

[Home](#) ▾ [Education, training and skills](#) ▾ [Teaching and leadership](#)

▾ [Workforce equalities requirements in schools and colleges: an outline](#)



[Department
for Education](#)

Guidance

Workforce equalities requirements in schools and colleges: an outline

Published 27 February 2026

Applies to England

[Contents](#)

[Summary](#)

[Key legislation](#)

[Legal considerations in relation to pregnancy and maternity](#)

[Areas of practice to consider](#)

[Further sources of information](#)

This resource has been developed by the workforce subgroup of the [Improving Education Together Board](#).

We have also collaborated with school and college leaders to develop case studies on supporting women's health and wellbeing, including endometriosis and menstrual health, support during pregnancy, returning from maternity leave, and menopause.

Case studies developed by college leaders can be found at [Leading the way in menopause support](#) and [Advancing support for endometriosis and menstrual wellbeing](#).

Case studies developed by school leaders can be found on the [Improve workload and wellbeing for school staff service](#).

Summary

This document outlines key legislation relating to workplace equality that commonly impacts specific groups of employees in schools and further education colleges^[footnote 1]. It also sets out areas of practice where equalities issues regularly need to be considered and provides key sources of information for further reading.

This outline will be particularly useful for those who are new in roles that have a workplace equality component, for example those new to headteacher, principal or governance roles, or those new to managing others.

This document is not legal advice and all employers must fully comply with the relevant legislation^[footnote 2] as it pertains to their setting. Employers will need to seek advice from any available organisational resources such as HR, Occupational Health and Legal, especially in relation to individual cases. You may also want to seek further information from trade unions, ACAS, and relevant charities or organisations.

The case for workplace equality

As well as legal compliance and fairness, the benefits of promoting and maintaining an equitable workplace can include improved staff retention, improved career progression for all employees, better staff engagement, better decision making and reduced absence.

Key legislation

There are 2 key pieces of legislation focused on ensuring equality and employee

rights within the workforce:

The Employment Rights Act 1996

The act [\[footnote 3\]](#) sets out the rights of employees and the responsibilities of employers and includes, but is not limited to:

- employee contracts, pay, hours, leave, unfair dismissal, redundancy, time off for public duties and dependants, flexible working requests and whistleblowing
- protections for employees from suffering unfair treatment as a result of exercising their rights (for example, flexible working requests)
- rights related to maternity leave, paternity leave, adoption leave, shared parental leave, time off for antenatal and adoption appointments

Equality Act 2010

Part V of the Equality Act 2010 protects staff from discrimination on the basis of any of the following protected characteristics:

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

Discrimination

Discrimination can be direct or indirect.

Direct discrimination occurs if, because of a protected characteristic, a person treats

another person less favourably than they treat or would treat those without the characteristic.

Indirect discrimination occurs when a policy, rule or practice applies to everyone equally, but puts a specific group – defined by a protected characteristic – at a disadvantage. It is often unintentional and less obvious than direct discrimination, but unlawful unless it can be justified as a proportionate and legitimate aim.

An example of indirect discrimination

A woman is forced to leave her job because her employer operates a practice that staff must work in a shift pattern which she is unable to comply with because she needs to look after her children at particular times of day, and no allowances are made because of those needs.

This would put women (who are shown to be more likely to be responsible for childcare) at a disadvantage, and the employer will have indirectly discriminated against the woman unless the practice can be justified.

The act also provides protection from victimisation and harassment related to a relevant protected characteristic. In addition, the act provides protection for disabled people from being treated unfavourably because of something arising in consequence of their disability; and imposes a duty on employers to make reasonable adjustments for disabled persons where they would otherwise be put at a substantial disadvantage.

An example of unfavourable treatment

An employer dismisses a worker because she has had 3 months' sick leave. The employer is aware that the worker has multiple sclerosis and most of her sick leave is disability related.

The employer's decision to dismiss is not because of the worker's disability itself. However, the worker has been treated unfavourably because of something arising in consequence of her disability (namely, the need to take a period of disability-related sick leave).

The employer would need to show that the unfavourable treatment was a proportionate means of achieving a legitimate aim.

Reasonable adjustments

The Equality Act 2010 creates a positive duty on employers to anticipate the needs of and make reasonable adjustments for those who are disabled. This applies to:

- employees
- workers, such as supply teachers
- job applicants
- former employees

Practical examples of reasonable adjustments might include:

- flexible working
- special equipment such as chairs or assistive technology
- limiting the need for movement around the building
- assigning a ground floor classroom
- cover for emergency bathroom breaks

Case study

A middle leader in a secondary school has Crohn's disease and other chronic health conditions that require regular medication, frequent medical appointments, and can lead to long periods of exhaustion.

She has been able to sustain full time work and the full responsibilities of being Head of English because her school has implemented a flexible working arrangement to accommodate her health needs.

She is not timetabled for the first period of the day and does not have a form group, with all of her planning, preparation and assessment (PPA) and non-contact time scheduled at the start of the day. This arrangement enables her, particularly during flare ups, to begin her day later when needed to support her attendance and recovery.

Without this flexibility, she would not have been able to continue in her leadership role or remain in teaching at all, as it would not have been sustainable alongside her health needs.

Public sector equality duty

Public bodies (including schools and colleges) must also comply with the Public Sector Equality Duty (part of the Equality Act 2010) (PSED) by giving due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other prohibited conduct
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

This means integrating the duty into all operations, for example staff recruitment and development, and considering if any policies or operations might adversely affect any particular group.

Schools and colleges are recommended to conduct equality impact assessments to ensure compliance with the PSED and to anticipate potential issues through engagement with stakeholders.

The above is not a comprehensive summary of all legal requirements on settings in relation to employment: other key requirements include health and safety requirements.

Equality, diversity and inclusion should be an integral part of the governing board's strategy and business plans in academy trusts, maintained schools and colleges. This includes not just legal or regulatory obligations but also how equality, diversity and inclusion is championed and embedded throughout the academy trust, school or college.

Legal considerations in relation to pregnancy and maternity

Pregnancy and maternity is one of the 9 protected characteristics under the Equality Act 2010. This means it is unlawful to treat someone unfavourably because they are pregnant, on maternity leave, or have a pregnancy-related illness.

Currently, the law protects pregnant women against discrimination and unfair

treatment during a specific “protected period”, which starts when a woman becomes pregnant and ends when:

- her maternity leave ends
- she returns to work
- she leaves her job

For some people, the protected period ends 2 weeks after the end of their pregnancy. For example, if:

- they're not entitled to maternity leave
- their pregnancy ends within the first 24 weeks, for example they have a miscarriage

During the protected period, employers cannot treat an employee unfavourably because she is pregnant, has given birth or exercises or seeks to exercise their right to maternity leave. This applies to the allocation of workload/responsibilities, performance reviews, training, promotion, dismissal and redundancy. Job applicants cannot be discriminated against on the basis of pregnancy.

Health and Safety at work legislation includes specific responsibilities for employers in relation to pregnant employees and new mothers:

- employers must assess and manage any risks in relation to pregnant workers, new mothers, and women of childbearing age
- individual risk assessments should be carried out for workers who are pregnant, breastfeeding or have given birth in the last 6 months to ensure any risks are managed - risk assessments for pregnant workers should be reviewed as pregnancy progresses, particularly during the third trimester
- employers must also provide a suitable place to rest for breastfeeding workers - Health and Safety Executive guidance recommends employers should provide facilities for expressing breast milk and a fridge space for storage

Those with responsibilities in this area, will need to be cognisant of the need to demonstrate that the risks are removed or mitigated satisfactorily, including:

- altering working conditions or hours of work to avoid any significant risk
- where it is not reasonable to alter working conditions or hours, or would not avoid the risk, to offer suitable alternative work on terms that are not “substantially less favourable”

- where suitable alternative work is not available, or the employee reasonably refuses it, to suspend the employee on full pay

Employees can work up to 10 paid 'keeping in touch days' during maternity leave. Keeping in touch days are optional, and the type of work and pay should be agreed before the employee comes into work.

Offering flexible working arrangements can help to ensure that teaching suits employees at different stages of their life, such as on return from maternity or other types of parental leave. Flexible working arrangements can be requested by any member of school staff, including those in leadership positions and non-classroom-based roles.

Maternity pay frameworks vary according to the setting, role within the organisation and organisational structure. [\[footnote 4\]](#)

We recommend that settings have a clear policy which sets out their standards in relation to pregnancy and maternity and it may be helpful to co-construct or consult with unions and other bodies representing the workforce when writing the policy.

Developing relevant policies can:

- simplify the steps employees and employers need to take to manage pregnancy and maternity in the workplace
- ensure women are supported and safeguarded throughout their pregnancy
- ensure women are kept informed of any relevant information that will support their return to the workplace; and
- help ensure women are able to remain in the workforce during pregnancy, are willing to return following maternity leave and can continue to progress in their careers

Further information

- [Pregnant employees' rights](#)
- [What the law says - Pregnancy and maternity discrimination - Acas](#)
- [Protecting pregnant workers and new mothers: employers - Workplace safety law](#)

Areas of practice to consider

Some particular areas of practice where it is important to embed equalities considerations into systems and processes are set out below. Maintaining good quality data is essential to understanding effectiveness in these areas and identifying where improvements need to be made.

Hiring and restructuring

Note that schools and colleges must follow the guidance on safer recruitment in [Keeping children safe in education](#).

To comply with the Equality Act 2010 employers must avoid discrimination based on protected characteristics and this includes when hiring new staff.

Reasonable adjustments for disabled applicants must be considered at all stages of the hiring process and thereafter.

To ensure there is fair treatment of candidates, consistency before, during and after interviews is important. Some ways to achieve this are to:

- state in job advertisements what flexible working opportunities are available
- ensure the interview panel is balanced and diverse
- consider adopting blind recruitment practices – anonymising candidates' details where possible throughout the recruitment process so that characteristics such as gender, age, ethnicity are not visible to those shortlisting applications
- train interviewing staff to ensure they know how to conduct fair interviews
- standardise the questions asked of every interviewee and determine in advance the criteria that will be used to gauge responses to questions (unless the interviewee has a reasonable adjustment requiring questions in a different format)
- if using artificial intelligence (AI) tools as part of the recruitment process, ensure risks associated with AI such as bias and discrimination are fully considered and appropriately managed to support a fair recruitment process

Any changes to the staffing structure in a public body will also require consideration

of the impact on those with a protected characteristic. Conducting an equality impact assessment is a way to understand the impact on any particular group and prevent any direct or indirect discrimination.

Appraisal

Appraisal should be a supportive and developmental process that enables employees to fully develop their skills, access the support they need to carry out their role effectively, and develop their professional practice.

In addition to ensuring processes comply with the Equality Act 2010, it is important to be aware of any specific regulations applying to your setting. For example, the Appraisal Regulations^[footnote 5] set out the principles that apply to teachers in all maintained schools and centrally employed (or unattached) teachers employed by a local authority, in each case where they are employed for one term or more. These regulations do not apply to any teacher undergoing an induction period or those who are subject to capability procedures. Maintained schools and local authorities must stay within the legal framework set out in the Appraisal Regulations. These regulations do not apply to school support staff.

Academies are not legally required to follow the Appraisal Regulations but will have their own appraisal frameworks in place. Many academies choose to follow the Appraisal Regulations for their teachers or may use a different appraisal framework for teachers and support staff. The Appraisal Regulations do not apply to the further education (FE) sector.

All employers need to consider employment and equalities law when setting appraisal and performance management arrangements. Guidance on appraisals is also available from ACAS (see [Further sources of information](#)).

Note that appraisal targets should be reviewed when job roles change or employees leave for or return from maternity leave.

Pay progression, promotion and opportunities

Proactively monitoring pay, promotions and opportunities can help to establish if there are any particular issues in these areas that may point to discrimination under

the Equality Act 2010 and enable analysing, sharing and acting on that monitoring as appropriate.

Pay

Pay is already monitored through gender pay gap legislation requiring employers with 250 or more employees to report their gender pay gap data to the gender pay gap service by the required deadline. Forthcoming legislation is expected to expand this to ethnicity and disability. Monitoring pay by different protected characteristics (such as gender or ethnicity) is also an option for organisations with less than 250 employees, although not legally required.

Promotions

Organisations can ensure compliance by monitoring how promotions take place, ensuring that a diverse panel of members are involved in decision making, and proactively seeking to identify and eliminate bias.

Opportunity

Proactively identifying areas where staff with certain characteristics are not applying for certain types of role can identify areas needing focus. Transparency around how promotion decisions are made is important to ensure confidence that there is equal access to opportunities and that all employees are treated fairly.

Further sources of information

Unions, charities and other organisations

Trade unions', professional associations' and charities' websites are a useful source of model policies, toolkits, checklists and templates, as well as guidance.

You can access the [Local government terms and conditions \('Green book'\)](#), which sets out arrangements for pay and conditions for certain local authority employees.

You can also access the [Conditions of service for school teachers in England and Wales \('Burgundy book'\)](#), which is a national agreement between the teaching unions and the National Employers Organisation for School Teachers and sets out conditions of service for school teachers in maintained schools (and which most academies also choose to follow) in England and Wales.

ACAS provide a number of downloadable advice pages.

[Equality and wellbeing](#)

[Reasonable adjustments at work](#)

[Performance management](#)

Equality and Human Rights Commission

[Equality Act 2010](#)

[The essential guide to the public sector equality duty](#)

[Assessing impact and the equality duty: an eight step guide](#)

[Technical guidance for schools in England](#)

Health and Safety Executive

The Health and Safety Executive website provides details of workplace laws along with helpful guides. Relevant topics can be found in their A to Z of guidance by topic or by searching the website using relevant terms such as 'pregnant' or 'menopause'.

[HSE: Information about health and safety at work](#)

Other departmental advice and guidance

[Equality Act 2010: advice for schools](#)

[How to improve gender equality in the workplace: actions for employers](#)

[Public Sector Equality Duty: guidance for public authorities](#)

[Employee rights when taking maternity and other types of parental leave](#)

[Pregnancy and birth](#)

[Statutory Maternity Pay and Leave: employer guide](#)

[Neonatal Care Pay and Leave: Overview](#)

[How to improve gender equality in the workplace: actions for employers](#)

[Recruitment and disabled people: Job specifications](#)

[Gender pay gap reporting: guidance for employers](#)

[School teachers' pay and conditions](#)

[School teachers' pay and conditions: guidance](#)

[Teacher appraisal and capability](#)

[Staff wellbeing - Improve workload and wellbeing for school staff](#)

[Education staff wellbeing charter](#)

[Flexible working in schools](#)

[Get help with flexible working in schools](#)

[Further education corporations and sixth-form college corporations: governance guide](#)

[Help and support for colleges](#)

[Maintained schools: governance guide](#)

[Academy trusts: governance guide](#)

-
1. For FE this guidance is aimed at governing bodies and senior leadership teams in the statutory FE sector. The statutory FE sector includes further education colleges, sixth form colleges and designated institutions. Other FE institutions outside of the statutory FE sector may also find this guide helpful. [↩](#)
 2. Legal responsibility may lie with the leadership of an institution and/or with a governing body. In community schools, community special schools, voluntary controlled schools and pupil referral units, the employer is the local authority. In foundation schools, foundation special schools and voluntary aided schools, the employer will usually be the governing body. In academies, it is the academy trust. In FE, legal responsibility may lie with the FE college corporation, sixth-form

college corporation or the company conducting the designated institution. [↵](#)

3. The new Employment Rights Act received Royal Assent in December 2025 and is intended to introduce new rights and protections for workers and employees. The anticipated timeline for implementation will involve changes being brought in incrementally over 2026 and 2027. [↵](#)
4. For local authority maintained schools, maternity pay is determined by the Burgundy Book (for teachers) and the Green Book (for non-teaching school staff of employers that are signed up to the National Joint Council for local government services). Academy trusts can determine their own maternity provisions, although many align with the Burgundy and Green books. FE colleges are responsible for the pay and contractual conditions of their staff. [↵](#)
5. The Education (School Teachers' Appraisal) (England) Regulations 2012. Note that these regulations only apply in England. [↵](#)

[↑ Back to top](#)

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. [Please fill in this survey \(opens in a new tab\)](#).



Services and information

[Benefits](#)

[Births, death, marriages and care](#)

Government activity

[Departments](#)

[News](#)

[Business and self-employed](#)

[Childcare and parenting](#)

[Citizenship and living in the UK](#)

[Crime, justice and the law](#)

[Disabled people](#)

[Driving and transport](#)

[Education and learning](#)

[Employing people](#)

[Environment and countryside](#)

[Housing and local services](#)

[Money and tax](#)

[Passports, travel and living abroad](#)

[Visas and immigration](#)

[Working, jobs and pensions](#)

[Guidance and regulation](#)

[Research and statistics](#)

[Policy papers and consultations](#)

[Transparency](#)

[How government works](#)

[Get involved](#)

[Help](#) [Privacy](#) [Cookies](#) [Accessibility statement](#) [Contact](#)

[Terms and conditions](#) [Rhestr o Wasanaethau Cymraeg](#)

[Government Digital Service](#)

OGI

All content is available under the [Open Government Licence v3.0](#), except where otherwise stated



