:
 - the information is not available and would be difficult to gather or provide commentary through engagement;
 - not available but could be gathered either for this of future publication;
 - not available but relevant information could be provided for via engagement; or
 - not applicable.
- Consider how to put the information into a format appropriate for publishing.

Examples of types of data

Type of data	Pupils and families	Staff (only required if over 150 staff)
Quantitative	<ul style="list-style-type: none"> • attainment data • pupil progress • attendance data • exclusions, sanctions and rewards • rates of bullying/harassment/behaviour related incidents • take up rates of extra curricular activities/after school clubs etc • participation in the student council • choice of option subjects • results of parental satisfaction surveys and complaints monitoring 	<ul style="list-style-type: none"> • race, disability, gender, age distribution of the workforce • rates of return to work of staff on maternity leave • gender pay gap information • data on recruitment by protected characteristic (e.g. at application, shortlisting and appointment stage) • data on access to training by protected characteristic • grievances and/or disciplinary matters by protected characteristic • leavers by protected characteristic • results of staff satisfaction surveys
Qualitative	<ul style="list-style-type: none"> • school policies (where they make a statement about prohibited conduct and the importance of avoiding discrimination) • minutes of governor meetings (particularly those evidencing discussions regarding responsibilities for equality) • notes of staff meetings (where staff responsibilities for equalities have been discussed) or details of staff training in relation to equalities has been undertaken • notes of staff meetings (where staff have been made aware of how to raise awareness of their concerns or where they have been directed to key policies for them in respect of their concerns – e.g. advised to discuss concerns with the Head, or awareness of whistleblowing, staff harassment/bullying policies raised) • detail about particular initiatives undertaken in the school (e.g. a focus on racist bullying; an initiative to assist girls to catch up in science; an initiative to help boys improve in their handwriting) and where possible, the impact of this initiative (e.g. increases in attainment) • twinning arrangements with schools which enable pupils to meet and exchange experiences with pupils from different backgrounds • information about aspects of the curriculum which promote tolerance, friendship and an understanding of different cultures • details about assemblies which deal with relevant equality related issues • views of the student council 	

STAGE 2: EQUALITY ENGAGEMENT

You can use the matrix below to assemble your evidence of how the school engages with protected groups to fulfil the three aims of the general duty. Where there are gaps, you should note whether this is because evidence is not available because engagement has not been attempted; not available as engagement has been difficult to achieve or not applicable. If you state that it is not applicable, you will need to justify why it is not necessary to engage with this group.

If you're in a school which is required to publish information related to staff you should also consider engagement with staff. However, even if you have less than 150 staff, you may wish to still evidence how you engage with staff to comply with the aims of the general duty.

Protected characteristics	Aims of the general duty		
	What evidence do we hold that shows we eliminate unlawful discrimination, harassment and victimisation?	How do we advance equality of opportunity between people who share a protected characteristic and those who do not?	How do we foster good relations between people who share a protected characteristic and those who do not?
Race			
Disability			
Sex			
Gender re-assignment			
Pregnancy and maternity			
Age			
Religion and belief			
Sexual orientation			
Marriage and civil partnership			

STAGE 2: EQUALITY ENGAGEMENT GUIDANCE NOTES

You should consider how you currently engage with the protected groups and how could you do so better in the future.

Engagement will help you to:

- Identify particular needs, patterns of disadvantage and poor relations between groups;
- Understand the reasons for disadvantage, low participation rates and poor relations;
- Design initiatives to meet these needs and overcome these barriers;
- Identify opportunities to promote equality and foster good relations;
- Fill gaps in equality information;
- Determine priorities;
- Analyse the equality impact of particular programmes, policies or proposals;
- Monitor and evaluate initiatives, policies and programmes;
- Check the quality, relevance and comprehensiveness of your information; and
- Prioritise which objectives are most likely to make the biggest difference to tackling equality.

When should you engage?

- At the beginning of the decision making process – to gather opinions, evidence and ideas
- At the point of developing options and making your decision – to better understand the perceptions, views, preferences, weigh up different options and come to a final decision (including policy development)
- When implementing your decision – to develop action plans and implementation strategies
- Following implementation – to review (including policy review) and evaluate

Points to remember:

- Remember that schools and academies are obliged to make reasonable adjustments for disabled people, including during engagement.
- Take an approach that is proportionate to your size and resources, and to the relevance of the issue to equality when deciding who to engage with and what methods to use.
- Be mindful of diversity within protected groups and of the multiple barriers that many people face. Don't limit your engagement to only meeting with representative bodies.
- In practical terms, you will not be able to engage with every protected group on every decision. As a starting point you will need to decide how relevant the policy is for equality and good relations and for a particular protected group. **It is often helpful to consider how you would explain the reasons for this decision**

Where engaging, identify where your information gaps are before you plan your engagement:

- Refer to national research, local/regional monitoring data and past consultations
- Ensure engagement is clearly structured; be clear about what you hope to achieve and about where you have scope to make any changes
- Engagement is only successful if adequately resourced and if it is accessible to enable a wide range of people to participate
- Take steps to respect confidentiality and provide a safe environment
- Report on results of engagement

Engagement is successful where there is:

- Leadership commitment
- Proportionality
- Integration with decision-making
- Early engagement
- Ongoing engagement
- Accessible engagement

Schools can engage through the mechanism that works best for them. This may include:

- Focus Groups
- Representative Groups
- Existing structures (e.g. student council)
- Online engagement or electronic surveys (e.g. survey monkey or other electronic systems)

It's also possible to approach engagement at a cluster level.

STAGE 3 - ANALYSIS OF EQUALITY INFORMATION

Using the evidence you have gathered in Stage 1 and Stage 2, offer a brief summary of your school's effectiveness in promoting each of the 3 aims for each of the protected groups using the matrix below. This will provide the starting point for setting your Equality Objectives. Use judgement phrases like 'emerging', 'improving', 'completed', outstanding'.

Protected characteristics	Aims of the general duty		
	What evidence do we hold that shows we eliminate unlawful discrimination, harassment and victimisation?	How do we advance equality of opportunity between people who share a protected characteristic and those who do not?	How do we foster good relations between people who share a protected characteristic and those who do not?
Race			
Disability			
Sex			
Gender re-assignment			
Pregnancy and maternity			
Age			
Religion and belief			
Sexual orientation			
Marriage and civil partnership			

STAGE 3: ANALYSIS OF EQUALITY INFORMATION GUIDANCE NOTES

- The public sector equality duty does not set out a particular process for equality analysis that all public authorities are expected to follow. This means that you can choose whether to extend an existing equality analysis approach to cover the additional protected characteristics from the Act, or to develop a new approach for your school
- Equality analysis is an integral part of policy development and review, informing policy and practice as it develops. If integrated well, equality analysis will be a tool for improved decision-making and it should not mean unnecessary additional activity. As policies are developed and reviewed in the future, the school should review existing equality information available in relation to the area under review, what engagement says and analyse whether particular measures need to be outlined with the revised or new policy as a result of their analysis of information and engagement.
- Equality analysis early on avoids wasting resources when a policy or practice needs to be changed because it discriminates against certain groups.

STAGE 4: PUBLISHING YOUR EQUALITIES INFORMATION

You must publish your equalities information on an annual basis. This should include an overall summary of:

- equality within policies and practice (information from Stage 1);
- engagement (information from Stage 2).

The regulations do not specify how or where you should publish your data. A suggested format is included overleaf, using tabular format. You may wish to use the tabular format to publish the quantitative data and then refer the public to another resource for the qualitative information. Alternatively you could:

- produce a special report
- include the information as part of a larger report (although it should be clearly accessible to the public and they must know where to find the information)
- append the information to an existing equalities policy or statement
- publish all of the information on a webpage
- publish some of the information in a special report, larger report or appended to an equalities statement and refer to a webpage for other information

You should also consider how you notify parents of the publication of the information. There is not a requirement to do so, but you may consider a letter home to parents or an article in your newsletter to refer parents and the community to where they can access the information.

It is important that:

- the information is presented clearly and in a way the general public will understand
- you make reasonable adjustments for disabled people to access the information where relevant
- you consider whether the majority of your community can access the information (i.e. you should not publish on the website if you have information which indicates that access to the internet is particularly low in your community)
- data must be presented so that individuals are not identifiable (i.e. anonymity must be ensured)

Governors should ensure that the equalities information has been approved by the full governing body prior to publication unless approval has been delegated to a committee.

STAGE 4: SUGGESTED FORMAT FOR PUBLICATION OF EQUALITY INFORMATION

NAME OF SCHOOL

EQUALITIES INFORMATION

DATE OF PUBLICATION (*NB must be updated annually*)

The Public Sector Equality Duty 2011 has three aims under the general duty for Schools:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not..

We have considered how well we currently achieve these aims with regard to the protected groups under the Equality Act (race, disability, gender, gender re-assignment, age, pregnancy and maternity, marital status, sexual orientation, religion and belief and sexual orientation).

This information should also be read in conjunction with our equality objective(s). In compiling this equality information we have:

- identified evidence of equality we already have within policies and practice and identified gaps;
- examined how we engage with the protected groups, identifying where practice could be improved;

Pupil-related information

Information	Evidence and commentary
Attainment in English – by gender 2010-11	GCSE Grades: A* Boys 2% Girls 10% C Boys 20% Girls 40% A Boys 15% Girls 20% D Boys 12% Girls 2% B Boys 30% Girls 20% E Boys 8% Girls 3%
Attainment in Maths – by race 2010-11	72% of white pupils have achieved ----- in Maths and 48% of Black and Ethnic Minority pupils have achieved -----in Maths
Attendance by gender 2010-11	98% of girls have over 99% attendance and 85% of boys have over 99% attendance
Participation in the student council by race 2010-11	5% of the student council is BME; 95% of the student council is White British This is broadly reflective of the school community
Participation in After School Clubs as at April 2012	99% of pupils attending after school club are not disabled and 1% of pupils attending are disabled. This is broadly reflective of the school community.
Headteacher awards by gender 2010-11	Percentage of pupils receiving Bronze Awards: 85% Girls 75% Boys Percentage of pupils receiving Silver Awards: 70% Girls 50% Boys Percentage of pupils receiving Gold Awards 65% Girls 20% Boys

Workforce information (this is only required for schools with more than 150 staff)

Information	Evidence and commentary
Gender of workforce as at April 2012	95% of our workforce are female and 5% are male We have less men within our employment than the average of the total school workforce
Race distribution of workforce as at April 2012	5% of our workforce is Black & Ethnic Minority and 95% are white British. This is reflective of our local community, as evidence by... [insert source of evidence].
Applications by gender 2010-11	90% of our applicants are female and 10% male
Shortlisted candidates by age 2010-11	10% of our shortlisted candidates are aged under 24 15% aged 25-34 50% aged 35-44 20% aged 45-54 5% aged over 55

Workforce Information Continued	Evidence and Commentary
Attendance at external training by gender in 2010-11	Of 22 staff who have attended external training in this last year, 17 were female (77%) and 5 male (23%). We need to review why a higher percentage of men are attending training, against the representation in the workforce.
Leavers by gender in 2010-11	8 staff left the school in the last year, all of them were female. This is understandable given the gender representation in the workforce.
Sexual orientation	The school does not collect data regarding sexual orientation of staff and currently has no mechanism to engage with this group.

Other information (examples highlighted but please note that this is additional information which is not necessarily required)

Information	Evidence and commentary
Attendance at parents evenings 2010-11	45% of parents with known disabilities attend parents evening compared to 80% of non-disabled parents. We need to explore why we have proportionally less parents attending parents evening.
Governor representation as at April 2012	60% Male, 40% Female 4% BME, 96% British White We have proportionately more men than women on the governing body in comparison with the staff group, but ethnic representation is representative of our community.
Volunteers as at April 2012	95% Female, 5% Male 16% BME, 84% British White We have a broader range of ethnic representation than in our staff group, and gender representation broadly compares with staff representation
Adult Learners by age in 2010-11	Ages: 16-24 6% 25-34 25% 35-44 30% 45-54 23% Over 55 16%

STAGE 5: DEVELOPING EQUALITY OBJECTIVES

Equality Objectives should develop naturally out of the information that you have gathered and analysis you have taken in stages one to four. From your analysis at Stage 3, you should identify a handful of priority areas that are most prominent, in terms of numbers or most disadvantaged in relation to equality. You need to take a proportionate approach – this means that the number of objectives and their level of ambition will be different depending on the size of school and whether you have been required to consider and analyse both pupil and staff information, or just pupil information. You can use the matrix below to develop the areas of your objectives, or simply highlight the priorities from the Equality Analysis matrix from page 11.

Protected characteristics	Aims of the general duty		
	What evidence do we hold that shows we eliminate unlawful discrimination, harassment and victimisation?	How do we advance equality of opportunity between people who share a protected characteristic and those who do not?	How do we foster good relations between people who share a protected characteristic and those who do not?
Race			
Disability			
Sex			
Gender re-assignment			
Pregnancy and maternity			
Age			
Religion and belief			
Sexual orientation			
Marriage and civil partnership			

STAGE 5: DEVELOPING EQUALITY OBJECTIVES GUIDANCE NOTES

The legislation requires that the objective(s) set by the school are specific and measurable:

SMART	Examples
Specific	Which protected characteristics/group are you targeting? What are the details? Identify your goals – Clear and unambiguous.
Measurable	How will you know whether you have achieved your outcome? This will help you keep on track.
Achievable	Can this happen? Is it possible taking into account your schools situation? Is further development/training required? If so is it recorded on your action plan?
Realistic	Why is the specific target important? Will it help you move forward and improve your service?
Time Framed	Give yourself a target date – either to assess where you are or when you want to have achieved your goal.

Some examples would be:

- A school identifies that boys are underachieving academically in Maths. Average scores show that 72% of girls are achieving the expected levels, while the figure for boys is 48%. The school decides to set an objective to improve this figure over a three year period to 68% of boys reaching the required grade. Objective: **“By July 2018, % of boys achieving ----- in maths will have increased by 20%”**.
- A school has decided that school events, including parents’ evenings, are poorly attended by the local Pakistani community, whose children currently make up 45% of the pupil roll. Objective: **“Over the next academic year, we will introduce new approaches (such as -----) to encourage members of our local Pakistani community to attend school events, so that registers of attendance show at least 15% attendance from that community”**.
- Having carried out an anonymous survey, a school finds that there are incidences of bullying of the heterosexual friends of homosexual pupils. Objective: **“To raise the issue of homophobic bullying in all its manifestations, through assemblies, tutor group discussions and through a re-emphasis within the PSHE curriculum, so that there is an immediate increase in the reporting of such incidents using the formal processes and a repeat anonymous survey six months from now shows a reduction in incidents.”**

STAGE 6: PUBLISHING YOUR EQUALITY OBJECTIVES

You must publish your Equality Objectives at intervals of no more than 4 years. **The first date for publication of these objectives under the Equality Act 2010 was 6 April 2012. In practice this means that equality objectives need to be published again by April 2016 to meet the four yearly requirement.**

The regulations do not specify how or where you should publish your objectives. A suggested format, as a standalone document is included overleaf. Alternatively schools could:

- include the objectives within a special equalities focused report;
- include the objectives as part of a larger report (although it should be clearly accessible to the public and they must know where to find the objectives);
- append the objectives to an existing equalities policy or statement;
- publish the objectives on a webpage.

Schools should also consider how they notify parents of the publication of the objectives. There is not a requirement to do so, but schools may consider a letter home to parents or an article in the school newsletter to refer parents and the community to where they can access the detail of the objectives.

It is critical that:

- the objective(s) is presented clearly and in a way the general public will understand;
- the school makes reasonable adjustments for disabled people to access the detail of the objective where relevant;
- consider whether the majority of your school community can access the detail of the objective (i.e. you should not publish on the website if you have information which indicates that access to the internet is particularly low in your community).

Governors should ensure that the equality objective(s) have been approved by the full governing body prior to publication unless approval has been delegated to a committee.

STAGE 6: SUGGESTED FORMAT FOR PUBLICATION OF EQUALITY OBJECTIVE(S)

NAME OF SCHOOL

EQUALITY OBJECTIVE(S)

DATE OF PUBLICATION (*NB must be updated at least every four years*)

The Public Sector Equality Duty has three aims under the general duty for schools:

4. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
5. Advance equality of opportunity between people who share a protected characteristic and those who do not.
6. Foster good relations between people who share a protected characteristic and those who do not.

We have considered how well we currently achieve these aims with regard to the protected groups under the Equality Act (race, disability, gender, gender re-assignment, age, pregnancy and maternity, marital status, sexual orientation, religion and belief and sexual orientation).

The objectives should also be read in conjunction with the school's current equality information from which the objective was derived.

Objective 1:

Objective 2:

Objective 3:

STAGE 7: MONITORING AND REVIEW

Schools will need to ensure that their equality information is reviewed annually and objective(s) at intervals of no more than four years. They are strongly advised to also review any single equality statement or equality policies (where schools have separate policies for staff and pupils/others) at intervals of four years. However, a shorter cycle may be deemed necessary due to the circumstances of the school or if the annual review of the equality information prompts a shorter cycle.

Schools are strongly advised to develop an action plan in relation to their equality objectives and to integrate this with the School’s Improvement Plan. An example **action plan format** is provided below:

Objective (this should be a specific, realistic and achievable)	Protected group that this will most affect/influence (the group that this target is aimed at)	Actions to be undertaken (specific actions to be undertaken)	Lead responsibility (and other key stakeholders)	Timescale (when must this be achieved by and what are the key milestones)	Expected outcome (how will you know when you have achieved the objective – what is the measure)