



Public Sector Equality Duty At HLC

“Belong, Respect, Inspire, Succeed, Enjoy”

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Introduction

What is this guide about?

On 6 April 2012 schools were required to publish information showing how they comply with equality duty and to set equality objectives. As a result, HLC needs to update the published information annually and publish objectives every four years.

This summary will inform stakeholders how HLC meets the equality duty. It describes many of the benefits that the equality duty can bring.

The focus in this guide is on the practical implementation of the equality duty in schools. It supplements the DfE Guidance on the Equality Act 2010 with practical case studies of how the equality duty can be applied in contexts which will be familiar to teachers, see:

<https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

Who is this guide for?

Governing bodies, head teachers, special educational needs co-ordinators and staff at all maintained primary and secondary schools, including Academies, free schools, and Pupil Referral Units (PRUs) in England only.

Why should you read this guide?

HLC understands that compliance with the equality duty is a legal requirement for schools, but meeting it also makes good educational sense. The equality duty helps schools to focus on key issues of concern and how to improve pupil outcomes.

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 different needs
3. Encourage participation when it is disproportionately low.

HLC meets the general equality duty, through the completion of two specific duties that they are required to be carry out. These are:

- To publish information to demonstrate how they are complying with the equality duty.
- To prepare and publish one or more specific and measurable equality objective.

What does this mean for HLC?

HLC having 'due regard' means:

- When making a decision or taking an action, HLC must assess whether it may have implications for people with particular protected characteristics. We should consider equality implications before and at the time that it develops policy and takes decisions; not as an afterthought, and it needs to keep them under review.
- HLC should consciously consider each aspect of the duty (having due regard to the need to eliminate discrimination is not the same thing as having due regard to the need to advance equality of opportunity).
- HLC will assess the risk and extent of any adverse impact that might result from a policy or decision and the ways in which the risk may be eliminated before the adoption of a proposed policy.
- The equality duty has to be integrated into the carrying out of HLCs functions. The analysis necessary to comply with the duty will be carried out rigorously and with an open mind – it is not a question of just ticking boxes.
- HLC takes full responsibility for carrying out the duty with steps taken being recorded.

How does it help HLC?

The equality duty supports good education and improves pupil outcomes. It helps HLC to identify priorities such as underperformance, poor progression, and bullying.

It does this by requiring it to collate evidence, take a look at the issues and consider taking action to improve the experience of different groups of pupils. It then helps our school to focus on what can be done to tackle these issues and to improve outcomes by developing measurable equality objectives.

Progress and Attainment

The equality duty will help to focus attention on performance gaps between groups of pupils, for example girls and boys, black, white and Asian pupils, and disabled and non-disabled students.

Example

When deciding on what action to take under the equality duty, an inner-city academy analyses its data on attainment and identifies a number of issues amongst different groups of pupils. Of particular concern is data showing that at Key Stage 4 Bangladeshi pupils are underachieving compared to other pupils when previous attainment is taken into account. Further investigation of data on post school destinations reveals that this is impacting negatively on the numbers of Bangladeshi pupils progressing to higher education. As the academy has relatively high numbers of Bangladeshi students this is identified as a priority issue.

The school decides to set an objective under the equality duty to tackle the underachievement of Bangladeshi pupils. In order to achieve this, they plan to undertake a range of activities including study skills support, mentoring, additional classes and higher education visits. These activities are lawful positive action measures that contribute to meeting the duty to have due regard to advancing equality of opportunity. The school includes monitoring of changes in achievement levels and destinations of Bangladeshi pupils as part of the school improvement plan and is able to report positive impact of its targeted activities (see Frequently Asked Questions for more information on positive action).

This example shows that decision-makers will have to balance competing priorities and that schools have discretion to set their own priorities. The example also illustrates the importance of having good evidence in the early stages of decision-making. This supports the decision to focus on this group of pupils and provides evidence to show that it is a reasonable approach.

Participation in school activities

The equality duty provides us with a framework for identifying pupil needs, and weighing them against other education priorities when making any relevant decisions including those decisions on participation in school activities.

Example

HLC primary plans a trip to a local history museum. Before confirming it checks the accessibility of the venue. One of the pupils is deaf and the museum does not have a hearing loop. The school decides to change the trip and attend a museum in a neighbouring town that has a hearing loop. Although the travel time to and from school is longer, the school decides that this is a reasonable adjustment to make given the substantial disadvantage faced by the disabled pupil if she is unable to participate fully in the trip.

This approach demonstrates that we are trying to eliminate potential discrimination in the way it operates and that it balances the interests of its pupils to ensure the best possible educational outcomes. It is also meeting the second aim of the equality duty by addressing the particular needs of deaf pupils.

Ensuring pupils engage effectively in learning at HLC

The general equality duty reminds us all at HLC that equality is not necessarily about treating people the same way, but about developing different strategies to meet the different needs of pupils. This is very familiar to us through the SEND framework or through providing additional support to groups of pupils who need it.

We will always consider how each decision and policy may affect pupils with different protected characteristics. This can help identify priorities.

Example

HLC primary is considering its resource and stationery order for the new school term, and it consults with teachers. The special educational needs coordinator identifies that visually impaired and dyslexic pupils will require accessible handouts. As a result, it orders additional supplies of different coloured paper to meet the needs of these pupils.

Bullying

The equality duty reminds HLC staff to think about the interests of all their pupils.

One of the key aims of our equality duty is to foster good relations. To help ensure this happens it is useful to ask:

- Does our HLC policy/decision help the school to tackle prejudice?
- Does our policy/decision promote understanding between different groups of pupils and parents?

Example

If HLC Secondary becomes aware that there may be an issue with homophobic bullying when a boy in year 9 is bullied for having same-sex parents. As a result, the head teacher asks all teachers to report incidents of homophobic bullying and name-calling.

Information gathered shows that homophobic name-calling is focused in years 9 and 10. The head teacher asks pastoral staff to research curriculum resources and classroom strategies to tackle this issue.

In the meantime, the parents of the children involved are reminded what the school expects in terms of dignity and respect and behaviour from pupils; clear boundaries are set for pupils who are found to bully other pupils; and support is given to those affected by bullying.

As a result, the number of incidents of homophobic bullying decreases.

This example shows the importance of having sufficient information when making decisions. It also demonstrates the importance of engaging with staff where possible when making decisions so that they pass on any relevant information.

HLC will also tackle bullying through proactive measures such as participating in LGBT or Black History month.

Improve careers and progression

HLC sees supporting students after they leave as just as important as when they were with us. As a result, we analyse the evidence of where pupils go after they leave HLC to support our guidance, maximizing the potential of all our pupils. The following case study shows that the disaggregation of data can feed into HLC good practice.

Example

HLC Secondary looks at the destinations of their boys and girls and finds ‘occupational segregation’ – job stereotyping – with few girls going into science/ technical careers or trades.

It also notes that many boys and girls from Asian backgrounds are not choosing engineering subjects, and that differences between their choices and other racial groups is striking.

As a result, HLC reviews its curriculum and adapts it to challenge the issues. It also establishes taster sessions in year 9 for all pupils, and arranges a series of outside speakers who have made non-traditional career choices as role models to share their experiences. Early indications show that there is a greater willingness for girls and Asian pupils to consider non-stereotypical options, with greater numbers choosing science and technical subjects.

Exclusion

The general equality duty explains what issues need to be borne in mind before making significant decisions. HLC has numerous examples of turning these into questions or prompts to support staff when they are considering policies or making decisions. The first question a school might ask could be: Is the policy/decision likely to result in discrimination?

Examples

- *As part of its equality duty, a school reviews its data on exclusions and finds that a disproportionate number of pupils who have been either temporarily or permanently excluded are Black Caribbean boys. The school also looks at data held at the local and national level which supports its own evidence. The school recognises that its exclusion policy needs to be re-written to set out clear exclusion thresholds that are applied consistently for all pupils. It then runs some focus groups with teachers, pupils and parents from Black Caribbean backgrounds to identify other measures that can be taken to reduce the high numbers of exclusions amongst this group of pupils. Following the consultation, the school implements a range of actions including parent/pupil workshops, visits from Black role models, learning mentors and classes on emotional literacy, assertiveness, socialisation and behaviour management skills. Over time, the number of exclusions of Black Caribbean boys declines significantly.*

How the equality duty can help improve teaching and learning in schools

Policy making

The equality duty helps HLC policy making so that it becomes more relevant to all groups of pupils and help the school decide on its priorities.

The duty applies to all of our policies and procedures. It also applies to what may not be written down, i.e. practices.

Applying the equality duty helps HLC to identify issues and shape policies around the needs of different groups of learners whose interests are protected by it. When reviewing a policy HLC needs to consider emerging equality issues.

Example

HLC Secondary decides to revise its literacy policy. Detailed analysis of its English results at Key Stage 3 reveals that there is a significant gap opening up between boys and girls in year 8. When reviewing its literacy policy, the Principal asks those who are developing the policy to consider this gap.

As a result, HLC proposes to invite male authors to come and describe their work, plus developing lessons in English that seek to break down stereotypes and misconceptions about boys, for example, that they are not interested in arts or academic success. HLC also stresses that the needs of girls who are falling behind in English will not be overlooked.

Making effective use of data and information

A strength of our schools is the data collection and more importantly its impact. Collating and analysing information and data on all aspects of school life can lead to policies and practices that are more attuned to the needs of different groups of pupils.

HLC handles equality-related data in accordance with UK GDPR and the Data Protection Act 2018. This includes ensuring that personal data is collected, stored, and used lawfully, fairly, and transparently. Adding this note reinforces the school's commitment to ethical data practices and legal compliance.

The duty to have 'due regard' to equality considerations is a continuing one, so monitoring the success of any initiative is important to ensure that it is an effective use of resources.

Whilst statistical data can be an important source of information in monitoring, a great deal of useful information can also be obtained from individual tracking of attainment,

lesson observation and talking to pupils and parents.

Example

HLC Primary recognises through the previous years SAT data that achievement levels for SEN learners (a rough proxy for disability) are below national figures and significantly below those in comparative schools. In response to the equality duty, HLC seeks to improve the learning experience for disabled pupils to help close attainment gaps.

It recognises that it needs to identify ways in which learning needs can be more fully met and begins by undertaking a mapping exercise of disabled pupils' learning journeys to understand how key contact points could be improved. Members of the senior leadership team, inclusion staff and teaching staff consult with the disabled pupils and their parents to develop a more in-depth understanding of pupils' wants and aspirations. Staff then combine this information with individual academic data to design a series of initiatives targeted at pupils with a learning difficulty or disability. These include more inclusive teaching practices, the up-skilling of some existing staff, additional support staff and providing specialist equipment.

To monitor the success of the initiative, the school collects feedback from parents and pupils and tracks individual progress. This reveals increased participation in lessons, a greater degree of socialisation and improved academic achievement among pupils with disabilities.

Supporting effective partnerships

The equality duty supports effective partnerships by encouraging initiatives among local authorities, schools, parents, carers, and members of local communities. This includes discussions on what actions are needed to improve education for groups of pupils and to foster good relations across all protected characteristics.

Example

Both HLC primary and secondary have a diverse pupil population. As a result, we recognise the importance of working in partnership with pupils, parents, community leaders, LCT Trust and other local schools to address religious tensions amongst young people, fuelled in the wider community. Drawing on discussions with all these groups, we introduce a range of actions to promote tolerance and respect for different beliefs including: assemblies dealing with good relations, twinning arrangements with other schools which enable pupils to meet and exchange experiences with children from different backgrounds, strengthened behaviour and anti-bullying policies to deal with tensions between different groups of pupils, and a strengthened focus on aspects of the curriculum which promote tolerance and friendship and which share understanding of a range of religions or cultures.

An opportunity to reconsider how schools treat their pupils

One of the aims of the equality duty is 'advancing equality of opportunity'. With that aim in mind, when HLC considers adopting a new policy or making a decision, we find it useful to pose three questions, or prompts:

1. Does this policy/decision remove or minimize disadvantages suffered by pupils with particular protected characteristics?
2. Do we need to adopt different approaches for different groups of pupils?
3. Is there any way we can encourage these groups of pupils to become more involved with the school or open up opportunities for them that they wouldn't otherwise enjoy?

In practice this means that schools should always try to use information about pupils with different protected characteristics to mitigate adverse effects or bring about positive ones.