

Need to Know

This section introduces the legal framework which relates to promoting gender equality and tackling sexism and sexual harassment in education settings; and the key terminology practitioners need to understand before carrying out this work.

Legislation and Teachers' Duties

Equality legislation in the UK is dominated by the **Equality Act 2010** (<https://www.gov.uk/guidance/equality-act-2010-guidance>). The Equality Act legislates against discrimination on the basis of nine 'protected characteristics'. These are: race; religion or belief; sexual orientation; sex; disability; age; gender reassignment; pregnancy and maternity; and marriage and civil partnership. The protected characteristics that this resource is concerned with are sex, sexual orientation and gender reassignment.

The Equality Act protects against four behaviours: direct discrimination, indirect discrimination, harassment, and victimisation.

Direct discrimination is defined as any instance in which one person is treated less favourably than another person because of a protected characteristic.

Indirect discrimination comprises any instance in which a provision, criterion or practice is neutral on the face of it but its impact particularly disadvantages people with a protected characteristic.

Harassment is defined as unwanted conduct that creates an intimidating, hostile, degrading, humiliating or offensive environment for a person with a protected characteristic or has the purpose or effect of violating their dignity.



Victimisation comprises treating a person unfavourably because they are (or may be) taking action under the Equality Act or supporting somebody who is doing so.

The Equality Act also protects any person associated with an individual who has a protected characteristic from discrimination, harassment and victimisation. Furthermore, the Act protects individuals perceived to have a protected characteristic from discrimination, harassment and victimisation.

The Equality Act defines sexual harassment as unwanted behaviour which is of a sexual nature and which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

The Act also sets out that it is unlawful to treat a person less favourably because they either submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

The Equality Act introduced the **Public Sector Equality Duty** (<http://www.legislation.gov.uk/ukpga/2010/15/section/149>), which all educators are required to fulfil. The Public Sector Equality Duty requires schools to show due regard to the need to:

- Eliminate discrimination, victimisation, harassment and any other conduct that is prohibited under the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relationships between persons who share a relevant protected characteristic and persons who do not share it.

The Children and Social Work Act 2017 (<https://services.parliament.uk/Bills/2016-17/childrenandsocialwork/documents.html>) sets out that Relationships Education must be provided to pupils of compulsory school age receiving primary education at schools in England and that Relationships and Sex Education must be provided to pupils receiving secondary education at schools in England. Broadly, Relationships Education and Relationships and Sex Education should cover:

- safety in forming and maintaining relationships;
- the characteristics of healthy relationships;
- how relationships may affect physical and mental health and wellbeing.

Section 175 of the **Education Act 2002**, the **Education (Independent School Standards) Regulations 2014**, and the **Non-Maintained Special Schools (England) Regulations 2015** impose duties on schools to safeguard young people. These duties are brought together in the Department for Education's statutory guidance **Keeping Children Safe in Education** (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741314/Keeping_Children_Safe_in_Education__3_September_2018_14.09.18.pdf)

This guidance defines safeguarding and promoting the welfare of children as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care;
- taking action to enable all children to have the best outcomes.

This guidance places responsibility for safeguarding young people (under the age of 18) upon everyone who comes in to contact with them. It sets out that all approaches to safeguarding should be child-centred and in the best interests of the child. Every school and college should have a designated safeguarding lead who will provide support to staff to carry out their safeguarding duties and who will liaise closely with other services such as children's social care. Any concern for a child's welfare should be reported to the school's safeguarding lead and in some cases to the police. Within the guidance, specific reference is made to protecting young people from child sexual exploitation, so-called honour-based violence, Female Genital Mutilation (FGM) and forced marriage.

Within safeguarding policies, schools must also consider the advice published by the Department of Education in 2018 on **sexual violence and sexual harassment between children in schools and colleges** (<https://www.gov.uk/government/publications/sexual-violence-and-sexual-harassment-between-children-in-schools-and-colleges>). This advice sets out what sexual violence and sexual harassment is, how to reduce the risk of it and how to respond when an incident occurs or is alleged to have occurred. It is important that schools consider sexual violence and sexual harassment in their whole school approach to safeguarding and in their child protection policy.

Section 78 of the **Education Act 2002** (<https://www.legislation.gov.uk/ukpga/2002/32/contents>) requires schools to promote the spiritual, moral, social, and cultural development of students. These four lines of development are generally grouped under the acronym 'SMSC', and schools are permitted to create separate schemes of work to address these areas of learning in addition to the work they embed throughout the whole school setting. SMSC is aimed at helping children to better understand and develop empathy towards themselves and others, and to become responsible, active citizens. The work proposed in this resource helps schools to fulfil this duty.

The **Education and Inspections Act 2006** (<https://www.legislation.gov.uk/ukpga/2006/40/contents>) inserted a new section 21(5) to the Education Act 2002 introducing a duty on the governing bodies of schools to promote 'community cohesion'.

Ofsted has defined community cohesion as "working towards a society in which there is a common vision and sense of belonging by all communities; a society in which the diversity of people's backgrounds and circumstances is appreciated and valued; a society in which similar life opportunities are available to all; and a society in which strong and positive relationships exist and continue to be developed in the workplace, in schools and in the wider community."

OFSTED inspects on issues of gender equality, sexism and sexual harassment. For information about the latest Inspection Framework, click here (<https://www.gov.uk/government/publications/education-inspection-framework>)

Terminology Glossary

The purpose of this glossary is two-fold. First, to introduce the key terms and phrases that will be used throughout this resource. Second, to provide a point of reference to help educators feel confident carrying out this work.

A general consensus exists as to whether the terms below are acceptable or unacceptable in the UK. Certain individuals may choose to use some terms with reference to themselves in ways which are different to the general consensus and they have a right to do this. However, terms which are deemed to be generally unacceptable should not be used within a workplace or school setting.

All language changes over time. It is important to remain up to date to make sure the most acceptable terms are being used.



Terminology

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| Biological Sex | The categorisation of people based on hormones, chromosomes and genitalia. Two sexes, male or female, are most common, however sex is not binary and there are people who exhibit a combination of male and female sex characteristics (intersex). |
| Gender | A social construct in that children learn how to behave in a manner typically associated with their sex. This can include roles, clothes, emotional behaviours, and interests. |
| Gender Identity | Someone's innate psychological understanding of themselves as either a man, woman or another identity beyond the man-woman binary. A person's gender identity may or may not align with their biological sex. |
| Sexism | Prejudice, stereotyping and/or discrimination on the basis of sex and/or gender. |
| Sexist Incident | Any incident which is perceived to be sexist by the victim or any other person. |
| Sexual Harassment | The Equality Act 2010 defines sexual harassment as unwanted behaviour which is of a sexual nature and which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. |
| Intersectionality | Intersectionality is the theory that all elements of a person's identity (ethnicity, sex/gender, class, sexual orientation etc.) are connected and need to be considered to fully understand the disadvantage a person may experience. |
| Trans/Transgender | An umbrella term for people whose gender identity or gender expression differs from what is typically associated with their biological sex. |
| Cisgender | A term used to describe people whose biological sex is aligned with their gender identity. 'Cis-' is a Latin prefix meaning 'on the same side as,' and is therefore an antonym of 'trans-.' |
| Non-Binary | A term used by some people who experience their gender identity as falling outside the categories 'man' and 'woman'. Some may define their gender identity as falling somewhere in between man and woman, as a combination of both or as wholly different from these terms. |
| Transphobia | A range of negative attitudes and feelings towards transgender people or people perceived to be transgender. |

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| Transition | The process whereby a transgender person changes their gender or sex characteristics to accord with their gender identity. Transitioning can be a complex process that occurs over a long period of time. Transitioning can include some or all of the following personal, medical, and legal steps: telling one's family, friends, and co-workers; using a different name and new pronouns; dressing differently; changing one's name and/or sex on legal documents; hormone therapy; and one or more types of surgery. The exact steps involved in transition vary from person to person. |
| Intersex | Where a person is born with a combination of male and female biological characteristics, such as hormones, chromosomes and/or genitalia. |
| Sexual Orientation | A term that describes a person based on who they are emotionally and physically attracted to, regardless of whether a person acts on this attraction. There are many different sexual orientations beyond the three listed below. For a full glossary of LGBT+ terminology, visit: https://www.stonewall.org.uk/help-advice/glossary-terms , or https://www.itspronouncedmetrosexual.com/2013/01/a-comprehensive-list-of-lgbtq-term-definitions/ . |
| Gay | The term 'gay' is acceptable when describing the sexual orientation of both men and women; however, it is more commonly used to describe men who are emotionally and physically attracted to other men. |
| Lesbian | The term 'lesbian' is used to describe women who are emotionally and physically attracted to other women. Caution is needed before using this term as some women may prefer to describe themselves as gay rather than lesbian. |
| Bisexual/Bi | An emotional, romantic and/or sexual orientation towards both men and women. |
| Heterosexism | The belief that heterosexuality is normal and the norm. |
| Heteronormativity | The sociocultural conditions that allow heterosexist and/or homophobic attitudes to exist. |
| Gender Non-Conforming | A term used by people whose gender expression is different from stereotypical expectations of masculinity and femininity. |
| Gender Conformity | The belief that people's gender should conform to their sex (i.e. that males should behave in a masculine way, females in a feminine way) which reinforces gender stereotypes and negative attitudes toward people who do not conform. |

Where are you Now?

This section outlines the key considerations that each setting must take into account when embarking on this work. It includes practical guidance and starting points to give educators confidence to embark on whole school change in the promotion of gender equality, and in tackling sexism and sexual harassment.

Barriers to Engaging with this Work



For any work on promoting gender equality, tackling sexism and sexual harassment to be meaningful and to have a genuine impact on young people, it is vital that all stakeholders are on-board and committed to making change. However, trying to sell the importance of gender equality to everyone within the school community is not always easy; there may be those who don't think change is needed.

Indicated here are common barriers that may prevent some people from engaging with this work, along with suggestions about how to respond to their concerns.

'I don't have any prejudice, so I don't need to take part in this...'

As well intentioned as this idea can be, it simply isn't true. Everyone has a set of norms that they bring to their school environment. These, often subconscious, ideas can permeate everything: how teachers talk to boys and girls, expectations of boys and girls and the paths children are encouraged to follow.

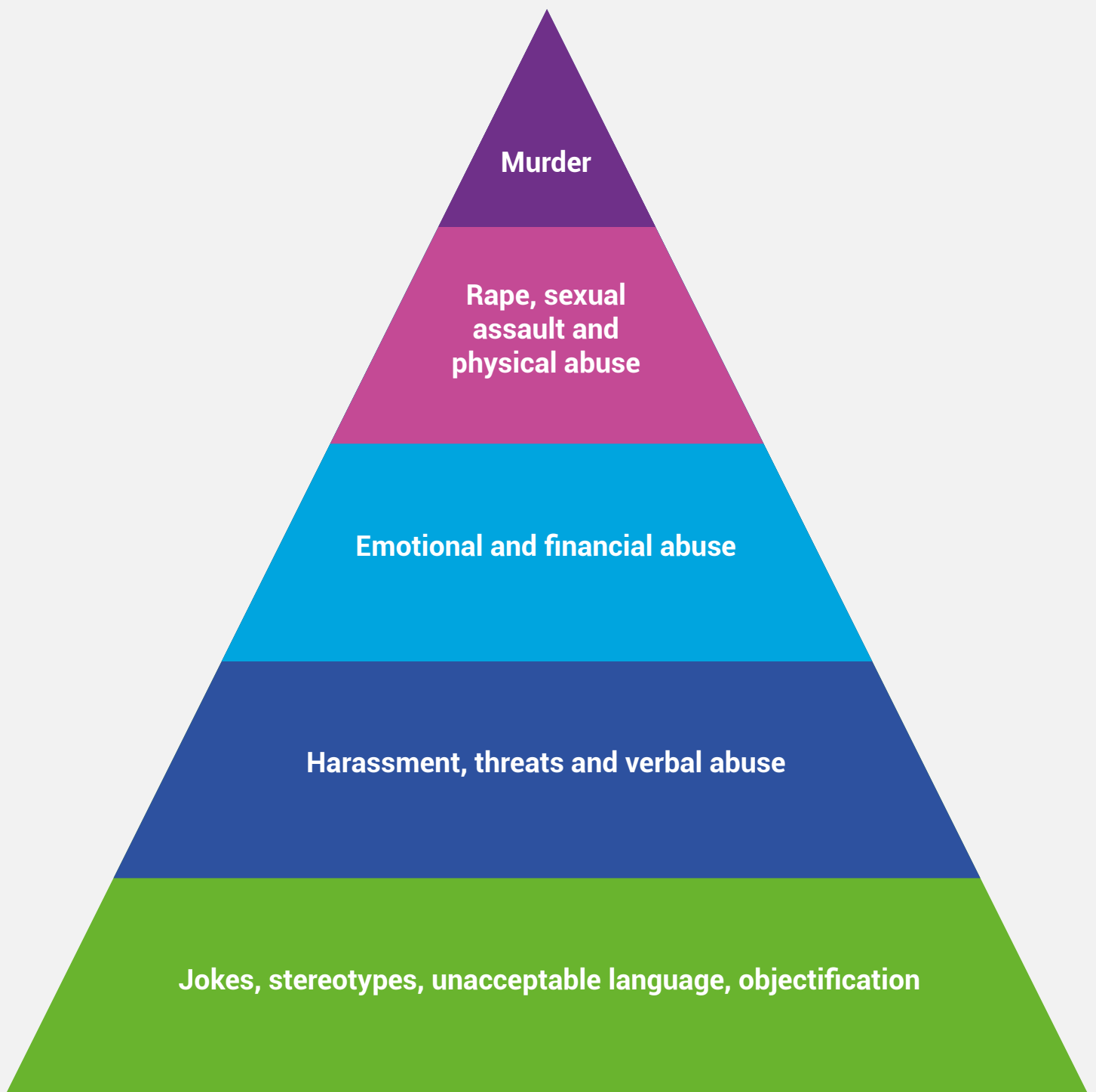
Whilst there is no cure for this unconscious bias, it is important that we are aware of it and take the time to challenge our own assumptions about gender and consider things from different perspectives. Taking our learned perception of reality as the only reality can make it difficult for us to perceive when injustices are taking place or when behaviours are unacceptable.

'It's just harmless banter'

It is commonplace for people to dismiss sexist jokes or language as merely 'banter' or 'harmless fun', but are they?

Gordon Allport's Scale of Prejudice and Discrimination (1954) highlights how seemingly 'low-level' incidents of prejudice, such as stereotypical language, jokes and subtle acts of bias, can escalate into graver acts of prejudice and discrimination if behaviour and attitudes are left unchecked. Allport conducted research into what led humanity to commit an act of genocide and from this research, devised five stages of prejudice, ranked by the increasing harm they produce.

Below, this scale has been reproduced as a pyramid and adapted to relate specifically to sexism and sexual harassment. This is to ensure that people can recognise that by allowing stereotypical expectations, language and jokes to become commonplace, the foundations are laid for further serious acts of prejudice, discrimination and violence. Educators are in an empowering position to work towards removing the foundations of the pyramid, so that the upper sections of the pyramid cease to exist.



'But hasn't equality between boys and girls been achieved?'

It is often assumed that schools are places of true equality where young people are encouraged to fulfil their potential in whatever way they choose. The evidence makes clear, however, that there is still much work to be done to create a truly equal educational system:

- In 2018 girls represented just 12% of entrants in Computing, 22% of entrants in Physics and 28% of entrants in Further Maths at A Level (Wise, 2018);
- The permanent exclusion rate for boys in 2009-10 was approximately four times higher than that for girls. Boys represented 78% of the total number of permanent exclusions from school (Office of the Children's Commissioner, 2012).

Despite the good practice in place in many schools, gender inequality is still a real problem. Overcoming the perception that there isn't a problem is the first step in creating a truly equal setting.



'The differences we see in boys' and girls' interests/achievements/behaviours are natural!'

Despite this common view, there is much evidence to suggest that the male and female brains are essentially the same. For instance, a 2015 study at Tel Aviv University compared the MRI scans of 1,400 male and female brains and concluded that 'human brains do not belong to one of two distinct categories' (Joel et al, 2014).

This is not to say that everyone should be treated the same, there is a huge amount of variation within populations of boys and girls, so everyone should be exposed to all possible interests and opportunities and treated according to their needs. To assume that all boys share things in common, which they do not share with girls, is incorrect and does all children a disservice.

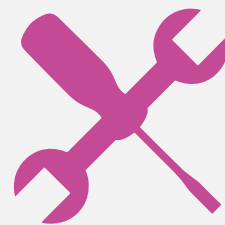
The brain is plastic so connections are formed throughout people's lives and these connections are hugely influenced by our environment. The differences we see between boys' and girls' behaviour are largely down to environmental factors such as the toys they are given, the conversations people have with them, expectations placed upon them and the role models they see around them.



"The bottom line is that saying there are differences in male and female brains is just not true. There is pretty compelling evidence that any differences are tiny and are the result of environment not biology."

(Professor Gina Rippon, 2014)

Starting Points



Know your own perspective

Everyone has a set of values and cultural norms that they bring to the workplace. These inform the way that teachers approach, plan and implement policies and lessons and, ultimately, impact the ethos created within the school.

Unchecked, these norms can lead to a school environment that leaves some feeling excluded, misrepresented or even mistreated.

These ideas can be deeply embedded within people's subconscious meaning that when approaching any element of our work, it is important to ask:

- What do I already know or believe?
- Why do I believe this? Is there any evidence for this belief?
- Is it worth doing more research around this topic?
- What sources have I used in my research?
- How do I know what I know?
- Do I need to consult someone with experience around this topic so I may see it from a different perspective?



Ensure governors are on board

If the message about promoting gender equality and tackling sexism and sexual harassment is going to become part of the whole school ethos, it is vital that its importance is sold to those who have the most power to elicit change. Without the backing of governors, it is almost impossible to make a big impact in a setting. Before embarking on this work, hold meetings with governors in order to explain the school's vision and the intended changes. Allow governors to ask questions and reassure them of the moral and legal obligation to do this work.



Include parents and carers

When attempting to make any change within a setting, particularly changes that may be different to a socially agreed set of norms, a school needs to be mindful of the differing perspectives of parents and carers.

Engage with parents and carers prior to undertaking any work and give them the opportunity to meet with school staff to voice any concerns that they might have. Most parents and carers will appreciate the transparency and the school will have the opportunity to bring on board the very people who most influence their young people.



Engage with external agencies or groups

Where possible, it is always useful to consult with local or national organisations with expertise in tackling gender inequality, sexism and sexual harassment.

Such organisations may be able to provide useful resources or guidance specific to the needs of the school community. It may be that they can offer additional insight into issues surrounding young people from a perspective that may not be apparent to staff within schools.

Please see 'Further Resources' on page 85 for more information.



Let young people guide the work

If the goal is to empower young people, then it is important that young people's opinions, concerns and ideas form the foundations of the work.

Schools have a statutory duty to promote pupil voice and to involve young people in decision making (DfE, 2014). Before beginning work on promoting gender equality and tackling sexism and sexual harassment, it is important to hold consultations with young people. Options for these could include:

- holding pupil voice sessions. These focus groups allow schools to gain insight into the experiences of the young people within school;
- online questionnaires completed by young people;
- providing a box in an accessible area where young people can post questions or concerns that they have about sexual harassment and gender inequality in school. These can be used to inform future work and to assess how young people are responding to the work that is being done.



Conduct a baseline audit

Audits provide a baseline assessment to better understand how a particular setting can better promote gender equality and tackle sexism and sexual harassment. Take the time at the beginning of this process to assess what good practice is currently in place and where the gaps are in the current provision. An audit should include reviewing policies and procedures, monitoring of sexist incidents, analysing attainment by subject, monitoring rewards and sanctions and analysing representation of gender in the curriculum and resources. The following sections of this resource can be used to provide a framework for creating an audit.

For links to organisations who work with schools to conduct equality audits, please see the 'Further Resources' section of this resource.



Establish a working group and gender equality lead

It is important that there is a lead staff member or working group to undertake this work. Without an individual or group to take the lead, there is the danger that changes from the top never get disseminated to other staff or that change is short-lived, and progress never revisited. A working group can also ease the burden of workload and encourage buy-in from members of staff who have different roles within the school.

Plan the Journey from Start to Finish

The following steps provide a framework to ensure that long-term, meaningful change takes place. This step-by-step process can be used to help build a school-specific action plan.



Appoint a lead staff member and form a working group composed of a diverse team, which includes members of the senior leadership team and a governor.

Communicate all changes to staff. Let staff know what will be happening and ensure they feel confident to move forward.

Communicate with parents and carers: let them know what will be happening and why. Allay any fears.

Conduct a baseline audit and consultation to establish what the school is already doing well, where the gaps are and what young people, staff, governors and parents and carers feel.

Review and amend procedures and policies.

Implement key changes to the school environment.

Implement key changes to teaching and learning, involve young people in initiatives.

Review the impact of changes and plan for improvement.

Cascading

Throughout this process, it is important to consider how information is going to be communicated with key stakeholders. Consider:

- at which points of this process staff training will be needed to promote the vision and explain changes;
- when staff training will need to be adapted and/or repeated;
- when and how young people need to be brought on board (for example, through assemblies or form-time activities);
- how members of the school community will be shown that their suggestions and recommendations are being implemented;
- how all changes, once finalised, are communicated to the whole school community (this could be through the school's website, newsletters and/or e-mails).

