



Protected characteristics Ofsted and Jigsaw 3-11

How Jigsaw PSHE 3-11 assists schools with the latest Ofsted guidance on 'Inspecting teaching of the protected characteristics in schools'.

Introductory information

In September 2020, Ofsted published guidance for schools on teaching the protected characteristics in school, with the explanation that it is important that all children have an understanding of the world they are growing up in, having learned how to live alongside, and show respect for, a diverse range of people. When schools undergo Ofsted inspections, they are assessed on how well they equip children to do this.

Some schools have raised questions about what they should teach in relation to the '[protected characteristics](#)' in the [Equality Act 2010](#), particularly the sexual orientation and gender reassignment characteristics.

This document explains Ofsted's approach to evaluating how schools go about meeting their duties in relation to the protected characteristics and how Jigsaw PSHE 3-11 can support schools in doing so.

The guidance applies to all types of academy, maintained, non-maintained special and non-association independent schools, except that part 5 on the independent school standards (ISS) is relevant only to non-association independent schools. Note that any reference to 'teaching' includes providing pupils with opportunities to learn. It also takes into consideration the Ofsted update to this guidance in September 2021.

The [Public Sector Equality Duty](#) in section 149 of the Equality Act 2010 requires Ofsted to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

For more information on the protected characteristics, see the [EHR website](#).



How teaching of the protected characteristics in schools is inspected and how Jigsaw can help

Inspectors will gather evidence on how schools promote equality and pupils' understanding of the protected characteristics. They will use this evidence as part of evaluating and coming to judgements on three main areas:

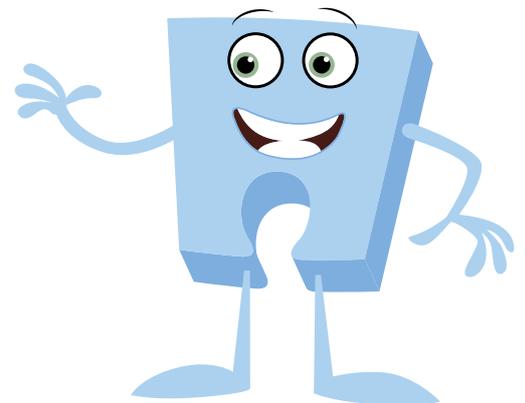
- the personal development of pupils
- the effectiveness of leadership and management: from the start of the summer term 2021, how the school meets the requirements of the Department for Education (DfE)'s statutory guidance on relationships education, relationships and sex education and health education ('the DfE's statutory guidance') will contribute to this
- for non-association independent schools, whether the school meets the independent school standards (ISS); this also informs the judgement about the effectiveness of its leadership and management

If inspectors identify at inspection that a school is not teaching about all the protected characteristics, they will always report on this and will explain how (if at all) it has affected the school's inspection judgements.

How can Jigsaw help?

Jigsaw takes a multi-faceted approach to supporting schools with the teaching of protected characteristics, and is a significant contributor to this specific inspection duty, primarily via:

- *Teaching materials 3-16, including assemblies, lesson plans, images, end of Puzzle outcomes, and activities*
- *Supporting documents*
 - o *Mapping*
 - o *Articles*
- *Policy guidance*
- *Training, staff development and support*



Personal development

This is the most appropriate area to which *Jigsaw PSHE 3-16* can be aligned.

The education inspection framework (EIF) and the school inspection handbook and independent school inspection handbook explain that pupils' understanding of the protected characteristics and how equality and diversity are promoted form part of the evidence that inspectors use to evaluate the school's personal development of pupils.

All primary and secondary schools, whether state-funded or independent, should be able to **demonstrate that no form of discrimination is tolerated** and that **pupils show respect for those who share the protected characteristics**. Schools will not be able to demonstrate this by pointing to a general policy of encouraging respect for all people.

Schools are not required to teach about all the protected characteristics in every year group; that is a matter for the school to decide, and how it plans its curriculum. However, the curriculum should be planned and delivered so that **children develop age-appropriate knowledge and understanding** during their time at the school. In secondary schools, this includes age-appropriate knowledge of the protected characteristics of sexual orientation and gender reassignment.

There are a range of ways schools can choose to teach about these issues in an age-appropriate way. Primary schools could, for example, teach pupils about the *different types of family groups* that exist within society.



Secondary schools could, for example, teach pupils in more detail about *sexuality and gender identity* as well as the legal rights afforded to LGBT people. As stated in the DfE's statutory guidance, teaching on these matters should be integrated appropriately into the curriculum, rather than addressed separately or in one-off lessons.

If a school does not promote pupils' awareness and understanding of all the protected characteristics effectively, this may result in a 'requires improvement' judgement for personal development, particularly if inspectors identify one or more other weaknesses in the school's promotion of and provision for pupils' personal development. For state-funded schools, this only applies to section 5 inspections. For independent schools, this only applies to standard inspections. This is regardless of any consultation that the school may have carried out to meet the requirements in the DfE's statutory guidance.

How can Jigsaw help?

The Jigsaw PSHE 3-11 teaching materials can help schools understand and promote these characteristics more fully and in a pupil-centred way. Our inclusive approach starts with children in Nursery and Reception (ages 3-5) and continues to develop through the age ranges, to age 16 in our resources for 11-16. Indeed, the beauty of the Jigsaw approach is that this is progressive and developmental.

Ground rules are fundamental to creating and maintaining an inclusive and safe teaching and learning environment. Establishing such an environment for both pupils and teachers is important for PSHE education lessons – especially those focusing on equality and the protected characteristics, as it:

- enables them to feel comfortable exploring values and attitudes*
- enables them to express their own opinions and consider the views and opinions of others, without the fear of negative feedback, and only if they choose to.*

In Jigsaw 3- 11 (and later in 11-16), this happens in every single lesson. It is crucial to establish a safe, open and inclusive learning environment based on trusting relationships between all members of the class, adults and students alike. To enable this, it is important that 'ground rules' are agreed and owned at the beginning of the year and are reinforced in every Piece – by using The Jigsaw Charter. Ideally, teachers and students will devise their own Jigsaw Charter at the beginning of the year so that they have ownership of it.

*One of the most important elements of the Charter is the **Right to Pass**, where children and young people understand fully that they do not have to participate in the discussion/activity if they do not wish to. This creates a space where they can feel safe and their wishes are taken seriously by adults and peers alike. This is vital when teaching about safeguarding in both an implicit and explicit way. They choose whether they speak or not and their right to pass is upheld and respected.*

The Jigsaw Charter refers to confidentiality too. Although, realistically, it is unlikely that complete confidentiality will be observed, it is important that children/young people are taught to respect the privacy of others and to do their best to keep personal information or views shared by their classmates in Jigsaw Pieces (lessons) confidential, and not to share personal information about themselves or others. The teacher must emphasise that adults cannot promise complete confidentiality as they must report any information relating to safeguarding concerns. Children are encouraged to discuss the ideas and learning in their lessons at home, but to show their classmates the respect and privacy that they would want in return.

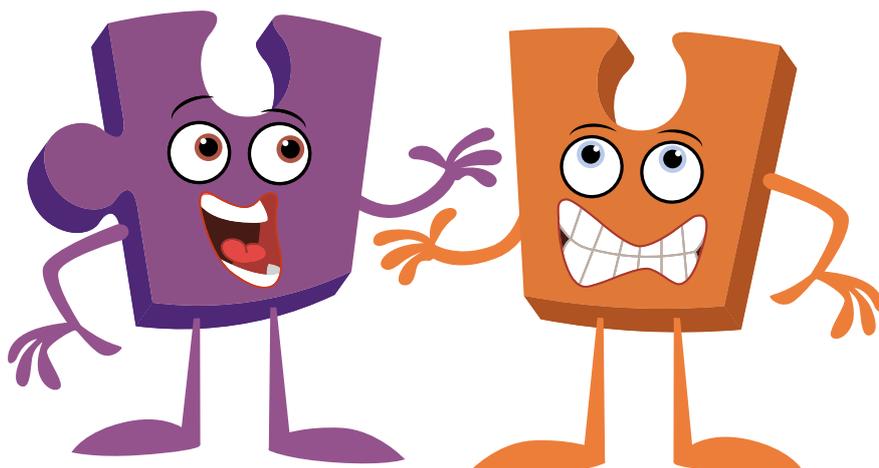
Throughout Jigsaw, the mindful approach to PSHE, students are encouraged by staff to ask questions, to find someone who can help them, and ultimately to help themselves by becoming more independent.

In terms of content, the Puzzle 'Celebrating Difference' is the most pertinent of units for teaching about the protected characteristics, as it focuses on similarities and differences and teaches about diversity, such as disability, racism, gender, family composition, friendships, and conflict. Children learn to accept everyone's right to 'difference', and most year groups explore the concept of 'normal'. Bullying – what it is and what it isn't, including cyber and homophobic bullying – is an important aspect of this Puzzle.

The 'Relationships' Puzzle also has a wide focus, looking at diverse topics such as families, friendships, equality in relationships, and love and loss – all of which can help to deliver the vital messages behind the Equality Act. A vital part of this Puzzle is about safeguarding and keeping children safe; this links to cyber safety and social networking, as well as attraction and assertiveness; children learn how to deal with conflict, their own strengths and self-esteem. They have the chance to explore roles and responsibilities in families and look at stereotypes. All Jigsaw lessons are delivered in an age- and stage-appropriate way so that they meet pupils' needs and can help them understand the wider world.

Schools across the UK are aligning their Jigsaw PSHE lessons to the Equality Act. The grid below offers some suggestions as to how particular Jigsaw lessons can be of support to schools. Note that this list is not exhaustive as there are numerous other lessons that teach about equality.

Protected characteristics	What this refers to	Links to Jigsaw 3-11
Age	Where this is referred to, it refers to a person belonging to a particular age (for example, 32-year-olds) or range of ages (for example, 18- to 30-year-olds).	Celebrating Difference Age 8-9 Piece 1: Judging by Appearance Age 8-9 Piece 2: Understanding Influences Age 10-11 Piece 2: Understanding Difference Ages 10-11 Piece 3: Power Struggles
Gender reassignment	The process of transitioning from one gender to another.	Celebrating Difference Age 6-7 Piece 5: Gender Diversity NB: there is no direct reference to transgender or the concept of transitioning in this lesson. Ages 10-11 Piece 2: Understanding difference NB. In Jigsaw the focus is on accepting all people as unique individuals, not on transitioning itself.
Being married or in a civil partnership	Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).	Celebrating Difference Ages 7-8 Piece 1: Families Age 10-11 Piece 2: Understanding Difference Relationships Age 5-6 Piece 1: Families Ages 6-7 Piece 1: Families



<p>Being pregnant or on maternity leave</p>	<p>Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.</p>	<p>Celebrating Difference Ages 3-4/4-5 Piece 3: Families</p> <p>Ages 7-8 Piece 1: Families</p> <p>Age 10-11 Piece 2: Understanding Difference</p>
<p>Disability</p>	<p>A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.</p>	<p>Celebrating Difference Ages 10-11 Piece 5: Celebrating difference Age 6-7 Piece 4: Standing up for Myself and others Age 8-9 Piece 1: Judging by Appearances Age 8-9 Piece 6: Celebrating Differences: How We Look Age 10-11 Piece 2: Understanding Difference</p>
<p>Race including colour, nationality, ethnic or national origin</p>	<p>Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.</p>	<p>Celebrating Difference Ages 9-10 Piece 1: Different Cultures Ages 9-10 Piece 2: Racism Age 7-8 Piece : Families Age 10-11 Piece 2: Understanding Difference</p>
<p>Religion, belief or lack of religion/belief</p>	<p>Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p>	<p>Celebrating Difference Ages 9-10 Piece 1: Different Cultures Age 10-11 Piece 2: Understanding Difference</p>
<p>Sex</p>	<p>A man or a woman.</p>	<p>Celebrating Difference Ages 6-7 Pieces 1&2: Boys and Girls Age 8-9 Piece 1: Judging by Appearances Age 10-11 Piece 2: Understanding Difference</p> <p>Changing Me Age 7-8 Piece 5: Family Stereotypes</p>
<p>Sexual orientation</p>	<p>Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>Celebrating Difference Age 6-7 Piece 4: Standing up for Myself and others Age 7-8 Piece 1: Families Age 9-10 Piece 3: Rumours and Name Calling Age 9-10 Piece 4: Types of Bullying Age 10 - 11 Piece 2: Understanding Difference</p> <p>Relationships Age 8- 9 Piece 5: Girlfriends and Boyfriends</p> <p>Changing Me Ages 10-11 Piece 4: Boyfriends and girlfriends</p>



Leadership and management and the DfE's statutory guidance

From 1 September 2020, relationships education is compulsory for all primary school pupils and relationships and sex education (RSE) is compulsory for all secondary school pupils. However, due to the partial closure of schools during the COVID-19 pandemic, the DfE has announced that schools 'have flexibility over how they discharge their duty within the first year of compulsory teaching'. It has stated that schools:

- 'that are ready to teach these subjects and have met the requirements set out in the statutory guidance, including those relating to engagement with parents and carers, are encouraged to begin delivering teaching from 1 September 2020, or whenever is practicable to do so within the first few weeks of the new school year'
- 'that are not ready to teach the new subjects, or are unable to adequately meet the requirements because of the challenging circumstances, should aim to start preparations to deliver the new curriculum as soon as possible and start teaching the new content by at least the start of the summer term 2021'
- that are unable to start teaching the new subjects until the start of the summer term 2021, 'will need to decide how much of the content they will be able to cover. They should still be able to show how they will cover the whole curriculum in the future'

The DfE's statutory guidance contains information on what schools should do and sets out the requirements they must comply with when teaching relationships education, RSE and health education. If schools do not follow parts of the DfE's statutory guidance that state they should (or should not) do something, they will need to have good reasons for this.

How can Jigsaw help?

Jigsaw PSHE has written numerous documents and articles that support schools identify where and how they are delivering RSHE when using the Jigsaw materials. Those most relevant are:

[How Jigsaw fulfils the statutory requirements for Relationships Education and Health Education \(3-11\)](#)

Equality Act and the protected characteristics (this document)

[How does Jigsaw deal with LGBT+ relationships](#)

[Preventing racism with Jigsaw 3-11](#)

[How does Jigsaw PSHE support evidencing intent, implementation and impact \(in Jigsaw 3-11\)?](#)

Other articles of use to schools include Safeguarding and Consent, Jigsaw's Approach to FGM and Sensitive Issues, and Autism and Jigsaw. They explain how many different potentially vulnerable young people are supported through the Jigsaw content, and also how all pupils are gently made aware of their rights and responsibilities in their local and wider communities.

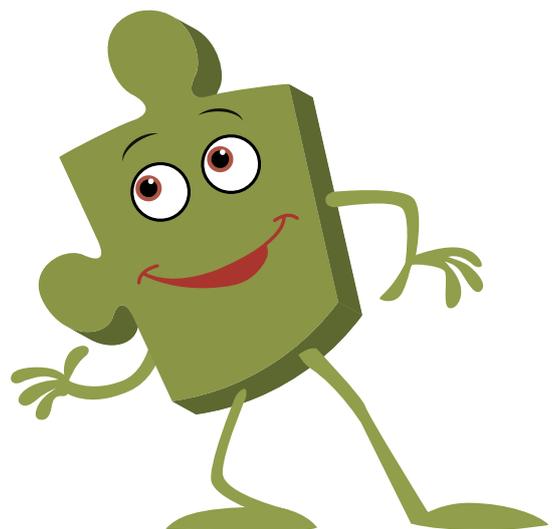


Requirements in the DfE's statutory guidance

The DfE's statutory guidance requires that all schools must:

- have an up-to-date policy, which is made available to parents and others and consult parents in developing and reviewing that policy in all cases
- take into account the age and religious background of all pupils and ensure that their teaching is appropriate to their age and religious background, to ensure that the topics outlined in the statutory guidance are appropriately handled
- comply with the relevant provisions of the Equality Act 2010, including that they:
 - o must not unlawfully discriminate against pupils by treating them less favourably because they have one or more of the protected characteristics
 - o must make reasonable adjustments to alleviate disadvantage, for example by taking positive action to deal with particular disadvantages affecting a group because of a protected characteristic. The statutory guidance gives the example of taking positive action to support girls if there is evidence that they are being disproportionately subjected to sexual harassment
- make relationships education and/or RSE accessible for all pupils, including those with special educational needs and disabilities
- ensure that teaching reflects the law (including the Equality Act 2010) as it applies to relationships, so that young people clearly understand what the law allows and does not allow, and the wider implications of decisions they may make
- ensure that the materials used to support teaching are appropriate for the age and maturity of pupils and sensitive to their needs
- ensure that the needs of all pupils are appropriately met, and all pupils understand the importance of equality and respect
- ensure that teaching is sensitive and age-appropriate in approach and content
- work closely with parents in all cases when planning and delivering the subjects, ensuring that parents know what will be taught and when, and clearly communicate the fact that parents have the right to request that the child be withdrawn from some or all of sex education delivered as part of statutory RSE

The DfE expects secondary schools, state-funded or independent, to deliver teaching on LGBT relationships and encourages primary schools to do so.





How can Jigsaw help?

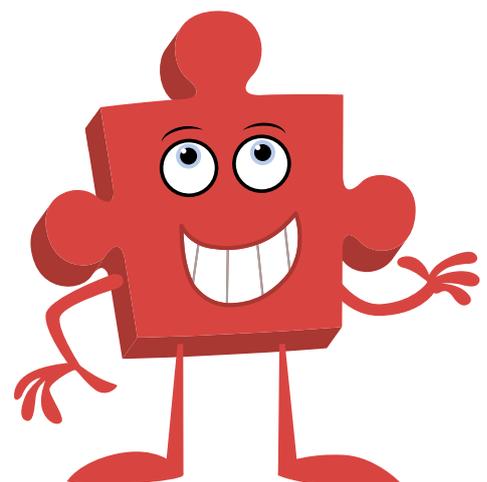
- *Policy: all schools that use the Jigsaw PSHE 3-11 teaching materials have access to a sample RSHE policy. This outlines exactly what schools need to do and how Jigsaw helps them fulfil these requirements. It helps schools demonstrate how and where they feel they are meeting the expectations around the Equality Act and is available for free for all Jigsaw schools; it can be downloaded from the Community Area of the [website](#).*
- *Training and staff development: Jigsaw PSHE is able to offer training for school staff and for parents/ carers on any aspect of PSHE, including RSHE. A key part of teaching RSHE is the regard and focus offered to the nine protected characteristics. Jigsaw PSHE is also able to offer support for parents and carers via leaflets that explain the Jigsaw approach, and therefore the school's approach, to teaching RSHE, and on teaching about LGBT. These are located in the Public Information tab of the Community Area.*
- *Teaching materials: schools can be assured that the Jigsaw PSHE teaching materials are the result of meticulous mapping to all relevant government guidance, often exceeding the standards expected by government; and many years of experience of working with children, understanding their needs and how they learn best. The teaching materials can be adapted easily by teachers who know their class children and understand how best to modify them to meet individual and group needs.*
- *Mapping: Jigsaw PSHE has provided schools with several mapping documents and supporting articles that can be used to evidence how using Jigsaw teaching materials and the Jigsaw approach can help schools to ensure they are supporting children's learning and understanding about protected characteristics.*

Faith teachings on protected characteristics

Schools are at liberty to teach the tenets of any faith regarding the protected characteristics. For example, they may explain that same-sex relationships and gender reassignment are not permitted by a particular religion. However, if they do so, they must also explain the legal rights LGBT people have under UK law, and that this and LGBT people must be respected.

How can Jigsaw help?

This [document](#) clearly explains what is taught about LGBTQ relationships during lesson time and how Jigsaw PSHE supports the school in meeting its statutory curriculum obligations regarding education, safeguarding, relationships and health education for 3-11 year-olds.





Ofsted's update to this guidance: September 2021

The 2021 guidance from Ofsted goes on to clarify what will happen in schools being inspected from Summer 2021 onward, explaining that they are aware that the pandemic may have impacted on schools' ability to fully implement the expectations in the DfE's statutory guidance for RSE saying that:

"All schools are required to have taught some of the new curriculum, and to have published a policy and consulted parents on this, during the academic year 2020/21.

Inspectors will be sympathetic to schools that, as a result of the pandemic, have not been able to fully implement the new curriculum, provided that they:

- *have had regard to the statutory guidance*
- *have a good rationale for prioritising what they have implemented*
- *have clear and effective plans to address any gaps before the end of the 2021/22 academic year*

The DfE's statutory guidance contains information on what schools should do and sets out the requirements they must comply with when teaching relationships education, RSE and health education. If schools do not follow parts of the DfE's statutory guidance that state they should (or should not) do something, they will need to have good reasons for this."

How can Jigsaw help?

The documents and mapping already referred to above can help schools to identify how and where these expectations are already being met, and where they are planned to be met in the coming year across the school where this has not been possible with the disruption over the last 18 months.

