

Smallthorne Primary Academy Protected Characteristics Overview

Requirements in the DfE's statutory guidance

The DfE's statutory guidance requires that all schools must:

- have an up-to-date policy, which is made available to parents and others and consult parents in developing and reviewing that policy in all cases.
- take into account the age and religious background of all pupils and ensure that their teaching is appropriate to their age and religious background, to ensure that the topics outlined in the statutory guidance are appropriately handled
- comply with the relevant provisions of the Equality Act 2010, including that they: must not unlawfully discriminate against pupils by treating them less favourably because they have one or more of the protected characteristics, must make reasonable adjustments to alleviate disadvantage, for example by taking positive action to deal with particular disadvantages affecting a group because of a protected characteristic. The statutory guidance gives the example of taking positive action to support girls if there is evidence that they are being disproportionately subjected to sexual harassment
- make relationships education and/or RSE accessible for all pupils, including those with special educational needs and disabilities
- ensure that teaching reflects the law (including the Equality Act 2010) as it applies to relationships, so that young people clearly understand what the law allows and does not allow, and the wider implications of decisions they may make
- ensure that the materials used to support teaching are appropriate for the age and maturity of pupils and sensitive to their needs
- ensure that the needs of all pupils are appropriately met, and all pupils understand the importance of equality and respect
- ensure that teaching is sensitive and age-appropriate in approach and content
- work closely with parents in all cases when planning and delivering the subjects, ensuring that parents know what will be taught and when, and clearly communicate the fact that parents have the right to request that the child be withdrawn from some or all of sex education delivered as part of statutory RSE

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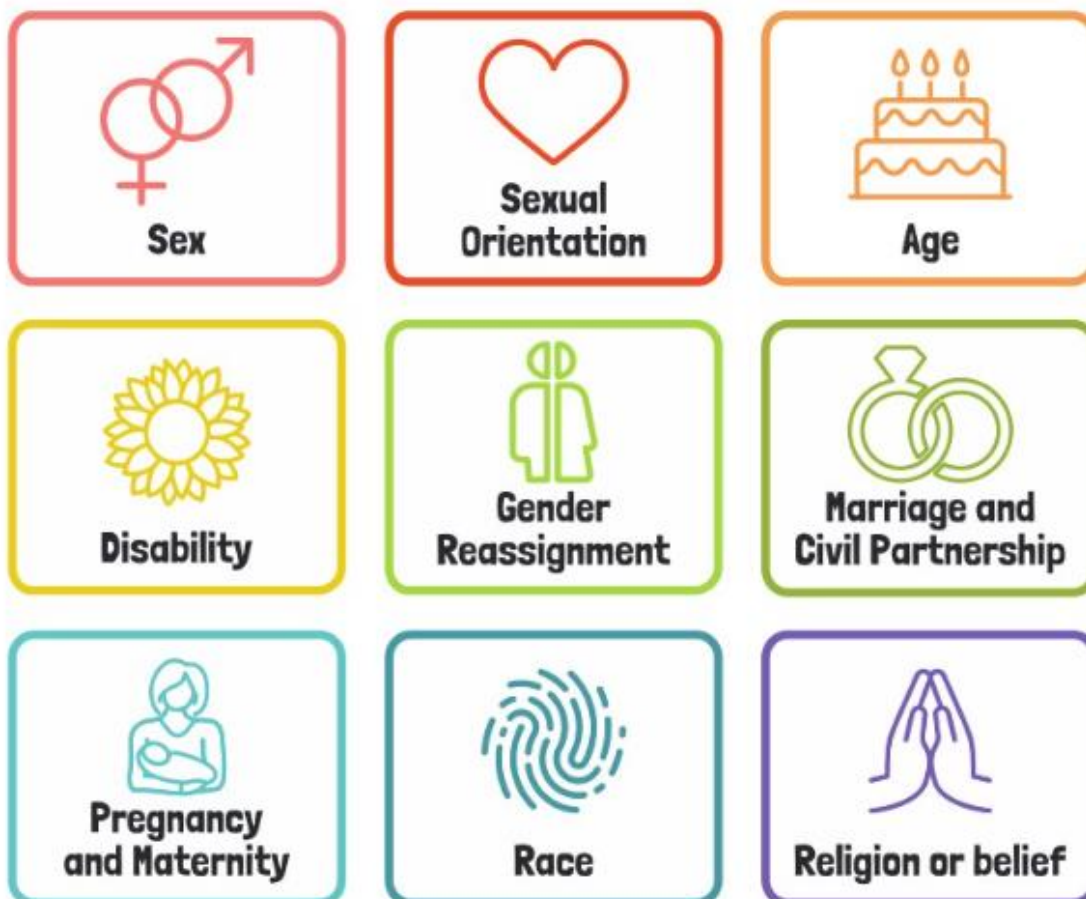
Protected Characteristics

The Department for Education (DfE) has published **non-statutory advice** that sets out schools' obligations under the PSED.

Paragraph 5.1 explains that the PSED extends to the following **protected characteristics**:

- disability
- age
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

We have adopted these symbols, from Picture News, to use across the school whenever one of the characteristics is referenced.



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Paragraph 5.1 of the document explains that the PSED has **three main elements**. In carrying out their functions, public bodies are required to have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations across all characteristics, and between people who share a protected characteristic and people who do not share it.

Due Regard

Paragraph 5.4 of the DfE's advice says that '**due regard**' has been defined in case law and means giving "relevant and proportionate consideration to the duty".

For schools, this means:

- Decision makers must be aware of the duty to have due regard when making a decision or taking an action, and must assess whether it may have implications for people with particular protected characteristics
- Schools should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis
- The PSED has to be integrated into the carrying out of the school's functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind.
- Meeting the needs of all pupils and fostering understanding of the importance of respecting others
- Liaising closely with parents on sensitive topics and clearly communicating that they have the right to withdraw their child from some or all parts of the RSE curriculum

Celebrating protected characteristics

In everyday classroom discussions, teachers need to foster a culture that empowers pupils to challenge their misconceptions and build their knowledge of others around them. Young people are naturally curious and many who have protected characteristics may feel anxious about sharing their experiences. At the heart of your school culture should come the notion of allowing teachers and pupils to be themselves. Once schools create a culture of inclusion, celebrating others will become part of the fabric as opposed to an add-on. Schools leaders should consider:

- Opening a dialogue with parents who don't speak English as their first language
- Allowing staff and pupils to have designated prayer facilities
- School displays that showcase diversity
- Introducing current affairs into form-time to encourage discussion

These are only a handful of suggestions but it is a statutory requirement for schools to allow pupils to gain knowledge and understanding of the multicultural society we live in.