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Guidance

Equality duties on education inspection

Guidance on the education inspection approach to providers' and inspectors' duties under the Equality Act 2010.

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Applies to England

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Ofsted works in the interests of children, learners, apprentices, trainees,

early career teachers (ECTs) and national professional qualification (NPQ) participants – referred to collectively as ‘learners’ throughout for ease of reading. Our aim is to help raise standards in education, skills and children’s social care, improving lives – particularly for the most vulnerable.

As part of this, inspectors must consider whether providers are meeting their obligations under the [Equality Act 2010](#) during inspection. This requirement is built into our inspection toolkits, which guide inspectors in evaluating provision and reflect providers’ equality duties. We evaluate whether providers prevent and respond appropriately to incidents of unlawful behaviour. We also consider how they promote equal opportunities, make reasonable adjustments and foster positive relations.

Failure to notice and challenge bullying, unlawful discrimination, harassment and victimisation will usually affect a provider’s grade for ‘leadership and governance’ (or ‘leadership’). The impact on other evaluation areas depends on the education remit and how the act is applied through other legislation, frameworks, and both statutory and non-statutory guidance.

Ofsted also has its own responsibilities under the act, and we reflect these duties in our inspection practice. These responsibilities are embedded in our operating guides, which set out how inspections should be carried out. Inspectors will ask leaders whether anyone involved in the inspection process requires reasonable adjustments during an inspection because of a disability, and will ensure that any such requests are considered in consultation with the duty desk. They will then ask any inspection team members the same question. They will also consider other adaptations to the inspection process to avoid putting others at a disadvantage because of a protected characteristic, unless the duty desk provides an objective justification for refusing a request. Inspectors should also consider the effect the proposed adaptation would have on others and ensure that in making the adaptation they are not directly discriminating against anyone else. Again, the duty desk should be consulted in any such circumstance.

This guidance sets out providers’ duties (which inspectors must understand and be familiar with) and inspectors’ duties under the act, and some specific circumstances where equalities must be considered as part of education inspections.

Providers’ duties under the Equality Act

Inspectors consider providers’ compliance with the act during inspection. This includes the following duties:

1. Prohibited conduct

Providers must not directly or indirectly discriminate, harass or victimise learners, staff or service users because of a protected characteristic. The act defines [direct discrimination](#), [indirect discrimination](#), [harassment](#) and [victimisation](#).

See [parts 2 and 6 of the Equality Act](#).

2. Duty to make reasonable adjustments

Providers must anticipate and remove barriers that put disabled learners, teachers and other staff at a substantial disadvantage compared with non-disabled peers.

See [sections 20 and 21 of the Equality Act](#).

3. Public sector equality duty (PSED) (where relevant)

Publicly funded providers must have due regard to eliminating discrimination, harassment and victimisation, advancing equality of opportunity, and fostering good relations between people with and without protected characteristics.

See [section 149 of the Equality Act](#).

Inspectors' duties under the Equality Act

Inspectors must themselves comply with the act in their role, including how they carry out inspections. This includes the following duties:

1. Prohibited conduct

Inspectors must not discriminate in how they carry out inspections or interact with providers, learners, staff or the public.

See [part 3 of the Equality Act](#).

2. Duty to make reasonable adjustments

Inspectors must make reasonable adjustments for disabled people involved in an inspection (for example, staff, learners and parents) to ensure fair participation.

See [sections 20 and 21 of the Equality Act](#).

3. Public sector equality duty (PSED)

Inspectors must have due regard to the public sector equality duty when carrying out inspection processes – that is, in planning, delivering, and reporting on inspections.

See [section 149 of the Equality Act](#).

Evidence or allegations of discrimination and/or breaches of the Equality Act

On all inspections, if inspectors witness or find evidence of behaviour by leaders and staff that does not comply with the act, or think there may have been a breach of the act, they will refer this to the duty desk, which will seek legal advice as required.

Specific circumstances where equalities must be considered in education settings

Inspection focus on protected characteristics

Our inspection toolkits set out our focus on how well providers ensure respect for the different protected characteristics, and (except for initial teacher education (ITE) providers) promote an age-appropriate understanding of the protected characteristics in the Equality Act.

If inspectors identify that a provider has not followed the relevant [statutory or non-statutory guidance](#), teaching about the protected characteristics in an impartial and age-appropriate way where there is a duty to do so, or is not fostering respect for them, they should contact the duty desk, who may seek advice from policy and/or legal teams. They must record this in their evidence base and report, explaining how it has influenced their grading.

Inspectors should also contact the duty desk if they need further guidance.

Inspection approach: Supreme Court ruling on the meaning of sex in the Equality Act


The UK Supreme Court ruled on 16 April 2025 that the definition of sex in the act should be interpreted as ‘biological’ sex only. This means that, for the purposes of the act, a person’s legal sex is the one that was recorded at their birth. According to the ruling, obtaining a Gender Recognition Certificate (GRC) does not change your legal sex for the

purposes of the act.

In line with good safeguarding practice and to protect the privacy and dignity of all pupils, it has long been the case that schools must provide single-sex toilets and changing facilities in line with the legislative requirements and their safeguarding duties. For other settings, such as further education and skills and ITE providers, similar requirements apply under workplace regulations, including to provide single-sex toilet, changing and shower facilities (where changing and shower facilities are required).

In anticipation of potential future guidance from the Equality and Human Rights Commission (EHRC), Ofsted and the relevant government departments are working closely together on this area of policy and will, respectively, provide any necessary guidance to providers or updates to the inspection framework.

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