

West Exmoor



Equality Policy and Guidance for Federations

December 2018

This single policy replaces separate policies the federation has on race, disability and gender to eliminate discrimination, advance equality of opportunity and foster good relations. It reflects the legal duties set out in the [Equality Act 2010](#) and [non-statutory guidance](#) set out by the government in December 2011 and March 2012. Part One sets out the federation's aims to promote equality of opportunity and comply with the Act; Part Two sets out the legal duties which are referred to in Part One.

Part one

The primary aim of the West Exmoor Federation is to enable all pupils to take part as fully as possible in every part of federation life by developing each child's self-confidence, recognising their strengths and encouraging them to achieve their full potential.

We will take steps to advance equality of opportunity, foster good relations and eliminate discrimination or harassment across all the protected characteristics (age, race, gender reassignment, disability, marriage and civil partnership, religion and belief, pregnancy and maternity, gender, sexual orientation) within the community.

This means:

- We will take reasonable and necessary steps to meet pupils' needs by using a variety of approaches and planning reasonable adjustments for disabled pupils, enabling our pupils to take as full a part as possible in all the activities of the federation. We will make reasonable adjustments to ensure the federation environment and its activities are as accessible and welcoming as possible for pupils, staff and visitors to the federation. We are also committed to ensuring staff with a disability have equality of opportunity.
- We will actively encourage positive attitudes towards pupils and staff and expect everyone to treat others with dignity and respect.
- We will regularly consider the ways in which the taught and wider curricula will help to promote awareness of the rights of individuals and develop the skills of participation and responsible action.
- We will regularly consider the ways in which our teaching and the curriculum provision will support high standards of attainment, promote common values, and help students understand and value the diversity that surrounds them, and challenge prejudice and stereotyping.
- We will monitor the progress and achievement of pupils by the relevant and appropriate protected characteristics. This information will help the federation to ensure that individual pupils are achieving their potential, the federation is being inclusive in practice, and trends are identified which inform the setting of our equality objectives in the federation improvement plan.

- We will collect and analyse information about protected characteristics in relation to staff recruitment, retention, training opportunities and promotions to ensure all staff have equality of opportunity. We will not ask health-related questions to job applicants before offering a job, unless it relates to an intrinsic function of the work they do. We will make reasonable adjustments such as providing auxiliary aids for our disabled staff.
- Staff will ensure the curriculum is accessible to all pupils with special educational needs and disabilities (SEND) or those for whom English is not their first language. Auxiliary aids and services will be provided for them, where reasonable adjustments are required. By planning ahead, staff will ensure that all pupils are able to take part in extra-curricular activities and residential visits, and the federation will monitor the uptake of these visits to ensure no one is disadvantaged on the grounds of a protected characteristic.
- We will seek the views of advisory staff and outside agencies and partnerships with other federations where this is needed. In planning the curriculum and resources the federation will take every opportunity to promote and advance equality.
- Bullying and Prejudice Related Incidents will be carefully monitored and dealt with effectively. Regular training will be given to both existing and new staff to ensure that they are aware of the process for reporting and following up incidents of [prejudice-related bullying](#) (follow link to new DCC guidance).
- We expect that all staff will be role-models for equal opportunities, deal with bullying and discriminatory incidents and be able to identify and challenge prejudice and stereotyping.
- Throughout the year, the federation will plan on-going events to raise awareness of equality and diversity. This may include a focus on disability, respect for other cultures, religions and beliefs, anti-homophobia/gay pride, gender equality, developing community cohesion and an understanding of the effects of discrimination.
- We will ensure pupil/parent/staff consultation is regularly sought in the development and review of this policy.
- We will regularly seek the views of pupils, parents, advisory staff and visitors to the federation, to ensure that the federation environment is as safe and accessible as possible to all federation users. We will regularly review our accessibility plans.
- The federation welcomes a diverse range of candidates and encourages those who are currently under-represented to join.
- We will ensure that all staff are aware of their legal duties under the Equality Act 2010, the different forms of discrimination and what 'reasonable adjustments' mean in practice.
- Training and awareness sessions will be set out in the federation improvement plan.

- When drawing up policies, it is best practice to carry out an [equality impact assessment](#) (EIA) to ensure a policy does not, even inadvertently, disadvantage groups of pupils with protected characteristics. As a minimum, the governing body must consider to what extent a new/revised policy, practice or plan meets the Public Sector Equality Duties (eliminates discrimination, advances equality and fosters good relations for all the protected characteristics) and recommend changes/mitigations should it feel the policy, practice or plan could be improved to fulfil the Duties (DCC policies will have already had EIAs carried out).

Part Two

Our Legal Duties

Legislation relating to equality and discrimination is laid out in the Equality Act 2010.

This legislation covers employment (work), the provision of services and public functions, and education.

Employers (federations) are liable for discriminatory acts of their employees if they did not take reasonable steps to prevent such acts. Employees can be liable for acts (where an employer took reasonable steps to prevent such acts).

The 'Protected Characteristics' within equality law are:

- **Age** - A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). Age discrimination does not apply to the provision of education, but it does apply to work.
- **Disability** - A person has a disability if s/he has, or has had, 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. It includes discrimination arising from something connected with their disability such as use of aids or medical conditions. HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.
- **Gender reassignment** - A person (usually with 'gender dysphoria') who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male). 'Trans' is an umbrella term to describe people with this 'Gender Identity'. 'Intersex' or 'Third Sex' is not covered by the Act but the federation will treat Intersex children with the same degree of equality as children with gender dysphoria. Children as young as five may begin to show signs of [gender dysphoria](#) and therefore it is relevant in any federation environment. ([The Intercom Trust](#) in Devon supports federations in supporting children undergoing gender reassignment).
- **Marriage and civil partnership** – Marriage and civil partnership discrimination does not apply to the provision of education, but it does apply to work.
- **Pregnancy and maternity** - Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.
- **Race** - A person's colour, nationality, ethnic or national origin. It includes Travellers and Gypsies as well as White British people.
- **Religion and belief** - Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Religion and belief discrimination does not prevent a federation from carrying out collective worship or other curriculum-based activities, but pupils may withdraw from acts of collective worship.
- **Sex** - A man or a woman.

- **Sexual orientation** - A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). Although children may not identify as gay or lesbian when very young, promotion of sexual orientation equality is as relevant in a primary federation environment as it is in a secondary federation. For example, a child may have an older sibling or parent who is gay. Children may experience friends 'questioning' or 'coming out' when they are in secondary federation or college. Federations with a particular religious ethos cannot discriminate against lesbian, gay or bisexual pupils.

It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated. So, for example, a federation must not discriminate by refusing to admit a pupil because his parents are gay men or lesbians. It would be race discrimination to treat a white pupil less favourably because she has a black boyfriend.

'Prohibited Conduct' (acts that are unlawful):

- **Direct discrimination** - Less favourable treatment because of a protected characteristic.
- **Indirect discrimination** - A provision, criteria or practice that puts a person at a particular disadvantage and is not a proportionate means of achieving a legitimate aim.
- **Harassment** - Conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It includes harassment by a third party (e.g. customer or contractor) in the employment context.
- **Victimisation** - Subjecting a person to a detriment because of their involvement with proceedings (a complaint) brought in connection with this Act.
- **Discrimination arising from disability** - Treating someone unfavourably because of something connected with their disability (such as periods of absence from work or medical conditions) **and failure to make reasonable adjustments.**
- **Gender re-assignment discrimination** - Not allowing reasonable absence from work for the purpose of gender-reassignment in line with normal provision such as sick leave).
- **Pregnancy/maternity related discrimination** - Unfavourable treatment because of pregnancy or maternity. It includes unfavourable treatment of a woman or girl because she is breastfeeding.
- **Discrimination by association or perception** - For example, discriminating against someone because they "look gay", or because they have a gay brother; discriminating against someone because they care for a disabled relative.

Federations are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with pupils without disabilities.

Public Sector Duties (applies to federations):

A federation must, in the exercise of its functions, give due regard to the need to (in relation to protected characteristics above):

1. Eliminate discrimination, harassment, victimisation and any other prohibited conduct.
2. Advance equality of opportunity (remove or minimise disadvantage; meet people's needs; take account of disabilities; encourage participation in public life).
3. Foster good relations between people (tackle prejudice and promote understanding).

In practice, 'due regard' means giving relevant and proportionate consideration to the duty, so decision makers in federations must have due regard when making a decision, developing a policy or taking an action as to whether it may have implications for people because of their protected characteristics.

Reasonable Adjustments and Accessibility Plans (Schedule 10)

Federations are required to:

- Take reasonable steps to avoid disadvantage caused by a provision, criteria or practice or a physical feature that puts a disabled person at a substantial disadvantage compared to a non-disabled person. This involves removing or avoiding a physical feature, for example steps and lifts.
- Take reasonable steps to provide auxiliary aids/services.
- Provide information in an accessible format.
- Develop and implement (by allocating appropriate resources) Accessibility Plans which will
 - Increase disabled pupils' access to the federation curriculum
 - Improve the physical environment
 - Improve provision of information.

The duty is an anticipatory and continuing one that federations owe to disabled pupils generally, regardless of whether the federation knows that a particular pupil is disabled or whether the federation currently has disabled pupils. The federation will need to plan ahead for the reasonable adjustments that it may need to make, working with the **relevant admissions authority** as appropriate.

For more information download guidance from the DfE:

<http://www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010>

and ***Equality Human Rights website:***

<http://www.equalityhumanrights.com> which includes the guidance for education providers (federations)

or Devon County Council at <http://www.devon.gov.uk/equalitylegislation.htm>

The Education and Inspections Act 2006 introduced a duty on all maintained federations in England to promote community cohesion.

Aspects of educational legislation have also promoted equal opportunities, for example the Education Act includes a duty for local authorities to educate children with special educational needs in mainstream federations wherever possible.

Responsibilities

Governing Body

- Ensure that the federation complies with equality-related legislation.
- Ensure that the policy and its procedures are implemented by the Headteacher.
- Ensure all other federation policies promote equality.
- Give due regard to the Public Sector Equality Duty when making decisions.

Headteacher

- Implement the policy and its related procedures.
- Make all staff aware of their responsibilities and provide training as appropriate to enable them to effectively deliver this policy.
- Take appropriate action in any case of actual or potential discrimination.
- Ensure that all staff understand their duties regarding recruitment and providing reasonable adjustments to staff. It is unlawful for an employer to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function of the work - for example ensuring that applicants for a PE teaching post have the physical capability to carry out the duties. Federations should no longer require job applicants to complete a generic health questionnaire. Neither should a federation seek out past sickness records until they have made a job offer.
- Ensure that all staff and pupils are aware of the process for reporting and following up bullying and prejudice-related incidents.

All staff

- Enact this policy, its commitments and procedures, and their responsibilities associated with this policy.
- Deal with bullying and discriminatory incidents, and know how to identify and challenge prejudice and stereotyping.
- Promote equality and good relations and not discriminate on any grounds.
- Attend such training and information opportunities as necessary to enact this policy and keep up to date with equality legislation.
- To be models of equal opportunities through their words and actions.

Pupils

- Refrain from engaging in discriminatory behaviour or any other behaviour that contravenes this policy.

Visitors (e.g. parent helpers, contractors)

- To be aware of, and comply with, the federation's equality policy.
- To refrain from engaging in discriminatory behaviour (for example, racist language) on federation premises.

Appendix

Definitions

Equality	This is more clearly defined as equality of opportunity and outcome, rather than equality of treatment. This means treating people fairly and according to their needs as some people may need to be treated differently in order to achieve an equal outcome.
Inclusive	Making sure everyone can participate, whatever their background or circumstances.
Diversity	Recognising that we are all different. Diversity is an outcome of equality and inclusion.
Cohesion	People from different backgrounds getting on well together (good community relations). There is a shared vision and sense of purpose or belonging. Diversity is valued. Relationships are strong, supportive and sustainable. Cohesion is an outcome of equality and inclusion.
Community	<p>From the federation's perspective, the term "community" has a number of meanings:</p> <ul style="list-style-type: none">• The federation community – the students we serve, their families and the federation's staff.• The community within which the federation is located – in its geographical community, and the people who live and/or work in that area.• The community of Britain – all federations by definition are part of it.• The global community – formed by European and international links.
Gender Dysphoria	<p>Gender dysphoria is a recognised condition in which a person feels that there is a mismatch between their biological sex and their gender identity.</p> <p>Biological sex is assigned at birth, depending on the appearance of the infant. Gender identity is the gender that a person "identifies" with, or feels themselves to be.</p>