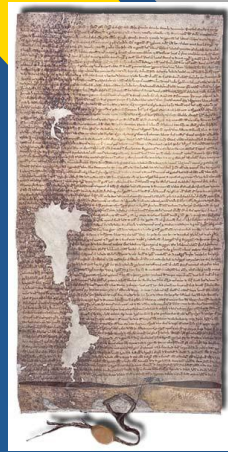


The British Equality Act of 2010

Gabriel Metzger, DeLon Wills, Kate Douglas



“Equality and human rights are rarely out of the news, but over the past year the spotlight has been particularly strong. The 800th birthday of our own Magna Carta, debates about freedom of expression in the wake of tragic events in Paris and Denmark, and political discussions leading up to the forthcoming General Election have highlighted a range of issues” (Business Plan 2015/16, 2015, p. 4).



-Baroness Onora O’Neill

Chair of the Equality and Human Rights Commission



Outline

1. Summary
 - 1.1. Chapter 1
 - 1.2. Chapter 2
 - 1.3. Chapter 3
2. Analysis Focusing on Democratic Equality, Social Mobility, and Social Efficiency
 - 2.1. Motivation of Writers
 - 2.2. Assumptions
 - 2.3. Ideologies
 - 2.4. Strengths
 - 2.5. Who Gains/Loses
3. Recommendations
4. Sources

Summary of the Equality Act of 2010:

C H A P T E R 1

Basics:

- The law makes it unlawful for a school official or an employee to discriminate against, harass, or victimize a pupil or potential pupil in relation to admissions; in the way it provides education for pupils; in the way it provides access to any benefit, facility, or service; and excluding a pupil or subjecting them to any other harmful action.
- It applies to all maintained and independent schools, including Academies, and maintained and non-maintained special schools.
- If a school official or employee of the school is aware of any bullying, then the school is responsible for the discrimination as long as the victim remains at that particular school (not including from one pupil to another).

Protected Characteristics:

- Sex, race, disability, religion/belief, sexual orientation, gender reassignment, or pregnancy/maternity of the student and his/her parents (any person who has care of a pupil) are protected by the law.

The Summary of the Equality Act of 2010 Continued:

Unlawful Behavior:

- The act defines four kinds of unlawful behavior:
 - Direct Discrimination: one person directly treats another less favorably, such as not picking a student to talk about traditional marriage if she is a lesbian,
 - Indirect Discrimination: a practice or schedule that a school official or employee follows that may discriminate against a student participating in school to their fullest.
 - Harassment: unwanted conduct related to the protected characteristics mentioned in the act. Harassment does not apply to religion or belief, sexual orientation, or gender reassignment. Unlawful behavior as such would be direct discrimination.
 - Victimization: students will not be discriminated against because of something they have done, such as standing up for another student and bringing their case of discrimination to a school official or employee.

Special provisions for disability:

- All disabled people are protected and schools are allowed to treat disabled pupils more favorably than non-disabled pupils, and in some cases are required to do so, by making adjustments to make these students have the same access to the school and learn as others do.

The Summary of the Equality Act of 2010 Continued:

C H A P T E R 2

General Exceptions That Apply to All Schools:

- Single sex schools are able to refuse pupils of the opposite sex.
- Schools with a religious character can discriminate because of religion or belief in relation to admissions and in access to any benefit, facility, or service; however, if a student changes his/her faith, the school cannot discriminate against them.

Curriculum:

- The content of the school curriculum is excluded, but the delivery of the education is included.
- Schools are free to talk about a full range of issues, ideas and materials in their syllabus, and to expose pupils to thoughts and ideas of all kinds even if they are controversial.
 - Examples of how to teach properly are in the act.
- If the curriculum is being delivered in a discriminatory way then the school is held responsible.

The Summary of the Equality Act of 2010 Continued:

Acts of worship:

- All schools can have collective worship, but it should be of a broadly Christian nature.
- Schools do not have to provide an equivalent act of worship for other faiths.
- Religious festivals should be allowed for all faiths.

Uniforms:

- Boys and girls cannot dress the same.
- The uniforms for boys and girls must cost the same.
- If a boy is becoming a girl, then he can dress in girl's clothing.
- If a student cannot wear nylon due to a disability, they can wear another material.
- Schools can decide if clothes are a safety issue.
- Wearing a veil or showing jewelery of their faith is not protected.

The Summary of the Equality Act of 2010 Continued:

CHAPTER 3

Gender Reassignment:

- Pupils are now protected who are undergoing, have undergone, or are proposing to undergo a process (or part of a process) of reassigning their sex by changing physical or other attributes.
- Sexual orientation and gender reassignment are both protected now.

Race:

- People can't be discriminated against during the admissions process based on their color, nationality, or ethnic origins.

Segregating Pupils by Race or Ethnicity:

- Schools cannot create separate but equal situations for students based on race. However, schools can change their policies about disadvantages pupils have based on race.

Religion/Belief:

- All faiths and Atheism are protected for pupils at schools.

The Summary of the Equality Act of 2010 Continued:

Sex/Gender:

- Schools cannot discriminate based on gender.
- Both sexes should have access to the same education, but can have single-sex classes in a mixed school for sexual education and sports, like men's football.

Pregnancy and Maternity:

- Schools can't discriminate against students who become pregnant, have had a baby recently, or are breastfeeding.

Sexual Orientation/Marriage/Civil Partnership:

- Schools must teach about the 'nature of marriage' as it applies to the laws of England and Wales.
- Teaching must be in a sensitive way and teachers should respect all in talking about marriage.

What motivates this Commission?

<http://www.theguardian.com/world/2015/jan/08/paris-attack-nigel-farage-gross-policy-multiculturalism>

The attacks on the publishing firm in Paris are mentioned by the chairperson, as well as attacks on Danish citizens. British people have the the right of Freedom of Speech and the right for England to remain competitive financially

<http://www.equalityhumanrights.com/sites/default/files/uploads/documents/Statutory/Business%20Plan%202015-16.pdf>

The Mission of the English Rights Commission:

[http://www.
equalityhuma
nrights.
com/about-
us/about-
commission/
our-vision-
and-mission](http://www.equalityhumanrights.com/about-us/about-commission/our-vision-and-mission)

Read these
publications to
see how to
interpret the law

[http://www.
equalityhum
anrights.
com/publicat
ions/search](http://www.equalityhumanrights.com/publications/search)

Assumptions of the Act:

[http://www.equalityhumanrights.com/about-us/about-commission/our-](http://www.equalityhumanrights.com/about-us/about-commission/our-vision-and-mission/strategic-plan-2012-2015/exemplar-modern-public-service-organisation)

[vision-and-mission/strategic-plan-2012-2015/exemplar-modern-public-service-organisation](http://www.equalityhumanrights.com/about-us/about-commission/our-vision-and-mission/strategic-plan-2012-2015/exemplar-modern-public-service-organisation)

Each school and its staff can operate like the Equality and Human Rights Commission and be:

Agile

Adopting modern, flexible working practices with low overhead costs and high sustainability standards.
Responding effectively and proportionately to rapidly changing events.

Accountable

Being transparent about our decisions and how we make them as an independent statutory body.
Being outcomes-focused and responsible for how we use our resources.

Accessible

Working with partners on the basis of trust and respect. Valuing diverse perspectives. Listening and learning from our stakeholders so we can be responsive and nuanced, ensuring a distinct presence in England, Scotland and Wales.

Authoritative

Acting consistently on the basis of objective evidence. Increasing the skills and knowledge of our staff. Working collegiately with a united sense of purpose. Consolidating our reputation with the public as the leading expert on equality and human rights in Britain.

Ambitious

Being resolute in our decisions and actions. Having the courage of our convictions and staying the course, even in a challenging environment.
Following through to achieve maximum impact.

Assumptions of the Act Continued:

- The ideology of *Neoliberalism* will help make all students equal, in our case, in terms of education. Rizvi Chapter 4 points out that “the educational policies are now privatized and not controlled by the government” (Rizvi, 2010, p. 72). The free market and its mechanisms are there to solve the various problems and crises facing governments. *In other words, the free market (capitalism) will take care of all equality issues.*
- “Social values of equality and democracy have been re-articulated, subordinated to dominant economic concerns. (Rizvi, 2010, p.72) *In other words, the free market (capitalism) will deal with ideas of equality and democracy*
- The free market systems associated with Neoliberalism creates better **democratic equality**. In the past **democratic equality** in terms of education, was that education was a *public good*. “This implies that maximum benefit to society can only be realized if every member of a community is educated to realize their full potential. (Rizvi, 2010, p. 78)
 - *The reality is now with the free market running things and individuals looking after their own interests, money distribution for British people is not equal. Interesting economic video about equality: <https://www.youtube.com/watch?v=aOJ93tAbPP0>*

Assumptions of the Act Continued:

- It assumes that **social mobility** is better than older Educational policies governing Education and “promoting the public good”
Social mobility is a system where “social rewards should be based on both effort and intelligence. It maintains that the market rewards those who work harder and have inherently superior skills and talent” (Rizvi, 2010, p. 78)

- *Interesting video about social mobility in England:*
<https://www.youtube.com/watch?v=ohIk3IELXF8>

- **Social efficiency** is a good policy to govern schools. “Its focus is not as much on the needs and development of individuals as on the efficiency with which educational systems operate. The emphasis is on the system’s capacity to make an adequate return on investment. In this way, education is viewed as a public and private good (Rizvi, 2010, p. 78)

- *Interesting video on the Social Efficiency Ideology:*
<https://www.youtube.com/watch?v=3nLF9LG1cfQ>

The English Rights Commission's Ideologies:

- The ideology that **The New World Economy** and can be handled privately as an item that is sold or traded: “The integration of the world economy through low-cost information and communications has an even more important implication than the dramatic expansion of both the volume of trade and what can be traded. Trade and technology are making all the nations of the world more alike. Together they can bring all of the world’s companies the same resources—the same scientific research, the same capital, the same parts and components, the same business services, and the same skills. (Spring, 2008, p. 331)
- **Neo-Institutionalism** ideas of running schools work, “the existence of a world culture that contains Western ideals of mass schooling, which serves as a model for national school systems. One premise of *world culture* scholars is that all cultures are slowly integrating into a single global culture” (Spring, 2008, p.334)
 - Interesting video on Neo-Institutionalism: <https://www.youtube.com/watch?v=tqLGSryhZns>
- Neglecting hundreds of years of Colonization by largely European forces, and the ideology of **out of sight, out of mind**, this ideology gives everyone the “false impression that the ‘class situation’ within a given nation is improving because much of the manufacturing and hard labor remains out of sight and out of mind” (Leonardo, 2002, 29).

The English Rights Commission's Ideologies Continued:

- They have “negative” ideas of **Multiculturalism** in that there is “a significant reduction of multicultural rhetoric and asks new immigrants to show a ‘sense of belonging and identity’” (Resnik, 2009, p.220) “Multiculturalism is under attack and blamed, mainly by neoconservative parties, for feeding ‘separatism’ and the ‘ghettoisation’ of minorities” (Resnik, 2009, p.221)
 - Interesting videos showing the debate in England, Denmark, and in other parts of the world:
https://www.youtube.com/watch?v=HqwgQX_2VLY ; <https://www.youtube.com/watch?v=K26kKDCCV9g> ; <https://www.youtube.com/watch?v=rLa2Q2nljWY>
- **Corporate Multiculturalism and the IB Curriculum, THE INTERNATIONAL BACCALAUREATE CURRICULUM:** “The retreat of multiculturalism in public education systems on one hand and the emphasis on multiculturalism and corporate multiculturalism, particularly in international education systems, on the other, reinforce the increasing inequality of opportunity. Students from elite schools acquire cognitive, emotional and communicative skills that open the doors to high status jobs whereas students from state schools lack essential predispositions, undermining their chances to access these coveted jobs. These conclusions are even more pessimistic if we take into account the increasing number of private schools that have introduced international curriculums such as the The International Baccalaureate Curriculum. (Resnik, 2009, p.236)

Ideologies as Pictures:

Neoliberalism:



Democratic Equality:

SCHOOL CHOICE

It's Your Tax Money + They're Your Kids = It Should Be Your Choice

Strengths of the Act: Clarity of Language, Fairness:

- The Strengths of the Act: Our analysis covers the first three chapters so it is not all inclusive. The act does use language well to cover important issues regarding equality for students in England. Page 12 of the Act is very clear when it comes to single-sex schools.



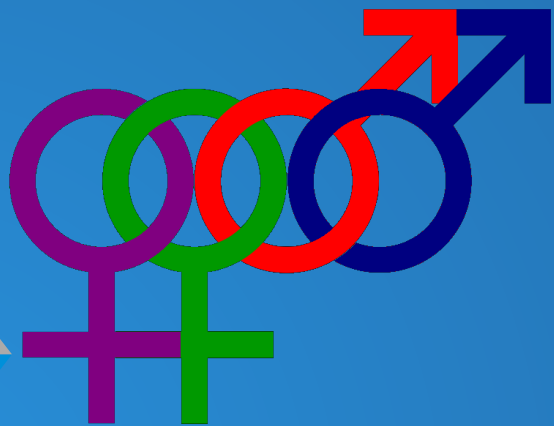
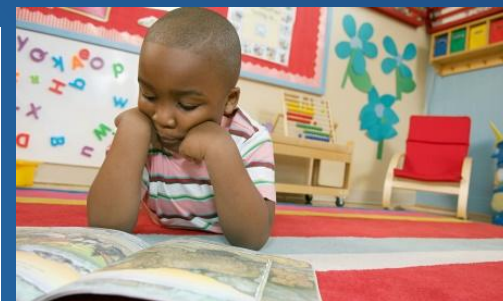
The typical portrayal of British students (always portrayed as White)

- The language is very straight forward and easy to understand in some places:
 - From page 12 of the Act:
 - “Single sex schools are able to refuse to admit pupils of the opposite sex. A school which admits only boys is not discriminating unlawfully against girls. A girl’s school which permits a pupil who is undergoing gender reassignment to remain after they adopt a male gender role would not lose its single-sex status. A boys’ school which admits some girls to the Sixth Form, or which lets girls attend for a particular GCSE course not offered at their own school, is still regarded as a single-sex school.”

Strengths Continued: Clarity of Language, Fairness:

The Act focuses on issues that do affect students (protected characteristics):

- P. 8 of the Act: “It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their: **sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity.**”



Who Gains/Loses?

Schools are allowed to treat disabled pupils more favorably than non-disabled pupils.

Public schools provide less access to a well-rounded, multicultural education.

Schools can change their policies about disadvantages pupils have based on race.

Private and elite schools provide more opportunity for higher education and better jobs.

Recommendations:

In terms of bullying, all acts of bullying should be protected by the law, whether it is pupil-pupil or otherwise.

Curriculums should be consistent across schools, so that all students have access to a well-rounded, multicultural education.

“In multicultural education there has been a subtle but intensifying move away from person-centred education for all...towards a more individuated, mobile and highly tracked, skills-based education, or the creation of the 'strategic cosmopolitan'...motivated not by ideals of national unity in diversity, but by understandings of global competitiveness, and the necessity to strategically adapt as an individual to rapidly shifting personal and national context”
(Mitchell, 2003, p. 387-388).

The wearing of a veil or showing jewelery of a pupil's faith should be allowed and protected by the law.

“Without hesitation, students (and their parents) are increasingly demanding familiar amenities and modern conveniences while abroad and seemingly with total disregard to host cultural norms or feasibility” (Ogden, 2007, p. 37). -Why is it alright for students from a world power country to expect that their culture be honored and applied elsewhere and yet in England students showing signs of faith are not protected by laws regarding education? Isn't that an aspect of culture?

Disabled persons should not be treated more favorably than non-disabled pupils; each should be regarded equally and protected by the law.

Sources

- ——— An exemplar modern public service organisation. (2014). Retrieved from <http://www.equalityhumanrights.com/about-us/about-commission/our-vision-and-mission/strategic-plan-2012-2015/exemplar-modern-public-service-organisation>
- Business Plan 2015/16. (2015). Retrieved from <http://www.equalityhumanrights.com/sites/default/files/uploads/documents/Statutory/Business Plan 2015-16.pdf>
- The Equality Act 2010 and Schools: Departmental Advice For School Leaders, School Staff, Governing Bodies and Local Authorities. (2014). Retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf
- FACULTI - Author Cuts - The New Institutionalism. (2014). Retrieved from <https://www.youtube.com/watch?v=tqLGSryhZns>
- Inside Story - Europe's rising anti-Islam trend. (2010). Retrieved from <https://www.youtube.com/watch?v=rLa2Q2nIjWY>
- Leonardo, Z. (2002). The Souls Of White Folk: Critical Pedagogy, Whiteness Studies, And Globalization Discourse. *Race Ethnicity and Education*, 5(1), 29-50.
- Mark Steyn's Brilliant (and Funny) Critique of Multiculturalism. (2013). Retrieved from <https://www.youtube.com/watch?v=K26kKDCCV9g>
- Mitchell, K. (2003). Educating the national citizen in neoliberal times: From the multicultural self to the strategic cosmopolitan. *Transactions of the Institute of British Geographers*, 28(4), 387-403.
- Multiculturalism Fail - Non-White Panel Dictating British Identity Narrative. (2013). Retrieved from https://www.youtube.com/watch?v=HqwgQX_2VLY
- Ogden, A. (2007). The view from the veranda: Understanding today's colonial student. *Frontiers: The Interdisciplinary Journal of Study Abroad*, 15, 2-20.
- Resnik, Julia (2009) Multicultural Education— Good for business but not for the state? The IB curriculum and global capitalism. *British Journal of Educational Studies* (pp. 217-234).
- —Rizvi and Lingard (2010). Ch 4: Education policy and allocation of values. In *Globalizing education policy* (pp. 71-92). New York: Routledge.
- Social Efficiency Ideology. (2014). Retrieved from <https://www.youtube.com/watch?v=3nLF9LGIcfQ>
- Social Mobility: Climbing the ladder. (2011). Retrieved from <https://www.youtube.com/watch?v=ohIk3IELXF8>
- Spring, J. (2008). Research On Globalization And Education. *Review of Educational Research*, 330-363.
- Watt, N., & Mason, R. (2015). Cameron rebukes Farage over 'fifth column' Charlie Hebdo comments. Retrieved from <http://www.theguardian.com/world/2015/jan/08/paris-attack-nigel-farage-gross-policy-multiculturalism>
- Wealth inequality in the UK. (2013). Retrieved from <https://www.youtube.com/watch?v=aOJ93tAbPPP>