

An essential guide on public sector equality duty and British values

A brief introduction to our essential guides

School leaders call us every day for information, advice and guidance that helps them to do their job, run their school and, at the same time, protect them, their employment and their well-being – nothing new there.

Some of the calls will be specific to individual school settings; others will be broad and will resonate across all types of school leaders. Some of the issues we deal with are so profound and fundamentally important to the profession that they deserve a special mention; some are developed into motions that are proposed at our annual conference where support for the proposed motion is subject to a members' vote and then becomes our conference resolution. Most of our resolutions will develop into NAHT policy positions that we will use to lobby Westminster, Cardiff and Belfast. Most, if not all, issues are developed into practical advice and guidance pieces.

Over the last year or so, however, a number of issues have stood out from the crowd. For these areas, we will write a broader advice piece that will help to spotlight the issues and provide some additional and contextual information, such as our conference resolution, policy position, advice, what we're doing for you and details of relevant training events. This will provide you with the full picture.

We'll aim to produce two essential guides each school term:

Autumn term 2019

- Public sector equality duty and British values
- Home and flexi-schooling

Spring term 2020

- Social media and mobile phone use in schools
- Safety and well-being of staff

Summer term 2020

- Pensions
- Learning plans and campaigning

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Our conference resolution

Conference calls on national executive to work with appropriate bodies to do the following:

- Develop and lobby for a more robust and legally enforceable policy, and lobby for support for schools as they carry out their public sector equality duty
- Teach and promote British values to identify and combat discrimination for the protection of children and adults.

Our policy position

We believe there's a need for a more robust and legally enforceable policy, and for more support for schools as they carry out their public sector equality duty. We also believe there's a need to teach and promote British values to identify and combat discrimination for the protection of children and adults.

What we're doing for you?

The Public Sector Equality Duty (PSED) is applicable to all maintained primary and secondary schools in England, including academies, free schools, and pupil referral units (PRUs) in their capacity as a public body. Schools in Wales have different guidance. While the equality duty does not apply to the independent sector, fee-paying schools are subject to anti-discrimination law, and pupils can issue proceedings for discrimination, harassment and victimisation as well as other conduct prohibited by the Equality Act 2010. Independent schools are, of course, free to adopt the principles of the PSED.

To fulfil the PSED requirements, schools must have due regard to do the following:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct 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 between people who share a protected characteristic and those who do not.

The PSED applies to all nine areas of discrimination listed in the Equality Act 2010 (known as protected characteristics), which means employers need to consider the following:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

- Marriage and civil partnership

Note: For marriage and civil partnership, the PSED only requires employers to have due regard to the need to eliminate unlawful discrimination.

The purpose of the duty is to ensure public bodies consider the needs of all individuals in their day-to-day work - in shaping policy, in delivering services and in relation to their employees. But for schools, this also means fulfilling the duty in relation to pupils.

The equality duty should support good education and improve pupils' outcomes by identifying priorities (such as underperformance, poor progression and bullying) and by using the collated evidence to focus on issues and appropriate actions to improve the experience of different pupil groups.

It's important to note that compliance with the duty requires taking a conscious approach and attitude to the issue of equality; general regard is not enough. A school should, therefore, consciously think through the requirements of the duty as an integral element of decision making.

Although there is no legal requirement, it is best practice to ensure the outcome and the process of any such deliberations are appropriately documented to demonstrate transparency and evidence compliance with the PSED.

The PSED requires all public organisations, including schools, to comply with two specific duties:

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

Schools had to publish their initial information and the first set of objectives by 6 April 2012. Schools are required to update this published information at least annually and publish objectives at least once every four years.

Schools are free to determine how best to comply with this element of PSED. Compliance will look different for schools of different sizes and with different levels of resources. So, in respect to publishing information and setting equality objectives, the requirements of the duty are unlikely to be the same for a small primary school as they are for a large secondary school. The specific duties should not be a burden on schools.

It's best practice to ensure any equality policy adopted by the school clearly references the PSED, demonstrating how the school will ensure compliance and how its approach to promoting equality reflects the duty.

Central to any approach to equalities must be the aim to reduce and ultimately eradicate discrimination in any of its manifestations. Since November 2014, schools have been mandated to promote British values that were set out by the government in its 'prevent' strategy (2011); the purpose of which was to improve safeguarding practices and strengthen the barriers to extremism.

The government has stated that “fundamental British values” should be taught to school children, which it describes as “democracy; the rule of law; individual liberty; and mutual respect and tolerance of those with different faiths and beliefs, and for those without faith”.

The Department for Education (DfE) requires you to utilise the SMSC (spiritual, moral, social and cultural) lessons to carry out this work. It’s worth noting, however, that Ofsted will assess British values across the whole curriculum, school ethos, climate and the school’s leadership. While teaching British values may seem like a tall order, citizenship and PSHE (Personal, Social and Health Education) underpin much of SMSC. And PSHE can provide an effective space for exploring sensitive or controversial issues as well as equipping pupils with the know-how to understand and handle difficult situations.

For more detail and teaching resources on British values, visit our website (www.naht.org.uk).

Further information from other websites

- Public sector equality duty guidance for schools in England
- ACAS Public Sector Equality Duty

Our CPD offer

We plan to launch the dates for the 2020 courses listed below before the Christmas break.

- Successfully preparing for relationships education and health education in primary schools
- Curriculum design: planning, implementation and evaluation (there is also reference to British values, although it is a small part of the overall day).