

Equality Act 2010

What is the Equality Act 2010?

The Equality Act 2010 is a new law which protects people from discrimination. It replaces all previous, separate equality laws including the Disability Discrimination Act, Race Relations Act and many others.

Why change?

Having one law on Equality helps people to better understand theirs and other people's rights, and how they should expect to be treated.

Equality: does not mean treating everyone the same, it means treating people fairly, with respect, having regard for their rights and wishes. Sometimes this means giving people extra help so they have the same chances.

Direct Discrimination occurs when a person treats another person differently than they treat or would treat another person because of a 'protected characteristic'.

Discrimination arising from disability can happen if a person is treated unfairly because of something that results from, or is connected with their disability.

Example: A pupil with cerebral palsy who is a wheelchair user is told she will be unable to attend a school trip to a local theatre which is showing a play that she is currently studying in English. This is because the building is not wheelchair accessible. The pupil and her parents are aware that the play is also on at a theatre in a nearby city which is accessible but the school does not look into this option. This is likely to be discrimination arising from a disability.

Unlike all other protected characteristics, treating a disabled person more favourably than a non-disabled person, because of their disability, is allowed under the act.

¹**Example:** A school provides extra lessons to a disabled pupil who has missed lessons because of attendance at medical appointments relating to their disability.

Further Examples of Direct discrimination

Example 1: A teacher at a school lets children know that there will be football trials for the school football team. The teacher states that the trials will only be open to male pupils. A female pupil wishes to take part in the trials but is told that she cannot. This is the only football team in the school.

¹All Examples are taken and in some cases have been amended, from the Draft Code of Practice: Schools in England & Wales Consultation January 2011

The teachers' actions mean that the female pupil has been treated less favourably because of the protected characteristic 'sex', and as a result this is unlawful direct discrimination.

Example 2: A pupil is unsuccessful in gaining a place at a Catholic primary school because his parents are a gay couple. This is direct 'sexual orientation' discrimination by association because of the boy's association with his parents.

Indirect Discrimination

Indirect discrimination can occur when a school applies what is felt to be a general policy or practice which puts pupils sharing a protected characteristic at a particular disadvantage.

Example of Indirect Discrimination: A school instigates a policy that no jewellery should be worn. A young woman of the Sikh religion is asked to remove her Kara bangle in line with this policy, although the young woman explains that she is required by her religion to wear the bangle. This could be unlawful indirect discrimination on the grounds of religion and belief.

Protected Characteristics?

The Equality Act protects the same groups of people that were covered by previous equality legislation, but these groups are now referred to as 'protected characteristics'. The following is a list of the protected characteristics covered by schools:

- Disability
- Gender Reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

What does this mean for schools?

The Act covers all aspects of school life which are to do with how a school treats its pupils and prospective pupils, and their parents and carers; how it treats its employees; and how it treats members of the local community.

A school must not discriminate against a pupil with regard to:

- Admissions
- Provision of education
- Access to any benefit, facility or service
- Exclusions

It is also unlawful for a school to harass or victimise a pupil.

What do schools have to do?

All schools across all 'protected characteristics', have to give due regard to the need to:

- Eliminate Unlawful Discrimination

- Advance Equality of Opportunity
- Foster Good Relations

Schools will have to demonstrate that they are doing this across all areas. This should include working with parents, carers, pupils and staff to understand issues/barriers in school, and how to resolve them. RMBC provides guidance for schools to support and assist them in meeting their Equality Duties.

How can parents and carers raise issues or concerns?

If a parent or carer feels that their child is being treated unfairly then they must follow the schools complaints process in the first instance

http://www.rotherham.gov.uk/info/353/complaints-procedure/555/making_a_complaint_about_a_school

For further information on matters of equality please visit the council's website:
http://www.rotherham.gov.uk/info/200041/equality_and_diversity

Equality & Human Rights Commission: www.equalityhumanrights.com or Department of Education:
www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity