

The Equality Act 2006

The Equality Act 2006 places duties on all public authorities including schools when carrying out their functions to have due regard to:

- Eliminate unlawful discrimination and harassment on the grounds of sex.
- Promote equality of opportunity between women and men.
- Eliminate unlawful discrimination and harassment on the grounds of religion or belief.
- Eliminate unlawful discrimination and harassment on the grounds of sexual orientation.

What does the duty mean for gender equality?

The Equality Act 2006 introduces a 'Gender Duty' and prohibits discrimination on the grounds of sex when schools carry out their functions.

The Equality Act 2006 amends the Sex Discrimination Act of 1975 and the Equal Pay Act 1970 (as amended by the Employment Equality (Sex Discrimination Regulations 2005), and places a statutory duty upon public authorities when carrying out their public duties to have due regard of the need to:

- Eliminate unlawful discrimination and harassment.
- Promote equality of opportunity between women and men.

The above requirements are known as the general duty. The general duty places a proactive responsibility upon all public bodies to ensure that their services, practices and policies are developed with the different needs of women and men in mind. This will lead to a more inclusive society with high quality contemporary services - targeted to meet the specific needs of men and women.

Examples of why a duty is needed.

(Statistics taken from the Equal opportunities publication 'Facts about Men and Women in Great Britain').

- Average hourly earnings for women working full-time are 18% lower than for men working full-time. Average hourly earnings for women who work part-time are 40% lower than for men working part-time.
- 45% of pregnant women experience discrimination in the workplace.
- Men under 45 years of age, visit their GPs less than 50% less often than women.

- UK fathers work the longest average weekly hours in the European Union.

Examples of Policy Improvements

- Work related learning/ Work experience – ensuring that all young people have an opportunity to sample work experience or learning opportunities not normally associated with their sex.
- Education – addressing the educational needs of both girls and boys
- Pay gap – reducing gender based employment segregation and making the most of the talents in the workforce.

The general duty to promote gender equality comes into effect from 6th April 2007. Most public bodies are also being subject to more detailed requirements, which are known as specific duties.

Specific duty

Schools and other public bodies have specific duties under the Equality Act 2006. The specific duty refers to producing a Gender Equality Scheme which will consist of a written report and a detailed action plan, showing over what period of time the school will implement changes that promote and enable gender equality.

Schools maintained by a local authority in England, or a local authority in respect of its pupil referral units in England, must publish their schemes no later than 30 April 2007.

Yearly progress reports are to be published in the form of an annual report. The implementation of the gender equality duty should see positive changes in a wide range of policies and services.

To comply with the legislation, schools will be required to conduct a gender impact assessment and publish findings. A gender impact assessment refers to the review of all current policies and practices in order to formally consider the impact of these on men and women.

Gender Equality Scheme - (more details are in document '**The Equality Act 2006 – Gender Duty in Detail**)

In producing and publishing the Gender Equality Scheme, schools must:

1. Show how the Scheme will meet its general and specific duties and set out its gender equality objectives.
2. Involve people, with an interest in school activities, in producing and developing the Scheme (e. g. staff, pupils and others, including trade unions) and setting gender equality objectives.
3. Identify how they will gather and use information to inform actions and track progress related to gender equality in the workforce and pupil attainment.
4. Consider the need to include in the Scheme objectives to address the causes of any gender pay gap in consultation with employees and trade unions based on relevant information.
5. Set out how they will assess the impact of existing and new policies, practices and procedures on gender equality.
6. Implement the actions set out in its scheme within three years, unless it is unreasonable or impracticable to do so.
7. Report on the progress of the Scheme every year and review it at least every three years.

What does the duty mean for sexual orientation equality?

When carrying out their duties schools are required to have due regard of the need to:

- Eliminate unlawful discrimination and harassment on the grounds of sexual orientation.

The Employment Equality (Sexual Orientation) Regulations 2003 currently offers protection against discrimination on the grounds of sexual orientation in the workplace.

With the addition of new powers introduced by the Equality Act 2006, it will become unlawful (subject to certain exemptions) to discriminate on the grounds of sexual orientation in the following areas:

- The provision of goods, facilities and services,
- The disposal and management of premises,
- Education
- The exercise of public functions.

Examples of how the regulations work:

- Anti-discrimination legislation in force since December 2003 make it unlawful to discriminate directly or indirectly, or harass or victimise anyone because of their actual or perceived sexual orientation.

What does the duty mean for religion or belief equality?

When carrying out their duties schools are required to have due regard of the need to:

- Eliminate unlawful discrimination and harassment on the grounds of religion or belief.

The Employment Equality Regulations 2003 currently offers protection against discrimination on the grounds of religion or belief in the workplace.

With the addition of the new powers granted by the Equality Act 2006, it will become unlawful (subject to certain exemptions) to discriminate on the grounds of religion or belief in the following areas:

- The provision of goods, facilities and services,
- The disposal and management of premises,
- Education
- The exercise of public functions.

Examples of how the regulations work:

- Offering the school as a public venue hired out, as a conference facility to the general public would mean not being able to refuse to allow a group to hold a conference on the grounds of the groups' religious beliefs.

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