

Educational Policies that Address Social Inequality

United Kingdom case study report 3 Implementing the Gender Equality Duty in Schools

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Implementing the Gender Equality Duty in Schools

Rationale and Aims

Despite the existence of a legal framework for gender equality which started with the 1975 Sex Discrimination Act (SDA), discrimination is still widespread and many services are designed in a gender-blind way which ignore the different needs of men and women, boys and girls. The Gender Equality Duty has come into force in a context of increased evidence that an approach relying heavily on individuals taking action to challenge issues of discrimination was insufficient (EOC, 2007a). Inspired by the 2001 Race Equality Act and the 2006 Disability Equality Duty, it acknowledges that a shift from putting the onus onto individuals to challenge discrimination to moving the onus onto organisations to promote equality in a proactive way is necessary.

Description, Implementation and Financial Aspects

As for the Equality Act as a whole, the Gender Equality Duty (GED) came into force in April 2007 and will be enforceable by the new Commission for Equality and Human Rights (CEHR) which replaces the Equal Opportunity Commission (EOC) from the 1st of October 2007.

As stipulated by the EOC, '[the GED] requires public authorities to promote gender equality and eliminate sex discrimination. Instead of depending on individuals making complaints about sex discrimination, the duty places the legal responsibility on public authorities to demonstrate that they treat men and women fairly' (EOC 2007a). Thus, the two main aims of the GED are for public authorities to

- eliminate unlawful sex discrimination and harassment on the grounds of sex
- promote equality of opportunity between men and women.

To achieve these aims, public authorities are requested to set up their own gender equality goals and consult both with employees and 'customers'. The GED also anticipates that unions will be consulted over the implementation of the Duty.

While the Race Equality Duty established some distinction between schools and other public bodies, the GED does not operate such a distinction. The Duty applies to all functions of every public authority (widely defined as 'bodies whose functions are those of a public nature') and of private bodies performing public functions. Thus, it also affects schools and universities, both as providers of a service of an educational nature to students (public service providers) and as employers of people (public service employers). Consequently, in the case of schools, both staff and students, men/boys and women/girls are covered by the Duty. As the GED adopts a mainstreaming approach to gender issues, other policy initiatives are concerned, such as, in the case of schools, Every Child Matters and the National Healthy Schools Programme.

As noted by Migniuolo (2007), schools were required to prepare and publish a Gender Equality Scheme and an Action plan by 30 April 2007 (20 April 2008 in Wales). Specific, non-statutory guidance, which supplements the Codes of Practices for England and Wales and for Scotland, was issued in March 2007 to help schools with this task.

The specific duties for each school require that they:

- Prepare and publish a gender equality scheme

- Consider the need to include objectives to address the causes of any gender pay gap in formulating its objectives
- Gather and use information on how school policies and practices affect gender equality in the workforce and in the delivery of services
- Consult stakeholders and take account of relevant information in order to determine its gender equality objectives
- Assess the impact of its current and proposed policies and practices on gender equality
- Implement the actions set out in its scheme within three years
- Report against the scheme every year and review the scheme at least every three years (EOC, 2007b).

Each school will need to produce a gender equality scheme (GES) by 30 April 2007, which provides a framework to help identify objectives, and plan, deliver and evaluate the steps to be taken to meet the duty.

Specifically, the GES needs to indicate in an Action Plan how the school intends to:

- Gather and use information that is relevant to promoting gender equality and eliminating discrimination
- Consult stakeholders in the preparation of its scheme (including setting the objectives)
- Assess the impact or likely impact of existing and proposed policies and practices on gender equality
- Implement the actions set out in the scheme (EOC, 2007b).

The guidance for schools highlights how the GED can help them in tackling gender inequality between boys and girls, especially in relation to academic achievement, career choices and bullying: 'Schools make up the biggest proportion of public bodies covered by the gender duty and have a crucial role to play in ensuring that girls and boys benefit from equality of opportunity in all areas of life. Action to challenge stereotyping needs to be a key component of the whole school curriculum and, in particular, careers, work-related learning, citizenship and personal, social and health education at both primary and secondary school. It is important that schools set a framework which tackles the many factors that affect pupil attainment, including gender, ethnicity and social class. Schools also play a key role in shaping the values and attitudes of children and young people and should take a lead in challenging gender-based harassment, bullying and violence. If schools are to be at the forefront of promoting gender equality in terms of outcomes for pupils, they also need to be at the forefront of promoting gender equality for their workforce.

Whilst many schools have taken positive steps to address gender inequality, many barriers that prevent pupils from achieving and making the most of their opportunities remain. It is vital that the differences between boys' and girls' experiences, attitudes and achievements in school are understood so that policies and practices can begin to break down these barriers. The gender equality duty can help schools work towards this goal' (EOC, 2007b: 3).

Some key issues listed in the guidance to be tackled by schools' equality plans include:

- Challenging gender stereotypes in subject choice and careers advice
- Pupil attainment
- Health, sport and obesity
- Sexual and sexist bullying and violence.

In the case of a school maintained by a local authority, legal responsibility for the implementation of the gender equality duty rests with the school's governing body, with the proprietor in the case of city academies, city technology colleges, city colleges for technology of the arts, or the local authority in the case of pupil referral units. However, the guidance recognises that leadership from

the headteacher and senior teaching staff, and support from staff, pupils, parents and carers and members of the wider school community are vital to ensure the duty is met.

Evaluations, Outcomes and Recommendations

At the time of writing, the GED has only been implemented for four months, and it is too early to predict any long-term effect it may have. However, we suggest that the implementation of the duty in schools may be problematic as those in charge of implementing it are not necessarily gender-aware or think of gender issues only in relation to dominant groups (eg men/boys) (Moreau et al, forthcoming, 2007, 2005). While the focus on gender and education in the UK policy context has been very much on 'boys' under-achievement', it is likely that the duty will be used to tackle this particular issue. Such a trend seems to be reflected by the case study described on the EOC website to illustrate what schools can do in relation to the GED, in which a school set up a gender equality working group to tackle boys' under-achievement, with some improvement of their attainment as a result. Although the under-achievement of some groups of boys is problematic, it is also very problematic that other gender issues are put aside (for example the under-achievement of some groups of girls, as well as the under-representation of women in the most prestigious segments of the teaching profession). While the EOC highlights that, 'In order to prepare a scheme identifying gender equality objectives, and setting out the actions it intends to carry out to achieve them, each school will have to develop an understanding of the major gender equality issues in its functions' (2007b), there is no guarantee that those in charge of implementing the duty will demonstrate such an understanding.

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