

Up-to-speed on: how Ofsted inspects the teaching of the protected characteristics in schools

Ofsted has released guidance for its inspectors on evaluating how schools go about meeting their duties in relation to teaching the protected characteristics – this article breaks down the key points.

To get you up-to-speed, we've summarised the key points:

- [Inspectors will gather evidence on how schools promote equality](#)
- [Schools should demonstrate pupils' awareness and understanding of the protected characteristics](#)
- [All schools must meet the requirements in statutory guidance](#)
- [Independent schools must adhere to the independent school standards \(ISS\)](#)
- [Faith teachings on protected characteristics are permitted](#)

Read on to learn more information about each key point.

Inspectors will gather evidence on how schools promote equality

Evidence will be gathered on how schools promote equality and pupils' understanding of the protected characteristics. The evidence will assist inspectors in coming to judgements on the following key areas:

- The personal development of pupils
- The effectiveness of leadership and management (from September 2021, how schools meet the requirements of the DfE's [statutory guidance](#) on relationships, health and sex education will contribute to this)

If a school is not teaching about all the protected characteristics, inspectors will always report on this and explain how it has affected the school's inspection judgements.

Schools should demonstrate pupils' awareness and understanding of the protected characteristics

Schools need to demonstrate that no form of discrimination is tolerated and that pupils show respect for those who share the protected characteristics – this cannot be demonstrated by directing inspectors to a general policy.

The curriculum should be planned and delivered so that children develop age-appropriate knowledge and understanding during their time at school. In secondary schools, this includes age-appropriate knowledge of sexual orientation and gender reassignment.

Schools can choose to teach about these issues in a number of ways, for example:

- Primary schools could teach pupils about the different family types that exist within society.
- Secondary schools could teach pupils about sexuality and gender identity, as well as the legal rights that LGBTQ+ people have.

If a school does not effectively promote pupils' awareness and understanding, this may result in a 'requires improvement' judgement for personal development. This applies only to section 5 inspections for state-funded schools, and standard inspections for independent schools.

State-funded schools do not receive a judgement for personal development as part of a section 8 inspection. If, however, inspectors find evidence that the school does not promote pupils' awareness and understanding, they may recommend that the next inspection be conducted under section 5.



All schools must meet the requirements in statutory guidance

From 1 September 2020, relationships education became compulsory for all primary school pupils and relationships and sex education (RSE) became compulsory for all those in secondary. Due to the partial closure of schools during the coronavirus (COVID-19) pandemic, however, the DfE has now given schools flexibility over how they deliver the first year of teaching.

The DfE's [statutory guidance](#) outlines what schools should do and the requirements they must comply with when teaching this curriculum. As part of this, the DfE expects secondary schools to delivery teaching on LGBTQ+ relationships and encourages primary schools to do the same.

When full inspections resume, Ofsted will assess schools' readiness to comply with the statutory guidance and comment on this in the inspection report.

It's important to note that schools' compliance with statutory requirements will not impact inspection judgements until the start of the Summer term 2021. This means that if schools are not on track to meet the DfE's requirements or teaching the required content prior to the Summer term 2021, this will not impact on the leadership and management judgement, but inspectors may comment on it in the school's inspection report.

From the start of Summer term 2021, if during a section 8 inspection inspectors find evidence that a school is not meeting the requirements of the statutory guidance, they may recommend that the school's next inspection be a section 5 inspection.



Independent schools must adhere to the independent school standards (ISS)

Independent schools are required to adhere to The Education (Independent School Standards) Regulations 2014 – this means that schools must make pupils aware of the protected characteristics to the extent that it is considered age-appropriate to do so.

Before the Summer term 2021, if an independent primary school does not teach about LGBTQ+ relationships, it **will not** automatically be judged to fail the ISS, provided it can demonstrate it has plans in place to meet them by the start of the Summer term 2021. If it cannot prove this, however, inspectors will usually judge that the school has failed to meet the standards. Under 'The education inspection framework' (EIF), non-compliance will usually mean that the school will not receive a leadership and management judgement better than requires improvement.

From the start of the Summer term 2021, if an independent primary school does not teach the required content, it will not be automatically judged to fail the ISS unless it can satisfy inspectors that it has still fulfilled the requirements of the DfE's statutory guidance. If it cannot do this, inspectors will normally judge that the school has failed to meet the ISS, resulting in a subsequent requires improvement judgement in leadership and management.

For independent secondary schools, failure to meet the requirements in the ISS likely means the school will not receive a leadership and management judgement better than 'requires improvement'.



Faith teachings on protected characteristics are permitted

Ofsted's guidance confirms that schools are at liberty to teach the tenets of any faith on the protected characteristics.

If, for example, they explain that same-sex relationships are not permitted by a particular religion, they **must** also explain the legal rights that LGBTQ+ people have under UK law.

What's next?

- Read Ofsted's guidance in full [here](#).
- Make sure you are up-to-speed on what is required from you in terms of delivering the RSE, relationships and health education curriculums with our [article](#).
- You can also find out more about how Ofsted will be conducting visits to schools prior to resuming full inspections in our article [here](#).

Bibliography

Ofsted (2020) 'Inspecting teaching of the protected characteristics in schools' <<https://www.gov.uk/government/publications/inspecting-teaching-of-the-protected-characteristics-in-schools>> [Accessed: 21 September 2020]