

DCSF SINGLE EQUALITY SCHEME 2009-10 UPDATE

INTRODUCTION

What is this update and what does it do?

Welcome to the updated and refreshed Single Equality Scheme (SES) from the Department for Children, Schools and Families (DCSF).

In this Scheme we say what we are doing to make life better for children, young people and adults who experience discrimination and disadvantage.

How is SES 2009-10 similar to SES 2008?

The 2009-10 SES, like its 2008 predecessor, is based on the Department's Public Service Agreements (PSAs) and Departmental Strategic Objectives (DSOs). So it:

- provides updates against the key equality issues, and actions within these;
- contains updates on all the commitments made in the predecessor equality schemes on disability, ethnicity and gender (these are now integrated within the main action plan attached); and
- incorporates the Equality Impact Assessment (EQUIA) workbook, which both demonstrates our evidence base and exemplifies our impact assessment methodology (both mandatory aspects of the SES.)

How is SES 2009-10 different from SES 2008?

SES 2009-10 looks at what has happened during the past year to the priorities we highlighted in the SES 2008. It tracks progress and demonstrates success since SES 2008 was published on 4 December 2007. It also updates and refreshes SES 2008.

What does updating mean?

- Recording progress against each of the actions in the SES 2008 Delivery Plan and the predecessor schemes for ethnicity, disability and gender equality.
- Updating the evidence base.

What does refreshing mean?

- Inserting new plans on each of the current three strands that have arisen since the SES was launched, and have since contributed to the Department's work.
- Adding work planned to address the wider equality strands – sexual identity and orientation, religion and belief, and, for the employer function only, age.

What else is new for SES 2009-10?

Human Rights

We are placing renewed emphasis on Human Rights in DCSF policy and practice. This is reflected within the SES in the following ways:

- through a narrative section that follows this introduction;
- through a commitment to refresh our internal website, Fairway, The Single Equalities Website, with substantial material on how Human Rights affects policy and practice at DCSF, and through also making this material available in the public domain (this new material will be added from January 2009 onwards)
- through a commitment to include workshops on Human Rights in the sector at the two events that DCSF is hosting for schools and local authorities in February 2009.

Social Class and Equality of Opportunity

Why is social class an issue?

Government's view is that everyone in society, regardless of their background, should have the opportunity to achieve their full potential. We know that children who grow up in poverty are less likely to get qualifications or to go on to higher education, and more likely to become young parents. This means that whole families can be locked into cycles of deprivation.

The Government's ambition is to reduce the number of children who are born into poverty and to narrow the gap in educational achievement between children from low income and disadvantaged backgrounds and their peers. This will help children to succeed as adults and subsequently enhance the life chances of their children.

A narrative section follows this introduction.

Ending Violence Against Women

Why are we highlighting this area?

We are increasing the focus in SES 2009-10 on tackling violence against women (EVAW). This is a gap in the SES 2008 to which we have been alerted by a number of organisations and people with interests in the area. It is also an increasingly important area of work within our equalities and Human Rights framework.

What is DCSF's position on ending violence against women?

DCSF recognises that violence against women is a fundamental issue of

human rights. Every person – be they a child, young person or an adult – has a right to freedom from violence and abuse, and this is explicitly recognised in international law. We are increasing the focus in SES 2009-10 on ending violence against women.

How can DCSF help to end violence against women?

A number of DCSF policy areas have direct relevance to helping to end violence against women, particularly those relating to:

- child safety, including bullying and safeguarding;
- social and emotional aspects of learning; and
- personal, health and sex and relationships education.

Examples of EAW commitments within the refreshed SES are:

- To ensure that countering sexual harassment features in all work on bullying in schools. The guidance within *Safe to Learn: Embedding Anti-bullying Work in Schools* also covers sexist and sexual bullying.
- The Staying Safe Action Plan's aim is to improve children and young people's safety, including tackling all forms of violence against children, including gender-based violence.

Further examples are contained in the detailed action plans that follow this introduction and narratives.

What is the relationship between the SES and the Secretary of State 2008 Report on Disability?

The SES is about what the Department is doing to remove barriers and narrow gaps for all children and young people across all of the equality strands.

The Secretary of State 2008 Report on progress towards disability equality is both more specific and broader in its scope. It focuses on disability, but looks at what is happening in the whole education and childcare world, not just at what the government is doing.

How our Equality Impact Assessment (EQUIA) Workbook is improving policy development, and having an impact in the sector.

The EQUIA Workbook was introduced in December 2007. It uses a unique, interactive online format, supported by creative training with the aim of promoting effective change through equality impact assessments.

As it brings all the essential information together in one place, it offers an easy step-by-step process for conducting an EQUIA, backed up by an integral

online library and shared access to model innovative EQUIAs. You can find the published EQUIAs here: <http://www.dcsf.gov.uk/publications/des/>

The workbook promotes equalities, and secures policy change by levelling up and harmonising three different strands of equalities law (the duties to promote disability, ethnicity and gender equality) and combines all this in one set of principles. It stresses the positive duty to promote equality (as opposed to just avoiding discrimination), and identifies the key issues and inequalities in the sector.

We have revised and updated the EQUIA Workbook in 2008. Although the workbook already covers aspects of other strands (religion and belief, through coverage of Islamophobia and anti-Semitism, under ethnicity; sexual identity under gender), it is now being extended to cover them in more detail. For example, we plan to look at all strands through the social model of inequality (as in disability legislation).

Feedback received from training on the workbook and the way policy is developing suggests that by enhancing the approach of DCSF colleagues, staff now think about equalities, and build them into policy, at the start of their work, not as an afterthought.

The most recent staff training that we organised took place in July 2008, for the senior management team in the DCSF human resources function. This is some of the feedback we got –

‘I am going away now, this minute, to add some more clauses on equalities to the contract specification that is sitting on my desk.’

‘I thought this was going to be turgid: I was dreading it. But it hasn't been at all; I feel really stimulated and challenged, and I'm going away to look at my work with new eyes.’

Feedback from training, for DCSF staff, colleagues in non departmental public bodies and government offices, and schools and local authorities includes the following –

‘Tomorrow I am going to put this workbook on our local authority website, so that all our staff can use it.’

‘I think people working in FE and HE would like this, too. May I put it on the website for those learning communities?’

The DCSF EQUIAs workbook has also led to sharing of good practice. Our two national training conferences for schools and LAs led several LAs to incorporate the workbook in their advice.

What we are going to do with the SES?

We use the SES to ensure that the priorities set in our programmes and policies not only tackle discrimination, but also are proactive in promoting equality.

We will be monitoring closely how we can improve our engagement with the developing policy areas around human rights and ending violence against women.

We will also use it to promote change by sharing it with the wider sector, specifically through the equalities events we plan to hold in February 2009. The intention is to build on the success of similar events we held last year.

Two national events for schools and local authorities were held in February 2008, led by EDU, and including workshops on a range of equality issues. The people who were invited were (and are) the key influencers in the sector - leading local authorities, leading schools, and a few leading people from universities, research etc. The aim was to support LAs and schools in their work on equalities and human rights, especially equality schemes, in part through sharing the DCSF model of a SES and the EQUIAs workbook. EHRC and Ofsted provided keynote speeches. There was a very wide range of workshops and presentations, from leading LAs, third sector organisations, universities and campaigning organisations.

The February 2009 events will have special emphasis on the new aspects of the SES, such as human rights, and on the learning from the Secretary of State's report on progress towards disability equality.

What have they said about SES 2008?

The Scheme has been positively received across the sector and in Whitehall. We have received many requests from other government departments and more widely across the sector to talk about the approach we have taken to equalities, and the DCSF EQUIA model.

We also received encouraging feedback at our February 2008 events. By listening and using this feedback, we hope that we will make the SES even better.

Specific feedback on how we could enhance the SES focused on two points. First, we were asked to address ending violence against women more systematically; we have done so both in this introduction and in the action plans.

It was also suggested that we discuss practice and process with another leading SES public authority, the Crown Prosecution Service. From those discussions we have learned a good deal. We are particularly interested in exploring how to create a long term advice and scrutiny group of colleagues from both outside and inside the DCSF, drawn from people with interests in all

the equality strands, to support and challenge DCSF as we implement the promises in this SES.

Who has DCSF involved in the development of the SES?

DCSF has worked with a range of people in the development of the SES, including disabled children and young people and their families; specialists in ethnicity equality; specialists in lesbian, gay, bi-sexual and transgender issues, and those working on gender equality issues. In addition we have worked with senior officers in local authorities with specialist responsibility for equality and diversity issues. Further, we have worked directly with colleagues in schools and in early years and youth settings. Our purpose has been to involve, seek out and engage with others' perspectives and experiences, with the conscious intention of being influenced by the views expressed.

In February 2008 we organised two large consultative conferences to introduce the updated single quality scheme published in December 2007 and to outline our approach to equality impact assessments. Over 200 people attended, or contributed through correspondence. They were drawn from schools, higher education, local authorities and non-governmental organisations. Nearly all had specialist knowledge of one or more of the three equality strands, or else of human rights education.

In addition to the two consultative conferences, we commissioned Richard Rieser, who is the founder-director of Disability Equality in Education and also a member of Equality 2025, to organise and deliver a number of workshops for children and young people, including young people who did not communicate verbally. He worked with HEYA ('Helping Empower Youth Activism'), an organisation led by disabled young people with specialist expertise in training policymakers on inclusion and the importance of child participation. The purpose of these events was to identify the positive differences the disability equality duty has made; to refresh our understanding of the priorities for disabled children and young people; to look at gaps and barriers which remain; and to consider how these might be reduced. In addition, Richard Rieser studied closely about 60 disability equality schemes produced by schools and identified examples of good practice and areas for improvement. The findings from the workshops and the study of schools' schemes were presented in a substantial report.¹

What did people say?

Disability

Discussion with disabled children and young people and their families identified a range of priorities for further action by the Department, including:

¹ The Impact of the Duty to Promote Disability Equality in Schools in England: a report for the DCSF.

- greater access to inclusive play areas, positive activities, appropriate childcare and children's centres
- more support for disabled children and their families, including through short breaks
- better information for parents of disabled children, including support for local engagement
- the need to reduce and respond to bullying and exclusions of disabled children and young people
- the importance of appropriate design for access and integration.

Disabled educationalists, disabled members of DCSF staff, and parents of disabled children also said that DCSF should demonstrate progress towards disability equality through its own staff profile and training, and the way in which DCSF practices are used to influence the sector.

Ethnicity

A high proportion (at least two thirds) of the delegates at the February consultative conferences were specialists in, primarily, ethnicity equality issues. In their evaluation forms and subsequent correspondence, they made the following points relating to DCSF priorities. The Department should, they said:

- continue to give attention to initial teacher training and continuing professional development in equality and diversity issues, and the need for high quality trainers and facilitators
- give more focus to hidden vulnerable groups of young people, particularly around bullying and parental involvement, for example young carers and looked after children
- take on board social class and embed and foreground this within an equalities framework
- develop the global aspects of equalities and human rights
- talk to and learn from European colleagues
- put greater emphasis on early implementation in nurseries and engagement of parents
- continue to support all parts of the sector in ensuring that the profile of the children's and education workforce at least reflects the national demographic picture across all equality strands (and reflects the local one in, for example, London), and that this is true at all levels and grades.

Gender and transgender issues

A further concern at the consultative conferences was that DCSF policy

documentation about gender equality should include references to sexual identity.

Colleagues were particularly concerned to ensure that there should be strong recognition of the need to tackle gender and transphobic bullying and harassment. They welcomed plans for new anti-bullying guidance related to gender and transgender, due to be published in spring 2009.

Looking to the future, people we consulted would like to see more evidence from DCSF on support for people experiencing violence, with further work being done on prevention and changing attitudes. They also suggested that the Department consider how the Transgender Action Plan, which identifies the specific gender identity challenges within the context of employment, can be used in any future updates to the SES.

Lesbian, gay, and bi-sexual issues

Colleagues have welcomed DCSF Advice on reducing and responding to homophobic bullying. Colleagues have also welcomed DCSF support for Lesbian, Gay, Bi-Sexual and Trans History Month. Colleagues have shared their work on applying the social model of equality across all equality strands and welcome the opportunity to discuss this further at the February events.

How is DCSF responding to this feedback?

Our responses are reflected in the action plans that follow this introduction.

How is DCSF reinforcing the need to involve people in policy development?

The experience of crafting the Disability Equality Scheme (DES) showed officials how powerful it is when disabled people are directly involved in identifying priorities and developing policy. Officials were determined to share this experience more widely with the full range of policy colleagues at the Department, and also in NDPBs, and so in 2007 DCSF hosted events titled 'The Importance of Involvement' for staff in London and Sheffield.

The events were facilitated by disabled children and young people who shared their experiences and showed with great directness and impact the benefits of involving disabled people when developing new policies. Below are just a few feedback comments which demonstrate the impact the event had on policy makers.

Made me realise that I didn't really understand disability before – or saw it as some abstract thing. This made me revise all my perceptions – wonderful!

It has reinforced to me that people with disabilities are all different facing different problems – just like the able bodied

Certainly made me realise that we should be doing all we can to support and include disabled people in all we do. There is no excuse.

The EQUIA workbook which is available to all staff and which we regularly promote, talks about the benefits of involving people throughout the development of policy. It gives good practice examples as well as ideas about the organisations or individuals that colleagues might get in touch with.

More broadly, the Department has held public events, particularly involving children and young people, to talk to them about how to make a reality of the Children's Plan. People who work in the Department are regularly encouraged to make visits to schools, and childcare settings, and to organisations working with our sectors, so that they can meet people and understand how to shape policies to better meet their needs.

What do you think about this SES?

We are always interested to hear your views and opinions on how we could make the SES even better. Please let us know your thoughts by contacting: mailbox.edu@dcsf.gsi.gov.uk.

HUMAN RIGHTS

What is the Human Rights Act?

The Human Rights Act 1998 came fully into force on 2 October 2000. The Act enshrines the European Convention on Human Rights (ECHR) into UK law and makes it unlawful for a public authority to violate those Convention rights, stating that all legislation should fit with the rights. Since its enactment, the Human Rights Act has made rights from the ECHR enforceable in UK courts.

What difference does the Human Rights Act make?

The Human Rights Act means that we can all be clearer about basic human values and standards that we all share. It makes it unlawful for a public authority to violate Convention rights and states that all legislation should be given a meaning that fits with the rights, if at all possible. If a court states this is not possible, it is for Parliament to decide what to do.

What is a public authority in the context of DCSF?

The Human Rights Act does not define a 'public authority'. However, obvious public authorities include central and local government, the courts and the police. The Department for Children, Schools and Families (DCSF), local authorities and maintained schools and their boards of governors are included. The Act also covers private bodies if some of their functions are of a public nature. Many charities may also count as public authorities if they provide services that would otherwise be delivered by a public body (such as an education trust or a local authority).

What are the main articles of the Human Rights Act?

A summary of the main articles is:

- The right to life;
- Freedom from torture and degrading treatment;
- Freedom from slavery, or compulsory labour;
- The right to liberty;
- The right to a fair trial;
- The right to respect for privacy and family life;
- Freedom of thought, conscience and religion;
- Freedom of expression;
- Freedom of assembly;
- The right to marry;
- The right not to be discriminated against - in respect to these rights and freedoms;

- The right to own property;
- The right to an education; and
- The right to free elections.

How has the Human Rights Act influenced the work of DCSF?

Since 2000, DCSF has ensured that human rights are mainstreamed into all its policies, so that they do not contravene the HRA.

What does this mean in practice?

DCSF promotes the rights of children, young people and families through its policies, focusing particularly on those who are the most vulnerable and whose rights to services and outcomes need the greatest protection. Our headline Public Service Agreements have a very strong focus on narrowing gaps in opportunity and attainment whilst focusing on protecting the most vulnerable (through objectives on, for example, safeguarding, health, teenage pregnancy, and young people not in employment, education or training).

We ensure that all policies – particularly those which may have an impact on rights protected by the Act, such as school uniform guidance – are developed in accordance with the Human Rights Act.

What approach is DCSF taking to ensure its staff understand human rights issues and the implications for their work?

The Department takes seriously its responsibility under the HRA.

We have an Equality and Diversity Unit which includes Human Rights advice in its remit. Information is available to everyone in the Department at any time through on-line resources. Beyond this, from time to time awareness-raising campaigns are conducted either across the Department or through senior management to ensure that staff are aware of the Act and what it means for their work.

DCSF's approach is to make sure that there is a general awareness of the Act and of where to go to find out more, coupled with more detailed knowledge among those teams whose policies have the closest likely links. The Equality and Diversity Unit and the Legal Advisers Office are in frequent conversations with teams across the Department and are well-placed to spot issues where further advice or knowledge may be needed.

Specific examples of activity within the Department include:

- human rights training delivered to the DCSF Board and Directors; and
- widespread distribution of the Ministry of Justice Human Rights Guidance throughout the Department – *The Human Rights: Human Lives handbook* and the summary booklet DVD.

What advice and guidance is available to DCSF policy makers?

Fair Way, the Department's internal website on equality and diversity, includes a brief explanation of the Human Rights act (linking to the Act on the Office of Public Sector Information Internet site) and a link to the MoJ's Internet pages on HR. There are plans to refresh and expand this information in January 2009.

The Legal Advisers' Office internal website offers comprehensive information on legal issues surrounding the Act, including information on rights that are more likely to impact on DCSF issues, particularly the right to education. The site provides links to the most recent DCSF cases. This site also explains the key concepts of the Human Rights Act, sets out how the Act affects policy development and legislation and how it can be used to enforce an individual's human rights.

On DCSF's external website, there are numerous links to documents and guidance available via the TeacherNet site, including:

- *Making Sense of Human Rights: A Short Introduction; Human Rights: human lives* – a handbook for public authorities;
- links to the Standards Site – Citizenship at Key Stage 3, Unit 03 – Human Rights;
- the *Every Child Matters* website, which has links and guidance on the UN Convention on the Rights of the Child.

The Department has published an action plan on human rights setting out how it is raising awareness of human rights amongst DCSF staff, including details of training and development for staff – this is due to be refreshed in late 2008.

How is DCSF raising awareness of human rights amongst those who work with children, young people and families?

We have led a number of events for the sector as a whole - especially for schools and local authorities – at which human rights have had a high profile. For example in February 2008 we held two national events for schools and local authorities to support their work on equalities and human rights, linking up through these events with OFSTED. The evaluation was overwhelmingly positive and we will deliver similar events in 2009.

The Department has also been closely involved in work to promote understanding of human rights within schools – including through the Key Stage 3 *Right Here, Right Now* approach. As well as raising awareness of rights amongst children, parents, teachers and school leaders, this also aims to use rights as a way into debating topical issues. This method uses a rights-based approach to teaching where evidence suggests this can lead to lower levels of disruption and conflict in the classroom.

The Department also supports the Rights Respecting Schools project, pioneered internationally by UNICEF UK. Research has shown that in the UK (as in other countries) the project leads to:

- improved pupil self-esteem
- enhanced moral development
- improved behaviour and relationships
- more positive attitudes towards diversity in society
- increased global awareness
- reduction of prejudice
- active citizenship, locally, nationally and globally
- less bullying and truancy
- more readiness by pupils to be assertive in intervening and mediating in bullying situations.

SOCIAL CLASS AND EQUALITY

Why is social class an issue?

Government's view is that everyone in society, regardless of their background, should have the opportunity to achieve their full potential. We know that children who grow up in poverty are less likely to get qualifications or to go on to higher education, and more likely to become young parents. This means that whole families can be locked into cycles of deprivation.

Government's ambition is to reduce the number of children who are born into poverty and to narrow the gap in educational achievement between children from low income and disadvantaged backgrounds and their peers. This will help children to succeed as adults and subsequently enhance the life chances of their children.

What is DCSF's role in improving social mobility?

In November 2008 the Cabinet Office published *Getting On, Getting Ahead*, a discussion paper analysing the evidence on how people from every background can succeed in life. This set out four life stages crucial to building people's capabilities:

- giving children the best start in their early years;
- improving educational attainment at school;
- creating pathways from education to work; and
- helping people to get on in work.

It also recognised that people's families and communities play a crucial role each of these four life stages, particularly through:

- creating strong emotional bonds between parents and children;
- helping parents to stay closely involved in their children's education;
- providing resources to allow children the opportunities to develop; and
- ensuring children's aspirations to succeed are raised.

DCSF's role is to ensure that the care and development of children in their early years, the quality of schools and high quality education and training post-16 help to build children and young people's capabilities so they can achieve their potential and obtain better jobs in the future. Its role is also to support families and communities to help children and young people succeed.

The forthcoming *Social Mobility White Paper* will build on *Getting on, getting ahead*, setting out how the Government, including DCSF, will improve social mobility.

Which specific policies has DCSF put in place to improve social mobility?

The Children's Plan shows the Government's commitment to working with schools and families to achieve two linked objectives:

- tackling disadvantage experienced by children now, and
- promoting social mobility in the longer term.

The initiatives set out in the Children's Plan to tackle the disadvantage children are experienced now include:

- intensive support for those families who need it most;
- tackling overcrowding and prioritising children's needs in housing decisions;
- an extra £30million for family learning, helping parents as well as children develop the skills they need to get jobs and move up in the labour market;
- up to 15 hours free early education and childcare to 20,000 2-year-olds in the most disadvantaged communities;
- more intensive and one-to-one support for children who are falling behind in key skills in primary school (who are most likely to be from disadvantaged backgrounds); and
- developing an entitlement for all young people to participate in positive activities which develop their talents, including piloting a new offer of cultural activities.

Action to promote social mobility in the longer term is centred around reducing the gap in educational attainment, focused upon public service agreement 11 target to narrow the gap at key ages (foundation stage, Key Stage 2, Key Stage 4, and age 19 participation in higher education). Specific actions being taken include:

- developing a strategy to empower schools to improve outcomes for children from different social backgrounds and raise teacher expectations of pupil performance. This will be launched in early 2009;
- maximising the achievement of every individual children and young person through our personalised learning agenda;
- working through the National Strategies to raise the attainment and improve rates of progression among deprived white British as well as ethnic minority pupils;
- launching *The Gender Agenda, a National Year of Gender Action Research*, intended to lead and co-ordinate activity by schools, LAs, NDPBs, academics and partners to raise awareness of gender issues in school attainment; and
- launching the 2008 National Year of Reading, promoting the benefits of literacy and reading for purpose and pleasure to boys, girls and adults.

LEGAL CONTEXT AND BACKGROUND TO THE DCSF'S SINGLE EQUALITY SCHEME

The DCSF Single Equality Scheme (SES) covers the public sector equality duties under the Race Relations Act 1976, the Disability Discrimination Act 1995, the Sex Discrimination Act 1975 and the Equality Act 2006. The Scheme has been developed to look also at other equality strands, including age and sexual identity, and religion and belief.

In DCSF we have taken a levelling up approach and applied the highest requirement of the law across all equalities strands. The SES replaces our separate race, disability and gender schemes. We will continue to report progress and update the Scheme in December 2009. Additionally, we will update and revise the Scheme during the year in the light of any significant policy developments, fresh evidence or new commitments.

The Race Relations Act 1976

The Race Relations Act 1976 was amended by the Race Relations (Amendment) Act 2000 as part of the Government's response to the Stephen Lawrence inquiry. That inquiry identified the concept of 'institutional racism' within public bodies and the detrimental effect that it has on the way that public bodies carry out their functions.

The general duty under the Act requires public bodies, such as the DCSF, to pay due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity between persons of different racial groups; and
- promote good relations between persons of different racial groups.

There is also a specific duty on public bodies, such as the DCSF, to publish a Race Equality Scheme which sets out how we intend to meet the general duty outlined above and to review the scheme every three years.

In addition, there are other specific duties placed on the DCSF including:

- assessing and consulting on the likely impact of proposed policies on the promotion of race equality
- monitoring policies for any adverse impact on promoting race equality
- publishing the results of any assessments, consultations and monitoring
- ensuring public access to information and services provided
- training staff on the race equality duty.

There is also a specific duty in relation to employment issues which requires the DCSF to monitor:

- staff in post
- applicants for employment, training and promotion
- staff receiving training
- staff who benefit or suffer detriment as a result of performance assessments
- staff involved in grievance procedures
- staff subject to disciplinary procedures; and
- staff ceasing employment.

The DCSF's predecessor, DfES has produced two Race Equality Schemes; our first scheme was published in 2002 and covered the period 2002-05 and we produced our second race equality scheme in 2005 to cover the period 2005-08. Our Single Equality Scheme runs from December 2007 – January 2010 with review and update in 2008 and 2009. We have incorporated actions outstanding from our race equality action plan into the single equality delivery plan 2007-10.

Disability Discrimination Act 1995

The Disability Discrimination Act 1995 was amended by the Disability Discrimination Act 2005, so that there is now a duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life; and
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

There is also a specific duty on public bodies, such as the DCSF, to publish a Disability Equality Scheme which sets out how we intend to meet the general duty outlined above and to review the scheme every three years. Our Disability Equality Scheme is encompassed within this Single Equality Scheme. We have set out the following:

- a statement of the way in which we have involved disabled people in the development of the scheme
- our methods for carrying out impact assessments
- the steps we will take to fulfil our general duty

- our arrangements for the gathering of information in relation to employment
- our plans for effectively utilising the information that has been gathered, in reviewing the effectiveness of our action plan and in preparing subsequent Disability Equality Schemes.

The overarching aim of the general duty is to promote equality of opportunity for disabled people, in a society where they are often excluded and marginalised.

The Sex Discrimination Act 1975

The Equality Act 2006 amended the Sex Discrimination Act 1975 to introduce a duty upon public bodies to promote gender equality. The duty requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination with regard to obligations under the Sex Discrimination Act 1975 and the Equal Pay Act 1970, and to take steps to ensure compliance with these Acts; and
- promote equality of opportunity between men and women, and take active steps to promote gender equality when carrying out functions and activities.

There are also specific duties, which include:

- publishing Gender Equality Schemes, including equal pay policies, in consultation with employees and stakeholders;
- monitoring progress and publishing progress reports every three years; and
- conducting and publishing gender impact assessments on major new legislation and policy.

The gender duty is intended to shift the burden from the individual having to make a complaint about unequal treatment, to the public body having to demonstrate that it is taking active steps to promote equality. The duty is also important as it highlights issues of multiple discrimination: women, men and transgender people may suffer discrimination and unequal treatment not only on the basis of their gender, but also dependent upon their ethnicity, age, disability, sexuality, and religion or belief.

There are also recent and developing legal obligations in respect of the 'new' equality strands of religion or belief, sexuality and gender identity and age. Whilst there are currently no statutory equality duties in respect of these strands, such legislation may be enacted in the future. The legislation listed below provides a context for the inclusion of religion or belief, sexuality and gender identity and age in our Single Equality Scheme.

Employment Equality (Religion or belief) Regulations 2003

These Regulations, which came into force in December 2003, apply to vocational training and all facets of employment, including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful on the grounds of religion or belief to discriminate directly or indirectly against anyone, subject someone to harassment, victimise someone because they have made or intend to make a complaint or allegation or intend to give evidence to a complaint of discrimination on the above grounds or to discriminate or harass someone in certain circumstances after the working relationship has ended.

Part 2 of the Equality Act 2006

Part 2 of the Equality Act 2006 makes it unlawful for providers of goods, facilities or services to discriminate on grounds of religion or belief. It also made it unlawful for a public authority exercising a function to do any act which constitutes discrimination on these grounds.

Part 2 of the Equality Act 2006 came into force in April 2007.

Employment Equality (Sexual Orientation) Regulations 2003

These Regulations, which came into force in December 2003, apply to vocational training and all facets of employment, including recruitment, terms and conditions, promotions, transfers, dismissals and training. They make it unlawful on the grounds of sexuality to discriminate directly or indirectly against anyone; subject someone to harassment, victimise someone because they have made or intend to make a complaint or allegation or intend to give evidence to a complaint of discrimination on the above grounds or to discriminate or harass someone in certain circumstances after the working relationship has ended.

Human Rights Act 1998 and Article 14 of the European Convention on Human Rights

Article 14 refers to the prohibition of discrimination and states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Gender Recognition Act 2004

The Gender Recognition Act 2004 (GRA 2004) provides for the legal recognition of the transsexual person in their acquired gender and their opportunity to acquire a new “birth” certificate for their new gender. This is called a Gender Recognition Certificate (GRC) and will replace the originating birth certificate in all official documentation. The holder of a GRC is not obliged to inform their employer that they have one, but if they choose to do so this information on their gender history must be clearly established as “protected information”. Trans people are protected by the SDA, as amended

by the Sex Discrimination (Gender Reassignment) Regulations 1999 and the Sex Discrimination (Amendment of Legislation) Regulations 2008. However, they do not need to hold a GRC.

Employment Equality (Age) Regulations 2006

From 1 October 2006, the Employment Equality (Age) Regulations make it unlawful to discriminate against workers, employees, job seekers and trainees because of their age. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training.

The Equality Act (Sexual Orientation) Regulations 2007

The Equality Act (Sexual Orientation) Regulations 2007, made under section 81 of the Equality Act 2006, make it unlawful for providers of goods, facilities or services to discriminate on grounds of sexual orientation. They also make it unlawful for a public authority exercising a function to do any act which constitutes discrimination on these grounds.

The Regulations came into force in April 2007.