

Equality & Diversity

Culture, compliance and the governance role

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**achieving
for children**

Aims of this session

- To look at the governance role in monitoring the Equality and Diversity culture of the school and in ensuring compliance with the law.
- To discuss how we can 'add value' in our governance role, to ensure and promote Equality and Diversity in our school.

Group discussion – what do these terms mean to us?

Equality:

Fair treatment of every individual regardless of - and in respect of - any personal characteristic or individual need.

Diversity:

Embracing that our backgrounds, knowledge, skills, aptitudes and experiences are all different and that difference should be valued and appreciated

SEND Code of Practice

protected characteristics

reasonable adjustments

Public Sector Equality Duty

Equality Objectives

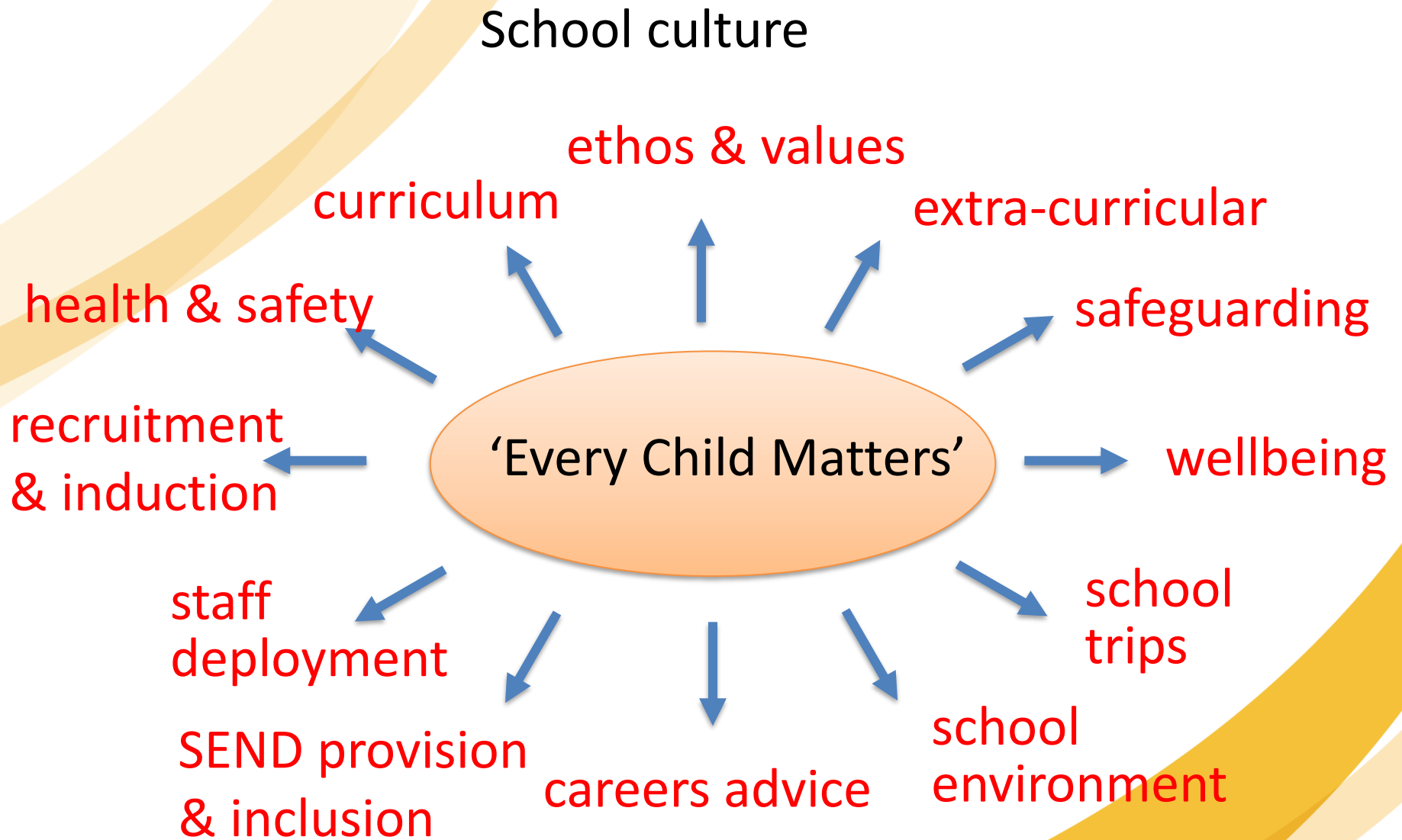
...give due regard...

Equality Act 2010

discrimination

- When - and how – are equality and diversity discussed at your governing board meetings?





Equality & diversity considerations embedded throughout

Looking at 3 aspects

- **Quality of Education (inclusivity & equal opportunity)**
Equal value being given to learning, well-being and outcomes for every child. Recognising there are diverse needs, life experiences and challenges/barriers to learning.
- **Personal development**
Learning opportunities and support to ensure pupils' understanding and acceptance of equality, diversity and British Values, and to ensure readiness for the next stage.
- **Organisational responsibilities**
Public sector equality duty and fair treatment. Schools must give **due regard** to equality in all their activities.

Q of E - inclusivity and equal opportunity

- The curriculum and how it is taught
*Are we meeting the needs of **all** our learners?*
- The environment for learning
Do we provide accessibility, make reasonable adjustments
- Learning and opportunities outside the classroom
Trips and visits, after school/lunchtime clubs, school events
- **Narrowing the gaps:** the outcomes of the disadvantaged, SEND and other vulnerable pupils compared to their peers

How does your board monitor the vulnerable groups?

Personal development

- How does your school promote equality and recognise diversity? **and British Values**
- How does the school prepare its pupils for the next stage of education / transition to life after school?
- How does the school foster good relationships with the wider community?

How is your board involved?

Fostering good relationships - considerations

- Behaviour policy
- PSHE (Personal, Social, Health & Economic) education
- Assemblies and school talks
- Initiatives that deal with specific tensions
- Educational visits
- Arrangements with different schools/communities (sponsorship / twinning etc)



“Our intention is to ensure that inspection is better able to play its part in advancing equality, diversity and inclusion. Given the framework’s focus on high-quality education for all, we believe that it will have a positive impact on all learners, including those with **protected characteristics**.”

Ofsted Equality, Diversity & Inclusion statement

Jan ‘19

The protected characteristics

Age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation. *(Age is not a protected characteristic for pupils- ie not discriminatory for schools to organise pupils by age)*

Discrimination can be

- ***by association:*** *ie resulting from a protected characteristic of an associated person*
- ***by perception:*** *ie it's irrelevant whether a person actually has the protected characteristic or not.*

Ofsted's key judgement areas

- Quality of Education
- Behaviour and Attitudes
- Personal Development
- Leadership & Management

Equality diversity and inclusion are embedded across all the judgement areas.

Ofsted 2019 Framework: Quality of Education

“...a curriculum that is ambitious and designed to give all learners, particularly the most disadvantaged and those with special educational needs and/or disabilities (SEND) or high needs, the knowledge and cultural capital they need to succeed in life”

How does the board monitor the effectiveness of the curriculum for the different groups of learners?

Ofsted 2019 Framework: Curriculum three 'I's

- **Intent:** does the school's **curriculum planning** take into account the needs of all the children at the school? Is there focus on getting the children ready for the next stage of their education/future pathways?
- **Implementation:** is the teaching and learning accessible to all, and is it differentiated to ensure the best outcomes for all the learners in the school, particularly considering the vulnerable groups?
- **Impact:** are we achieving what we set out to do?
Are the gaps narrowing for the vulnerable groups of pupils? And how do we know this?

Curriculum content/delivery

DfE 'Equality Act 2010: Advice for Schools' says

2.8 The content of the school curriculum has never been caught by discrimination law, and the Equality Act now states explicitly that it is excluded. However the way in which a school provides education – the delivery of the curriculum – is explicitly included.

I.e...

Curriculum content/delivery

Excluding curriculum content in the Act ensures that schools are free to include a full range of issues, ideas and materials to expose pupils to thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic.

But schools must ensure that the way in which issues are taught does not subject any individual pupils to discrimination: for example girls being not allowed to do design technology.

DfE 'Equality Act 2010: Advice for Schools'

Ofsted 2019 Framework: Behaviour and Attitudes

“Relationships among learners and staff reflect a positive and respectful culture. Leaders, teachers and learners create an environment where bullying, peer-on-peer abuse or discrimination are not tolerated. If they do occur, staff deal with issues quickly and effectively, and do not allow them to spread.”

How does your board monitor the effectiveness of the behaviour strategies, and how do it know what the school is doing to address any issues?

Ofsted 2019 Framework: Personal Development

“...prepares learners for life in modern Britain by:

- equipping them to be responsible, respectful, active citizens who contribute positively to society
- developing their understanding of fundamental British values, and understanding & appreciation of diversity
- celebrating what we have in common and promoting respect for the different protected characteristics as defined in law.”

How does the board monitor the effectiveness of the school's promotion of diversity and mutual respect?

Ofsted 2019 Framework: Personal Development

- “the curriculum extends beyond the academic, technical or vocational [to] broader development, enabling learners to develop and discover their interests and talents
- the curriculum and wider work supports learners to develop their character – including resilience, confidence and independence – and helps them know how to keep physically and mentally healthy
- at each stage of education, the provider prepares learners for future success in their next steps”

How does your board monitor the effectiveness of the careers guidance provision in terms of impact on pathways taken?

Ofsted 2019 Framework: Leadership and Management

“...those responsible for governance ensure that the provider fulfils its statutory duties, for example under the Equality Act 2010”

“Leaders protect their staff from bullying and harassment”

Compliance:

Safeguarding/SEND/Health & Safety etc: do the school's policies and procedures take into account the law (including the Equality Act 2010) and statutory guidance?

Statutory compliance relating to Equality...

DfE: Equality Act 2010 Advice for Schools



The Equality Act 2010 and schools

Departmental advice for school leaders,
school staff, governing bodies and local
authorities

May 2014

A useful read - contains lots
of school-related examples.

[https://www.gov.uk/government/
publications/equality-act-2010-
advice-for-schools](https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools)

Chapter 5 - Public Sector
Equality Duty (PSED)

About the Equality Act 2010

- Replaced 9 Acts of Parliament and nearly a hundred sets of regulations – consolidating and strengthening
- Makes it unlawful to discriminate against, harass or victimise a pupil or potential pupil in relation to:
 - school admissions (*with limited exceptions*)
 - the way the school provides education
 - access to any benefit, facility or service
 - exclusion, or subjection to any other detriment
- Relates to actions carried out by agents of the school (staff and governors) **Looking in more detail at this...**

About the Equality Act 2010

- Does not include actions between individual pupils BUT does include how the school deals with such issues.
E.g. if a school treats homophobic bullying less seriously than other forms of bullying, the school may be found guilty of unlawful discrimination.
- The Governing Board (and Local Authority in the case of maintained schools) is liable for the actions of employees and agents of the school, unless it can show it took reasonable steps to prevent such actions.

What reasonable steps does your school take?

Different types of discrimination

- **Direct:** treating one person worse than another because of a protected characteristic
- **Indirect:** a rule or policy which has a worse impact on a person with a protected characteristic
- **Harassment:** creation of a hostile, degrading or offensive environment
- **Victimisation:** treating someone unfairly due to an action or a protected characteristic of a parent or sibling (or similar)

The Public Sector Equality Duty says

Schools must have **due regard** to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

What is 'Due Regard'?

It means that whenever significant decisions are made or policies developed by the school, thought **must** be given to the equality implications, and that:

- This must be integrated into the decision making process itself. It cannot be an afterthought.
- The duty to give due regard cannot be delegated.
- All decisions must kept under review.

How do your governor meetings evidence this?

Advancing equality of opportunity

... includes encouraging participation in activities where it is disproportionately low in certain groups of pupils.

What questions could governors ask?

Advancing equality of opportunity

- Are the **facilities for boys and girls** (or other groups) equivalent?
- **Accessibility** - for pupils with special educational needs and/or disabilities been considered? Have reasonable adjustments been put in place to ensure the activity is inclusive?
- **Timetabling** – has consideration been given to any factors which may have a negative impact on take-up of certain activities for some groups of pupils?

Governor decision making - panels

- Strategic planning & policy setting
- Monitoring the impact of the school's strategies and provision

- Panels
 - Recruitment
 - Admissions
 - Exclusions
 - Complaints



Any additional support or training needed for panel members or clerk?

- Engagement and communication with stakeholders (including school website)

Equality publications and actions

Schools must:

- Publish on their website information about how they are complying with the Equality Duty – to be updated at least annually
- Prepare and publish Equality Objectives - at least once every 4 years
- Have an Accessibility Plan

Equality publications and actions

It is up to schools to decide in what format they publish equality information.

For most schools, the simplest approach may be to set up an equalities page on their website where all this information is present or links to it are available.

The regulations are not prescriptive and it will be entirely up to schools to decide how they publish the information, so long as it is accessible to those members of the school community and the public who want to see it.

Equality Objectives

Schools must have at least one and it/they must be SMART

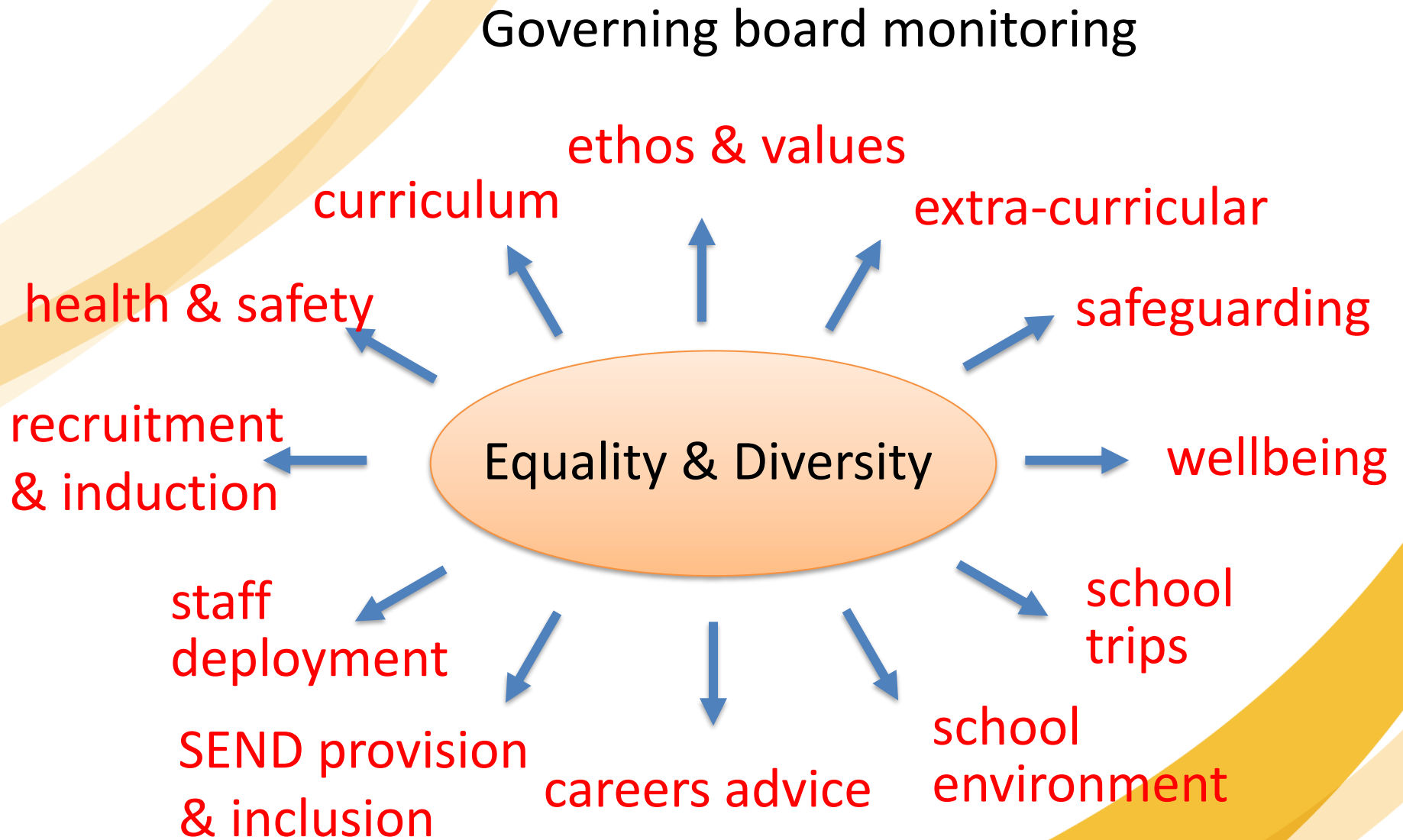
e.g. Objective 1: [examples available in DfE Advice to Schools]

- Why we have chosen this objective:
- To achieve this objective, we plan to ...
- It will be monitored as follows:
- **Progress to date:** [update at least annually]

Accessibility Plan

This is the plan prepared under [paragraph 3 of schedule 10 to the Equality Act 2010](#) for:

- increasing the extent to which disabled pupils can participate in the school's curriculum
- improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities and services provided or offered by the school
- improving the delivery, to disabled pupils, of information which is readily accessible to pupils who are not disabled



What questions could we ask?

Questions we could ask

- Do our **school policies** reflect a strong culture of equality, diversity and inclusivity?
- Are our **Equality Objectives** clear? How do we monitor the school's progress towards their achievement?
- **Curriculum plans** – do they meet the needs of all our learners. How well does the curriculum recognise diversity and prepare children for life in Modern Britain (British Values)? Is the learning accessible to all?
- **Pupils** - What are the barriers experienced by the pupils in *our* school? How are these overcome? How do we monitor the provision for and outcomes of these children?



Any questions?

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How will you share what you've learned
today with your Governing Board?

