

The General Teaching Council for England

Consultation: EHRC draft non-statutory guidance on the Equality Bill



General Teaching Council
for England

Suite of draft non-statutory guidance

Consultation until 16 April:

- “ students, pupils and parents
- “ employers
- “ education providers

- “ published draft codes of practice for consultation including employment, equal pay and services, public functions and associations . consultation until 2 April
- “ Education code out for consultation between May . July 2010

Consultation response questions

Online technical consultation

- “ Structure
- “ Clarity
- “ Sufficient information
- “ Links to appropriate sources

Why is tackling inequalities important?

Examples:

- “ Educational under-attainment gaps exist for gypsy, Roma and traveller pupils
- “ Bullying continues to blight the lives of LGBT and disabled young people
- “ Black Caribbean boys experience disproportionate levels of exclusions compared to other groups
- “ Careers advice, the choice of subjects to study at school and for an apprenticeship and work experience placements are all subject to stereotyping which results in girls' options and aspirations being limited and contributes to the gender pay gap

Who is covered by the schools section under the Equality Act?

All schools, including:

- “ PRUs now known as Short Stay schools
- “ Independent schools
- “ LA maintained and non-maintained schools
- “ Private day nurseries, group childcare services and childminding are not covered by Part 6 of the Equality Act (which is specific to education) but by Part 3 (services and public functions)

Duties on schools

- “ Must not discriminate because of their disability, race, sex, gender reassignment, religion or belief, or sexual orientation
- “ Must not harass or victimise a pupil or prospective pupil
- “ Must not discriminate:
 - Admission to your school
 - The provision of education to pupils
 - Access to any benefit, facility or service
 - Exclusion from school
- “ New duty re: disability . a failure to make reasonable adjustment would put disabled people at a substantial disadvantage compared to non disabled people

Where there are no duties on schools

- “ Pregnancy and maternity NOT covered
- “ No duty on schools to change the physical features of the school
- “ Acts of collective worship are not covered by the provisions
- “ Exceptions are:
 - “ single-sex schools (in relation to sex)
 - “ faith schools (in relation to religion and belief) and
 - “ schools that select based on academic ability (in relation to disability)

Where there are no duties on schools

- “ Harassment on the grounds of gender reassignment, religion and belief and sexual orientation is not covered by the schools provisions of the Act but is under existing anti-discrimination legislation
- “ Unwanted behaviour (spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour) which has the purpose or effect of: violating the dignity of another person; or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment

Issues to consider?

- “ Examples or case studies which could bring the guidance to life
- “ Further examples of inequality which could be highlighted
- “ SEN Code of Practice is not mentioned under reasonable adjustment for disabled pupils