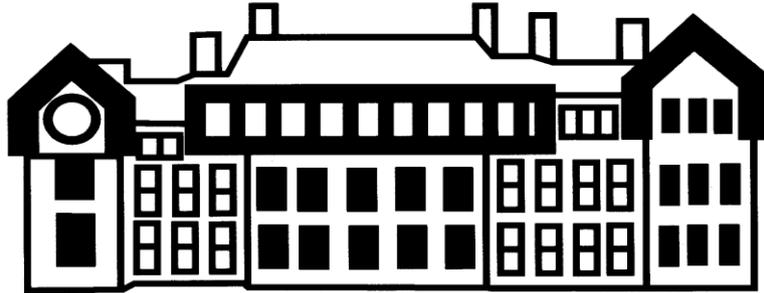


GORDON



SCHOOL

Equality Statement

Ratification date: July 2017

Review date: July 2019

Signed _____ Headteacher

Signed _____ Chair of Governors

Equality Statement

1, The Equality Act 2010

The Equality Act 2010 has replaced all existing equality legislation such as the *Race Relations Act*, *Disability Discrimination Act* and *Sex Discrimination Act*. It provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. It simplifies the law by removing anomalies and inconsistencies that had developed over time in the existing legislation, and it extends the protection from discrimination in certain areas.

As far as schools are concerned, the *Equality Act 2010* means that they cannot unlawfully discriminate against pupils, families, carers, staff, governors and other visitors to the school because of their sex, race, disability, religion or belief, sexual orientation, pregnancy or gender identity.

2, The Purpose of this Statement

The purpose of this statement is to provide clarity on:

- the school's legal responsibilities in relating to the duties set out in the Equality Act 2010;
- how all members of the school community should respond to and behave within the Equality Act 2010;
- the terms used in the Act and in relation to the Act.

3, Protected Characteristics

The *Equality Act 2010* identifies a number of characteristics which must not be used as a reason to treat some people worse than others. This means that people may be treated differently if "reasonable adjustments" can be made to address needs relating to protected characteristics and thus not allow them to be disadvantaged.

The protected characteristics are:

- age;
- disability;
- race;
- sex;
- pregnancy, maternity and breastfeeding;
- gender reassignment;
- religion or belief;
- sexual orientation.

4, Sensitivity Regarding Protected Characteristics

It is important to be sensitive to the possibility that a person might have a protected characteristic that cannot be seen. All members of the school community should be treated with respect. This includes not making jokes about the protected

characteristics. Whether or not they are personally affected, another person may find the remarks upsetting and offensive. This may be seen as harassment.

5, What is meant by Discrimination?

Discrimination in the Equality Act 2010 means that one person is treated worse than someone else because they have one or more of the protected characteristics.

- **Direct Discrimination**

Direct discrimination arises when an action is taken which is deliberately intended to treat a person worse because of a protected characteristic. An example of this is the allocation of tasks to a staff member based solely on their gender.

- **Indirect Discrimination**

Indirect discrimination arises when a rule is in place which has a worse impact on someone because of a protected characteristic and the school cannot justify the rule. An example of this is disciplining a disabled girl for breaking a rule on punctuality despite her mobility being adversely affected.

- **Associated Discrimination**

The law also protects people who are associated with a person with a protected characteristic. An example of this is not appointing someone who has a disabled child because it is perceived that this may impact on their attendance.

- **Combined Discrimination**

Combined discrimination occurs when the combination of some protected characteristics is perceived negatively. For example, there may not be direct racial, age or sex discrimination, but if young black men are perceived negatively this is a case of combined discrimination.

- **Assumed Discrimination**

People who are discriminated against because it is assumed they have a protected characteristic, whether correctly or not, are protected by the law.

6, What is meant by Harassment?

Harassment in the *Equality Act 2010* means there has been unwanted behaviour which has the purpose or effect of:

- violating the dignity of another person; or
- creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

- **Unwanted Behaviour**

Unwanted behaviour can include: 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.

For the unwanted behaviour to be against the *Equality Act*, it must be related to age, disability, race, sex, gender reassignment, religion or belief or sexual orientation. If

the person receiving the unwanted behaviour does not have the protected characteristic the behaviour could still be seen as harassment. If a third person is offended by unwanted behaviour relating to a protected characteristic the behaviour could be seen as harassment.

7, What is meant by Victimisation?

If a person is treated badly because they have taken particular action related to the *Equality Act 2010* (or because it is suspected they have taken or will take such action), this is victimisation and is against the law. This protection covers anyone, whether or not they have a protected characteristic, if they do something in relation to making a complaint of discrimination and are then treated badly. An example of this is treating a pupil badly because her parent has complained that the child's religious beliefs have not been acknowledged and respected.

8, Reasonable Adjustments

Some people's needs in relation to their protected characteristics are such that they may need reasonable adjustments to remove barriers. For pupils, this will be in order for them to access their education; for staff, this will be for them to be able to fulfil their contractual requirements.

9, The Duty to Make Reasonable Adjustments for Disabled People

Schools have a duty to make reasonable adjustments for disabled people. This may involve treating disabled pupils more favourably than non-disabled pupils. The duty contains three requirements that apply in situations when a disabled person would otherwise be placed at a substantial disadvantage compared with people who are not disabled. The requirements cover:

- **changing provision, criteria or practices** (for example, a rule on wearing a particular piece of school uniform which a disabled person cannot manage independently);
- **changing barriers created by the physical features of the premises** (for example, changing tables and desks so a wheelchair user can sit at them comfortably);
- **providing auxiliary aids and services** (for example, installing special computer software).

The reasonableness of adjustments must be carefully considered and the impact on the school as a whole must be taken into account. The Local Authority has the responsibility to ensure there are schools with suitable provision within the borough whilst taking account of pupils' disabilities and the preferences expressed by pupils and their parents. It would not be deemed as a reasonable adjustment to install a lift in a four storey school if other schools have existing, and more suitable, provisions. However, the needs of disabled people must be addressed for all new building work.

10, Accessibility Plan

All schools must develop a written accessibility plan which will increase the access of disabled pupils to the school curriculum, improve the physical environment for such pupils and improve the provision of information to them.

11, Positive Action

Positive action means the steps that the school is allowed (but not required) to take to encourage people with a protected characteristic. An example of this is encouraging boys to stand as School Council Reps if it is discovered that despite an equal gender balance in a school, the School Council is made up predominantly of girls. The pupils would still be allowed to vote to decide who is elected.

This is not the same as positive discrimination which means favouring someone with a protected characteristic, even if they are less well-qualified than someone else who does not have the protected characteristic.

12, Public Sector Equality Duties

The public sector equality duties give public bodies – including schools - legal responsibilities to demonstrate that they are taking action on equality in policy-making, the delivery of services and in employment. The duties mean that schools have to take action to deliver better outcomes for pupils from different racial groups, for disabled pupils and on the basis of gender. The duties require public bodies to take steps not just to eliminate unlawful discrimination and harassment, but also to actively advance equality.

13, What does the Equality Act mean for Pupils?

The school and any of its representatives must not:

- discriminate in the way we provide education for a pupil;
- discriminate in the way we give a pupil access to any benefit, facility or service;
- refuse to provide education for a pupil for discriminatory reasons;
- refuse to give a pupil access to a benefit, facility or service;
- harass a pupil;
- victimise a pupil.

The Equality Act 2010 refers to all activities covering the life of the school. The life of the school includes:

- admission;
- teaching and learning;
- classroom organisation;
- grouping of pupils;
- homework;
- access to school facilities;
- activities to supplement the curriculum, e.g. a drama group visiting the school;
- school sports;
- school policies;

- breaks and lunchtimes;
- the serving of school meals;
- assessment and exam arrangements;
- praise and rewards;
- discipline and sanctions;
- exclusion procedures;
- school clubs and activities;
- school trips;
- the school's arrangements for working with other agencies;
- preparation of pupils for the next phase of education;
- school uniform;
- bullying;
- guidance and advice;
- preparation of pupils for the next phase of education.

14, Failure to meet the Requirements of the Equality Act 2010

The importance of effective staff training cannot be underestimated. All staff members, whether they are teaching or support staff, need to be fully aware of the requirements under the Act and the implications of this for our education provision and delivery. Equality and diversity are features of Ofsted inspections and inspectors judge how well schools promote equality, celebrate diversity and the extent to which they deal with incidents of discrimination. A school's effectiveness in these areas contributes to the grading given to the section in Ofsted reports on *personal development, behaviour and welfare*.

If a member of staff, a parent or any other visitor to the school feels that discrimination, harassment or victimisation has taken place they need to raise their concern with the Headteacher. If their complaint is in relation to the Headteacher, they should address their concern to the Chair of Governors.

The school's complaints policy will be followed.

15, Evaluation and Review

Everything the school does needs to be non-discriminatory and this requires regular reviews of practices, policies and procedures to ensure we do not discriminate against anyone with a protected characteristic. Issues relating to equality will be discussed when reviews take place. This policy will be reviewed annually to ensure the school adheres to the duties of the *Equality Act 2010*.