

The Equality Act 2010 for Schools

The Equality Act 2010 brings together all existing equality legislation under one Act. In England and Wales the Act applies to all maintained and independent schools (including academies and free schools) and maintained and non-maintained special schools, and covers current and prospective employees and pupils. Pupils who have left the school are also protected with reference to activities that connect them to the school, for example: the provision of references or access to publications for former pupils.

Anyone acting on behalf of the school (an employee or a contractor) is liable for their own behaviour, but the school is also liable unless it can show that it has taken all reasonable steps to stop the individual from doing the discriminatory action.

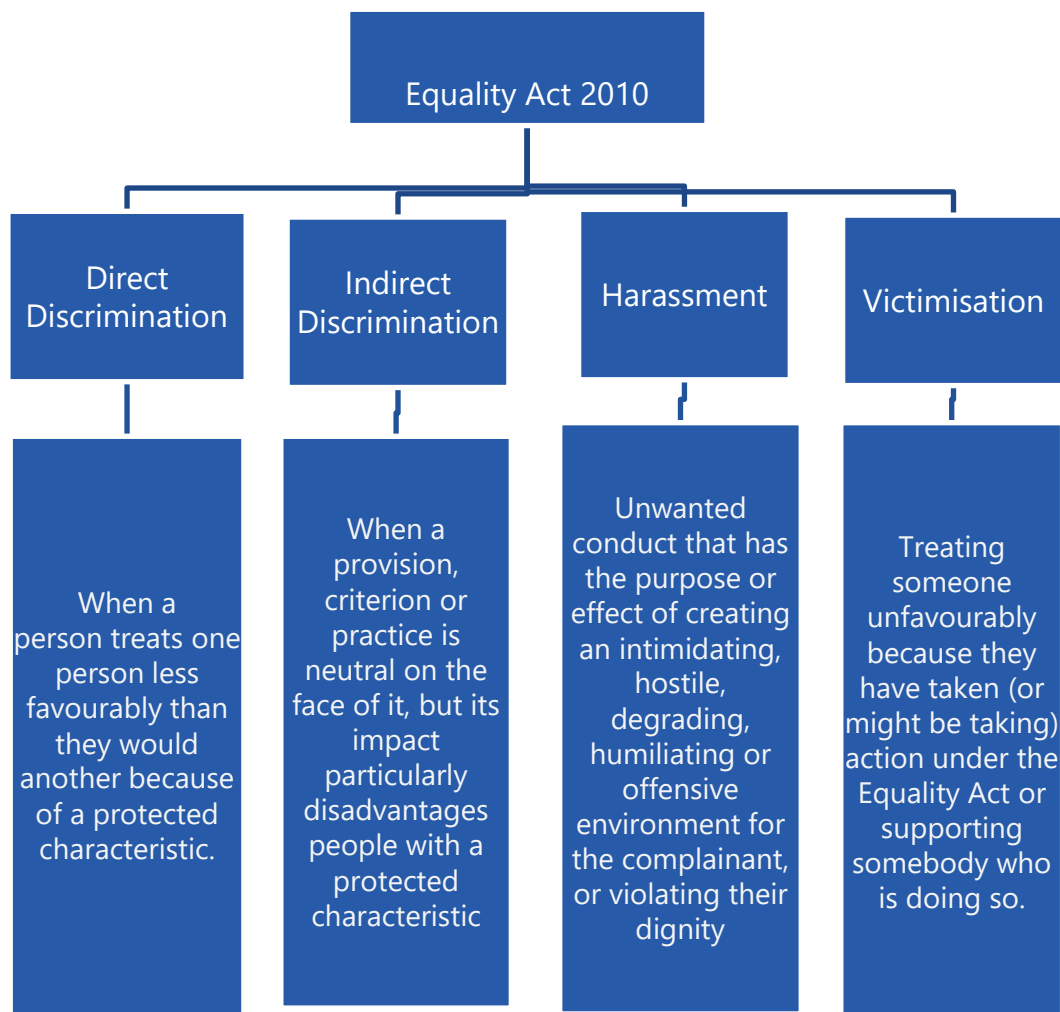
The relationship between one pupil and another is not within the scope of the main Act. However, the school needs to demonstrate that it treats bullying with regards to each protected characteristic as seriously as all other forms of bullying and has a duty to foster good relations between pupils as part of its Public Sector Equality Duty (see page 3).

There are nine protected characteristics that are covered by the Act:

Race and Ethnicity, Religion or
Belief, Sexual Orientation, Sex,
Disability, Age, Gender
Reassignment, Pregnancy and
Maternity, Marriage and Civil
Partnership

Discrimination because of age and marriage and civil partnership don't apply to school pupils, although they do apply to employees. Age applies to students in sixth form colleges and further education institutions.

The following behaviours are outlawed by the Act.



The law also protects those who are perceived to have a protected characteristic (for example, it is illegal to discriminate against someone because you think that they may be gay) and those who are associated with people who have a protected characteristic (for example it is illegal to discriminate against someone because their child has a disability).

Note: If someone being of a particular characteristic is central to a particular job it can be considered an occupational requirement and exempt from equality law. For example, a theatre company would be legally justified in recruiting a male actor for a male role.

The law requires that reasonable adjustments are made for employees and pupils who have a disability to remove barriers to full participation. For example, specialist software could be provided for an employee or pupil who has a visual impairment. Disability is the only protected characteristic to which the ‘reasonable adjustments’ duty applies.

s149 Public Sector Equality Duty

General Duties

All public bodies, including schools and colleges, have a requirement to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Specific Duties

- Publish sufficient information to demonstrate the school/college's compliance with the general equality duty across its functions.
- Prepare and publish equality objectives.

For more information, please visit the Equality and Human Rights Commission website:
www.equalityhumanrights.com