FACTSHEET: WHAT THE PUBLIC SECTOR EQUALITY DUTY MEANS FOR ME (1)

The Public Sector Equality Duty (PSED) is a legal obligation under the Equality Act 2010. It applies to schools, local authorities and other public bodies. It requires them to ensure that their decisions, policies and practices actively promote equality, eliminate discrimination and foster good relations between individuals. This includes the procurement and use of educational technologies (EdTech) and the processing of learners' data

This factsheet explains how the PSED applies to you as a parent or child in the school community and what you can expect from your school.

The use of EdTech has the potential to enhance learning, but it also carries risks, particularly if technologies unintentionally exclude or disadvantage certain groups. By understanding your rights under PSED, you can ensure that schools and the providers of the EdTech products they use, are taking steps to promote equality and create inclusive educational environments

For more information on your rights and how to take action, visit the UK Equality and Human Rights Commission at www.equalityhumanrights.com.

When schools adopt EdTech or process learners' data, what can parents and learners expect?

- ***Fairness and Accessibility:*** *Schools must ensure all learners benefit equally from EdTech, regardless of their background or circumstances*
- ***Protection from Discrimination:*** *Policies and practices must be free from bias and prevent discrimination in all forms*
- ***Support for Diverse Needs:*** *Tools and resources must cater to learners with SEND, those who use English as an additional language, and others who may face barriers such as digital poverty addressing gaps in access to devices or internet, ensuring that no learner is disadvantaged.*

For Schools: What should schools do?

Under the PSED, schools must:

- ***Carry Out Equality Impact Assessments (EIAs):*** *Before introducing EdTech, schools should assess its potential impact on different groups of learners and staff, identifying any risks of discrimination or inequality.*
- ***Ensure Inclusive Procurement:*** *Consider how EdTech providers meet equality standards, including accessibility and data privacy obligations.*
- ***Provide Transparency:*** *Share information with parents and learners about how equality is being promoted in the use of EdTech and data processing.*

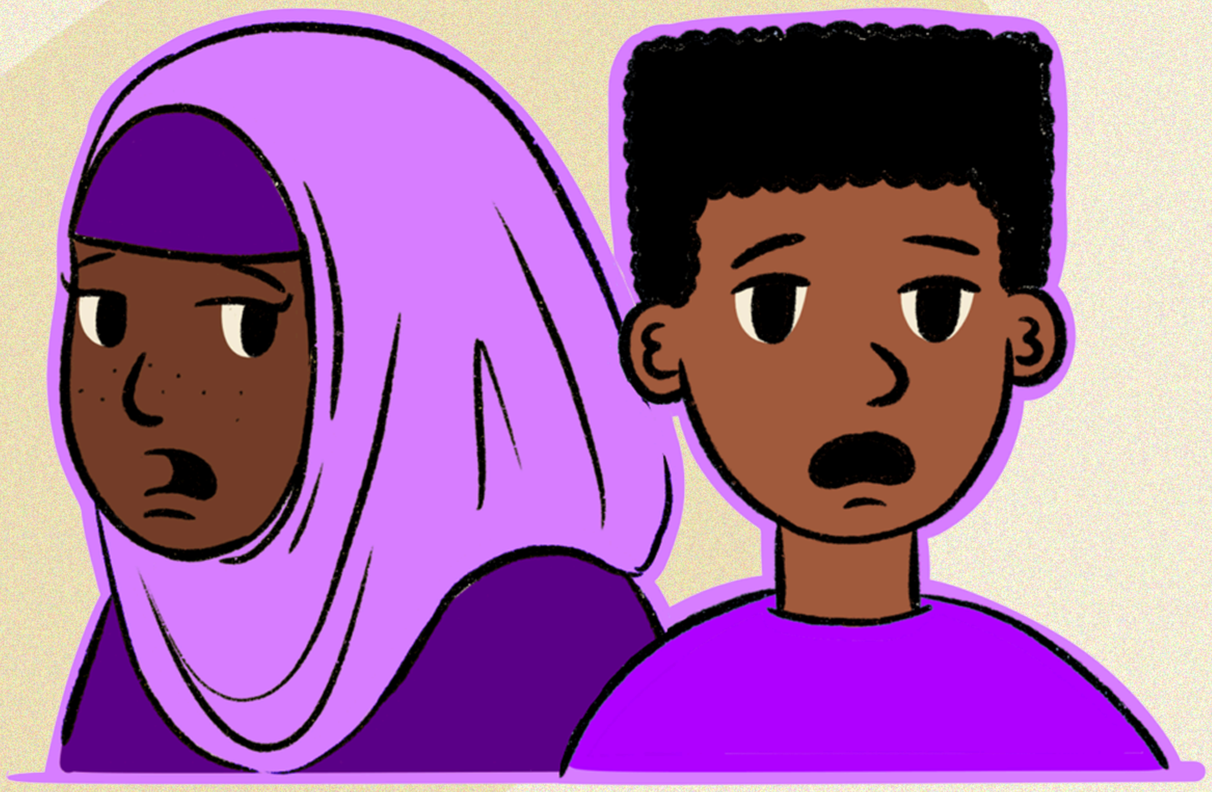
FACTSHEET: WHAT THE PUBLIC SECTOR EQUALITY DUTY MEANS FOR ME (2)

For families: Your rights and actions you can take

Ask Questions:

- *How has the school ensured the EdTech supports all learners equally?*
- *Has an **Equality Impact Assessment** been conducted for this tool?*
- *What steps are being taken to address digital poverty?*





Raise any Concerns:

- *If you believe EdTech is creating barriers or perpetuating inequality, contact the school's leadership team or governors.*
- *Escalate unresolved issues to the local authority or the **Equality and Human Rights Commission (EHRC).***

Request Transparency:

Ask for details on how the school promotes equality through EdTech and whether providers meet their equality obligations.

Various legal frameworks and treaties collectively ensure protections against discrimination in the UK, in public and private sectors, and in international contexts.

Article 2 of the UNCRC calls on States to respect and ensure rights to each child in their jurisdiction "without discrimination of any kind, irrespective of a child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." States must ensure that all legislation, policies and programmes that deal with business issues are not intentionally or unintentionally discriminatory towards children in their content or implementation; for instance those that address access to employment for parents or caregivers, or access to goods and services for children with disabilities. *See next page*

FACTSHEET: OTHER RIGHTS YOU HAVE BEYOND THE PSED (1)

A broader set of rights that help set the foundation for the PSED

United Kingdom Laws that protect from discrimination

Equality Act 2010

The primary anti-discrimination legislation in Great Britain, covering nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Human Rights Act 1998

Incorporates the European Convention on Human Rights (ECHR) into UK law, ensuring protection against discrimination (Article 14) and upholding fundamental freedoms.

Data Protection Act 2018 (UK GDPR)

Protects individuals' data and includes safeguards against discriminatory profiling or decision-making using personal data.

Public Sector Equality Duty (PSED) (under the Equality Act 2010)

Requires public authorities to eliminate discrimination, advance equality of opportunity, and foster good relations.

Education Act 1996

Prohibits discrimination in educational settings and enforces equal opportunities for all learners.

Employment Rights Act 1996

Provides protection against discrimination in employment contexts, including hiring, dismissal, and workplace practices.

European Legislation and Agreements

European Convention on Human Rights (ECHR)

Article 14 prohibits discrimination in the enjoyment of rights and freedoms protected under the Convention. The UK remains a party to the ECHR despite leaving the EU.

Charter of Fundamental Rights of the European Union

Although the Charter no longer applies directly post-Brexit, it influenced UK anti-discrimination laws while the UK was a member of the EU.

EU Equal Treatment Directives

Includes directives such as the Race Equality Directive (2000/43/EC) and the Employment Equality Framework Directive (2000/78/EC), which shaped UK legislation like the Equality Act 2010.

FACTSHEET: OTHER RIGHTS YOU HAVE BEYOND THE PSED (2)

The UK is a signatory to other rights-promoting conventions and frameworks

International Treaties

Universal Declaration of Human Rights (UDHR) 1948

Article 2 states that everyone is entitled to rights and freedoms without discrimination. Article 26 also ensures equal access to education.

International Covenant on Civil and Political Rights (ICCPR)

Article 26 guarantees equality before the law and protection against discrimination.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 2.2 prohibits discrimination in the enjoyment of economic, social, and cultural rights.

United Nations Convention on the Rights of the Child (UNCRC)

Articles 2 and 23 emphasise non-discrimination and equal rights for children, including those with disabilities.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Prohibits gender-based discrimination and promotes equality for women in all aspects of life.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Prohibits racial discrimination and obligates states to promote equality across racial and ethnic groups.

Convention on the Rights of Persons with Disabilities (CRPD)

Ensures the rights of individuals with disabilities to live without discrimination and participate fully in society.

Other Relevant Frameworks

European Social Charter (Revised)

Sets out rights related to non-discrimination, equal opportunities, and protections in social and economic life.

Sustainable Development Goals (SDGs) (United Nations)

Goal 10: Reduce inequality within and among countries, promoting social and economic inclusion for all.

Organisation for Security and Co-operation in Europe (OSCE) Human Dimension Commitments

Includes provisions against discrimination in various spheres, particularly in education and employment.

The Durban Declaration and Programme of Action (2001)

Global framework for combating racism, racial discrimination, xenophobia, and related intolerance.