



*Learn, Aspire, Achieve*

## SINGLE EQUALITY SCHEME AND ACTION PLAN FOR LEEDS SCHOOLS AND LEARNING SETTINGS

# Churwell Primary School

### VISION AND VALUES

At Churwell Primary we are committed to providing an inclusive environment for all members of the school community. We believe that everyone has a right to grow and develop in a supportive atmosphere which ensures that all are able to reach their full potential. We support the principle that all children have a right to be educated in their local school and we strive to adapt our provision, when appropriate, in order to make this possible.

At Churwell Primary School we continuously strive to ensure that everyone in our school is treated with respect and dignity. Each person in our school is given fair and equal opportunities to develop their full potential with positive regard to gender, ethnicity, cultural and religious background, sexuality or disability.

### SCHOOL CONTEXT

Churwell Primary School is on the outskirts of Morley. Morley is a traditionally White British community on the outer fringe of Leeds. Churwell Primary School admits from a mixed social area of a large conurbation. 28% of the pupils are from relatively advantaged backgrounds, over a third are from families judged as living in moderate means (19%) or hard pressed (15%).

We have 490 children on roll.

Since 2014 there has been a raise in the percentage of children from minority ethnic groups; there has been an increase from 14.5% to 17.5% over three years. This is still below the national figure of 31.6%. This is a positive rise and make our school more culturally diverse giving the predominant ethnic group the opportunity to learn about other cultures. This increase does not show as a factor for children with English as an additional language.

We currently have pupils from 12 different ethnic groups; White British, Romany or Gypsy, White and Black Caribbean, White and Black African, White and Asian, Indian, Pakistani Other Mixed Background (this includes white background, Asian background and Black background), African and Chinese although the predominant group in school is still White British (83%).

There are 26 pupils on the SEND register. There are 2 children with a EHC Plan and 4 children access Funding for Inclusion.

18% of pupils are eligible for free school meals.

## **WHAT WE MEAN BY EQUALITY?**

At Churwell Primary School we understand equality to mean treating everyone with equal dignity and worth valuing their particular characteristics such as their age, disability, gender, ethnicity, religion or belief, sexual orientation and socio-economic circumstances.

We further understand that people have different needs, situations and goals and therefore achieving equality requires the removal of discriminatory barriers that limit what people, especially children and young people can do and can be. We recognise that inequality can be experienced in a variety of ways such as through outcomes, access to services, the degree of independence to make decisions affecting lives and inequality of treatment, including in relation to employment, through direct and indirect discrimination or disadvantage imposed by other individuals, groups, institutions or systems intentionally or inadvertently.

## **OUR GUIDING PRINCIPLES**

In fulfilling the legal obligations outlined further on in this scheme, we at Churwell Primary School are guided by seven principles.

### **Principle 1: All members of the school and wider community are of equal value**

We see all members of the school and wider community of equal value:

- whether or not they are disabled
- whatever their ethnicity, culture, religious affiliation, national origin or socio-economic circumstances
- whichever their gender and sexual orientation
- whatever their age

### **Principle 2: We recognise and respect diversity**

Treating people equally does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate, but are differentiated, as appropriate, to take account of differences of life-experience, outlook and background, and in the kinds of barrier and disadvantage which people may face, in relation to:

- disability, so that reasonable adjustments are made
- ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised
- gender and sexual orientation so that the different needs and experiences of girls and boys, women and men are recognised.

- age

**Principle 3: We foster positive attitudes and relationships, and a shared sense of cohesion and belonging**

We intend that our policies, procedures and activities should promote:

- positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people
- positive interaction, good relations and dialogue between groups and communities different from each other in terms of ethnicity, culture, religious affiliation, national origin or socio-economic circumstances, and an absence of prejudice-related bullying and incidents
- mutual respect and good relations between boys and girls, women and men, and an absence of sexual harassment
- promote positive intergenerational attitudes and relationships.

**Principle 4: We will ensure that the recruitment, retention and ongoing development of staff is undertaken in a fair and equitable manner to support our school's vision and values**

Policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing professional development:

- whether or not they are disabled
- whatever their ethnicity, culture, religious affiliation, national origin or socio-economic circumstance
- whichever their gender and sexual orientation
- whatever their age

**Principle 5: We aim to reduce and remove inequalities and barriers that already exist**

In addition to avoiding or minimising possible negative impacts, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between:

- disabled and non-disabled people
- people of different ethnic, cultural and religious and socio-economic backgrounds
- girls and boys, women and men

- Lesbian, Gay, Bisexual and Transgender
- Age (where appropriate)

**Principle 6: We consult widely**

People affected by a policy or activity should be consulted and involved in the design of new policies, and in the review of existing ones. We involve:

- disabled people as well as non-disabled
- people from a range of ethnic, cultural and religious and socio-economic backgrounds
- both women and men, and girls and boys.
- Lesbian, Gay, Bisexual and Transgender
- Age

**Principle 7: We feel that the community as a whole should benefit**

We intend that our policies and activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion, and greater participation in public life of:

- disabled people as well as non-disabled
- people of a wide range of ethnic, cultural and religious and socio-economic backgrounds
- both women and men, girls and boys.
- Lesbian, Gay, Bisexual and Transgender
- People of different ages and between generations

**Principles in themselves are not enough**

In the light of the principles stated above, we have identified practical priorities and plans of specific action, in order to promote equality in:

- disability
- ethnicity
- gender

- Sexual orientation
- Religion and belief
- Age
- Socio-economic circumstances

These are outlined in our Single Equalities Action Plan

## **ACTION PLANS**

1. We recognise that the actions resulting from a policy are what make a difference.
2. Each year we draw up an action plan within the framework of the overall school improvement plan, setting out the specific actions and projects we shall undertake to implement the principles above.

## **THE CURRICULUM**

3. We will actively seek opportunities to review the curriculum (including the hidden curriculum) and curriculum subject or areas in order to ensure that teaching and learning reflect the seven principles outlined above.
4. We will ensure staff are offered the opportunity to engage in appropriate training and development to support the achievement of the seven principles.

## **ETHOS AND ORGANISATION**

5. We ensure that the principles listed above apply also to the full range of our policies and practices, including those that are concerned with:
  - learners' progress, attainment and assessment
  - learners' and staff personal development, welfare and well-being
  - teaching styles and strategies
  - admissions and attendance
  - staff and governor recruitment, retention and professional development
  - care, guidance and support
  - behaviour, discipline and exclusions
  - working in partnership with parents, carers and guardians
  - working with the wider community.
  - Participation of groups in wider school activities

- Preparing all members of the learning community for living and positively contributing to a diverse society

## **ADDRESSING PREJUDICE AND PREJUDICE-RELATED BULLYING**

6. The school is opposed to all forms of prejudice which stand in the way of fulfilling legal duties for all aspects of equality:
  - prejudices around disability and special educational needs
  - prejudices around racism and xenophobia, including those that are directed towards religious groups and communities, for example anti-semitism and Islamophobia, and those that are directed against Travellers, refugees and people seeking asylum
  - prejudices reflecting sexism and homophobia.
7. Prejudice-related incidents are brought to the attention of the Headteacher and they are assessed, recorded and dealt with in the appropriate manner.
8. We take seriously our obligation to report regularly to the local authority about the numbers, types and seriousness of prejudice-related incidents at our school and how they were dealt with in line with existing and future legal requirements.

## **ROLES AND RESPONSIBILITIES**

9. The governing body is responsible for ensuring that the school complies with current legislation, and that this policy and its related procedures and strategies are implemented.
10. A dedicated member of the governing body, Mr M Appleby, has a watching brief regarding the implementation of this policy.
11. The Headteacher, Mrs R Barson, is responsible for implementing the policy; for ensuring that all staff, governors and visitors are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination.
12. All staff are expected to:
  - promote an inclusive and collaborative ethos in their classroom
  - challenge and deal with any prejudice-related incidents that may occur
  - identify and challenge bias and stereotyping in the curriculum

- support pupils in their class for whom English is an additional language
- keep up-to-date with equalities legislation relevant to their work.
- Pupil's have the opportunity to have their voices heard with regards to equality issues

## **INFORMATION AND RESOURCES**

13. We ensure that the content of this policy is known to all staff and governors and, as appropriate, to all pupils and parents and carers.
14. All staff and governors have access to a selection of resources which discuss and explain concepts of equality, diversity and community cohesion in appropriate detail.

## **RELIGIOUS OBSERVANCE**

15. We respect the religious beliefs and practice of all staff, pupils and parents, and comply with reasonable requests relating to religious observance and practice.

## **STAFF DEVELOPMENT AND TRAINING**

16. We ensure that all staff, including support and administrative staff and governors, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

## **BREACHES OF THE POLICY**

17. Breaches of this scheme will be dealt with in the same ways that breaches of other school policies are dealt with, as determined by the head teacher and governing body.

## **MONITORING AND EVALUATION**

18. We collect study and use quantitative and qualitative data relating to the implementation of this policy, and make adjustments as appropriate.
19. In particular we collect, analyse and use data relation to achievement, broken down as appropriate according to disabilities and special educational needs; ethnicity, culture, language, religious affiliation, national origin, socio-economic circumstances, gender and age.
20. To review good practice we make use of a range of auditing schedules.

## DEVELOPING AND IMPLEMENTING THE SCHEME.

Key to this process for our school is the implementation of **Equality Impact Assessments** (EQUIAs)

We use this tool as a common sense measure of determining whether a policy, practice or project will impact on all groups equally or whether it potentially may have a differential impact on one or more particular group (either positively or negatively). It helps us to ensure that there is no unlawful discrimination against certain individuals or groups and those positive duties are promoted equally. It is a way to ensure we meet the diverse needs of our pupils/students and staff and that diversity, equality and inclusion run through all areas of school life.

## HOW WE DEVELOPED OUR SCHEME

The development of this scheme has involved the whole of our school community. We've discussed it with them and listened to what they have to say, including:

- Our pupils/students

Pupil Survey completed every two years  
Pupil Voice through the School Council and Eco Council  
Pupil Voice through lesson observations and work sampling  
Feedback and issues from PSHE lessons  
Issues raised with Learning Mentors and staff  
Playtime issues or repeated issues raised by children

- Our staff

Our staff are committed to the inclusive ethos of the school and have a good understanding of how the principles of this policy can be reflected in day to day practice in school.  
Feedback from staff about learning, social times/interactions.  
Feedback from Professional Development and training

- Our school governors

A committee of governors has considered this policy and made recommendations to the full governing body. We want the policy to meet all legislative requirements whilst also reflecting the inclusive ethos of our school.

- Parents/carers

This policy is available on the school website and we have invited feedback from parents although none has currently been received.

We regularly seek parental views on a wide range of issues, through Parent Surveys every two years and through Parent Evenings and curriculum or informal meetings with Parents/Carers.

- Minority, marginalised and potentially vulnerable groups

Feedback through Pupil Progress meetings held each term with every class teacher.  
Through Student Achievement profiles that are completed by the Leadership Team  
Discussion at Inclusion meetings which is made up of Headteacher, SENCO, Pupil Premium Leader and our two Learning Mentors.  
Feedback from SENCO through EHC Plans and SEN meetings

- Our partners in the community

Support and discussion with colleagues in the Morley Cluster  
Work and discussion with schools in the Aspire Partnership and the wider Morley Family of Schools  
Work with Morley Town Council and supporting the events that they hold  
Work with Churwell Action Group

## **PRIORITISING ACTIVITY**

We will use the information gained from our involvement with all stakeholders and issues arising from our data (qualitative and quantitative) to prioritise activities for improvement.

*Date approved by the Governing Body:*

May 2017

*Review date*

May 2019

## LEGAL DUTIES

1. We welcome our duties under the Race Relations 1976 as amended by the Race Relations Amendment Act 2000; the Disability Discrimination Acts 1995 and 2005; and the Sex Discrimination Act 1975 as amended by the Equality Act 2006 and the Equalities Act 2010.
2. We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.
3. We recognise that these four sets of duties are essential for achieving the five outcomes of the Every Child Matters framework, and that they reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.
4. Summaries of our legal obligations under the three main equality strands of disability, ethnicity and gender are outlined below. After each of the three equality strand we have also outlined the outstanding key issues for our school to address as priorities for the forthcoming three years, which will be included in our action plan as well highlighting the successful impact we have already had in our school.

## SUMMARY OF LEGISLATIVE REQUIREMENTS

### The legal frameworks

---

Equality impact assessments of new policies have been required since 2002 in the case of ethnicity, since 2006 in the case of disability, and since 2007 in the case of gender. The requirements are contained within frameworks which distinguish between a) 'the general duty' and b) 'specific duties'.

A further distinction is drawn between a) specific duties concerned with policy development and service delivery and b) those concerned with employment.

The three main frameworks are summarised in below. As first published, they are:

[The Disability Discrimination \(Public Authorities\) \(Statutory Duties\) Regulations 2005](#)

Statutory Instrument 2005 No. 2966

[The Race Relations Act 1976 \(Statutory Duties\) Order 2001](#)

Statutory Instrument 2003 No. 3458

[The Sex Discrimination Act 1975 \(Public Authorities\) \(Statutory Duties\) Order 2006](#)

Statutory Instrument 2006 No. 29

## DISABILITY EQUALITY

### *The general duty*

The Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005, places a general duty on public authorities to promote disability equality. The duty came into force on 4 December 2006 and requires public authorities to:

- promote equality of opportunity between disabled persons and other persons
- eliminate unlawful discrimination
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled people more favourably.

### *Specific duties*

The specific duties relating to policy development and service delivery require public authorities to:

- produce and publish a disability equality scheme (DES) demonstrating how they intend to fulfil their general and specific duties
- involve disabled people in the development of the scheme
- produce an action plan setting out the key actions an authority will take to promote disability equality
- explain the methods they use for assessing the impact of their policies and practices, or the likely impact of their proposed policies and practices, on equality for disabled persons
- assess and consult on the likely impact of proposed policies on the promotion of disability equality
- monitor policies for any adverse impact on the promotion of disability equality

- publish the results of these assessments, consultation and monitoring
- report annually on the progress of the action plan
- review the scheme every three years.

The specific duty covering an authority's role as an employer is to monitor the effect of its policies and practices on disabled persons, and in particular the effect on the recruitment, development and retention of disabled employees.

### **What impact have we already had on disability equality in our school?**

We publish our DES on the school website and it is reviewed by governors on an annual basis, with feedback from the school community.

We firmly believe that all children have a right to attend their local school, if it can demonstrate that their needs can be met. We always endeavour to work with parents to ensure that we are able to appropriately meet the needs of any child, including those with a disability. We have been awarded the Inclusion Charter Mark in recognition of our excellent practice in this area. We have also been awarded the Investors in Pupils award, our last accreditation was in June 2016.

We ensure that our recruitment process reflects the inclusive ethos of our school and encourage applications from all groups within society. Where an applicant or staff member discloses a disability we seek to make all reasonable adjustments in order for them to fulfil their role

### **What key issues still remain for our school?**

We need to ensure that appropriate lines of communication are available to members of the school community in order for them to offer feedback on how they feel about their level of support and engagement.

We need to continue to access support within the local authority to ensure that all reasonable adjustments are in place for staff with disabilities.

### **Access arrangements**

Our school site is on one level and so all groups are easily able to access all areas. We have disabled changing facilities and toilet on site. The Japa Mill building has disabled access this building also has a disabled toilet facility.

Children needing additional help to access areas of the building or curriculum are identified in school and appropriate support is put in place. This also includes support during any emergency evacuation.

Any staff who have identified that they have a disability which requires reasonable adjustments to be made are also supported.

Adult visitors to school are given an opportunity to make any additional needs known to a member of staff in order for us to ensure that appropriate support is in place.

Communication with the school community is through letters, texts and the school website.

We also telephone parents as appropriate. Anyone requiring translation of school documents is able to request this service from the school office and we will do our best to facilitate.

## RACE EQUALITY

In 2001, the Race Relations Act 1976 was amended to give public authorities a new statutory duty to promote race equality.

### *The general duty*

The general duty requires public authorities to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between persons of different racial groups.

### *Specific duties*

The specific duties relating to policy development and service delivery are to do with the content of a race equality scheme (RES). Schemes should set out an authority's functions and policies, or proposed policies that are assessed as relevant to the general duty to promote ethnicity equality and should set out an authority's arrangements for:

- assessing and consulting on the likely impact of its proposed policies on the promotion of race equality
- monitoring its policies for any adverse impact on the promotion of race equality
- publishing the results of such assessments and consultation
- ensuring public access to information about the services that it provides
- training staff in connection with the general and specific duties
- reviewing the scheme every three years.

The specific duties covering an authority's role as an employer are to:

- monitor by ethnicity the numbers of staff in post and the applicants for employment, training and promotion.

- monitor by ethnicity the numbers of staff who receive training; benefit or suffer detriment as a result of performance assessment procedures; are involved in grievance procedures; are the subject of disciplinary procedures; cease employment
- report and publish annually the results of staff monitoring, and actions taken towards achievement of overall ethnicity equality objectives.

### **What impact have we already had on race equality in our school?**

We were awarded level 1 of the Stephen Lawrence Educational Standard We are proactive within the local family of schools in leading on race equality issues. This has raised the profile of racial issues within the local community and had a positive impact on parental perceptions. Currently we are working on a joint project with the Morley Family of Schools and Aspire on a memorial event for Jo Cox. This is due to take place in June 2017.

Our curriculum has an ethos of race equality running through it and is regularly reviewed. Assembly themes focus on key cultural and religious events and our RE curriculum ensures that children learn about different beliefs and religions; this includes visits to places of worship.

Children have a good understanding of what would constitute a racist incident and feel confident to report any to a member of staff. We have established good procedures for dealing with such incidents and this gives children and adults confidence that their concerns will be addressed appropriately.

We ensure that our recruitment process reflects the inclusive ethos of our school and encourage applications from all groups within society.

Our tracking procedures ensure that the progress of all groups within school is carefully monitored and appropriate interventions put in place. These procedures show that pupils from minority ethnic groups make good progress at our school. Data analysis of in house data and external outcomes allows the school to focus on any groups that fall behind or exceed.

We have strategies in place to support parents and pupils with English as an additional language when needed.

### **What key issues still remain for our school?**

We need to ensure that race equality is fully embedded into our school curriculum.

We need to continue to address any underlying racist attitudes that may be embedded within the local community, including racial stereotypes and religious misconceptions that may exist.

We need to promote positive links with other communities and will do this through the schools linking network and global gateway.

## GENDER EQUALITY

### *The general duty*

The Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate unlawful discrimination and harassment
- promote equality of opportunity between men and women

### *Specific duties*

The specific duties relating to policy development and service delivery require public authorities to:

- produce and publish a gender equality scheme (GES) showing how they will meet the general and specific duties and setting out their gender equality objectives
- gather and use information on how their policies and practices affect gender equality
- assess the impact of their policies and practices, or the likely impact of their proposed policies and practices, on equality between women and men
- consult stakeholders in the development of the scheme
- assess functions and policies, or proposed policies, which are relevant to gender equality
- implement the actions set out in the scheme within three years
- report annually on the progress of the action plan
- review the scheme every three years.

The specific duties covering an authority's role as an employer are to:

- consider the need to have objectives that address the causes of any differences between the pay of men and women that are related to their sex
- gather and use information on how its policies and functions affect gender equality in the workforce.

### **What impact have we already had on gender equality in our school?**

The curriculum is structured to provide equal learning opportunities for girls and boys and this is regularly monitored by staff. Adjustments are made to meet the needs of individual cohorts based on gender balance within the class.

We try to provide pupils with positive role models in order to raise their aspirations and ambitions.

We ensure that data is monitored and evaluated to identify any gender related attainment issues, and appropriate action taken.

Sports Teams are open to all genders. We encourage all genders to attend extra -curricular activities, for example, choir, music lessons and dance clubs.

From September 2016 the school introduced a Buddy System; older children are big buddies to the younger children in school. This included a mix of boys and girls. Play Makers in school has a good representation of genders; the older children support the younger children with games and activities at lunchtimes.

### **What key issues still remain for our school?**

We have a small number of male staff in school; a site manager, a teacher and a lunchtime supervisor. We also have a male sports coach who works with us 2 and half days a week. We need to continue to look for ways to promote positive male role models in school.

## **COMMUNITY COHESION**

Since September 2007 all schools have had a duty to contribute to working towards a society in which there is a common vision and sense of belonging by all communities; a society in which the diversity of people's backgrounds and circumstances is appreciated and valued; a society in which similar life opportunities are available to all; and a society in which strong and positive relationships exist and continue to be developed in the work place, in schools and in the wider community.

We at Churwell Primary School make this contribution by creating opportunities, through the curriculum and otherwise, for pupils to interact with those from different backgrounds to themselves to enrich their understanding of community and diversity.

We recognise that a school's community is defined in 4 dimensions:

- the school community,
- the community within which the school is located,
- the UK community,
- the global community.

We at Churwell Primary School understand that there are links between this duty and the duty to promote equality, although each has a distinctive focus.

We recognise that our school's contribution to community cohesion should be organised under three main headings:

### **1. Teaching, learning and curriculum**

- helping children and young people to learn to understand others
- to value diversity whilst also promoting shared values
- to promote awareness of human rights and to apply and defend them
- to develop the skills of participation and responsible action

We actively promote each child's understanding of themselves and their own community and this forms the basis of our school curriculum. We value each child's identity and respect the traditions and events in their daily lives.

By ensuring that children understand themselves and their individual context we are then able to help them to understand their connections with the wider world. We help them to identify similarities between community groups and value diversity.

We teach children to respect themselves and others and spend time looking at human rights issues in the world and how this affects their lives.

We encourage all children to be active participants in school life through: Head Girl/Boy (Year 6), School Council, Eco Council, Playmakers and Office Jobs. We also participate in many civic events in order to help children to understand their role in the wider context of citizenship. Two children represent the school at the Morley School Council.

The School achieved Investors in Pupils status in April 2012 and we had revalidation in June 2016.

### **2. Equity and excellence**

- a. to ensure equal opportunities for all to succeed at the highest level possible
- b. striving to remove barriers to access and participation in learning and wider activities
- c. working to eliminate variations in outcomes for different groups

We always try to ensure that all members of the school community feel valued and are able to succeed at the highest level possible.

Where we recognise that there is a barrier to access and participation we always strive to remove it whenever possible. This may include putting in additional support, changing the timing of an activity, offering help completing forms or obtaining finance amongst other things.

We have worked hard to develop good relationships with parents at our school and do our best to ensure that they all feel equally valued and respected. We are flexible in our approach to parents, recognising that personal family circumstances often mean that their needs can be very different e.g. through varied times we offer for meetings, telephone contact etc.

Through our monitoring of groups within school we are able to put strategies in place to decrease any variation in outcomes for each group.

### 3. Engagement and extended services

- to provide reasonable means for children, young people, their friends and families to interact with people from different backgrounds
- build positive relations
- receive services which build positive interaction and achievement for all groups

We are actively involved with the Morley Extended Services Cluster and promote local activities and services for children and families.

We work with four other local schools which is called the Aspire Partnership.

We are developing a link with a French language speaker who will come and work in our school in the Summer Term, 2017. We have previously had a link with a school in India.

We are actively seeking partnerships with other communities through the Schools Linking Network and Global Gateway.

### EQUALITY ACT 2010 AND OTHER EXISTING EQUALITY LEGISLATION.

We at Asquith Primary School will also comply with and have due regard to the following equalities legislation:

#### **New Equality Act 2010**

The Equality Bill has recently gone through parliament and became an Act on the 8<sup>th</sup> April 2010. It takes effect from Autumn 2010. The Equality Act has put a new single Equality duty on public bodies. The duty requires public bodies to think about the needs of everyone who uses their services or works for them, regardless of race or ethnicity, or any other protected characteristic such as disability or religion.

The act protects people from discrimination on the basis of “protected characteristics” (which previously used to be called grounds). The relevant characteristics for services and public functions are:

- **Disability** (definition changed)

The protected characteristic of disability applies to a person who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

To qualify for protection from discrimination a disabled person no longer has to show that their impairment affects a particular “capacity” such as mobility or speech, hearing or eyesight. Direct discrimination has been extended to cover disability

- **Gender re-assignment** (definition changed)

The protected characteristic of gender re-assignment will apply to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. To qualify for protection from discrimination a transsexual person no longer has to show that they are under medical supervision as it is considered a personal process rather than a medical process which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with.

- **Pregnancy and maternity**

Pregnancy and maternity is not a protected characteristic for the purposes of the schools provisions but it is covered by other requirements which means that schools are prohibited from restricting access to education on the grounds pregnancy and maternity status

- **Race**

Race includes ethnic or national origins, colour or nationality. People can belong to one or more of these groups at the same time and the one which is relevant to a particular situation depends on the circumstances.

- **Religion or belief**

The protected characteristic of religion or belief includes any religion or belief and any religious or philosophical belief. It also includes any lack of such religion or belief. A religion need not be mainstream or well known to gain protection as a religion, although it must be identifiable and have a clear structure and belief system.

Faith schools and educational institutions with a religious ethos may in some limited circumstances favour pupils or students because of their religion.

- **Sex**

A person's sex refers to the fact that they are male or female. You must not treat a woman or a girl worse than you would treat a man or boy. You must not treat a man or boy worse than you would treat a woman or a girl in the same circumstances.

- **Sexual orientation**

Everyone is protected from being treated worse because of sexual orientation whether they are straight, gay, lesbian, or bisexual. Sexual orientation discrimination also covers discrimination connected with expressions or manifestations of a person's sexual orientation. That may include someone's appearance, the places they visit or the people they associate with.

- **Age**

Under the schools provisions of the Act age is excluded from the list of protected characteristics.

An integrated public sector Equality duty encourages public bodies to address the needs of groups experiencing disadvantage or discrimination on a number of grounds including the new socio-economic duty. It also extends the use of positive action in the workplace. The Equality Act also introduces a dual discrimination provision which enables people to bring claims where they have experienced less favourable treatment because of a combination of two protected characteristics. Further clarity regarding these issues and many others, particularly in relation to employment matters are likely to be much clearer when the codes of practice are published in January 2011.

The [Employment Equality Regulations 2003](#) protect employees from discrimination because of their actual or perceived religion or belief.

Discrimination is unlawful in relation to:

- recruitment and selection
- terms and conditions of employment offered and or applied
- opportunities for training, training itself, job promotions and transfers
- harassment and victimisation
- dismissal, including redundancy
- post employment, for example provision of references

The [Employment Equality \(Sexual Orientation\) Regulations 2003](#) and the subsequent Equality Act (Sexual Orientation) Regulations 2007 protect employees and consumers from discrimination because of their actual or perceived sexual orientation.

Once seen as a peripheral issue of little relevance to the core business of public bodies, sexual identity has been brought centre stage by legislative and societal developments. The Equality Bill will mean that public authorities will have a single public duty, which will extend the current public duties to age, sexual orientation, religion or belief, gender reassignment. It also includes pregnancy and maternity. Public authorities will have a duty to promote 'positive action'.

### [Gender Recognition Act 2004](#)

The purpose of the Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate (GRC) by a gender recognition panel. The holder of a GRC is not obliged to inform their employer that they have one, but if they choose to do so this information on their gender history must be established as protected information. Trans people are protected by the Sex Discrimination Act 1975, as amended by the Sex Discrimination (Gender Reassignment) Regulations 1992 and the Sex Discrimination (Amendment of Legislation) Regulations 2008

### [Human Rights Act 1998 and Article 14 of the European Convention on Human Rights](#)

Article 14 refers to the prohibition of discrimination and states that the enjoyment of the

rights and freedoms set forth in the Convention shall be secured without discrimination on any grounds such as “sex, race, colour, language, religion, political, or other opinion, national or social origin, association with a national minority, property, birth or other status”

### **Part 2 of the Equality Act 2006**

Part 2 of the Equality Act 2006 came into force in April 2007 and makes it unlawful for providers of goods, facilities and services to discriminate in grounds of religion or belief.

### **Employment Equality (Age) Regulation 2006**

This came into force in October 2006 and it protects against discrimination on grounds of age in employment and vocational training. Prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training

### **The Equality Act (Sexual Orientation) Regulations 2007**

Made under section 81 of the Equality act 2006, the Equality Act (Sexual Orientation) Regulations 2007, make it unlawful for providers of goods, facilities or services to discriminate under grounds of sexual identity.

## **Glossary:**

### **Diversity is**

- about including everyone
- valuing differences
- harnessing differences in individuals to the benefit of both the organisation and the individual, by allowing people with different perspectives and views to use their unique blend of skills and character to improve the quality and performance of the organisation
- having a better understanding of the diverse needs of our community

### **Duty**

A mandatory and legal obligation to do something

### **Promote**

Contribute to the progress and growth of....

Make publicity for.....

### **Equality and Human Rights Commission (EHRC)**

Bringing together the Equal Opportunities Commission, Disability Rights Commission and Commission for Race Equality, also serving as a national body for age, religion and belief and sexual discrimination as well as human rights.

### **What is meant by discrimination?**

Generally “discrimination” means treating someone with a protected characteristic worse than someone who does not have this characteristic would be treated in the same situation. The worse treatment must be because of that characteristic.

Discrimination can take a number of forms:

- “direct” or
- “indirect” or
- failure to make reasonable adjustments for disabled people or
- “discrimination arising from disability” or
- discrimination because of “association” with someone who has a protected characteristic, or
- discrimination because a person is thought to have a protected characteristic whether correctly or incorrectly (“perceived”)

People are also protected from:

- harassment related to a protected characteristic
- victimisation because they have, or their education provider thinks they have, made or helped made a complaint about discrimination, unless they know the complaint was not true.

### **Direct discrimination**

Direct discrimination happens when an education provider treats a pupil or student (or an applicant for admission) worse than they treat or would treat another pupil or student (or applicant) because of a protected characteristic.

Direct discrimination also includes less favourable treatment of a person based on a stereotype relating to a protected characteristic, whether or not the stereotype is accurate. It is not direct discrimination against a non disabled person to treat a disabled person better.

Education providers must not treat someone worse because of a combination of two protected characteristics than they would treat someone who did not have either of these characteristics; this is known as combined characteristics.

### **Combined discrimination**

Sometimes, a person may experience worse treatment than someone else because of combination of the protected characteristics they have:

There may be an interaction between two or more than two of a person's characteristics, but a claim for combined discrimination will only look at a combination of two of them.

### **Indirect discrimination**

People's experiences and opportunities in education can be affected by an education provider's rules or ways of doing things. Indirect discrimination takes place when the same rule or way of doing things is applied to everyone. The rule or way of doing things may not appear to have a different or worse impact on people with a protected characteristic but does so in reality.

### **Victimisation**

If an education provider treats a person badly because they have taken a particular action related to the Equality Act 2010 (or because they suspect the person has taken or will be taking such action), this will be victimisation, and is against the law. The protection covers anyone, whether or not they have a protected characteristic, if they do something in relation to making a complaint of discrimination and you treat them badly.

### **Harassment**

Harassment in the Equality Act 2010 means:

- Unwanted behaviour which has purpose or effect of:
- Violating the dignity of another person: or
- Creating for that person an intimidating ,hostile, degrading and humiliating or offensive environment

Unwanted behaviour can include any kind of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

**Positive action**

“Positive action” means the steps that an education provider is allowed (but not required) to take to encourage people with a protected characteristics from groups with different needs or a past track record of disadvantage or low participation to access education.