



St Mary's Catholic Primary School **Equality / Inclusion Policy**

A Community where we Live, Learn and Laugh Together in God's Love

General Statement of Principles

“All people are endowed with a rational soul and are created in God's image; they have the same nature and origin and, being redeemed by Christ, they enjoy the same divine calling and destiny; there is here a basic equality between all people and it must be given even greater recognition..... Undoubtedly, not all people are alike as regards physical capacity and intellectual and moral powers. But forms of cultural discrimination in basic personal rights on the grounds of (sexual or gender identity, race, colour, ethnic origin, class, disability or language) must be curbed and eradicated as incompatible with God's design”. (Gaudium et Spes N29)

At St Mary's Catholic Primary School we are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of race, gender, disability, faith or religion or socio-economic background. We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their tradition, identity and participation in every possible aspect of school / community life.

The achievement of pupils will be monitored by race, gender and disability and we will use this data to support pupils, raise standards and ensure inclusive teaching. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all. We believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

Policy Statements

The Governors of the School, in accordance with the Church's teaching and concern for justice and equity support the principle that all individuals should have an equal right to develop and achieve their full potential through the education system. Discrimination by structures, institutions and individuals, is a barrier to many, depriving them of that opportunity; it means that society loses skills and talents and individuals lack fulfilment. This policy supports the school's intention, expressed in our Mission Statement, of being a place of justice and equity for pupils, staff and visitors alike.

The Governors will develop a programme of action including the adoption of appropriate procedures for monitoring the effectiveness of this policy and training of staff in furtherance of its implementation so that they are fully aware of their legal, moral and spiritual obligations to promote equal opportunities and inclusion for all pupils and staff regardless of race, ethnic origin, sexual identity, gender or disability, as well as all other differences.

General statement of educational policy

The Governors have responsibility for the curriculum and general conduct of the School. Much of the curriculum will concern itself with the provision of opportunities in a wide range of areas of learning for the development of each individual's potential, value and self-worth.



It is the Governors' policy that pupils will be treated on their individual merits without regard to sexual identity or gender, race, disability or any other perceived difference in accordance with Gospel values and with the relevant legislative provisions. The Governors shall, however, in matters pertaining to the curriculum and conduct of the school, be under no obligation to go beyond the strict legislative requirements, and in particular, shall not be obliged to introduce into the curriculum or into the school any subject or practice which is contrary to the teachings and practices of the Roman Catholic Church.

General statement of employment policy.

In the case of Voluntary Aided schools such as this, the Governors are the employers of staff and are responsible for equal opportunities in employment. It is their policy that no job applicant or employee shall receive less, or more favourable treatment because of his or her sexual identity or gender, marriage status, disability, colour, nationality or national or ethnic origin nor be disadvantaged by any other condition or requirement which cannot be shown to be justifiable. Such policy is in accordance with the relevant legislative provisions but does not go beyond the requirements of such legislation.

The only exception to the above is where the Governors retain the right to prefer a Catholic candidate over a non-Catholic candidate when recruiting. Whilst assuming that all other things remain equal. The Diocese of Leeds retains the right to insist that all members of the SLT (Deputy Headteacher and Headteacher) should be practising Catholics.

We are always concerned to ensure wherever possible that the staffing of the school reflects the diversity of our community.

As an employer we need to ensure that we eliminate discrimination and harassment in our employment practice and actively promote equality across all groups within our workforce.

Training and Guidance

Governors and employees involved in interviewing and selection or in other aspects of the implementation of this policy shall be encouraged to seek guidance and training in relation to the law, school policy, their own personal liability under the law and the nature of discrimination to ensure that procedures are carried out with full regard to this policy. This includes the requirement that at least one member of any appointment panel has undertaken Safer Recruitment Training.

Likewise within the resources available, appropriate training shall be provided to enable employees to perform their job effectively and to progress within the School.

Teaching and learning

We aim to provide all our pupils with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, we will:

- Use contextual data to improve the ways in which we provide support to individuals and groups of pupils;
- Monitor achievement data by ethnicity, gender and disability (as well as other differences) and action any gaps;
- Take account of the achievement of all pupils when planning for future learning and setting challenging targets;
- Ensure equality of access for all pupils and prepare them for life in a diverse society;



- Use materials that reflect the diversity of the school, population and local community in terms of race, gender & sexual identity and disability, without stereotyping;
- Promote attitudes and values that will challenge racist and other discriminatory behaviour or prejudice;
- Provide opportunities for pupils to appreciate their own culture and celebrate the diversity of other cultures;
- Seek to involve all parents in supporting their child's education;
- Encouraging classroom and staffroom discussion of equality issues which reflect on social stereotypes, expectations and the impact on learning;
- Challenge behaviours which are discriminatory, stereotypical or prejudicial
- Including teaching and classroom-based approaches appropriate for the whole school population, which are inclusive and reflective of our pupils.

Provision of Educational Facilities and the Curriculum

In the classroom teachers will:-

- Seek to organise the children to work together regardless of race, ethnic origin, gender or disability so that they are less likely to develop stereotyped attitudes. Children will be encouraged to line up in mixed pairs. The lining up of boys and girls separately will be avoided. The register and class lists will be kept in alphabetic order.
- Ensure that areas in the classroom and playground do not become predominantly the domain of one particular group of children e.g. home corner or construction area.
- Ensure that children are not singled out because of their ethnic origin. Names, whatever their ethnic origin, will be pronounced correctly and children with less usual or complicated names, will not be made the subject of humour, name calling or unwelcome attention.
- Enable children with physical or mental disability, or statemented children to achieve their potential and ensure that these children are treated by all staff and pupils with the special care and respect that is due to them.
- Use teaching aids when appropriate to challenge sexist assumptions, practices and stereotypes, providing positive alternatives.
- Challenge children's language where it reflects sexist stereotyping. The child will be asked to explain what he/she means and be encouraged to reflect on it and the impact it has on others.
- Use drama and role-play as techniques to enable the children to empathise with the experience of others.
- Take care to avoid the use of sexist language and statements.



- Endeavour to develop their awareness of how they divide their time between boys and girls and ensure equal attention is given to both.
- In particular, as a Catholic school we will ensure that children participate in a curriculum, the factual content of which is underpinned by attitudes and values which are consistent with the Catholic vision of individuals, of relationships and of society as a whole.
- We will try to avoid using gender specific language such as 'boys' and 'girls' 'men' and 'women'. We completely accept that sometimes this is a matter of habit rather than intent to offend or label or discriminate or stereotype.

Admissions

Our admissions arrangements are fair and transparent, and do not discriminate on race, gender, disability or socio-economic factors. Governors are the Admissions Authority and retain the right as a VA school to discriminate between Catholic children and non-Catholics at the point of entry into the school.

Exclusions

Exclusions will always be based on the school's Behaviour Policy. We will closely monitor exclusions to avoid any potential adverse impact and ensure any discrepancies are identified and dealt with.

Equality and the law

There are a number of statutory duties that must be met by every school in line with legislation from the Race Relations (Amendment) Act (2000), Disability Equality Duty (2005) and Equality Act (2010).

The action plan at the end of this Equality Plan outlines the actions we will take to meet the general duties detailed below.

Race Equality

This section reflects the general and specific duties of schools as detailed in The Race Relations Act 1976 and as amended by The Race Relations (Amendment) Act 2000.

The General Race Equality Duty requires us to have due regard to the need to:

- Eliminate racial discrimination;
- Promote equality of opportunity;
- Promote good relations between people of different racial groups.

Under our specific duty we will monitor the impact our plans and policies have on such pupils, staff and parents towards raising the achievement of minority ethnic groups.

Disability

This section should be read in conjunction with the school's Special Educational Needs Policy and Accessibility Plan.

Definition of Disability:

The Disability Discrimination Act 2005 (DDA) defines a disabled person as someone who has 'a physical or mental impairment which has a substantial or long-term adverse effect on his or her ability to carry out normal day-to-day activities'.



The DDA 2005 has also extended the definition of disability as follows:

- People with HIV, multiple sclerosis and cancer (although not all cancers) are deemed disabled before they experience the long-term and substantial adverse effect on their activities;
- Section 18 has been amended so that individuals with a mental illness no longer have to demonstrate that it is “clinically well-recognised”, although the person must still demonstrate a long-term and substantial adverse impact on his/her ability to carry out normal day-to-day activities.

Legal duties

The Disability Discrimination Act (DDA) 2005 placed a general duty on schools, requiring them to have due regard for the following when carrying out and delivering services:

- Promoting equality of opportunity between disabled people and other people;
- Eliminating discrimination and harassment of disabled people that is related to their disability;
- Promoting positive attitudes towards disabled people;
- Encouraging participation in public life by disabled people;
- Taking steps to meet disabled people’s needs, even if this requires more favourable treatment.

Other measures we will reasonably consider where a disabled person needs support to access our curriculum or to work in our building:

- Alterations to premises
- Allocating some of the disabled person’s duties to someone else
- Altering working hours
- Allowing absences during working hours for treatment or assessment
- Acquiring or modifying equipment
- Modifying instructions or reference manuals
- Providing supervision.

NB: In deciding what is reasonable, cost is a factor which will be taken into account.

Gender Equality

The Gender Equality Duty 2006 places a general and specific duty on schools to eliminate unlawful discrimination and harassment on the grounds of gender and to promote equality of opportunity between female and male pupils and between women and men and transgender people.

Sexual Orientation

The Equality Act 2006 made provision for regulations to be introduced to extend protection against discrimination on grounds of religion or belief to sexual orientation.

The Equality Act (Sexual Orientation) Regulations 2007 came into force on 30 April 2007, and they make discrimination unlawful in the area of goods, facilities and services on grounds of sexual orientation. For schools this means admissions, benefits and services for pupils and treatment of pupils.

Community cohesion

The Education and Inspections Act 2006 inserted a new section 21(5) to the Education Act 2002, introducing a duty on the governing bodies of state schools to promote community cohesion. Community cohesion encompasses promoting good relations between pupils



from different races, faiths / beliefs and socio-economic backgrounds. The duty came into force on 1 September 2007.

As a Catholic School we will manage the above duties as follows:

- Promote an environment in which all staff, pupils, governors and visitors to the School are conscious of the sanctity of human life and the dignity that should be afforded to God's creation in all its manifestations.
- Avoid unnecessary separation of the sexes, races or persons with disability, unless a specific educational purpose is being met and for activities such as dressing for swimming. Children in Y5 and Y6 will be separated by gender identity. If a specific request is made for a Y5 or Y6 child to change separately from the rest of the class this will be accommodated where practical.
- Ensure that staff roles are not limited to one gender or ethnic group.
- Provide an opportunity for children to see men and women in a wide variety of work roles and roles associated with the home.
- Ensure that the discipline/behaviour policy, and its application, are the same for both boys and girls.
- Ensure, where reasonably possible, that extra-curricular activities are available to all children and timed so to avoid stereotyped assumptions or choices.
- Ensure that married staff are not disadvantaged by their status e.g. by assuming that married women would not be seeking promotion. Consideration should be given wherever possible to the fact that men and women have family and home responsibilities. As a Catholic school we not only ensure compliance with the law in this respect but acknowledge the sanctity of marriage as a Sacrament and affirm the desirability of presenting appropriate role models to children at our school, in the home and in the life of the parish.
- Ensure that children whose parents are separated or divorced or are of single parents are not disadvantaged at school or alienated by the fact that their parents do not follow the Christian ideal of a mother and father, married to each other, providing a loving, stable and secure home.
- Ensure that any physical changes to the building take into account the needs of the disabled and that resources, wherever possible, are made available for the improvement of access to the School and its use by the disabled. The Governors will carry out an annual audit of facilities for the disabled.
- Ensure that all the staff are seen as parts of an inclusive corporate body in which all staff views will be listened to and through which all will be offered the opportunity to be involved fully in the life of the school and the social life of the staff.

Recruitment, Employment and Promotion of Staff

In the application of this policy, it is essential that persons responsible for appointments, when shortlisting or interviewing applicants, should seek to appoint the most suitable person for the position and during this process not discriminate either directly, or indirectly in matters of sex, marriage, disability, race, colour, ethnic or national origin or nationality.



Discrimination

Direct discrimination which means treating one candidate less favourably than another for reasons of race, sex, gender identity or disability will be avoided.

Indirect discrimination which occurs when the same conditions are imposed on everyone, but the conditions themselves are of such a nature that they have a disproportionately adverse effect on one sex rather than the other, or one race or ethnic group rather than another, and where the conditions themselves cannot be objectively justified, will be avoided. However, the concept of indirect discrimination does not apply to disability discrimination.

Some Examples of Discrimination

- An assumption that certain types of work are suitable only for members of one sex (e.g. cleaner, school superintendent, mid-day supervisor or head teacher).
- A refusal to consider male applicants who wear beards for cultural or religious reasons.
- An assumption that qualifications obtained outside the UK, but recognised by the Department for Education and Employment, are of less value than those obtainable with the UK.
- An assumption that persons from certain nationalities/cultures are more likely to be lazy.
- An assumption that a married woman teacher would be less committed to the job than a single woman.

Such types of discrimination are unacceptable in our school.

Employment of Catholic teachers

The Governors have a statutory obligation to secure, preserve and develop the character of the School as a Roman Catholic Voluntary Aided school and to conduct the School in accordance with the Trust Deed.

As part of this duty, preference will be given to professionally competent applicants who are committed to the practice and teachings of the Roman Catholic Faith. In this respect it should first be noted that there is no legislation in mainland Britain which prohibits religious discrimination. Likewise there is no employment legislation which deals with discrimination on grounds of sexual orientation. It is noted that, although the Sex Discrimination Act 1975 prohibits discrimination on grounds of marriage, there is not case law to suggest that governors must give equal consideration to a Roman Catholic candidate for employment or promotion who (by reason of having entered into a marriage which the Roman Catholic Church considered to be irregular) is unable to contribute to and participate fully in the religious dimension of the School.

Although governors must at all times show due regard and sensitivity for the privacy of staff, the Governing Body is nonetheless entitled to satisfy itself that the lifestyle of Catholic employees is in keeping with the beliefs and moral teachings of the Roman Catholic Church.

The role of governors



The governing body has set out its commitment to equal opportunities in this plan and it will continue to do all it can to ensure that the school is fully inclusive to pupils, and responsive to their needs based on race, gender identity, disability and all other differences.

- The governing body seeks to ensure that people are not discriminated against when applying for jobs at our school.
- The governors take all reasonable steps to ensure that the school environment gives access to people with disabilities, and also strive to make school communications as inclusive as possible for parents, carers and pupils.
- The governors welcome all applications to join the school, whatever a child's socio-economic background, race, gender or disability.
- The governing body ensures that no child is discriminated against whilst in our school on account of their race, sex or disability. This will include ensuring that school extra-curricular activities are available to all children.

The role of the headteacher (or senior leader responsible for Equalities)

- It is the headteacher's role to implement the school's Equality Plan and s/he is supported by the governing body in doing so.
- It is the headteacher's role to ensure that all staff are aware of the Equality Plan, and that teachers apply these guidelines fairly in all situations.
- The headteacher ensures that all appointments panels give due regard to this plan, so that no-one is discriminated against when it comes to employment or training opportunities.
- The headteacher promotes the principle of equal opportunity and inclusion when developing the curriculum, and promotes respect for other people and equal opportunities to participate in all aspects of school life.
- The headteacher treats all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents and HBT bullying with due seriousness.

The role of all staff: teaching and non-teaching

- All staff will ensure that all pupils are treated fairly, equally and with respect, and will maintain awareness of the school's Equality Plan.
- All staff will strive to provide material that gives positive images based on race, gender identity and disability, and challenges stereotypical images.
- All staff will challenge any incidents of prejudice, racism or homophobia, and record any serious incidents, drawing them to the attention of the headteacher.
- Teachers support the work of ancillary or support staff and encourage them to intervene in a positive way against any discriminatory incidents.

Tackling discrimination

Harassment on account of race, gender identity, disability or sexual orientation is unacceptable and is not tolerated within the school environment.

All staff are expected to deal with any discriminatory incidents that may occur. They are expected to know how to identify and challenge prejudice and stereotyping; and to support the full range of diverse needs according to a pupil's individual circumstances.

Racist and homophobic incidents and other incidents of harassment or bullying are dealt with by the member of staff present, escalating to a class teacher / assistant headteacher, deputy headteacher and headteacher where necessary. All incidents are reported to the headteacher and racist incidents or HBT bullying are reported to the governing body.



What is a discriminatory incident?

Harassment on grounds of race, gender identity, disability, sexual orientation or other factors such as socio-economic status, can take many forms including verbal or physical abuse, name calling, exclusion from groups and games, unwanted looks or comments, jokes and graffiti.

A racist incident is defined by the Stephen Lawrence Inquiry Report (1999) as: 'any incident which is perceived to be racist by the victim or any other person'.

Types of discriminatory incident

Types of discriminatory incidents that can occur are:

- Physical assault against a person or group because of their colour, ethnicity, nationality, disability, sexual orientation or gender;
- Use of derogatory names, insults and jokes;
- Racist, sexist, homophobic or discriminatory graffiti;
- Provocative behaviour such as wearing racist, sexist, homophobic or discriminatory badges or insignia;
- Bringing discriminatory material into school;
- Verbal abuse and threats;
- Incitement of others to discriminate or bully due to victim's race, disability, gender identity or sexual orientation;
- Discriminatory comments in the course of discussion;
- Attempts to recruit others to discriminatory organisations and groups;
- Ridicule of an individual for difference e.g. food, music, religion, dress etc;
- Refusal to co-operate with other people on grounds of race, gender identity, disability or sexual orientation.

Complaints

Where the Clerk to the Governors receives a complaint that this policy is not being followed, the circumstances will in the first instance be investigated by the Head Teacher and a report will be sent to the Governors. Disciplinary action will be taken if appropriate. Existing employees may use the grievance procedure.

Monitoring & Review

The Governing Body will monitor the implementation and impact of this policy and will review it on a regular basis.



APPENDIX 1 (See Appendix 2 for updates from CES)

The Disability Discrimination Act 1995 (Schools)

28A: Discrimination against disabled pupils and prospective pupils:

(1) It is unlawful for the body responsible for a school to discriminate against a disabled person—

(a) in the arrangements it makes for determining admission to the school as a pupil;

(b) in the terms on which it offers to admit him to the school as a pupil; or

(c) by refusing or deliberately omitting to accept an application for his admission to the school as a pupil.

(2) It is unlawful for the body responsible for a school to discriminate against a disabled pupil in the education or associated services provided for, or offered to, pupils at the school by that body.

(3) The Secretary of State may by regulations prescribe services which are, or services which are not, to be regarded for the purposes of subsection (2) as being—

(a) education; or

(b) an associated service.

(4) It is unlawful for the body responsible for a school to discriminate against a disabled pupil by excluding him from the school, whether permanently or temporarily.

(5) The body responsible for a school is to be determined in accordance with Schedule 4A, and in the remaining provisions of this Chapter is referred to as the “responsible body”.

(6) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

Meaning of “discrimination”

(1) For the purposes of section 28A, a responsible body discriminates against a disabled person if—

(a) for a reason which relates to his disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and

(b) it cannot show that the treatment in question is justified.

(2) For the purposes of section 28A, a responsible body also discriminates against a disabled person if—

(a) it fails, to his detriment, to comply with section 28C; and



(b) it cannot show that its failure to comply is justified.

(3) In relation to a failure to take a particular step, a responsible body does not discriminate against a person if it shows—

(a) that, at the time in question, it did not know and could not reasonably have been expected to know, that he was disabled; and

(b) that its failure to take the step was attributable to that lack of knowledge.

(4) The taking of a particular step by a responsible body in relation to a person does not amount to less favourable treatment if it shows that at the time in question it did not know, and could not reasonably have been expected to know, that he was disabled.

(5) Subsections (6) to (8) apply in determining whether, for the purposes of this section—

(a) less favourable treatment of a person, or

(b) failure to comply with section 28C,

is justified.

(6) Less favourable treatment of a person is justified if it is the result of a permitted form of selection.

(7) Otherwise, less favourable treatment, or a failure to comply with section 28C, is justified only if the reason for it is both material to the circumstances of the particular case and substantial.

(8) If, in a case falling within subsection (1)—

(a) the responsible body is under a duty imposed by section 28C in relation to the disabled person, but

(b) it fails without justification to comply with that duty,

its treatment of that person cannot be justified under subsection (7) unless that treatment would have been justified even if it had complied with that duty.

28B: Disabled pupils not to be substantially disadvantaged

(1) The responsible body for a school must take such steps as it is reasonable for it to have to take to ensure that—

(a) in relation to the arrangements it makes for determining the admission of pupils to the school, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled; and



(b) in relation to education and associated services provided for, or offered to, pupils at the school by it, disabled pupils are not placed at a substantial disadvantage in comparison with pupils who are not disabled.

(2) That does not require the responsible body to—

(a) remove or alter a physical feature (for example, one arising from the design or construction of the school premises or the location of resources); or

(b) provide auxiliary aids or services.

(3) Regulations may make provision, for the purposes of this section—

(a) as to circumstances in which it is reasonable for a responsible body to have to take steps of a prescribed description;

(b) as to steps which it is always reasonable for a responsible body to have to take;

(c) as to circumstances in which it is not reasonable for a responsible body to have to take steps of a prescribed description;

(d) as to steps which it is never reasonable for a responsible body to have to take.

(4) In considering whether it is reasonable for it to have to take a particular step in order to comply with its duty under subsection (1), a responsible body must have regard to any relevant provisions of a code of practice issued under section 53A.

(5) Subsection (6) applies if, in relation to a person, a confidentiality request has been made of which a responsible body is aware.

(6) In determining whether it is reasonable for the responsible body to have to take a particular step in relation to that person in order to comply with its duty under subsection (1), regard shall be had to the extent to which taking the step in question is consistent with compliance with that request.

(7) “Confidentiality request” means a request which asks for the nature, or asks for the existence, of a disabled person’s disability to be treated as confidential and which satisfies either of the following conditions—

(a) it is made by that person’s parent; or

(b) it is made by that person himself and the responsible body reasonably believes that he has sufficient understanding of the nature of the request and of its effect.

(8) This section imposes duties only for the purpose of determining whether a responsible body has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such

28C: Disabled pupils not to be substantially disadvantaged



(1)The responsible body for a school must take such steps as it is reasonable for it to have to take to ensure that—

(a)in relation to the arrangements it makes for determining the admission of pupils to the school, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled; and

(b)in relation to education and associated services provided for, or offered to, pupils at the school by it, disabled pupils are not placed at a substantial disadvantage in comparison with pupils who are not disabled.

(2)That does not require the responsible body to—

(a)remove or alter a physical feature (for example, one arising from the design or construction of the school premises or the location of resources); or

(b)provide auxiliary aids or services.

(3)Regulations may make provision, for the purposes of this section—

(a)as to circumstances in which it is reasonable for a responsible body to have to take steps of a prescribed description;

(b)as to steps which it is always reasonable for a responsible body to have to take;

(c)as to circumstances in which it is not reasonable for a responsible body to have to take steps of a prescribed description;

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(7)“Confidentiality request” means a request which asks for the nature, or asks for the existence, of a disabled person’s disability to be treated as confidential and which satisfies either of the following conditions—

(a)it is made by that person’s parent; or

(b)it is made by that person himself and the responsible body reasonably believes that he has sufficient understanding of the nature of the request and of its effect.



(8) This section imposes duties only for the purpose of determining whether a responsible body has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.

APPENDIX 2

EQUALITY ACT 2010 – GUIDANCE NOTE (CES)

The Equality Act received Royal assent on 8th April 2010. It is harmonising legislation replacing existing legislation to produce a single, consolidated source of discrimination legislation covering all types of unlawful discrimination. It has extended protection against discrimination in certain areas. All the main provisions of the Act came into force on 1st October but certain provisions did not and the Government is still giving consideration regarding implementation, with an expectation that the remaining provisions will be phased in up until 2013.

1. Protected Characteristics

Age – the following should be noted:

A person's age is a protected characteristic in relation to employment. The Act includes provision to extend this to the provision of goods, facilities and services and carrying out public functions in relation to people aged 18 and over. Although the necessary powers are included in the Act, they will be implemented in phases from 2012. Age is the only Protected Characteristic that allows employers to justify both direct and indirect discrimination if the treatment can be shown to be a proportionate means of achieving a legitimate aim. For the moment the Act continues to allow a default retirement age of 65, however the Government has announced its intention to abolish the default retirement age from October 2011.

Disability

The definition of disability remains largely the same as under the Disability Discrimination Act 1995 ("the DDA") i.e. a "physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities". The requirement that the impairment has to affect one or more of a specified list of capacities e.g. mobility etc has been removed. **Discrimination arising from disability**

The DDA concept of "disability-related discrimination" is replaced by "discrimination arising from disability". There is now no need to show the treatment was less favourable than a comparator. An employer will have a defence if it can be shown that the treatment is a



proportionate means of achieving a legitimate aim or the employer did not know, and could not have been expected to know that the employee had the disability.

Duty to make reasonable adjustments

The Act contains similar provisions to the DDA. Employers have a positive duty to treat disabled employees more favourably than non-disabled employees in certain circumstances and the Act makes clear that non-disabled employees will have no claim as a result. The Act contains a new duty for employers to provide an auxiliary aid if without that aid the disabled person would be at a substantial disadvantage. The duty is extended to auxiliary “services”. The removal of schools “exemption from the requirement to supply auxiliary aids and services for disabled pupils” has not yet been commenced. The DfE has advised the CESEW that there will be a consultation relating to the provision of auxiliary aids and services and the provisions will not be commenced until that has been completed.

Indirect discrimination – will apply to disability for the first time.

Gender re-assignment

A transsexual person is someone who proposes to, starts or has completed a change to his or her gender. Transvestites who do not intend to live permanently in a different gender are not protected. The Act no longer requires a person to be under medical supervision so that a person who decides to live permanently in the opposite gender but does not actually undergo any medical procedures would still be protected.

Marriage and civil partnerships – No change.

Pregnancy and maternity – No change

Race – no change

Religion or belief – No change but please note:

The Act defines “religion” as being any religion, and “belief” as being any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics. The definitions in the Act are broad so they should be interpreted in accordance with Article 9 of the European Convention on Human Rights and existing case law. A religion or belief would therefore be required to have a clear structure and belief system, a certain level of cogency, seriousness and cohesion, and not be incompatible with human dignity. The Act makes it clear that unlawful religious discrimination can include discrimination against another person of the same religion or belief as the discriminator.

Sex – No change



Sexual orientation – No change

2. Prohibited Conduct Under the Act

Direct discrimination

Direct discrimination will now occur when someone is treated less favourably than another person **because of** a protected characteristic rather than **on the grounds of** a protected characteristic. This now includes: **Associative discrimination** – treating someone less favourably because they are associated with another person who possesses a Protected Characteristic. **Perceptive discrimination** – treating someone less favourably because they are thought to possess a Protected Characteristic even if the perception is mistaken and the person does not actually possess that characteristic.

Indirect discrimination will now be the same across all the Protected Characteristics and for the first time extends to disability and gender reassignment.

Harassment

Includes unreasonably failing to prevent the harassment of an employee by a third party in the course of their employment if it occurred on more than two occasions (whether or not by the same third party) and the employer was aware of it. The liability for harassment by third parties under the **Sex Discrimination Act 1975** (“the SDA”) to the other protected characteristics, except marriage and civil partnership, and pregnancy and maternity.

Harassment also includes unwanted conduct “related to” a relevant Protected Characteristic, so would cover harassment because of perception and association.

Victimisation

There will no longer be any need to compare the treatment with a person who has not made or supported a complaint under the Act. i.e. there is no need for a comparator. An employee is not protected if they have made or supported an untrue complaint in bad faith.

3. Other New Provisions

Pre-employment health questions

The Act introduces a new provision which makes it unlawful for employers to ask about a candidate’s health **before** offering them work, unless one of the exemptions in the Act applies. It will still be possible to ask health questions **after** an offer has been made and to make an offer of work conditional upon receipt of a satisfactory medical. Employers will be able to ask health questions before making an offer for certain purposes including:



Monitoring diversity;

Establishing whether a candidate will be able to undergo an assessment and whether the duty to make reasonable adjustments applies in connection with the recruitment process;

Establishing whether the candidate will be able to “carry out a function which is intrinsic to the work concerned”;

Where it is a requirement to have a particular disability for the role, establishing if the candidate has that disability.

Asking about a candidate’s health is not by itself disability discrimination but acting on any information received may be. If a candidate brings a claim for disability discrimination and the employer has asked an unlawful pre-employment health question then the burden of proof will shift to the employer. Enforcement is by the EHRC rather than an individual. The CESEW has issued communications to Diocesan Schools Commissioners in relation to the fitness to teach requirements and the impact of the Education (Health Standards) (England) Regulations 2003 which require that anyone appointed to an education post in the maintained sector involving regular contact with children or young people must be medically fit and that it is the statutory duty of the employer to satisfy itself that the individual has the appropriate level of fitness before confirming the appointment.

There is a clear difference between the Regulations, which require the employer to satisfy themselves about the level of fitness before confirming an appointment, and the Equality Act which prohibits questions until a job offer has been made, save in relation to an exception. I referred in my previous letter to the impact of the legislation being the need to make a conditional offer of employment pending checks on health and fitness. I also referred to advice from the LGE also recommending that it will be necessary to make conditional offers of employment so as to be compliant with both the Act and the regulations.

Shift in Burden of proof

Previously the burden of proof was only reversed in relation to certain protected characteristics. Under the Act any claim involving discrimination, harassment or victimisation because of any of the Protected Characteristics will be subject to the same reverse burden of proof rule i.e. once a claimant has established sufficient facts which, in the absence of any explanation, point to the contravention of the Act having taken place then the onus shifts to the employer to show that they did not breach the Act.

Occupational requirement defence

Under the Act the test is now that the requirement must be **a proportionate means of achieving a legitimate aim**. Previously the test was that the occupational requirement had



to be **genuine and determining**. For the first time it is possible to have an occupational requirement defence to a disability claim.

Pay secrecy clause

A new provision in the Act renders any employment terms which seek to prevent or restrict people from disclosing their pay unenforceable in certain circumstances.

Positive action

The positive action provisions in existing legislation apply to different Protected Characteristics in different ways. Under the Act there are two new positive action provisions which apply to all the Protected Characteristics:

General positive action provision – coming into force on 1st October An employer may but is not required to:

- Take action to alleviate disadvantage suffered by groups who share a Protected Characteristic;
- Take action to meet the needs of people who share a Protected Characteristic; and
- Take action to encourage or enable people who share a particular Protected Characteristic to participate in an activity where their participation is disproportionately low.

Any such action must be a proportionate means of achieving a legitimate aim.

Specific positive action provision in respect of recruitment and promotion - **is not yet in force.**

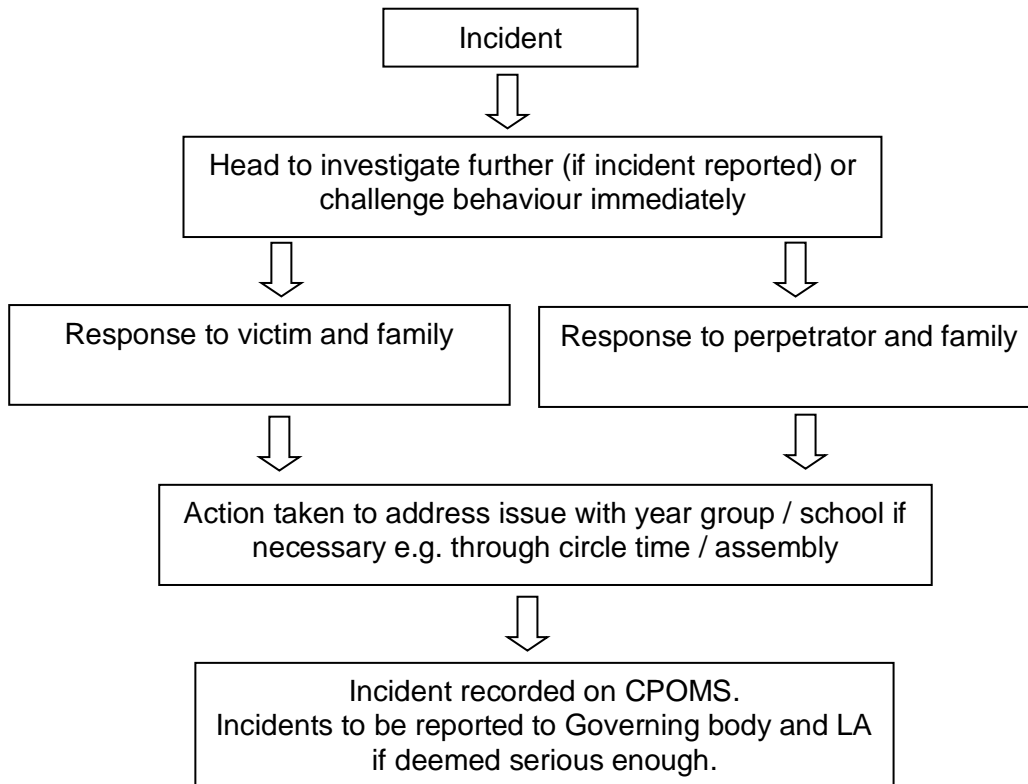
The date for implementation is currently being considered by the Government. Positive action for recruitment and promotion would only be able to take place where one person is “as qualified as another”. An employer would have to show that it does not have a formal policy of automatically treating one group more favourably than another. Any action must be a proportionate means of addressing the disadvantage.



Responding to and reporting incidents

It should be clear to pupils and staff how they report incidents. All staff, teaching and non-teaching, should view dealing with incidents as vital to the well-being of the whole school.

The procedure for responding and reporting is outlined below:



Equality Strand	Action	How will the impact of the action be monitored?	Who is responsible for implementing?	What are the timeframes?	Early success indicators
Race Equality Duty	Identify, respond and report racist incidents on CPOMS	The Headteacher / Governing body will use the data to assess the impact of the school's response to incidents i.e. have whole school / year group approaches led to a decrease in incidents, can repeat perpetrators be identified, are pupils and parents satisfied with the response?	Headteacher / Governing body	Reporting: December, April, July if deemed necessary.	Teaching staff are aware of and respond to racist incidents Consistent nil reporting is challenged by the Governing Body
All	Publish Equality Policy / Plan through the school website, newsletters and staff meetings.	School Staff and Parent Surveys – Questions to determine the awareness of Staff & Prnts. of the existence of the plan and its implications – particularly around HBT Bullying.	MB	Continual	Staff are familiar with the principles of the Equality Plan and use them when planning lessons, creating classroom displays Parents are aware of the Equality/Inclusion Policy/Plan
All	<i>Monitor and analyse pupil achievement by race, gender and disability and act on any trends or patterns in the data that require additional support for pupils.</i>	<i>Achievement data analysed by race, gender and disability</i>	<i>NT / Governing Body</i>	<i>Annually – November Mtg.</i>	<i>Analysis of teacher assessments / annual data demonstrates the gap is narrowing for equality groups</i>



Equality Strand	Action	How will the impact of the action be monitored?	Who is responsible for implementing?	What are the timeframes?	Early success indicators
<i>All</i>	<i>Ensure that the curriculum promotes role models and heroes that young people positively identify with, which reflects the school's diversity in terms of race, gender and disability.</i>	<i>Increase in pupils' participation, confidence and achievement levels</i>	<i>Topic and Creative Curriculum and PSHCE Leaders</i>	<i>On-going</i>	<i>Increase in participation and confidence of targeted groups</i>
<i>All</i>	<i>Recognise and represent the talents of disabled pupils in Gifted and Talented programmes, and ensure representation on the programmes fully reflects the school population in terms of race and gender identity. This to include assemblies led by disabled role models. (Para-Olympians, Blind Persons etc.)</i>	<i>Gifted and Talented register monitored by race, gender and disability</i>	<i>Member of staff leading on G&T</i>	<i>On-going</i>	<i>Analysis of the Gifted and Talented register indicates it is changing to reflect the school's diversity</i>
<i>All</i>	<i>Ensure that displays in classrooms and corridors promote diversity in terms of race, gender identity, ethnicity and all other perceived differences.</i>	<i>Increase in pupil participation, confidence and positive identity – monitor through PSHCE</i>	<i>Headteacher & SLT</i>	<i>On-going</i>	<i>Diversity reflected in school displays across all year groups</i>
<i>All</i>	<i>Ensure all pupils are given the opportunity to make a positive contribution to the life of the school e.g. through involvement in the School Council by election or co-option), class assemblies, fund raising etc.</i>	<i>School council representation monitored by race, gender, disability</i>	<i>Member of staff leading on school council</i>	<i>On-going</i>	<i>Diversity in school council membership</i>



ACTIONS:

The following are some actions taken since this policy was instituted (but are not exclusively the only actions we have taken and continue to take):

- *Hannah Cockroft visited in Autumn 2011.*
- *Capt. Of England Blind Football Team visited Spring 2012.*
- *During 2012-14 we provided increasingly extensive additional support to a teacher who had early stage MS at the point where her mobility was becoming very challenging. This allowed her to continue teaching for the maximum amount of time possible before she had to resign through ill health.*
- *Anti-Bullying Week Nov. 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017*
- *School Council has nominated members as well as elected. These children are appointed to ensure diversity in the School Council.*
- *Staff ethnic mix is varied..... Several Lunchtime Supervisors are Pakistani, Indian origin.*
- *All school meals have a Halal option.*
- *Prospectus is ethnically diverse/accurate in reflecting and celebrating our current school community*
- *We have a screen at the front entrance that shows all our activities and is reflective of the diversity of our school.*
- *Long term placement student is male Pakistani origin (training to be a teacher) 2012-13.*
- *Tasif Khan – Asian Boxer visited us in Spring 2017*
- *Children who are wanting to fast during Ramadan are allowed to do this with support from the school.*
- *Y6 visit the National Holocaust Centre near Newark every year to learn about racism, discrimination, refugees, stereotyping etc.*
- *We have recently purchased books, posters, DVD resources and teaching packs for our library and for use in class to support Diversity and particularly LGBTQ.*
- *We have implemented a policy of allowing all children to use all the toilets in KS1 and FS – regardless of gender. No toilets are labelled Male and Female.*
- *Having considered the above issue for KS2 toilets we are not able to apply the same provision at this time for reasons of practicality and in order to respect privacy.*
- *We are Tier 2 Members of the Positive Identities Programme which is helping us (through CPD and advice and on-going monitoring of impact) with our provision and processes around HBT Bullying and LGBTQ.*



ENSURING EQUALITY OF OPPORTUNITY AND PARTICIPATION

The school will ensure that:

- Pupil achievement is monitored by race, gender and disability and any trends or patterns in the data that may require additional action to narrow the gap are addressed;
- All staff are aware of the school's Equality / Inclusion Plan;
- The talents of disabled pupils are recognised and represented in Gifted and Talented programmes, and representation on the programmes fully reflects the school population in terms of race and gender;
- There is an inclusive approach to ensuring all pupils are given the opportunity to make a positive contribution to the life of the school e.g. through involvement in the School Council by election or co-option); class assemblies; fund raising etc;
- Disabled children can take part in all aspects of the curriculum, including educational visits and journeys; lunchtime activities; PE and dance and assemblies;
- Extended school activities such as breakfast and after-school clubs take into account pupil needs and access issues and pupils attending reflect the diversity of the school population in terms of race, gender, disability and socio-economic status;
- Staff, pupils, parents and carers will continue to be involved in the future development of the Equality Policy through input and feedback from surveys, staff meetings, school council meetings, parents evenings etc.

The school will provide:

- Extra and additional support for pupils who are under-achieving, in order to make progress in their learning and their personal well-being, e.g. ensuring that children with visual impairment have accessible texts; that children with hearing impairment have an enhanced acoustic classroom environment;
- Additional support for parents of under-achieving children (e.g. reporting progress; discussing needs);
- Additional support for disabled parents/carers and staff to help them to play a full part in the life of the school (e.g. providing a sign interpreter for a deaf parent; ensuring that meetings are held in the most accessible parts of the school to support wheelchair users).

PROMOTING POSITIVE ATTITUDES AND MEETING NEEDS

The school will:

- Promote positive images which reflect the diversity of the school and community in terms of race, gender and disability, for example in assemblies, books, publications and learning materials and in classroom/corridor display.
- Actively seek to recruit disabled people to the school and support them in their work and career development, and try to reflect the diversity of the school community in its workforce;



- Actively seek to recruit disabled people to the governing body and make reasonable adjustments to ensure that they can fully participate and contribute;
- Provide reasonable means for children, young people, their friends and families to interact with people from different backgrounds and build positive relationships, including links with different schools and communities;
- Provide extended services, with opportunities for pupils, families and the wider community to take part in activities and receive services which build positive interaction and achievement for all groups;
- Supporting disabled pupils in the period of transition between primary and secondary school to ease the stress of moving and increase familiarity with new surroundings;
- Helping children and young people to understand others and value diversity;
- Promoting shared values, awareness of human rights and how to apply and defend them;
- Developing skills of participation and responsible action – for example through the new 'Identity and Diversity: living together in the UK' strand of citizenship education.

ELIMINATING DISCRIMINATION AND HARASSMENT

The school will:

- Develop and adapt its procedures on anti-bullying to include equality perspectives;
- Support staff to challenge and address any bullying and harassment that is based on a person's race, gender or ethnicity;
- Keep a record and report how these incidents are dealt with to the governing body and local authority using CPOMS.
- Review its approach to race, gender and disability bullying and harassment whenever it reviews its policy on behaviour.

MONITORING IMPACT

- The school will collect and analyse evidence and data on children's achievement, attendance and participation by race, gender and disability, and use this to inform strategies to raise achievement;

Reviewed Autumn: 2017. (MB)

