

Public sector equality duty

The Equality Act 2010 contains a general duty known as the public sector equality duty (PSED) in which a public body (including academies) must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act; by removing or minimising disadvantages suffered by people due to their protected characteristic/s
- Advance equality of opportunity between different groups/people, who share a relevant protected characteristics and groups/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
- Foster good relations between different groups/people who share a relevant protected characteristic and persons who do not share it; by encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

Having due regard to the need to advance equality of opportunity is defined further in the Equality Act 2010 as having due regard to the need to:

1. Remove or minimise disadvantages
2. Take steps to meet the particular needs of people who have a particular characteristic
3. Encourage participation for people who have a particular characteristic to participate fully in any activities

To meet the public sector duty the academy must publish equality information and objectives, these aim to promote transparency and to increase accountability to parents, carers and regulators.

Obligations under the PSED can be satisfied in a way that is proportionate to the decision making that is taking place. The duty is not prescriptive as to how it is satisfied so how one academy complies with the duty in relation to a decision it is making can look different for organisations of different sizes and with different levels of resources. The regulations are not prescriptive and it will be entirely up to the academy to decide in what format equality information is published, so long as it is accessible to those members of the school community and the public who want to see it.

Equality information

By 6 April each year the academy must publish information which demonstrates compliance with the duty to have due regard to the need to eliminate discrimination and harassment, advance equality and foster good relations, this should include what has been achieved as a result. This is required to demonstrate compliance with the duties.

The purpose of publishing this information is to make academy decision making more transparent and to assist in helping to explain how and why certain decisions have been taken. This will help parents to understand what the academy is doing to eliminate any potential discrimination, advance equality of opportunity and foster good relations.

There is no prescribed format for publishing information, and it is likely to come from a range of sources, including raw data, routine monitoring data, surveys of attitudes and perceptions and statistics collected by external bodies. Published information does not necessarily have to be statistical data. Many other

kinds of information can be used to show how the academy is promoting equality, such as publishing its policies online, or publishing minutes of governors' meetings.

The academy will not be required to collect any statistical data which they do not already collect routinely. Where there are gaps the academy may decide to fill them by getting the views of parents and students with particular protected characteristics. They may also use information from national surveys or from the local authority, or by conducting surveys through partnerships with other schools / academies. The discretion lies with the academy leadership team to decide if the academy has enough information about students with different protected characteristics to enable the academy to meet their equality duty.

To show that the academy has consciously thought about the three aims of the PSED as part of their process of decision making the published information should include:

- Information relating to people affected by the academy's policies and practices who share protected characteristics – types of information will include exam results, curriculum materials, governing body meeting minutes, exclusions, attendance, reports of bullying or prejudice related incidents
- Attainment data – separated by protected characteristics with details of steps taken in response to the data (narrowing the gap)
- Information relating to employees who share protected characteristics where the academy has 150 or more employees
- Equality impact assessments – if applicable
- Details of engagement with people with an interest in the aims of the PSED
- Evidence of staff training on the Equality Act and the PSED – if applicable
- Details of how the academy monitors equality issues
- Information relating to people affected by items or services purchased who share protected characteristics

Data about employees will not need to be published where a public authority has fewer than 150 employees, however if an academy decides that making public some employee related statistics would help them to demonstrate that they are complying with the general duty they may choose to do so, so long as this does not conflict with principles of data protection. Academies must ensure that individuals are not able to be identified through the publication of data.

Information should not be published about groups of fewer than 10 people, small numbers can be represented in different ways. Although academies with less than 150 employees are exempt from publishing part of this information, they should carry out an equality analysis and develop objectives relating to their workforce, and this should be published.

Equality objectives

Every four years the academy must prepare and publish specific and measurable (SMART) objectives which will be pursued over the coming years to achieve the three aims.

The academy is free to choose the equality objectives that best suit their individual circumstances and contribute to the welfare of their students and the academy community. Objectives are not intended to be burdensome or a ‘tick box’ exercise, but they do need to be specific and measurable. They should be used as a tool to help improve the academy experience of a range of different students. The academy should set as many objectives as it believes are appropriate to its size and circumstances; the objectives should fit the academy’s needs and should be achievable.

Objectives which are stretching, and focus on the biggest equality challenges facing the public body, will have the greatest impact in furthering the aims of the PSED

Equality objectives may arise from analysis the academy has carried out on their published data or other information, where they have identified an area where there is potential for improvement on equalities, or they may – for example - be set in anticipation of a change in local circumstances. It is also advisable to be mindful of national, regional and local priorities.

Objectives will be agreed with the governing body and it would be good practice to include them in the academy development plan.

Equality Objectives must be **specific** and **measurable** therefore it is advisable to set clear targets for achieving each equality objectives, being clear about:

- The intended outcome and how this will be measured
- What action will be taken
- Who will lead on each key priority (a specific person for each is preferable)
- How and who will coordinate, monitor, and report on progress made

The academy may identify a number of barriers or issues which may require their focus to ensure that they are achieving the aims of the general duty. Therefore, it is advisable to prioritise these with meaningful input from members of the academy community who can assist in identifying a manageable number of equality objectives to focus upon over the four years.