



Lord Hill of Oareford

Parliamentary Under Secretary of State for Schools

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Baroness Williams of Crosby
House of Lords
Westminster
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Dear Baroness Williams,

Academies Bill – Equality Act 2010

On the third day of Committee on Monday, Lord Wallace of Saltaire said we would write to explain how the Equality Act 2010 applies to Academies and Independent schools. You asked whether Section 85 of the Equality Act 2010, which lays responsibility on maintained schools to accept this legislation and to deal with the issues you raised in the House still stood. You also asked what would happen about Section 87, which specifically excludes independent schools.

Under the Equality Act 2010, Academies are generally treated like maintained schools, not independent schools (even though they are independent schools). In fact, section 85, and the rest of Chapter 1 of Part 6 of the Equality Act 2010 applies to all schools, not just maintained schools. Therefore no school, whether maintained, independent or an Academy can discriminate against pupils and prospective pupils on the basis of a protected characteristic (except when one of the exceptions for single sex or faith schools applies).

The only provision in Part 6 that does not apply to independent schools (including Academies) is section 87, which extends the powers of the Secretary of State to give directions to schools under sections 496 and 497 of the Education Act 1996. This is because those powers in the Education Act are not exercisable in relation to Academies. The Secretary of State's relationship with Academies is largely governed by the Academy's funding agreement. Generally, it is not common for the Secretary of State to give directions to schools under s.496 or 497 of the Education Act, and we would not expect these powers to be used under the Equality Act as a matter of routine.

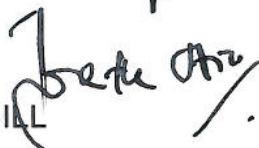
With regard to the public sector equality duty under s.149 of the Equality Act, the duty applies to public authorities that are named in Schedule 19. At present Schedule 19 only lists "core" public authorities, such as Government departments, local government and NHS bodies, and schools maintained by the local authority. However, this list was never intended to be the final list, and there are many bodies that are subject to the public sector duties under the existing legislation that are not currently listed in Schedule 19, including Academies. The intention has always been to make an order under s.151 of the Act nearer to the time that the provisions come into

force adding those bodies to Schedule 19, together with any new bodies that are public authorities which should be subject to the duties. Academies, along with many other bodies will be named in that order.

Therefore, by the time that the Equality Act is implemented, Academies will be subject to the public sector duties, as well as the provisions in Part 6 (other than s.87), in the same way that maintained schools are.

I hope that you find this explanation helpful. I am copying this letter to all Peers who spoke during Committee and placing a copy in the Library of both Houses.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Hill". The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke at the end.

LORD HILL