

Government Equalities Office (GEO): Equality Bill: Making it Work Policy proposals for specific duties – a consultation

The Response of the General Teaching Council for England (GTC)

Introduction

1. The General Teaching Council for England (GTC) is the independent professional body for the teaching profession in England. Its main duties are to regulate the teaching profession and to advise the Secretary of State on a range of issues that concern teachers and teaching and learning. The Council acts in the public interest to contribute to raising the standards of teaching and learning.
2. The GTC welcomes the opportunity to respond to this consultation on the proposals for specific duties as part of the proposed Equality Bill. Since it started work in 2000 the GTC has worked to ensure that the pursuit of equality is recognised as a central aspect of teaching professionalism, and that teachers' professional practice is testimony to this principle. A commitment to promoting and ensuring equality underpins all the GTC's work. This is in the firm belief that equality of opportunity is a cornerstone of high quality teaching and learning.
3. Consequently, the Council's response focuses on the impact of the proposals on schools and does not purport to represent the views of the many other public bodies which would be subject to the specific duties.

Background

4. The GTC welcomes the Equality Bill, which will extend and rationalise the scope of equalities legislation. Schools are and should be places that promote values of justice and fairness in young people for life. They can also address inequalities and, through high expectations and targeted high quality teaching, improve the life chances of children and young people who have experienced disadvantage. However, they can – as Stonewall's work attests¹ – also be places where prejudices go unchallenged or even encouraged, to the detriment of learning outcomes and life chances.
5. It is worth noting that the GTC first established its own Race Equality Scheme (RES) in 2002 in response to the Race Relations Amendment Act (RR(A)A)

¹ Stonewall: *The School Report 2007; The Teachers' Report, 2009*

2000. This was followed by the Disability Discrimination Act (DDA) 2005 and the Equality Act (EA) 2006 which required Disability and Gender Equality Schemes respectively. Since then, and in common with other public authorities, the GTC has chosen to combine race, disability and gender under a single equality scheme and chooses also to conduct impact assessments which similarly deal with all three dimensions. The current single equality scheme comes to an end in March 2010 and work is underway to review the scheme with a view to developing an updated version effective from April 2010.

6. Overall, the GTC welcomes the tenor of the proposals in the consultation document with the emphasis on securing better outcomes, rather than requiring a set of processes to be undertaken. It is important, however, that the unification of the three equalities duties and the extension to include age, religion or belief, sexual orientation and gender reassignment under a single duty does not dilute the achievement made in tackling discrimination and promoting disability, race and gender equality in schools.
7. The Council believes that as a result of its own work in supporting schools with the three current equality duties on schools, particularly the Race Equality Duty, it is well placed to contribute to the consultation. The Council has consistently argued for equality considerations to be mainstreamed into everyday practice, from teaching and learning strategies to staff development, and not seen as an add-on requirement². The same principle should apply to any proposal for a single equality duty, with equality considerations to be addressed throughout all aspects of school life.
8. It is important that lessons are learnt from the implementation of the three existing duties. Evidence from the GTC's work with teachers indicates that the implementation of the Race Equality Duty has been variable. Specifically, there is a lack of awareness of school equality schemes amongst teachers. The 2006 GTC *Survey of Teachers* highlighted that only 64% of teachers surveyed said that their school had a policy on race/ethnicity. While these data do not indicate if a school has a scheme or not, it does suggest that there are large numbers of teachers who are unaware if the school has a scheme and if it does, of the scheme's contents³. Furthermore, the same survey one year later reported concerns about the effectiveness of the legislation in addressing inequalities. Only 39% of teachers surveyed said that equalities legislation had had a positive impact on supporting achievement⁴.
9. Schools are already subject to a number of accountability arrangements. The Council recommends that specific duties which fall on schools should use these existing mechanisms where possible rather than create an additional layer of accountability.

² General Teaching Council Advice: Better support for schools to implement the Race Relations (Amendment) Act 2000 in schools – May 2008

³ General Teaching Council: *Survey of Teachers* 2006

⁴ General Teaching Council: *Survey of Teachers* 2007

10. Schools continue to face the challenge of ‘narrowing the gaps’, that is the difference in the outcomes experienced by the majority of children and young people and those that are disadvantaged or vulnerable. The Council strongly argues that schools should be able to identify their own equality objectives, based on robust evidence gathering. Where this is not effective, mechanisms exist to support schools to identify areas for improvement which can include addressing inequalities.
11. School self-evaluation (SSE) should be used to develop equality objectives, monitor and review progress; and evaluate impact. SSE is increasingly being used effectively to identify areas for improvement. Ofsted acknowledges that there has been an improvement in the quality of self-evaluation across schools in England, with over 7 in 10 schools inspected receiving good or outstanding in this category. This continues a 10-year trend in improvement in this process⁵. Ofsted also acknowledges that schools have increasing confidence in the ways in which (they) use performance data to establish their priorities and evaluate their progress⁶.
12. Ofsted is currently responsible for assessing schools’ compliance with the RR(A)A 2000 as part of the school inspection framework. The Council has consistently argued for a proportionate approach to inspection for the majority of schools, where institutional improvement should over time, rely less on external inspections and more on self-evaluative processes which could be quality assured with a lighter external touch⁷. In keeping with this principle, the Council argues that any proposals to assess progress against equality objectives should be incorporated into the recently revised school inspection framework, where the frequency of inspection is proportionate to need⁸. Care should be taken to ensure that the focus on equality is not lost during ‘light-touch’ inspections for those schools where their overall performance is judged ‘good’ or ‘outstanding’.
13. Schools are also supported by School Improvement Partners (SIPs) which support and challenge the leadership by evaluating performance, identifying priorities for improvement and planning effective change. This includes assessing how well a school enables particular groups of pupils (children in care, boys, girls, those of different ethnic or socio-economic groups, gifted and talented pupils and those with a disability or special educational need) to progress⁹.
14. The Council welcomes changes to the school inspection framework which give priority to assessing how well schools promote equality of opportunity, and how effectively they tackle discrimination. It further welcomes the focus in inspection on the progress of vulnerable and other identified groups of pupils¹⁰.

⁵ Annual Report of Her Majesty’s Chief Inspector in 2006/07

⁶ Ibid

⁷ GTC response: OFSTED: A focus on improvement: proposals for maintained school inspections from September 2009 – August 2008

⁸ From September 2009, Ofsted is varying the frequency of schools’ inspections depending upon the results of their previous inspections and an annual assessment of their subsequent performance.

⁹ DCSF: A New Relationship with Schools: *The School Improvement Partner’s Brief*, September 2007

¹⁰ Ofsted: Framework for the inspection of maintained schools in England from September 2009, June 2009

15. Furthermore, the Government is currently piloting proposals for a new School Report Card (SRC), with a view to implementing the SRC nationally from September 2011. It is envisaged that the Report Card will be published annually and will reflect the broad picture of schools' work in promoting pupil wellbeing, as well as attainment and achievement.
16. Schools contribute to improving wider outcomes for children, beyond pupil attainment and achievement, as part of the *Every Child Matters* (ECM) agenda. Consequently, schools collect evidence from a variety of data sources to measure their impact on pupils' wellbeing e.g. pupil and parent perception surveys. When addressing inequalities, schools should be encouraged to take account of the data derived from the broader picture of their work, of which pupil attainment and achievement is a major but not the only focus.
17. In summary, the GTC argues that there is scope for accountability on equalities issues to be embedded in the accountability processes to which schools are already subject.

The remainder of the response focuses on some of the specific consultation questions.

Q3: Do you agree that public bodies should have a specific duty to publish equality objectives with reference to the relevant evidence and their wider general Equality Duty obligations?

Q4: Do you agree that public bodies should set out the steps they intend to take to achieve their equality objectives?

18. The GTC supports the proposal for schools to publish their equality objectives with reference to the relevant evidence and alongside the steps they intend to take to achieve them.
19. Evidence from the GTC's commissioned study by the National Foundation for Education Research (NFER) on the implementation of the three existing equality duties placed on schools showed that there was a strong correlation between the explicit publication of equalities policies and teachers' perception that they have a professional duty to address inequality and diversity¹¹. This suggests that a public expression of a school's equality objectives and the steps to achieve them helps to engender a professional commitment to address inequalities throughout the school.
20. Equality objectives could be incorporated into School Development Plans (SDPs), high level strategic planning documents which set out the school's

¹¹ National Federation of Education Research (NFER): GTC Annual Survey: Qualitative Follow-up Study. The role of schools and teachers under the Race Relations Act: issues and challenges, 2006

activities over a three or four-year period. However, the specific duty should make it clear that schools can use their existing communication channels to publish this information, with no particular means prescribed.

Q5: Do you agree that public bodies should be required to implement the steps they have set out for themselves within the business cycle period unless it would be unreasonable or impractical to do so?

21. The Council does not support a requirement on schools to implement the steps set out for them within a three-year 'business cycle'. The monitoring of progress against equality objectives should be undertaken within the context of existing school accountability arrangements, namely ongoing school self-evaluation, the SRC, SIPs and the school inspection system.

Q6: Do you agree that public bodies should be required to review their objectives every three years? If not, what time-period do you suggest instead?

22. The Council argues that for schools there are existing structures in place to support the ongoing monitoring, evaluation and assessment of progress against objectives as well as the review of those objectives every three years. School self-evaluation (SSE), combined with challenge and support from SIPs and Ofsted will monitor progress against the equality objectives as well as inform their review.

Q7: Do you agree that public bodies should set equality objectives taking into account priority areas set by the relevant Secretary of State?

23. The Secretary of State may well consider it necessary to establish a set of priority areas. However, schools should not be required to reflect these in their equality objectives. They should have the flexibility to formulate a set of objectives which takes into account the local context of the school, as well as the individual needs and circumstances of their pupils.

Q8: Do you agree that public bodies should not be required to set equality objectives in respect of each protected characteristic?

24. Schools should not be required to set equality objectives in respect of each protected characteristic. However, schools should be expected to review all the protected characteristics from which an evidence-based rationale is used to identify priorities and justify the formulation of specific objectives. Schools should expect to be challenged by SIPs or Ofsted, if they do not set objectives for groups where a need to do so is perceived in terms of outcomes.

Q9: Do you agree that public bodies should be required to report annually on progress against their equality objectives, but that the means by which they do so should not be prescribed in legislation?

25. The GTC supports the proposal to prescribe the frequency but not the means by which schools report annually against their equality objectives. The Council maintains that consideration should be given to ensure that schools report annually on their duty to promote equality in the School Report Card in line with proposals for the Single Equality Duty¹².

Q10: Do you agree that public bodies with 150 or more employees should be required to publish their gender pay gap, their ethnic minority employment rate and their disability employment rate? We would welcome views on the benefits of these proposals in encouraging public authorities to be more transparent.

Q13: Do you agree with the proposal not to require public bodies to report employment data in relation to the other characteristics protected under the Equality Duty? If not, what other data do you think should be reported on?

26. Decisions about the collection of equalities data are informed by national equalities legislation and locally determined policies. In the context of schools, a requirement for only the largest to publish key data seems somewhat arbitrary. However, for some small schools, staff numbers would be statistically insignificant. Therefore the GTC suggests a different approach to the question of schools and equalities data is needed. It should apply to all schools, and it might take the form of specifying the desired outcome – a broadly representative and accessible workforce – and looking to schools to identify the means by which they will pursue this outcome, and the measures they may need to put in place to be successful. This could be done by schools individually or preferably collaboratively, within such clusters as make best sense on the ground. Finally, we are aware of resources that might be of use in this regard – for example, Stonewall's guide to encouraging the completion of monitoring forms: *What's it got to do with you*.

27. Evidence suggests that more work is needed to foster a culture which enables teachers to feel confident about declaring a disability without fear of discrimination. Research carried out by the Association of Teachers and Lecturers (ATL) found that 77.1% of disabled teachers and lecturers surveyed did not declare their disability when they first applied for a job in their school or college. Whilst 65% said that they did not have a disability at the time, two out of ten teachers were concerned that they might be discriminated against¹³.

¹² GTC response: DCSF and OFSTED: *A School Report Card*, January 2009

¹³ ATL survey report on disability equality in schools and colleges: *Equality does not come easily*, July 2008

Q15: Do you agree that public bodies should have a specific duty, when setting their equality objectives, deciding on the steps towards their achievement and reviewing their progress in achieving them to take reasonable steps to involve and consult employees, service users and other relevant groups who have an interest in how the body carries out its functions – or where appropriate their representatives; and in particular take reasonable steps to consult and involve the protected groups for whom the duty is designed to deliver benefits?

28. The GTC supports a specific duty requiring schools to involve staff, parents and pupils within reason in the development of equality objectives, the steps to be taken to achieve these objectives and the review of progress towards meeting them to ensure that the whole school takes ownership of and acts on addressing inequalities which are relevant to the school's local context.

Q22 :Which of the above four models do you consider achieves the best balance between joined-up working and senior accountability for equality outcomes, while avoiding unnecessary burdens? Please explain why.

29. The Council has no strong views on any of the proposed four models, but prefers a requirement for relevant Secretaries of State to report every three years against the national equality priorities that they have set for their policy areas. This model is in keeping with the emphasis on outcomes which runs throughout the consultation on the specific duties.

Q25: What role do you think the guidance from EHRC should play in helping public bodies implement the specific duties in a sensible and proportionate manner? What do you think it would be helpful for such guidance to cover?

30. The EHRC has a crucial role to play in supporting schools in developing, implementing, monitoring and reviewing their equality objectives. In particular, the EHRC should work with Ofsted and the National College of School Leadership (NCSL) to provide guidance to schools in relation to school self-evaluation and the role of the School Improvement Partner with regard to implementing the inspection and monitoring of equality practice.

31. The EHRC should also work with the Training and Development Agency for Schools (TDA) to inform the content of equality and diversity training and development for teachers and school support staff in initial teacher training (ITT) and continuing professional development (CPD).

32. Finally, the EHRC should gather and publicise examples of good practice in partnership with DCSF, Ofsted, GTC, schools and teachers.

September 2009

For further information, please contact:

Consultation Office
General Teaching Council for England,
Whittington House, 19-30 Alfred Place,
London WC1E 7EA

Telephone: 020 7023 3911
Email: dawn.samwell@gtce.org.uk