

Public Sector Equality Duty (PSED) - Schools

Briefing Note: 5 March 2012

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Public Sector Equality Duty (PSED) – Schools Briefing Note

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED). The duty applies to public bodies such as the Local Authority (Stoke-On-Trent City Council) and includes maintained schools and academies. The duty replaces previous equality duties on race, disability and gender. We have prepared this briefing note for schools to help ensure all schools are aware of what they need to do to meet the requirements of the Public Sector Equality Duty.

What the duty says:

The duty came into effect in April 2011 and has three main aims stated below. In carrying out their functions, public bodies are required to have ‘**due regard**’ to the need to:

- **Eliminate discrimination and other conduct that is prohibited by the Equality Act 2010**
- **Advance equality of opportunity between people who share a protected characteristic and people who do not share it**
- **Foster good relations across all characteristics, and between people who share a protected characteristic and people who do not share it**

Protected characteristics are:

- | | |
|----------------------|----------------------------------|
| • Race | • Sexual orientation |
| • Disability | • Pregnancy and maternity |
| • Gender | • Gender reassignment |
| • Age | • Marriage and Civil Partnership |
| • Religion or belief | |

For schools, age will be a relevant characteristic in consideration of their duties only in their role as an employer, and not in relation to pupils. The PSED replaces previous equality duties.

Public bodies must publish information to show that they consciously thought about the three aims of the Equality Duty as part of the process of decision-making. The information must include information relating to people who share a relevant protected characteristic who are:

- **Its employees (for authorities with more than 150 staff)**
- **People affected by its policies and practices (e.g. service users)**

Public authorities covered by the specific duties must publish information, in a manner that is accessible to the public, to demonstrate their compliance with the general duty:

- **All listed bodies (except schools and pupil referral units) must do this by 31 January 2012, and at least annually thereafter**
- **Schools and pupil referral units must do this by 6 April 2012, and at least annually thereafter**

How does this affect schools?

There are specific duties under the PSED which require schools to:

- Publish information to demonstrate how they are complying with the PSED
- Prepare and publish equality objectives

Schools have until 6 April 2012 to publish their initial information and first set of objectives. They will then need to update the published information at least annually and to publish objectives at least once every four years.

What is happening now?

The corporate equalities team published the council's equality information to meet the specific duties for public bodies on 31 January 2012. Schools need to ensure that they publish their requirements by the 6 April 2012 and we have prepared some guidance below to help with this.

What do schools need to do?

Schools need to decide what information they are going to publish to demonstrate their compliance with the specific duties, the equalities team can help maintained schools to co-ordinate the information, offer guidance and will be offering some training in the Autumn Term 2012.

Schools will already be collecting information and have objectives set already but this now needs to be published using a relevant format such as website, school prospectus etc.

The information schools publish is proportionate and this means that the requirements of the duty will not be the same for a small primary school as they are for a large secondary school. Schools will not be required to collect any statistical data that they don't already routinely collect.

The Department for Education says that it is helpful to consider what information you can publish to demonstrate the three aims of the duty. We have set out below some suggestions for each aim:

“Eliminating discrimination and other conduct that is prohibited by the Equality Act 2010”

Schools could publish:

- Copies of policies, for example the behaviour policy or anti-bullying policy, or the recruitment or pay policies, where the importance of avoiding discrimination and other prohibited conduct is expressly noted
- A note of a meeting of staff or of governors, where they are reminded of their responsibilities under the Equality Act 2010
- Evidence of staff training on the Equality Act 2010
- A note of how the school monitors equality issues

Examples:

- This briefing note will be circulated to governors and head teachers and you could share this information in your staff meetings
- Training may already be in place for schools but did you know that staff can also attend the corporate Diversity Interactive Theatre training – we're happy to work with schools to help your staff access this training

“Advancing equality of opportunity between people who share a protected characteristic and people who do not share it”

Schools could publish:

- Attainment data which shows how pupils with different characteristics are performing
- Evidence of work done in response to analysis that, for example:
 - Supports disabled children
 - Helps boys improve their performance in writing
 - Helps girls catch up in science
 - Boosts the English language skills of bi-lingual children from certain minority ethnic groups

“Fostering good relations across all characteristics between people who share a protected characteristic and people who do not share it”

Schools could publish evidence relating to:

- Aspects of the curriculum that promote tolerance and friendship, or which share understanding of a range of religions or cultures
- Assemblies dealing with relevant issues
- Involvement with the local communities
- Twinning arrangements with other schools which enable pupils to meet and exchange experiences with children from different backgrounds
- Initiatives to deal with tensions between different groups of pupils within the school itself

Specific duty: preparing equality objectives

A school should set as many objectives as it believes are appropriate to its size and circumstances. The objectives should fit the school’s needs and they should be achievable. Schools do not have to write objectives for each protected characteristic.

We recommend that your equality objectives are in your school business plans, schools improvement plans. For example, please have a look at the information attached from Cumbria County Council. They have published guidance on developing equality objectives in both primary and secondary schools. It notes that they must be 'specific' and 'measurable' and explains how these criteria can be achieved.

It lists examples of objectives which meet the necessary sentiment of an objective, but which are not strictly 'specific' and 'measurable'. These examples are then rephrased to meet the requirements of the legislation.

What does all this mean for my school?

The Council’s corporate equalities team will develop a webpage on the Council website, linking into all maintained school websites

- This webpage will contain all the explanatory information surrounding the Public Sector Equality Duty.
- It will contain an overarching objective of: “The school will carry out the required actions to deliver on the agreed equality and diversity targets”. Schools then just need to continue to develop School Development Plans clearly referencing equality and diversity within them and a linkage to this overarching objective.
- Schools need to continue to keep their own websites up-to-date. This includes ensuring the schools relevant policies, such as Anti-Bullying Policy, Behaviour Policy and Pay Policy. They also need to ensure information is on the website showing how they’re engaging with the wider community.
- The Council’s corporate equalities team will promote equality training opportunities during the Autumn term 2012.

What about Academies?

Academies must publish all their own data as well as the information.

The Council’s corporate equalities team can provide guidance and advice but the publishing of the workforce data and relevant information is down to the individual Academy.

Please note: a school with less than 150 employees will not have to publish their workforce data.

Where can schools get more information and support?

<http://www.usethekey.org.uk/popular-articles/the-public-sector-equality-duty-psed-in-schools>

<http://media.education.gov.uk/assets/files/pdf/e/equality%20act%20guidance%20december%202011.pdf>

<http://www.cumbria.gov.uk/elibrary/Content/Internet/537/6381/6386/40828154541.pdf>

<http://www.homeoffice.gov.uk/equalities/equality-act/equality-duty/>

<http://www.stoke.gov.uk/ccm/navigation/community-and-living/equality-and-diversity/equality-information/>

Questions and Answers:

Below are some questions and answers we hope is helpful.

We have fewer than 150 staff – is there anything I can have a look at to see how it should be done? What is meant by a summary?

We will be setting up a webpage on the Council website that will pull everything together. We will be linking this to all maintained school websites. All schools need to do is ensure they keep their websites up-to-date with newsletters, notes of governors meetings etc

We are a community school so the local authority is the employer, not us. What are we expected to do and shouldn't the council do it for us?

We have gathered all the workforce equality data for all Council employees. We are happy to publish this data every year but will need to work with schools to gather that data and to ensure information on the PSe System is accurate. Should schools prefer to publish their own workforce data, they are free to do so

What about our cleaners and caterers – they're council employees. Has the council version of this covered them?

This has been covered by publishing all workforce employee data. As stated above, we will need to work with schools to ensure the data held on the PSe system is accurate

What about academies – does this apply to them too?

Yes it does. We are unable to help academies as we do not hold their data but we can of course provide advice should it be required

We'll need help with this – who do we speak to? Our business managers need to be briefed.

We have provided a briefing note and are happy to discuss it with the relevant people. We also have training that we can provide and are looking to work with the relevant people to arrange this. The training can cover issues such as the PSED

We don't have the resources to do it.

All the information that is required is already being provided. It is just a case of ensuring it's evidenced to the equality agenda. For example, when writing next year's school development plan, ensure the requirement to 'improve the standard of girls' science results', or similar, is linked to the equality agenda

We are happy to pull it all together in one place but we will need to work with maintained schools to ensure the data is accurate and up-to-date

Do we know, for example, how Staffordshire are briefing their schools – or any other authority for that matter?

We have spoken with our colleagues at Staffordshire Equality Network meetings but information is not yet available

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