

# Willerby Carr Lane

Primary School



## Equality Policy

### POLICY MANAGEMENT

<b>Approved by</b>	Full Governing Body
<b>Date approved</b>	31.01.2022
<b>Effective date</b>	01.02.2022
<b>Next review date</b>	Spring Term 2025
<b>Version Control</b>	The most up to date version of this document is held on the school's intranet

## Purpose

The Single Equality Policy is drawn up in line with and in response to the 2010 Single Equality Act and the Equality Act 2010 (Specific Duties) Regulations 2011. The contents are intended to outline the policies and procedures which are in place in this school in order to ensure compliance with the Act along with further information on the evidence that will be made public.

2010 Single Equality Act: The overriding principle of all equality legislation is generally one of equal treatment for all peoples, regardless of race, sex, age or disability. The 2010 Single Equality Act replaces and supersedes all existing equality legislation including the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It provides a single, consolidated source of discrimination law.

The purpose of implementing the single equality scheme is:

- To articulate the school's commitment to equality which permeates all school policies and practices
- To ensure that everyone who belongs to, or comes into contact with, our school community is valued and respected
- To promote equality of opportunity and eliminate unlawful discrimination, harassment or victimisation
- To comply with statutory duties under equalities legislation in one document
- The Act places a duty on Governing Bodies to publish information to prove how their school complies with the Public Sector Equality Duty.

## Protected characteristics

The PSED extends schools' equality duties to all protected characteristics, (previously known as equality strands):

- Race
- Disability
- Sex
- Age
- Religion or belief
- Sexual orientation
- Pregnancy and maternity
- Gender reassignment

**Race** includes colour, nationality and ethnic or national origins. The Equality Act replaces the Race Equality Duty.

**Disability** – the disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA). However, the general definition of disability is less restrictive. Schools are under a duty to supply auxiliary aids and services as reasonable adjustments where these are not supplied through Special Educational Needs statements. The Act replaces the Disability Equality Duty. Schools generally must try to ensure that disabled pupils and employees play as full a part as possible in school life. The reasonable adjustment duties on schools are intended to complement the accessibility planning duties and the existing SEN statement provisions which are part of education legislation. Schools are required to carry out accessibility planning for all disabled stakeholders and must implement these accessibility plans.

**Sex** – pupils and employees of one sex must not be singled out for different or less favourable treatment. Gender equality must still be promoted but this Act replaces the Gender Equality Duty. The Act makes an exception to single sex sporting activities, when a judgement should be made as to the physical disadvantages of particular groups of pupils.

**Religion or belief** is defined by the Act as being any religion or belief including philosophical belief. The lack of religion or belief is also a protected characteristic. Religions include all major faith groups and denominations or sects. Belief includes non-religious worldviews such as humanism but not political beliefs such as communism.

**Sexual orientation** refers not only to the pupils' and employee's sexual orientation but also to the children and partners of gay, lesbian or bi-sexual parents. It is recognised that many people's views on sexual orientation and sexual activity are grounded in their religious beliefs but this is not accepted as an excuse for allowing discrimination to continue.

**Pregnancy and maternity** – the Act applies to pupils and is a new area of equality legislation. (Note – employees are covered by separate Maternity & Paternity policies).

**Gender reassignment** – this is a new provision for pupils. It is acknowledged that it is relatively rare for pupils, particularly very young pupils, to be in a programme for gender reassignment, but when a pupil does choose to go along this route, it is acknowledged that a number of issues will arise which will need to be sensitively handled.

## Publicising school information

Governing Bodies have a duty to prove compliance with the 2010 Single Equality Act by publishing their evidence. Published information does not necessarily have to be statistical data. Publishing policies (available via requests to the school office or in many cases on our website), and Governing Body minutes (available one full term after any formal meeting, by prior arrangement with the school office), will be sufficient to cover some areas. The information must be accessible to members of the school community and the public who wish to view it.

The three areas of the Equality Duty that schools are expected to report on are:

1. Eliminating discrimination and other conduct that is prohibited by the Act.
2. Advancing equality of opportunity between people who share a protected characteristic and people who do not share it.
3. Fostering good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

The Act defines four kinds of unlawful behaviour –

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

The Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil:

- In relation to admissions
- In the way it provides education for its pupils
- In the way it provides pupils with access to any benefit, facility or service
- By excluding a pupil or subjecting them to any other detriment.

It is now unlawful:

- For employers to ask health related questions of applicants before a job offer, unless the questions are specifically related to an intrinsic function of the work.
- To discriminate against a transgender pupil or employee.
- To discriminate against a pupil who is pregnant or has recently had a baby.
- To victimise a child for anything done in relation to the Act by their parent or sibling.

Exceptions:

- Curriculum – the content of the school curriculum has never been covered by discrimination law and this Act now states explicitly that it is excluded. However, the manner in which the curriculum is delivered is explicitly included.
- Acts of worship – the daily act of collective worship, which for maintained schools is mandatory and should be of a broadly Christian nature, is not covered by the religion or belief provisions.
- Uniforms – the Act does not deal specifically with school uniform or other aspects of appearance. It is the Governing Body's right to determine whether or not a school uniform is preferred. Schools should remain sensitive to the needs of different cultures, races and religions and act reasonably when applying uniform rules.
- Bullying – The relationship between one pupil and another is not within the scope of the Act; schools still have a duty to ensure that all forms of prejudice motivated bullying are taken seriously and dealt with equally and firmly.
- School's duty of care – the Act does not specifically refer to this duty. School has many duties along with complying with the Equality Act and this includes our duty of care to all pupils, our duty to deliver key areas of the curriculum and in particular our duty to deliver religious education or sex and relationship education.

## Equality Objectives

The Equality Act requires schools to set and publish Equality Objectives which are specific, measurable and achievable and they are likely to arise from the analysis of data which may indicate an area for improvement. The Equality Duty requires Schools to consider equality implications before and at the time that they develop policy and take decision. The school is subject to the need to have 'due regard' to the elements outlined above. The PSED will be integrated into all of the school functions and the analysis that is necessary in order to comply with the duty will be carried out seriously, rigorously and with an open mind. School will not delegate the responsibility for carrying out the Duty to anyone else.

A large amount of data is already collected by schools in a standard document called Analysing School Performance, which presents performance data for schools broken down by a number of relevant characteristics and which includes comparative analysis with national statistics. We monitor and analyse pupil performance by ethnicity, gender, disability and special educational needs and take account of socio-economic circumstances. Any disparities which are identified will be addressed through targeted curriculum planning, teaching and support. While the ASP document remains confidential to the school, discussions regarding its content are recorded in Governing Body minutes.

Each area of the curriculum is planned to incorporate the principles of equality and to promote positive attitudes to diversity. All subjects contribute to the spiritual, moral, social and cultural development of all pupils.

Our curriculum builds on pupil's starting points and efforts are made to ensure it is differentiated appropriately to ensure the inclusion of:

- Boys and girls
- Pupils learning English as an additional language
- Pupils from minority ethnic groups
- Pupil who are gifted and talented
- Pupils with special educational needs
- Pupils with a disability
- Pupils who are in public care
- Pupils who are at risk of disaffection and exclusion
- Lesbian, gay or questioning young people

The following areas are key elements of the school's assessment and tracking programme:

- pupils' attainment - analysis of end of key stage results for pupils of particular groups, e.g. boys/girls, SEN, FSM, summer born, ethnicity.
- the quality of particular groups of pupils' learning and the progress they make throughout the school
- the extent to which different groups of pupils feel safe (e.g. Incidents of prejudiced based bullying recorded)
- the extent to which pupils from particular groups adopt healthy lifestyles
- the extent to which pupils from particular groups contribute to the school and the wider community (e.g. participation and achievement on extracurricular/extended school activities, participation on school trips for particular groups of pupils)
- attendance data for all pupils and for particular groups (e.g. extended leave/mobility issues for particular groups of pupils)
- the effectiveness of the school's engagement with parents/carers of particular groups of pupils (e.g. attendance at parents' meetings, involvement in planning provision, consultation with, results of parental feedback)

## **How the Act will be enforced:**

It is hoped that any pupil who believes they have experienced discrimination will first work with the staff and Governors of the school to identify and rectify the perceived problem. Normal complaint procedures will be followed to attempt to resolve all issues prior to formal steps.

Proceedings in relation to a contravention of the education provisions of this Act will be brought in a county court by the pupil, or in the pupil's name. Proceedings must be brought within 6 months of the date of the act to which the claim relates. If the court rules that there has been a contravention, then it has the power to award an appropriate remedy including an award of damages.

## **Discrimination claims** – tribunal proceedings for disability cases:

Specialist tribunals which have experience and knowledge of disability issues will hear cases of contravention of the education provisions on grounds of disability. In England this will be the First-tier Tribunal. Claims of discrimination or harassment against a pupil by a school will be made to the tribunal by the parent of the pupil. Claims have to be brought within 6 months of the act to which the claim relates. If the tribunal rules that there has been a contravention then it has the power to make an order of a remedy. Such a remedy will be with a view to removing or reducing the adverse effect on the pupil concerned.

## **Burden of proof:**

A new provision for schools is the reversal of the burden of proof in cases of contravention of the Act's provision in both court and tribunal cases. This brings education in line with the rest of the legislation. It means that if a complainant can establish facts which could lead to the conclusion that an act of discrimination has taken place, then it will be down to the school to show that the reason for what happened was something other than discrimination. Evidence must be retained of all measures and steps taken to identify or correct any incidents.

## **Education specific employment provisions:**

All of the protected characteristics, including age, are covered by the employment provisions of the Act. A school must not discriminate against a potential employee or an existing employee in respect of any of the particular characteristics already identified or in respect of the benefits, facilities or services it offers. Harassment against potential or existing employees in relation to any of the protected characteristics is also unlawful. Schools must make reasonable adjustments in relation to disability for their employees or potential employees as for their pupils

## **School Single Equality Aim**

The Governing Body will seek to ensure that discrimination does not take place against anyone, either staff or pupil, on the grounds of their gender, sexual orientation, race, colour, religion, nationality, ethnic or national origins.

### **The school aims:**

We believe that all pupils have the right to the best education we can provide, with access to the full range of educational activities.

- We believe that all staff, teaching and support, have the right to equal opportunities of employment and will not be discriminated against as a result of any disability, their gender, sexual orientation, race, religion, nationality, ethnic or national origins.
- We do not tolerate any form of racism or discriminatory behaviour and will act immediately to deal with and prevent any further incidents.
- We promote a culture of fairness and justice to all.
- We aim to promote positive social attitudes and respect for all.
- We are committed to equality, justice and recognition of the unique value of every member of the school community.
- We strive to develop pupils who are confident, strong and self-affirming and who are receptive and generous towards other identities and cultures.
- We will not permit anyone, either staff or pupil, to subject another to harassment or to create an intimidating, hostile, degrading, humiliating or offensive environment.
- We will not allow behaviour which violates another's dignity.
- We celebrate the cultural diversity of our community and show respect for all members of our community.

### **The Governing Body:**

The Governing Body will ensure that all pupils have equal access to the full range of educational opportunities provided by the school and will seek to remove any forms of indirect discrimination that may form a barrier to learning. They are committed to preparing the pupils for life in a

multicultural society and are opposed to racism and all other forms of oppressive behaviour. The Body will ensure that the curriculum reflects the attitudes, values and respect that we have for all individuals and cultural groups. We will encourage the pupils to explore the origins and differences of all religions, nationalities and ethnicities to develop their better understanding of the world.

The Governing Body will ensure that recruitment, employment, promotion and training systems are fair, and provide equal opportunities for everyone to achieve their potential regardless of their gender, sexual orientation, race or nationality.

The Governing Body will ensure that people with disabilities are not discriminated against and that all reasonable steps are taken to ensure that the school environment gives equal access to people with disabilities. The Governors recognise that it is vital that all staff, teaching and non-teaching, understand the need for the promotion of equality in education. They will seek to ensure that suitable training and support is given to members of the school staff to fulfil their professional duties in line with school policy. The Governing Body will be sensitive to and support all cultural, ethnic and religious backgrounds of the school staff.

#### **The Headteacher:**

The Headteacher will ensure that the Single Equality Policy is adhered to. The Headteacher will ensure that all staff are aware of the school policy and apply the guidelines fairly. The Headteacher will ensure that the school curriculum promotes respect for other cultures, religions and nationalities and will ensure that all classroom resources and materials reflect the diverse nature of the school community and have respect for the sensitivities of all members of the class.

The Headteacher will ensure that all appointments made to the school will have given due regard to the policy and that no-one is discriminated against on the grounds of gender, sexual orientation, race, ethnic or national origins.

The Headteacher will have strategies in place to deal with any incident and recognises that these may take many forms including verbal or physical acts, rejection, unwelcome and negative comments. The Headteacher will treat all incidents of unfair treatment and any racist or discriminatory incidents with due seriousness. Where applicable, the Headteacher will present information within the termly Headteacher's Report to the Governing Body on the nature and number of any such incidents.

#### **School Staff will:**

- accept that this is a whole school issue and support the Single Equality Policy and procedures
- make known any queries or training requirements
- know how to deal with incidents of concern, and how to identify and challenge bias and stereotyping
- be aware of the procedures for reporting incidents of racism, harassment or other forms of discrimination
- ensure that those with protected characteristics are not discriminated against and are given equality of opportunity
- keep themselves up to date with relevant legislation and attend training and information events organised by the school or LA
- ensure that pupils from all groups are included in all activities and have full access to the curriculum
- promote equality and diversity through teaching and through relations with pupils, staff, parents, and the wider community.
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### **Pupils will:**

- be made aware of any relevant part of the scheme, appropriate to age and ability
- be expected to act in accordance with any relevant part of the scheme
- experience a curriculum and environment which is respectful of diversity and difference and prepares them well for life in a diverse society
- understand the importance of reporting prejudiced based bullying incidents
- ensure the peer support programme within the school promotes understanding and supports pupils who are experiencing discrimination.

### **Monitoring and review:**

The Governing Body is responsible for monitoring the Single Equality Policy and for ensuring its effectiveness in the daily life of the school community.

The monitoring process will include:

- Reviewing all school appointments to ensure the policy has been fairly applied
- Monitoring the progress of pupils of protected characteristics
- Taking into serious consideration any complaints regarding equal opportunities from parents/carers, staff or pupils and the wider school community.

### **Equality Duty objectives**

1. Eliminating discrimination and other conduct that is prohibited by the Act. To maintain a 'zero tolerance' approach to instances of bullying/prejudice based on any identified protected characteristic (or similar)
2. Advancing equality of opportunity between people who share a protected characteristic and people who do not share it. To ensure attainment for all 'pupil groups' is evaluated and informs the school self-evaluation and school improvement planning process.
3. Fostering good relations across all characteristics – between people who share a protected characteristic and people who do not share it. To use curriculum areas and themes to promote a positive view of people who display differentiating characteristics, protected or otherwise