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## **Chapter 3**

### **Equality and Diversity and Inclusive Practice: Significance for Organisations and Individuals**

**Sheine Peart**

Diversity is a fact, inclusion is an act. (Hirji, 2019)

#### **Introduction**

Debates on equality, diversity and inclusive practice have been discussed at all levels of society and nation states for many years, with the Universal Declaration of Human Rights (which established an international benchmark for equality) recognised and endorsed by the United Nations (UN) in 1948. Currently all 193 member states of the UN (including global superpowers such as the United States of America, the United Kingdom, France, Russia, and China) have all formally ratified this declaration, pledging their commitment to promote equality. However, translating theoretical rights into tangible outcomes and protections for all peoples requires careful planned action, appropriate financial, physical and human resourcing, political will, and public endeavour. It is through conscious, determined actions that inclusion changes from optimistic wishful thinking to become the everyday reality of people's lives. Because of entrenched, persistent inequalities and challenges created through insular thinking and vested interest, inclusion cannot be left to chance in the vague belief that, given time, it will happen organically. In both contemporary and historical contexts governments have demonstrated a reluctance to engage across communities, share resources; or to redistribute power, as dramatically demonstrated in the persecution of Muslims in Myanmar in 2013. Accepting that equality, diversity and inclusion remain a proclaimed ambition of the global community, it is concerning that so little progress has been made in some countries, and that some UN member states have been charged with overt abuses against human rights.

While the Universal Declaration of Human Rights has established a template for inclusive practice for the world to follow, and is a powerful influence on the development of international legislation, it is not a treaty. As such there is no legal obligation for countries to comply with the UN declaration or to enact its goals. In this context, the declaration can be viewed more as a statement of intent rather than an absolute obligation. It remains the

responsibility of individual nations to create ethical legislative frameworks, underwritten by corresponding laws and supported by relevant enforcement agencies to create the environment which can realise the ambitions of the declaration. Although legislature may be presented as objective, neutral and dispassionate, laws are entirely constructed by populations, and can change: they can be brought into existence or removed from statute. All laws are a product of context and are profoundly influenced by history and culture. These three factors (context, history and culture) act collectively to determine which laws are written, which groups may (or may not) receive protection and how robustly laws are upheld. In addition to offering protection to individuals and groups, legislation through its ability to normalise actions within and across communities, is one of the factors which determines what is acceptable and expected behaviour and can therefore work to support inclusion or can legitimate discriminatory practice. In education settings, leaders must manage working collaboratively with all users to develop policies and procedures which ensure the rights of all groups are protected and at the same time acknowledge any historic injustice.

Through examining selected pivotal events and using the lens of UK legislation, this chapter considers how historical events have highlighted specific inequalities, and how often grass-roots campaigns have pushed forward debates, forcing action. Taking three specific foci, disability, gender and race, the chapter explores how individuals and organisations can take ownership and challenge persistent inequalities to produce structural and material changes, governed by an ideology of universal fairness. In organisations, administrative leadership requires the understanding of legal structures to ensure legislative obligations are met; moral leadership demands that frameworks are established to protect dignity and promote agreement across and between groups. Leaders must remain alert to the organisational climate and the needs of groups, and work with communities to generate relevant, collaborative responses to both existing and emerging needs where all voices are actively heard and engaged with in developing co-operative approaches.

### **Terminology**

Debates regarding equality, diversity and inclusion are in constant flux, as is the terminology used in these discussions. While terms such as ‘handicapped’ or ‘coloured people’ have been generally rejected as outdated and failing to accommodate the views of the groups the terms are intended to describe, there is less clarity on currently acceptable terms, partly as a

consequence of the evolution of debate and partly as a result of the multiple diverse voices which need to be captured and included in the development of an agreed terminology.

Drawing on legislation, the term ‘disabled people’ will be used to describe those who have ‘a physical or mental impairment, and the impairment has a substantial and long-term adverse effect’ (UK Government, 2010). Acknowledging the fluidity of debate, ‘women’ is used to describe females aged 18 and over and ‘girls’ to describe females under 18. Similarly, ‘men’ is used for males over 18 and ‘boys’ for males under 18. ‘Black or global majority’ is used to describe people who are ‘Black, Asian, Brown, dual-heritage, indigenous to the global south, and or have been racialised as ‘ethnic minorities’ (Campbell-Stephens, 2020). This term is used as it reconfigures discussions and obviates the stigma of being depicted as marginal populations.

### **Disability rights**

Before concepts of gender and race equality were protected in UK law, there was an early recognition of disability as an equality issue. As early as 1927 the Mental Deficiency Act acknowledged societal and personal challenges to individuals as a consequence of mental incapacity necessitating some form of intervention including state guardianship. In 1944, following the growing number of people returning wounded from the war, the Disabled Persons Employment Act sought to assist disabled people in finding employment as well as providing rehabilitation and vocational training courses. In the same year, the 1944 Education Act required that all children, regardless of their physical or academic capabilities needed to be in a setting receiving an education and local authorities should also make suitable provisions for older students with disabilities.

While these were among the first UK equality laws, and gave some protection to disabled people, it is important to remember the prevailing attitude towards disability at the time. When these acts were passed, disability was constructed as an ‘individual tragedy ... in need of a cure or normalisation’ (Pearson, 2016: 26). This was a medical model of disability which configured disabled people as a problem to be fixed and was responsible for further ‘exacerbating disadvantage and exclusion’ (Witcher, 2015: 106), pushing disabled people to the fringes of society. Because the medical model positioned disabled people as incapable of sound, rationale thought and ‘not only as a burden but also a threat to the well-being of society’ (Boronski and Hassan, 2015: 147) they were routinely prohibited from making

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decisions about their own lives; their voices were unheard and instead decision-making rested with professionals, including doctors, psychologists and other clinicians.

Medical language which described disabled people, predicated on a deficit approach, permeated everyday language and normalised thinking which simultaneously configured disabled people as both 'heroic and freakish' (Millett-Gallant, 2017: 428). The medical model was both persuasive and pervasive, and dominated thinking about the capability of disabled people until the 1950s where disabled people were seen as helpless dependents reliant on the assistance of others.

In contrast, the social model of disability moved 'the onus towards the barriers that society creates. This view is that disability is created by the organisation and values of society rather than the impairment itself' (Pearson, 2016: 26). The social model represented a significant change in thinking as, rather than holding individuals as being personally responsible for the impact of their disability, 'the model decoupled the causal link between impairment and disability, instead attributing the cause of disability to the impact of socio-cultural context' (Witcher, 2015: 118).

The social model helped to inform the actions of the Disabled People's Direct-Action Network (DAN), a UK organisation established in 1993 by Barbara Lisicki, Alan Holdsworth and Sue Elsegood. DAN rejected the notion that disabled people were reliant on charity and through a series of high-profile direct-action campaigns including 'handcuffing themselves to public transport' (Webster, 2022). Using the rallying call of 'Piss on Pity', activists drew attention to the different ways society worked to ignore and disadvantage disabled people through exclusion and marginalisation. DAN's tactics were so effective that they 'successfully convinced the Conservative government to pass the Disability Discrimination Act (DDA) in 1995' (*ibid*). Even though this Act helped to strengthen rights for disabled people, for many it did not go far enough, leading a DAN member to comment that 'the real concerns of what disabled people need' (BBC News, 2003) had not been addressed.

Within education, the strengthening of disability rights has been achieved through new legal obligations identified in the Equality Act 2010 (HM Government, 2010), the Children's and Families Act 2014 and the Special Educational Needs and Disability Code of Practice 2014 (revised 2015). Under the Disability Code of Practice, children and young people who had previously received statements to meet their educational needs were to be issued an Education, Health and Care Plan (EHCP). This plan would incorporate all the child's or

young person's needs and employed a multi-agency approach, bringing together health services, therapeutic interventions and other identified needs. A particularly important feature of this last piece of legislation is that it foregrounded rather than silenced the voice of the disabled person, and section A of the plan must contain 'the views, interests and aspirations of the child and his or her parents or the young person' (DfE, 2015: 164).

Reiser (2012: 159) states,

At least 15 percent of the world's people have a significant long-term, physical or mental impairment that can and usually does disable them from taking part in the usual educational, social and economic activity in their community. This is due to barriers in attitudes, in the built environment and the way society is organised.

Change has happened over time and successive amendments to legislation are testimony to the possibility of progress. What remains striking, though, is the pace of change and apparent unwillingness of authorities to listen to groups or to act on their views. This resistance has resulted in individuals feeling compelled to take direct action to bring their issues to the attention of authorities. There is a risk for any leader or leadership group which does not listen to the populations they work with. Further, although legislation may compel action, attitudes can be slow to change and, while the population of disabled people in employment had risen to 4.4 million by June 2021, disabled workers were more likely to be in part-time, lower-skilled positions (DWP, 2021) suggesting entrenched views regarding the capability of disabled people.

#### **Questions for discussion**

Carry out an examination of your setting's physical environment. What provisions are in place to support disabled people? For example, is an induction loop available to support staff or students who may have a hearing impairment?

What current processes or procedures exist which may cause challenges to disabled people? For example, is there a 'hot-desking' policy which may cause unnecessary stress to those with social anxiety disorders?

How does your organisation capture the voices of disabled people and how does it act on this information?

In your organisation how, historically, have leaders managed the demands of marginalised groups? What plans does the leadership team have for working in a proactive way with disabled people to manage possible future demands?

How should leaders address financial issues with regards to making reasonable adjustments for disabled organisation users? How should possible tensions between funding and provision be approached?

### **MeToo and sex equality**

Sex equality in education has not yet been achieved and most leaders would, without a second thought, reject archaic ideas which only allowed women and girls to study solely a non-technical, domestic curriculum based on ‘their perceived biological, psychological and social differences’ (Inner London Education Authority, 1986: 22). While such ideas are rightly consigned to history, gender debates including the lack of representation of women in leadership positions, and the on-going challenge of gender-based harassment persists. The 1975 Sex Discrimination Act made sex discrimination illegal in the UK. While focussing primarily on employment and work-based training, education was also included, and the Act set a template to both identify and challenge discriminatory practice.

Like disability, sex equality has been subsumed into the 2010 Equality Act, identified as one of the nine protected characteristics and remains an important local, national and international priority. In its 2030 sustainable development goals, the UN specifically identified the ‘need to achieve gender equality and empower all women and girls’ as well as calling for an ‘end to all forms of discrimination against women and girls everywhere’ (UN, 2015: 21). Further, when meeting in London in 2021, the G7 nations reaffirmed their commitment to these goals and agreed to ‘sign up to new global targets’ (Gov.UK, 2021) to improve the education opportunities of women and girls. In this context, for leaders sex equality is not an option, but an imperative.

While national and international frameworks have identified the need for women and girls to be protected in education and the workplace, because of the normalisation of ‘sexual harassment, from name calling to physical abuse’ (Renold, 2006: 443), women and girls have not always accurately identified abuse when it has occurred, or have not had the confidence to challenge it. Consequently, for many young people education settings have become ‘abusive and dangerous spaces’ (*ibid*) which have provided them little protection and where abuse, sometimes excused as banter, has proliferated unchallenged.

The prevalence of sexual harassment and violence was brought into sharp focus through the MeToo movement. Started in 2006 by Tarana Burke in America, MeToo was a vehicle for

survivors of sexual abuse and harassment to recognise the trauma they had lived through, and provided a space which enabled survivors to share their stories and through supportive, caring empathy begin the process of healing. At the same time MeToo sought to draw attention to the extent of the problem of sexual harassment and how so many women and girls had been subjected to this kind of abuse. Although MeToo started as a localised grass-roots endeavour, a series of successful criminal convictions against such luminaries as film producer Harvey Weinstein, comedian Bill Cosby and USA Gymnastics national team doctor Larry Nassar, helped to demonstrate the frequency of sexual abuse and how many influential people had misused their authority so that their actions remained uncontested and hidden, denying justice to survivors.

Sexual harassment, like other forms of discrimination has evolved to reflect contemporary times and changes in technology. In the UK in 2018 ‘almost 100 cases of upskirting were reported to police ... including one in Leicestershire where female pupils said a teacher had taken pictures up their skirts in the classroom’ (Times Educational Supplement, 2019). Upskirting is ‘taking a sexually intrusive photograph up someone’s skirt without their permission’ (O’Mallay, 2019) and until recently, this invasive demeaning behaviour was not a criminal offence. However, following a successful campaign by Gina Martin where she used social media to highlight this issue and to gather support, the Voyeurism (Offences) Act became law in April 2019; offences were punishable by up to two years in prison.

In the context of what constituted unacceptable behaviour, the UK government commissioned Ofsted to investigate sexual abuse in schools and colleges. Ofsted’s (2021) report found that ‘for some children incidents [were] so commonplace that they [saw] no point in reporting them’ and found ‘the frequency of these harmful sexual behaviours [meant] that some children and young people considered them normal’ (ibid: no). From 2019, the government have made ‘Relationships Education compulsory in all primary schools in England and Relationships and Sex Education compulsory in all secondary schools’ (DfE, 2019: 4). However, when asked about the effectiveness of this addition to the curriculum, ‘Children and young people were rarely positive about the RSHE they had received. They felt that it was too little, too late and that the curriculum was not equipping them with the information and advice they needed to navigate the reality of their lives’ (Ofsted 2021: no).

Thus, while legislation and curriculum changes have provided a framework for action, little appears to have changed for women and girls. Further, leaders have ‘consistently

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underestimated the prevalence' (ibid: no) of sexual abuse and, through their inaction, leaders have made it the victims' 'responsibility to educate boys' (ibid: no).

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#### Questions for discussion

In some environments, sex discrimination has become normalised. is no longer considered a problem, and those that seek to challenge discriminatory practices are identified as being over-sensitive. What are the responsibilities of leaders to surface and re-frame discourse to recognise the damaging impact of discrimination?

Where are the safe spaces in your organisation for women and girls to discuss their experiences of being a member of the organisation?

What support is in place to help women and girls identify and articulate their concerns?

How are men and boys encouraged to review their behaviour and to recognise how their actions might be abusive or biased?

#### Black Lives Matter and race equality in the UK

In the UK, legislation which offers some security and protection to Black people has evolved gradually over a long period, suggesting a lack of political urgency or lower government prioritisation. The introduction or amendment of race equality laws have often been triggered by defining national events which have exposed some of the deep-rooted tensions between communities, reshaped discussions and public perceptions and led to a demand for change. In 1958, over an 18-month period there was 'a series of attacks on individual black people in Nottingham' (Fryer, 1985: 377) which culminated in a pitched battle lasting '90 minutes between blacks and whites in the St Ann's Well Road area' (*ibid*). Although 'these disturbances were called riots [they] were in reality attacks launched against black people and their homes by white mobs' (Olusoga, 2016: 509). In the same year in London there were 'anti-black riots' (Fryer, 1985: 378) which had been 'stimulated by fascist propaganda, urging that black people be driven out of Britain' (*ibid*). The following year in 1959, also in London, Kelso Cochrane was fatally stabbed by a gang of white youths. While over 140 people (72 of whom were white) were charged following the London Notting Hill riots and, after trial, the perpetrators received lengthy punitive prison sentences intended to act as a deterrent against lawless behaviour, no one was ever charged following Cochrane's attack which remains an unsolved murder case. In 1963, a group of global majority activists organised and led a bus boycott against the Bristol Omnibus Corporation who refused to employ black workers and operated a *de facto* colour bar. After four months of action and protracted negotiations, the bus boycott ended when the company finally agreed to employ staff from black communities.

In the wake of continued attacks against black people, widespread social unrest, discrimination in employment, housing, recreation and other areas of life, a small gain was finally achieved by the introduction of the 1965 Race Relations Act. This was the UK's first race law and afforded global majority people some formal legal protection. While it was significant that the government approved this legislation, it is important to note that eight previous attempts to introduce a bill safeguarding black people from 1956 to 1964, were rejected because the bill failed to secure adequate political support. It should also be noted that the 1965 Act was a weak piece of legislation and only prohibited 'discrimination on racial grounds in places of public resort' (HM Government, 1965: 1615) thus allowing shops, private sector rented accommodation and other environments to continue with discriminatory practice should they so choose. In addition, the Act did little to recognise the impact on victims and, rather than being identified as criminal offences, some actions were classified as less serious civil offences which cannot be punished by imprisonment. The 1965 Act was repealed and replaced by the 1968 Race Relations Act which strengthened the original legislation by expressly focussing on employment, housing and attempted to address the routine casual racism experienced by many black people, including second generation citizens who had been born in the UK.

During the 1980s the UK witnessed nationwide disturbances in larger metropolitan areas including Brixton London, Toxteth Liverpool, Handsworth Birmingham, Chapeltown Leeds and Moss Side Manchester in addition to problems on the streets in smaller towns and communities. However, rather than the attacks on black people instigated and carried out by white communities as witnessed in the 1950s, these events 'were fought by young black people in response to years of systematic persecution and prejudice' (Olusoga, 2016: 517) who felt 'the need to fight for a place and future in the country; (*ibid*: 518) and were prepared to challenge the state's apparent acceptance of racism. The potential catalyst for these later conflicts was possibly the increased use of 'stop and search' which resulted in large numbers of young black males being detained by police, often to be released later without charge. Following these riots, Lord Scarman reporting on the events in 1983 and, while denying the existence of institutional racism, concluded there had been a breakdown of trust between black communities and authorities requiring positive intervention to rebuild relationships between communities and the police. In 1999, reporting on the murder of Stephen Lawrence in 1993, Macpherson concluded that many of the recommendations of the Scarman report had been ignored and little had been done to try and rebuild trust between state authority and

black communities. The Race Relations Amendment Act 2000 addressed some of the concerns raised by both Scarman and Macpherson, and the Act made the police directly accountable for discrimination, with further specific duties placed on the education sector. Partly in response to these harmful, destabilising events. In the latest revision to the law, the 2010 Equality Act recognises race, religion and belief as protected characteristics under the law.

Most recently, informed by critical race theory (CRT) which identifies race as paramount in determining the life chances, experiences and opportunities available to both individuals and groups, Black Lives Matter (BLM) (which was started in 2013 in the United States by three black American activists, Alicia Garza, Patrisse Cullors, and Opal Tometi) has drawn attention to the routine killings of black people by police and others. Black Lives Matter drew attention to the fact that in many areas (for example, healthcare, justice and education) 'Black lives haven't mattered' (Yates, 2021: 31), and that in the UK and other countries, black people routinely experienced poorer treatment and had worse outcomes than their white counterparts. BLM gained global status following the murder of George Floyd in May 2020 by American police officers and triggered a series of worldwide protests.

In the UK numerous demonstrations took place to highlight enduring injustices experienced by black communities from worse outcomes for expectant black mothers to harsher treatment in school and care systems. Notably, in Bristol in November 2020 the statue of Edward Colston, a slave trader, venerated as a philanthropist who gave his name to local schools and streets, was pulled down and dumped in the River Avon, sparking a national debate on which figures warranted occupying public spaces and what history should be taught in schools. Significantly, following a debate facilitated by staff and involving the whole school community, several schools in the Bristol area (including a private school founded in 1710 by Colston) decided to drop Colston's name and rebadge themselves to reflect a more positive, inclusive approach.

#### **Questions for discussion**

Within your current workplace or residential base what is your understanding of relationships between different communities and either their employers or neighbours? Do positive relations exist between different racial groups?

In the workplace, what is the policy on fair and equitable recruitment policies? Are provisions made for different communities in terms of fundamental needs such as diet or cultural needs including the provision of worship facilities?

What provisions are made in the workplace to promote positive relationships between communities and advance community cohesion?

Discussions regarding race remain difficult in some organisations with a preference to avoid and not name issues. How should leaders address the challenge bringing difficult issues to the surface so that they may be openly and frankly debated?

## **Conclusion**

Building on the UN's Universal Declaration of Human Rights, 'The Equality Act 2010 consolidated most equality law into one Act' (UK Parliament, 2022) and strengthened existing legislation regarding disability, sex and race. In doing so, the Equality Act provided an overarching legal framework to direct and govern actions and life in the UK. This chapter has considered the historic and contemporary experiences of those who have experienced discrimination as a consequence of having a disability, being part of the global majority or their sex. While legal frameworks can define social boundaries, this chapter has also demonstrated the power of activism and how grass roots campaigns have both raised awareness and changed the law. The chapter has raised important issues regarding accountability and leadership and has questioned the role of leaders in recognising and challenging discrimination. Although the chapter has focussed on three principal areas, it is important to recognise that the Equality Act also covers age, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief and sexual orientation. It is further important for leaders at all levels to understand the dynamic nature of equality and the need for constant vigilance in challenging injustice.

Leadership is a difficult and challenging role. It involves listening to many people, making choices and decisions, and ensuring policies and procedures are implemented as well as challenging inequality and promoting inclusion. It is through positive leadership that the ethos of an organisation is established, and it is through the vigilance of leaders that the safety and security of all groups is assured making equality, diversity, and inclusion a reality for all setting users.

## **Summary Points**

- Making inclusion a reality for the many groups and individuals who have been excluded through repeated, structural discrimination requires commitment, endeavour and will. It is only through positive action that discrimination is dismantled.

- New structures which support and sustain inclusion and participation have to be built. This requires vision, creativity and flexibility. It is likely that solutions for tomorrow's issues will not be met by the systems of today.
- Discrimination acts unevenly and some groups, because of identifiable features or characteristics, will experience a greater level of injustice than others. Discrimination also acts in an intersectional way and individuals may be a part of many marginalised sectors of society at the same time.
- While legislation may change the way society operates, change is also promoted through individual and community activism which has challenged extant norms and mores to produce cultural shifts in attitude.
- Leadership for equality, diversity and inclusion requires that all voices are enabled and supported to join the debate and generate actions and solutions for the future.

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### **Revised Abstract**

Knowing how debates on equality, diversity and inclusive practice have evolved over time, is essential for all senior leaders as it provides the framework for better understanding current situations. Further, it helps leaders to develop an informed appreciation of the cumulative, corrosive affects of inequality and the damaging impacts inequalities have produced on individuals and whole communities. These debates are not history for many groups but living memories which continue to influence daily realities. Understanding the landscape of inequality is critical for Senior Leadership Teams because it will enable leaders to better navigate contemporary conversations. Through examining pivotal events including Piss on Pity, MeToo and BLM campaigns and using UK legislation as template for action, the chapter provides a framework to create safe spaces for all by embedding equity in the fabric of leadership

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