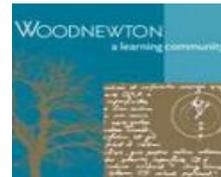




**Inspiring Futures
Through Learning**



Woodnewton- A Learning Community Equality Policy 2019-2022

**Updated: September 2019
Review Date: September 2022**

Legal Requirements

Equality Act 2010

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

- in relation to admissions,
- in the way it provides education for pupils,
- in the way it provides pupils access to any benefit, facility or service, or
- by excluding a pupil or subjecting them to any other detriment

It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably under the following “Protected Characteristics.”

- **Age** – A person of a particular age (e.g. 32 years old) or a range of ages (e.g. 18-30 years old). Age discrimination does not apply to work.
- **Race** – A person’s colour, nationality, ethnic or national origin. It includes Travellers and Gypsies as well as White British people.
- **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.
- **Religion or 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 school 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 school environment as it is in a secondary school. 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 school or college. Schools with a particular religious ethos cannot discriminate against lesbian, gay or bisexual pupils.
- **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 school 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 school environment.

- **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.
- **Marriage and civil partnership** – Marriage and civil partnership discrimination does not apply to the provision of education, but it does apply to work.

It is also unlawful to discriminate because of sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated. So, for example, a school 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 into 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.

Schools 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.

Special provisions for disability

The law on disability discrimination is different from the rest of the Act in a number of ways. In particular, it works in only one direction – that is to say, it protects disabled people but not people who are not disabled. This means that schools 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. The definition of what constitutes discrimination is more complex. Provision for disabled pupils is closely connected with the regime for children with special educational needs.

Definition of Disability

The Act defines disability as when a person has a ‘physical or mental impairment which has a substantial and long term adverse effect on that person’s ability to carry out normal day to

day activities.’ Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

Public Sector Equality Duty

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED) (sometimes also referred to as the ‘general duty’) that applies to public bodies, including maintained schools and Academies, and extends to certain protected characteristics - race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment. This combined equality duty came into effect in April 2011. It has three main elements. In carrying out their functions, public bodies are required to have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act,
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it,
- Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it

All public bodies were previously bound by three separate sets of duties to promote disability, race and gender equality. The simpler, less bureaucratic, PSED has replaced those three duties.

With the PSED, as with the previous general duties, schools are subject to the need to have due regard to the three elements outlined above. What having “due regard” means in practice has been defined in case law and means giving relevant and proportionate consideration to the duty. For schools this means:

- Decision makers in schools must be aware of the duty to have “due regard” when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics.
- Schools should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis.
- The PSED has to be integrated into the carrying out of the school’s functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes or following a particular process.

Schools can’t delegate responsibility for carrying out the duty to anyone else.

Specific Duties

The Government has also introduced specific duties, which are intended to help public authorities to meet their obligations under the PSED. The PSED is set out on the face of the Act, while the specific duties are set out in secondary legislation (the Equality Act 2010 (Specific Duties) Regulations 2011).

The specific duties require schools:

(a) to publish information to demonstrate how they are complying with the Public Sector Equality Duty, and

(b) to prepare and publish equality objectives.

Advancing equality of opportunity between people who share a protected characteristic and people who do not share it.

Advancing equality of opportunity

This involves, in particular:-

- removing or minimising disadvantages suffered by people which are connected to a particular characteristic they have (for example disabled pupils, or gay pupils who are being subjected to homophobic bullying);
- taking steps to meet the particular needs of people who have a particular characteristic (for example enabling Muslim pupils to pray at prescribed times) and
- encouraging people who have a particular characteristic to participate fully in any activities (for example encouraging both boys and girls, and pupils from different ethnic backgrounds, to be involved in the full range of school societies).

Introduction

At Woodnewton a learning community we intend that our policies, procedures and learning opportunities 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 national status, and an absence of prejudice-related bullying and incidents
- mutual respect and good relations between boys and girls, and women and men, and an absence of sexual and homophobic harassment

Admissions and exclusions

Our admissions and exclusion arrangements are fair and transparent, and do not discriminate on race, gender, disability or socio-economic factors.

Equal Opportunities for Pupils

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 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 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/carers 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;
- Including teaching and classroom-based approaches appropriate for the whole school population, which are inclusive and reflective of our pupils

Equal Opportunities for Staff

We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment.

All staff appointments and promotions are made on the basis of merit and ability and in compliance with the law. However we are 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.

Addressing prejudice and prejudice-related bullying

The school is opposed to all forms of prejudice which stand in the way of fulfilling our legal duties:

- prejudices around disability and special educational needs
- prejudices around racism and xenophobia, including those that are directed towards religious groups and communities, for example antisemitism and Islamophobia, and those that are directed against travellers, migrants, refugees and people seeking asylum
- prejudices reflecting sexism and homophobia.

We keep a record of prejudice-related incidents and, if requested, provide a report to the local authority about the numbers, types and seriousness of prejudice-related incidents at our school and how they are dealt with.

Reasonable Adjustments

Woodnewton a learning community is a fully inclusive school and we aim to meet the needs of all our stakeholders. Where reasonable adjustments are necessary for a pupil, parent/carer or member of staff to access the school environment and/or curriculum we will go to great lengths to make reasonable adjustments and seek advice from Outside Agencies. In order to fulfil our legal duties, our Accessibility Plan outlines the strategies in place which will

- Increase disabled pupils' access to the school curriculum
- Improve the physical environment
- Improve provision of information

The duty is an anticipatory and continuing one that schools owe to disabled pupils generally, regardless of whether the school knows that a particular pupil is disabled or whether the school currently has disabled pupils. The school will need to plan ahead for the reasonable adjustments that it may need to make.

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 (schools.)

Responsibilities

Governing Body

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

Principal

- 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 a physical capability to carry out the duties. Schools should no longer require job applicants to complete a generic health

questionnaire. Neither should a school 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 opportunity through their words and actions.

SENCo

- Enact this policy, its commitments and procedures, and their responsibilities associated with this policy.
- Ensure equality provision for all SEN pupils based on need.

Pupils

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

Visitors (e.g. volunteers, contractors)

- To be aware of, and comply with, the school's equality policy.
- To refrain from engaging in discriminatory behaviour (for example, racist language) on school 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	From the school's perspective, the term "community" has a number of meanings: <ul style="list-style-type: none">• The school community – the students we serve, their families and the school's staff.• The community within which the school is located – in its geographical community, and the people who live and/or work in that area.• The community of Britain – all schools by definition are part of it.• The global community – formed by European and international links.
Gender Dysphoria	Gender dysphoria is a recognised in which a person feels that there is a mismatch between their biological sex and their gender identity. 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.