

Equalities log template

Issue: Post-consultation version of log for independent school standards guidance document

Part 1: Will the outcome of this decision have a particular impact on any persons who share one or more protected characteristics?

No	Yes
<p>give reasons or rationale</p>	<p>say which protected characteristics</p> <ul style="list-style-type: none"> • Age • Race • Religion or belief • Sexual orientation • Gender reassignment • Marriage and civil partnership <p>Say which persons</p> <p><u>Age</u> (because the proposed wording of the guidance continues to adopt an interpretation which permits different teaching about respect and the protected characteristics according to age and, therefore, the younger the children are, the less likely it is that they will be taught about the protected characteristics). It is also relevant because the guidance as a whole has differential impact according to the age of pupils;</p> <p><u>Race</u> (because schools with large Jewish cohorts or serving pupils of racial origins more likely to be of the Muslim faith are more likely to be affected by some aspects of the guidance (for example guidance on provisions of the ISS referring to contentious areas of the curriculum such as the protected characteristics or careers advice.</p> <p><u>Religion or belief</u> (because schools with certain religious ethos, particularly some Jewish or Muslim schools, are particularly likely to be</p>

No	Yes
	<p>impacted in terms of preferred school practice by what is considered in the guidance to be an acceptable interpretation of the standards involved</p> <p><u>Sexual orientation</u> (because this is one of the protected characteristics particularly at issue which schools may decide it is not age appropriate to teach about: this could impact on LGBT pupils themselves or members of their families, and staff);</p> <p><u>Marriage and civil partnership</u> (because although pupils themselves are unlikely to be in such arrangements, members of their families or staff may be, and there is the risk that a school may decide that it is not appropriate to teach about same-sex marriage or civil partnerships, or may teach that same-sex relationships should not in the UK enjoy the legal status of marriage;</p> <p><u>Gender reassignment</u> (as both pupils or members of their families or staff may be transgender and because this is one of the protected characteristics particularly at issue which school may decide it is not age appropriate to teach).</p>

Part 2:

<p>Will there be a positive impact on people with the protected characteristics identified above?</p>	<p>Will there be a be a negative impact on people with the protected characteristics identified above?</p>	<p>Justification of conclusion of analysis</p>	<p>Conclusion (e.g. impact is positive, go ahead; negative impact, go ahead if justified; negative impact, don't go ahead.)</p>	<p>Date when equality conclusion will be reviewed (e.g., in light of new information; change in circumstances; at a policy review.)</p>
<p><i>a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act</i></p> <p>-----</p> <p>Yes, in some cases (especially with regard to sexual orientation, marriage and civil partnership, and gender reassignment) because the guidance makes it more likely that the people with such protected characteristics will be treated with respect (and therefore are less likely to suffer those behaviours) by those who do not share the same characteristics, because the guidance makes it clear that schools should promote respect. This applies to school pupils, school staff and to others with such characteristics in communities served by relevant schools.</p>	<p><i>a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act</i></p> <p>-----</p> <p>Yes, in some cases as school staff who follow the guidance may be victimised by other people (eg school leaders, other staff, parents) sharing the same faith.</p> <p>Yes, because the decision not to say explicitly that sexual orientation/gender reassignment should be taught to all pupils may disadvantage pupils who are or think they may be LGBT or have families with LGBT members. This also applies to pupils or families with other protected characteristics, though that is less likely.</p> <p>For example, not teaching about human sexuality/gender reassignment may mean that confidence or acceptance may be less likely to be forthcoming for LGBT pupils or those with LGBT families because of the society we live in. However, we do not think that there will be unlawful indirect discrimination because of the exemption in section 94 of the Equality Act 2010 relating to the curriculum. In any event, we think that the approach is for a legitimate reason and proportionate (see next column).</p>	<p>The guidance is intended to help schools interpret the independent school standards and operate in a way which will ensure they consistently meet the standards. The guidance is primarily aimed at ensuring the existing standards, which already apply, are properly understood. This will make it more likely that pupils will receive a good education and be properly safeguarded.</p> <p>Publication of the guidance should go ahead, because the need to address those areas of the curriculum which are objected to on grounds of faith is more important than possible consequence for school staff and outweighs the concern of faith groups that the teaching concerned is contrary to their religious views (and bearing in mind that schools remain free to teach their own religious doctrine on these issues).</p> <p>It is considered that although there is a risk of disadvantage to</p>	<p>Go ahead with publication and ensure through the regulatory regime that in general the guidance is followed by schools</p>	<p>December 2020</p>

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	<p>Yes, because some aspects of the proposals will impact on those whose religious beliefs are at odds with the contents of the guidance. However again we think there is no indirect discrimination because of section 94 and in any event. making it clear to schools that they must teach about protected characteristics when it is age appropriate serves the purposes underpinning the requirements in question (e.g. to have a more tolerant and understanding society) and is a proportionate approach since it gives a degree of choice as to when the teaching must occur whilst ensuring that it does so at some point in a child's education.</p>	<p>LGBT pupils, staff or families by the possibility that teaching about respect for those of their sexual orientation will not take place at primary school, the approach is proportionate and justified. This is because it grants a degree of flexibility to schools and because it will only be possible for a school to take this approach when it is able to demonstrate that it is not appropriate in light of the age and aptitude of its students, and the guidance reinforces the need for these issues to be addressed at some point in a child's schooling. In addition, it does not prevent teaching about any of the protected characteristics to any pupils should a school wish to and it does not affect the duties on schools to create a safe and non-discriminatory environment.</p> <p>It is considered that the majority of schools will teach about all protected characteristics.</p> <p>The guidance only reflects what the standards require and to be an assistance to schools in achieving compliance with the standards is only possible if it</p>		

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		accurately explains those requirements and promotes a common minimum level of compliance.		

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<p><i>b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</i></p> <p>-----</p> <p>Yes, in that if those people (eg pupils, staff and people in faith communities) with particular protected characteristics are treated with greater respect by others they are more likely to be able to realise opportunities and function fully within wider society than if they were not.</p> <p>Yes, in that if pupils are taught to respect others with protected characteristics that they do not share, they are more likely in later life to be tolerant of others and therefore less likely to take decisions, for example in relation to matters such as employment, or engage in behaviour which advances equality of opportunity.</p> <p>Yes, in that if pupils of particular faiths are taught that creationism does not have an evidentiary base equivalent to the theory of evolution and therefore adopt a more rigorous approach to evidence they are more likely to be able to achieve similar</p>	<p><i>b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</i></p> <p>-----</p> <p>Yes in the short term for pupils at some schools serving particular faith groups - because the guidance increases the likelihood of enforcement action being taken against those schools, their education may be disrupted for a period `However this disruption need not have a long term effect unless their parents reinforce the disruption through their choice of alternatives for education</p> <p>Yes, in the longer term for staff employed at schools affected by enforcement action if that is made more likely by publication of the guidance which is not followed by schools which disagree with it, so the staff may find it harder to find employment at equivalent pay levels than other persons.</p> <p>Yes, because the decision not to say explicitly that sexual orientation/gender reassignment should be taught to all pupils could amount to indirect discrimination against pupils who are or think they may be LGBT or have families with LGBT members. This also apply to pupils or families with other protected</p>	<p>The guidance is intended to help schools interpret the independent school standards and operate in a way which will ensure they consistently meet the standards. The guidance is primarily aimed at ensuring the existing standards, which already apply, are properly understood. This will make it more likely that pupils will receive a good education and be properly safeguarded.</p> <p>Publication of the guidance should go ahead because the benefits to pupils and persons in the wider faith communities in terms of equality of opportunity are more important than possible short term disruptive effects for pupils, or the effects on a much smaller number of staff and their employment opportunities.</p> <p>This is despite the weight of objections from faith interests (eg Jewish or Christian) which may mean that the finalised guidance, in its approach to the protected characteristics, may be perceived by those groups as an attack on their faith.</p>	<p>Go ahead with publication and ensure through the regulatory regime that in general the guidance is followed by schools</p>	

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<p>qualification levels to those who have different religions or beliefs (or none).</p>	<p>characteristics, though that is less likely. This is reduced to a certain extent by the removal of the line between what is required of secondary age pupils as opposed to primary age pupils but in some schools serving secondary pupils that will actually increase the chnaces that some protected characteristics are not taught.</p>	<p>It is considered that although there is a risk of disadvantage to LGBT pupils, staff or families the approach is proportionate and justified because it is considered that the majority of schools will teach about all protected characteristics.</p> <p>The guidance only reflects what the standards require and to be an assistance to schools in achieving compliance with the standards is only possible if it accurately explains those requirements and promotes a common minimum level of compliance.</p>		

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<p><i>c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</i></p> <p>Yes, in that if pupils at schools serving particular faith communities are taught to respect people with other faiths (or none), they are less likely both as children and as adults to be regarded by those outside those faith communities as holding beliefs and behaving in ways that are not acceptable in wider society.</p> <p>More generally, schools teaching pupils to respect people with protected characteristics different from their own should foster good relations between those with differing protected characteristics</p>	<p><i>c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</i></p> <p>Yes, in that parents of pupils at some schools serving particular faith communities, and some staff of such schools, are likely to perceive the publication of the guidance as an attack on the values of their faith, leading them to view themselves as being victimised by wider society</p> <p>Yes, because the decision not to say explicitly that sexual orientation/gender reassignment should be taught to all pupils could amount to indirect discrimination against pupils who are or think they may be LGBT or have families with LGBT members. This also apply to pupils or families with other protected characteristics, though that is less likely. This is reduced to a certain extent by the removal of the line between what is required of secondary age pupils as opposed to primary age pupils but in some schools serving secondary pupils that will actually increase the chnaces that some protected characteristics are not taught.</p>	<p>The guidance is intended to help schools interpret the independent school standards and operate in a way which will ensure they consistently meet the standards. The guidance is primarily aimed at ensuring the existing standards, which already apply, are properly understood. This will make it more likely that pupils will receive a good education and be properly safeguarded.</p> <p>Publication of the guidance should go ahead because the education of pupils to be consistent with the requirements of life in wider society is more important than the views of their parents and the staff of the schools concerned. The guidance has been modified to allow schools to make more flexible choices as to the age at which matters concerning particular protected characteristics should be taught.</p> <p>This is despite the weight of objections from faith interests (eg Jewish or Christian) which may mean that the finalised guidance, in its approach to the protected</p>	<p>Go ahead with publication and ensure through the regulatory regime that in general the guidance is followed by schools</p>	

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		<p>characteristics, may be perceived by those groups as an attack on their faith.</p> <p>It is considered that although there is a risk of disadvantage to LGBT pupils, staff or families the approach is proportionate and justified because it is considered that the majority of schools will teach about all protected characteristics.</p> <p>The guidance only reflects what the standards require and to be an assistance to schools in achieving compliance with the standards is only possible if it accurately explains those requirements and promotes a common minimum level of compliance.</p>		