

Report To:	Education & Communities Committee	Date:	7 May 2013
Report By:	Corporate Director Education, Communities and Organisational Development	Report No:	EDUCOM/42/13/AH/WB
Contact Officer:	Wilma Bain (Head of Education)	Contact No:	01475 712891
Subject:	The Equality Act 2010: Specific Duties - Education Authority Equality Outcomes and Mainstreaming Report		

1.0 PURPOSE

- 1.1 The purpose of this report is to provide Committee members with a set of draft Equality Outcomes and Mainstreaming Report which are both required to be published by 30 April 2013 as part of our Education Authority legislative duties under the Equality Act 2010.

2.0 SUMMARY

- 2.1 An Education Focus Group has produced a draft set of Education Equality Outcomes as required by the Equality Act 2010 (see Appendix 1). The group consists of one Depute Head Teacher, a secondary school teacher, 2 primary Head Teachers and an early years member of staff, as well as a representation from Psychological Service, CLD and the teacher Trade Unions.
- 2.2 The draft Education Equality Outcomes are based on the "Getting it Right for Every Child" agenda and advice and guidance from the Equality and Human Rights Commission.
- 2.3 The third Equality Outcome was worded to take into account sexual orientation following advice from the Scottish Catholic Education Service (SCES) and the Diocese of Paisley.
- 2.4 These draft Equality Outcomes have been agreed by all Heads of Establishment in Inverclyde.
- 2.5 The Mainstreaming Report (Appendix 2) outlines the progress made in ensuring equality of opportunity for all children, young people, communities and staff.
- 2.6 By no later than 30 April 2015, we must publish a report on the progress made to achieve the Equality Outcomes we publish on 30 April 2013.
- 2.7 A fresh set of Equality Outcomes must be published within 4 years of publishing the previous set of outcomes.

3.0 RECOMMENDATION

- 3.1 The Education and Communities Committee is asked to approve the draft Education Authority Equality Outcomes and Mainstreaming Report.

Albert Henderson, Corporate Director Education, Communities and Organisational Development

4.0 BACKGROUND

The Equality Act 2010 replaces previous anti-discrimination laws with a single Act. The majority of the Act came into force on 1 October 2010.

Prior to the Equality Act 2010, there were 3 separate public sector equality duties covering race, disability and gender. The Equality Act 2010 replaced these with a new single public sector equality duty covering the protected characteristics of race, sex, disability, sexual orientation, religion and belief, age, gender reassignment, and pregnancy and maternity.

The Equality Duty consists of a General Duty and Specific Duties. The purpose of the specific duties is to enable the better performance of the General Duty.

General Duty

The general Duty came into effect on 5 April 2011 and has 3 aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relationships between people from different groups

Having *due regard* means consciously thinking about the 3 aims of the General Duty as part of the process of decision-making.

Whilst there are many examples of work undertaken to tackle unlawful discrimination, the role of public bodies in advancing equality and fostering good relations is less developed. Greater emphasis will require to be placed on how we engage with people who may be experiencing barriers to accessing services or opportunities as a result of a lack of support or thought in relation to their particular requirements eg a disability, maternity.

Specific Duties

Specific Duties came into effect on 27 May 2012. The Specific Duties require public bodies to set specific measurable equality objectives and to publish information about their performance on equality, so that the public can hold them to account. All information must be published in a way that makes it easy for people to access it.

Public bodies covered by the Specific Duties must:

- set specific measurable equality objectives and publish information about their performance on equality
- publish sufficient information to show they have considered the 3 aims of the General Duty across their functions
- publish evidence of equality analysis undertaken to establish whether their policies and practices would further, or have furthered the 3 aims of the General Duty
- gather, use and publish employment information

- publish gender pay gap information
- publish an equal pay statement
- consider award criteria and conditions in public procurement

Under the Specific Duties, Education Authorities are required to publish their Equality Outcomes and Mainstreaming Report separately from their partner Local Authority.

A draft set of Equality Outcomes and associated Mainstreaming Report for Inverclyde Council will be presented for approval to the Policy and Resources Committee at its next meeting in May 2013.

5.0 PROPOSALS

5.1 None

6.0 IMPLICATIONS

6.1 Finance

To support Inverclyde Council's commitment to the principle of equality of opportunity, a temporary Equalities Officer post has been advertised to support to the Council on promoting equality of opportunity and eliminating unlawful discrimination in service delivery both as an employer and a provider of services to the community.

6.2 Legal

There are legal implications if we do not publish our Council and Education Authority Equality Outcomes on 30 April 2013.

6.3 Personnel

There are no personnel implications

6.4 Equalities

This paper aims to progress the Council's commitment to Equalities and in doing so comply with the associated legislative requirements for the Education Authority.

7.0 CONCLUSION

8.0 BACKGROUND PAPERS

8.1 None

Education Specific Equality Outcomes

Equality Outcome	Performance Indicators	General Duty Which part?	Lead Service/Group	Well-being Indicator
All children and young people get the support they need in relevant areas through the Staged Intervention and Assessment process	<ul style="list-style-type: none"> • Increased levels of attainment and achievement across all protected characteristics • Relevant paperwork completed and acted upon 	All	Education	Included Achieving
All staff use Equality guidance to promote equal opportunities, fairness, justice, good relations and positive attitudes to all members of their community	<ul style="list-style-type: none"> • All pupils can fully access the curriculum with no barriers to their learning 	All	Education	Included
All school communities recognise and respect people of diverse age, race, faith, gender, sexual orientation, disability and ethnic culture	<ul style="list-style-type: none"> • Equalities outcomes are embedded in the policies, values and practices of all our educational establishments 	All	Education	Included

EDUCATION SERVICES

EQUALITIES – MAINSTREAMING REPORT (as at April 2013)

INTRODUCTION

Education Authorities are required by the General Duty of the Equality Act 2010 to:

- Eliminate discrimination
- Advance equality of opportunity, and
- Foster good relations

Under the Specific Duties, Education Authorities are required to publish their Equality Outcomes and Mainstreaming Report separately from their partner Local Authority. In addition, Education Authorities are required to publish employment information. The information required under the Specific Duties must be published by 30 April 2013.

To address the requirements of the Equality Act 2010, an Education Focus Group, with representation from early years, primary and secondary sectors, as well as Psychological Service, Community Learning and Development and teacher Trade Unions, produced a draft set of Equality Outcomes based on the “Getting it Right for Every Child” agenda and using the advice and guidance from the Equality and Human Rights Commission:

- All children and young people get the support they need in relevant areas through the Staged Intervention and Assessment process
- All staff use Equality guidance to promote equal opportunities, fairness, justice, good relations and positive attitudes to all members of their community
- All school communities recognise and respect people of diverse age, race, faith, gender, sexual orientation, disability and ethnic culture

These outcomes encompass all three parts of the General Duty. They will be achieved by continuing to embed the ‘Responsibilities of All’ in the principles and practices of the health and wellbeing curriculum leading to effective support for all learners to achieve positive outcomes across learning, and by working together to strive for sustainable improvement in our educational establishments.

The draft outcomes were later approved by Heads of education establishments and the Council’s Corporate Equalities Group. These Equality Outcomes will be presented to the Education and Communities Committee on 7 May 2013 for approval.

BACKGROUND TO THE PROGRESS MADE IN MAINSTREAMING THE EQUALITY DUTY

The Equality Champions (Education) Focus Group was established to raise awareness of equalities issues and to act as an advisory group for Education Services. This is the main consultative group for equalities in Education, and equality-related issues are routinely referred to this group. The membership of this group was revised at the start of session 2012/13.

The remit of the group consists of four strands, namely:

1. To ensure that Education Services staff – including school staff – are kept well informed about the meaning of ‘equality’
2. To identify equality issues across Inverclyde schools that need to be addressed
3. To offer advice for schools through a series of ‘Equalities Advice Notes’
4. To contribute to reviews of documentation and procedures as appropriate

The Equality Champions (Education) Focus Group has to date issued a series of Equalities Advice Notes to schools and establishments:

- Equalities advice note 1.1 Ethnic dress, diet and worship (revised)
- Equalities advice note 1.2 Racist Incident reporting
- Equalities advice note 1.3 LGBT
- Equalities advice note 1.4 Disability
- Equalities advice note 1.5 Equality Act 2010
- Equalities advice note 1.6 Examples of schools’ equalities work

This has contributed to existing good practice and continuous improvement in the three main strands: equality, diversity and inclusion. Inverclyde schools/ educational establishments can demonstrate many examples of good practice in relation to all three strands. The list below highlights good practice that we are aware of in Inverclyde. This is *not* in any way intended to be a prescriptive or an exhaustive list.

As well as providing a summary of the sort of things that go on in our schools/educational establishments, it could also be useful to schools preparing for inspection in terms of them not overlooking good work that they are actually doing. It may also help with the completion of the equalities section in annual Standards and Quality Reports by reminding people of the sort of activities they could mention.

Examples:

- Taking account of cultural backgrounds and meeting language needs
- Vetting resources/ materials for stereotyping
- Establishing vision and values and promoting these (e.g. respect, inclusion)
- Involving parents in their child’s education in order to improve learning for all
- Celebrating diversity through events and embracing all cultures and religions
- Working with disaffected learners and their families to motivate or reintegrate
- Providing Access courses to ensure that the needs of all learners are met
- Recognising achievement and promoting tolerance and diversity through assemblies
- Promoting rigorous anti-bullying policies that protect people with ‘protected characteristics’ (e.g. bullying relating to ethnicity, gender orientation etc.)
- Promoting equality and diversity widely through the curriculum

- Promoting a sense of global equity/ fairness through global citizenship
- Having a family worker who meets all new families and makes home visits, promoting equality objectives
- Participating in the 'Creating Confident Kids' programme
- Bystander project – 'Mentors In Violence Prevention (MVP) Scotland'
- Being proactive in developing positive and supportive relationships with parents especially those who are experiencing challenging circumstances
- Adapting the building and providing mobility training to ensure access for all
- Developing strong links with a neighbouring denominational/ non-denominational school
- Changing the timing and organisation of parents' evenings to accommodate the working patterns of parents from ethnic minority backgrounds
- Holding a whole-school anti-racist event (e.g. assembly) to combat racist views
- Hosting a year or class event (e.g. Show Racism the Red Card) to tackle racism
- Taking forward an initiative based on work with an overseas partner school aimed at developing greater understanding of equality and diversity
- Focussing on raising boys' attainment to address attainment differences
- Addressing gender barriers in work experience/ world of work, sport, dance and other extra curricular activities
- Inviting more gender/ race role models to come into school
- Working on emotional literacy/self-esteem with disadvantaged young people
- Talking about people being different and providing opportunities for discussion
- Ensuring learners have equal access to the four aspects of learning including outdoor learning

Protected Characteristic	Some features of good practice	Example
Disability	<ul style="list-style-type: none"> • Disabled access and facilities/ equipment • Inclusive ethos • Promotion of understanding of disability • 'Reasonable adjustments' made 	A pupil with Downs Syndrome is coming into P3. Community Health staff come into the P3 class before the pupil arrives and also afterwards to help the pupils understand and to explain how they can help.
Race	<ul style="list-style-type: none"> • Culture of respect • Vetting of resources for stereotypes • Challenging racist attitudes • Other cultures valued 	As a follow-on from Show Racism the Red Card's 'Islamophobia' workshop, senior pupils plan and run an anti-racism day for S1 to S3.

Sex (Gender)	<ul style="list-style-type: none"> No glass ceilings – e.g. subject choice No barriers in extra curricular Confronting sexist attitudes Male/ female role models 	A school carries out a rigorous evaluation of their option choice process, with particular focus on choice by gender. An action plan is drawn up based on the findings
Sexual orientation	<ul style="list-style-type: none"> Tolerance as a core value Strong anti-bullying strategy Pastoral support Multi-agency working, as required 	A male friend of an openly gay male pupil is subject to repeated name-calling. The school addresses this through bringing in a counsellor to work with a group of pupils to encourage more tolerant attitudes.
Gender Reassignment (transgender)	<ul style="list-style-type: none"> Awareness raising as appropriate (staff and other/ certain pupils) Sensitivity over e.g. facilities Working closely with parents Close working with health professionals 	A S3 girl discloses that she wishes to be treated as a boy. Staff from a transgender support organisation are invited into the school to lead training and information sessions for staff and for the girl's year group.
Religion or belief	<ul style="list-style-type: none"> Tolerance of different views Promotion of respect for other faiths and for people with no religious belief Alternative arrangements for individuals where appropriate (e.g. religious observance) 	(Approaches may vary in denominational and non denominational schools in the delivery of RE) Work has been carried out by the pupils of St Stephen's High School and Port Glasgow High School, who share a school campus, to develop a better understanding of different religions and beliefs
Pregnancy and maternity	<ul style="list-style-type: none"> Promoting multi-agency working Facilitating continuing education Pastoral support 	Home tutor support is organised for a pupil who is pregnant, and arrangements made to enable her to sit her exams.
All of the above	<ul style="list-style-type: none"> Overarching equalities day or event with the focus on Inverclyde Education Services' core values of respect, honesty and tolerance (plus the school's additional core values) 	Includes input from a theatre group on fairness and on the different perspectives on an issue

DEVELOPMENT OF EQUALITY POLICY

An Equality Policy has been developed by the Equality Champions (Education) Focus Group with support from the Corporate Equalities Group. The purpose of the Equality Policy is to describe Education Services' focus in promoting equality and providing a coherent approach to tackling and addressing discrimination, harassment and disadvantage wherever it is found. The policy, based directly upon statutory requirements, will enable schools and educational establishments to:

- guide and support arrangements to promote equal opportunities, fairness and justice for all, and eliminate unlawful discrimination and harassment/bullying
- develop appropriate, relevant learning and teaching experiences, and effective working practices in relation to equalities
- ensure compliance with statutory duties introduced by legislation such as the Equality Act 2010

The following principles underpin this policy:

- a commitment to realising the potential of all children, young people, Communities and staff within equal and inclusive learning environments by;
 - putting people at the heart of what we do
 - nurturing an ethos of achievement
 - striving for sustainable improvement
 - working co-operatively
- a commitment to consult and include all stakeholders in relation to the development of education services, promotion of equal opportunities and development/review of all equality schemes
- the elimination of unlawful discrimination and harassment/bullying (on grounds of race, disability, gender/gender reassignment, faith and age)
- the promotion of equal opportunities, good relations and positive attitudes between people of all ages, faiths, cultures, ethnic groups and sexual orientation
- a commitment to participate, both locally and nationally, in the development of equality resources and events including those that celebrate diversity

Roles and Responsibilities

The Equality Policy outlines clear roles and responsibilities for the following stakeholders:

Director of Education and Heads of Service

The Director of Education and Heads of Service are responsible for implementing this policy by:

- promoting equal opportunities, fairness, justice, good relations and positive attitudes across and between all members of Education Services
- recognising, valuing, promoting and celebrating diversity across Education Services
- supporting schools and early years establishments to implement this policy and monitor its impact
- supporting educational establishments to develop their working practices through the provision of information, guidance and professional development opportunities
- evaluating, assessing and reporting on the impact of the policy
- collating and monitoring equalities data from schools and educational establishments and publishing this data as appropriate

Head Teacher/Head of Establishment

The Head Teacher/Head of Establishment is responsible for implementing this policy by:

- supporting Education Services in fulfilling its statutory duties and associated priority actions
- designating one or more senior/promoted member(s) of staff within the school/educational establishment to undertake specific equality responsibilities

- evaluating the extent to which all policies, schemes and practices promote equality and eliminate discrimination and harassment/bullying across the educational establishment
- providing data as required by Education Services including:
 - educational outcomes for male and female learners
 - learners' access to the curriculum eg course choices
 - educational outcomes for looked after children and young people
 - the achievements of learners with disabilities
 - attendance/exclusion data
 - the educational opportunities available for pupils for whom English is an additional language

Senior Members of Staff

Designated senior/promoted staff have responsibility for implementing this policy by:

- promoting equal opportunities, fairness, justice, good relations and positive attitudes across and between all members of the school/early years establishment
- recognising, valuing, promoting and celebrating diversity across the entire school/early years establishment as appropriate
- ensuring that the equality policy is understood, adhered to and promoted across the entire school/early years establishment as appropriate
- ensuring that the needs of all learners (particularly vulnerable learners) are identified and met by employing approaches which encourage access to and remove barriers from learning
- supporting all members of the educational establishment in fulfilling their equality responsibilities
- liaising, as appropriate, with the relevant Head of Service and Continuous Improvement Team on equality matters
- ensuring that all incidents of alleged discrimination and harassment/bullying are recorded and investigated with appropriate action taken
- providing regular information and guidance and promoting professional development opportunities, in relation to equality, for all staff
- co-ordinating work on equality matters for pupils, staff, parents and the wider school/establishment as appropriate
- supporting the Head Teacher/Head of Establishment in collating data as required by Education Services

All Staff

All staff are responsible for the implementation of this policy by:

- promoting equal opportunities, good relations and positive attitudes across and between all members of the school/early years establishment
- recognising, valuing, promoting and celebrating diversity across the entire school/early years establishment as appropriate
- ensuring that the Equality Policy is understood, adhered to and promoted
- across the entire school/early years establishment as appropriate
- ensuring that the needs of all learners (particularly vulnerable learners) are identified and met by employing approaches which encourage access to and
- remove barriers from learning
- working collaboratively with colleagues, partner agencies and parents/carers to meet the needs of all learners
- supporting the Head Teacher/Head of Establishment and designated senior
- staff in carrying out their respective equality responsibilities
- dealing with and recording alleged incidents of discrimination and harassment/bullying
- acquiring and maintaining knowledge and understanding of relevant Equalities legislation
- participating in equalities-related continuing professional development opportunities.

Parents/Carers

All parents/carers are responsible for the implementation of this policy by:

- promoting equal opportunities, fairness, justice, good relations and positive attitudes across and between all members of the school/early years establishment
- recognising, valuing, promoting and celebrating diversity across the school/early years establishment as appropriate
- supporting members of the school/early years establishment to meet their child's needs by employing approaches at home which encourage access to and remove barriers from learning
- supporting members of the school/early years establishment, especially their own children, to realise their potential
- supporting Education Services and its arrangements for promoting equal opportunities and addressing discrimination, harassment and disadvantage wherever it is found
- reporting all matters of inequality and alleged discrimination and harassment/bullying to the Head Teacher/Head of Establishment

SUPPORT RESOURCES FOR SCHOOLS AND EARLY YEARS ESTABLISHMENTS

The following support resources will assist schools and early years establishments to meet their legislative duties as outlined in the Equality Act 2010:

- **HOW GOOD IS OUR SCHOOL?** (A practical guide to school self-evaluation)

Quality Indicator 5.6 - Equality and Fairness

Themes:

- Approaches to inclusion
- Promoting equality and fairness
- Ensuring equality and fairness

- **HOW GOOD IS OUR COMMUNITY LEARNING AND DEVELOPMENT?**

Quality Indicator 5.9 Inclusion, Equality and Fairness

Themes:

- inclusion of excluded communities, groups and individuals
- addressing barriers to participation
- access to specialist services to meet specific needs
- promoting inclusion, equality, fairness and positive attitudes to social and cultural diversity
- compliance with equalities legislation

- **DOCUMENTS**

- Promoting Diversity and Equality: Developing Responsible Citizens for 21st Century Scotland (Education Scotland February 2013)
- Evaluating education and care placements for looked after children and young people part 1 (HMIE)
- Inclusion and equality part 2 (HMIE) A resource supporting the evaluation of education for pupils with additional support needs in mainstream schools
- Inclusion and equality part 3 (HMIE) A resource promoting good practice in race equality (2004)
- Inclusion and equality part 4 (HMIE) A resource supporting the evaluation of educational provision for bilingual learners
- A closer look at inclusion and equality in particular the needs of gypsy travellers (HMIE)
- Evaluating education and care placements for children and young people in care (HMIE)

- **SOME USEFUL WEB SITES**

- www.equalityhumanrights.com
- www.educationscotland.org.uk
- www.education.ed.ac.uk/ceres
- www.universities-scotland.ac.uk/raceequalitytoolkit

NEXT STEPS

Education Focus Group

The next stage for the Education Focus Group is to update current guidance and produce further guidance for establishments to help them understand the implications of the new legislation for their policies and planning.

We need to ensure that schools and early years establishments understand the legislative requirements and the Focus Group plan to produce a simplified leaflet summarising the main points of the General Duty and Specific Duties, and advice on how best to meet the requirements along with an associated checklist.

The group will also issue advice on incorporating equalities requirements into existing policies and planning using Inverclyde's GIRFEC agenda.

Education Services

To ensure that all schools and early years establishments comply with the legislative General Duty and Specific Duties, Inverclyde Council Education Services will:

- issue comprehensive guidelines/advice notes on equality matters through a series of Equalities Advice Notes giving examples of good practice
- implement and maintain Council-wide monitoring procedures
- provide a range of continuing professional development opportunities for Education staff including an e-learning course on Equalities
- support schools and early years establishments to regularly review their equalities policy and communicate it through school handbooks and school/establishment websites
- Promote and publicise the Equality Outcomes and evidence to demonstrate improvements and good practice in schools/educational establishments