

IS YOUR SCHOOL COMPLYING WITH EQUALITY LAW?

The Public Sector Equality Duty



Guidance for School
Representatives

DID IT?

In 2012, your school was required to publish information to show how it complies with the Public Sector Equality Duty and set equality objectives.

DOES IT?

Your school is required to update that published information **at least** annually.

DID IT?

In 2016, **at the latest**, your school should have published new objectives. It is required to do so **at least** every four years.

DO THEY?

Under the Public Sector Equality Duty, your school management and governing body are required to have 'due regard', when making decisions and developing policies, to the need to:

1. eliminate discrimination, harassment, victimisation and other conduct that is prohibited under the Equality Act 2010;
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 protected characteristics – between people who share a protected characteristic and people who do not share it.

What does having 'due regard' mean for schools?

It means that:

- a school must assess whether any decision it makes, or action it takes, may have implications for people with particular protected characteristics;
- such equality implications should not be an afterthought. They should be considered before and at the time a policy is developed or decision taken;
- each strand of the duty should be considered consciously and separately (eliminating discrimination is different to advancing equality);
- the risk and extent of any adverse impact that might result from a policy or decision should be assessed and consideration given to the ways in which that risk may be eliminated before the adoption of a proposed policy;
- this is not just a box-ticking exercise. The equality duty should be integrated into all of the work of the school – to comply with the duty, the school should conduct the necessary analysis robustly and with an open mind; and
- schools must carry out this duty themselves – it cannot be delegated to an outside agency. They must also record all the steps they have taken to meet the duty. NASUWT Representatives have a crucial role to play in advising and monitoring compliance with the PSED.

Contact the NASUWT on 03330 145550 for advice on what to do next if your school is not complying with the Public Sector Equality Duty.



What are the protected characteristics?

- age
- disability
- pregnancy and maternity
- religion or belief
- race
- sex
- sexual orientation
- gender reassignment
- marriage and civil partnerships (only for the first aim of the duty)

By having a focus on the Public Sector Equality Duty, your school will be able to: avoid discriminatory practices and integrate equality into its core 'business'; build a supportive working environment, which leads to better performance/increased productivity, enabling the school to draw upon a broader range of talent; and use up-to-date equality information, which can lead to better decision-making and policy development.

You have a right to:

- have your needs considered when any policy is developed;
- be afforded equality of opportunity (where possible);
- know that any abuse, based on any of the protected characteristics, will be tackled and will not be tolerated;
- not be bullied;
- be treated as an individual; and
- be treated with respect and dignity by all.

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**talk
to us**