



# Straits Primary School Equality Policy

This policy is based on non-statutory advice from the Department for Education - *The Equality Act 2010 and schools: Departmental advice for school leaders, school staff, governing bodies and local authorities, May 2014*. The advice and guidance has then been adapted for our school setting.

## **Overview of the Act**

The Equality Act 2010 replaced nine major Acts of Parliament and almost a hundred sets of regulations which had been introduced over several decades. It provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. It simplifies the law by getting rid of anomalies and inconsistencies that had developed over time, and it extends protection against discrimination in certain areas.

As far as schools are concerned for the most part, the effect of the new law is the same as it has been in the past – meaning that schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief or sexual orientation. There are some changes but schools which are already complying with the law will not find major differences in what they need to do. In some areas – in particular the single Equality Duty which has replaced the three separate duties on race, disability and gender – the overall effect of the new Act will be to reduce a certain amount of bureaucracy and so should be less burdensome and more effective.

In England and Wales, the Act applies to all maintained and independent schools, including Academies, and maintained and non-maintained special schools.

The 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.

The “responsible body” is the governing body or the local authority for maintained schools in England and Wales. In practice, any persons acting on behalf of the responsible body – including employees of the school – are liable for their own discriminatory actions, and the responsible body is also liable unless it can show that it has taken all reasonable steps to stop the individual from doing the discriminatory action or from doing anything of that kind.

The Act deals with the way in which schools treat their pupils and prospective pupils: the relationship between one pupil and another is not within its scope. It does not therefore bear directly on such issues as racist or homophobic bullying by pupils. However, if a school treats bullying which relates to a protected ground less seriously than other forms of bullying – for example dismissing complaints of homophobic bullying or failing to protect a transgender pupil against bullying by classmates – then it may be guilty of unlawful discrimination.

The school’s liability not to discriminate, harass or victimise does not end when a pupil has left the school, but will apply to subsequent actions connected to the previous relationship between school and pupil, such as the provision of references on former pupils or access to “old pupils” communications and activities.

New Positive Action provisions will allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics. Such measures will need to be a proportionate way of achieving the relevant aim. Previously a school providing – for example - special catch-up classes for Roma children or a project to engage specifically with alienated Asian boys might have been discriminating unlawfully by excluding children who didn’t belong to these groups.

It is now unlawful for employers to ask health-related questions of applicants before job offer, unless the questions are specifically related to an intrinsic function of the work.

## **Protected Characteristics**

The term “**protected characteristics**” is used as a convenient way to refer to the categories to which the law applies.

It is unlawful for [Straits Primary School](#) to discriminate against a pupil or prospective pupil by treating them less favourably because of their

- sex,
- race,
- disability,
- religion or belief
- sexual orientation
- gender reassignment,
- pregnancy or maternity

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, we will not discriminate by refusing to admit a pupil because his parents are gay men or lesbians.](#) It is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken.

A person’s age is also a protected characteristic in relation to employment and the Act extends this (except for children) to the provision of goods and services, but this does **not** apply to pupils in schools. [Straits will therefore continue to organise children in Year groups but will adapt our provision in ways appropriate to the pupil’s stage of development, such as mixed age intervention groups, without risk of legal challenge.](#)

## **Unlawful behaviour**

The Act defines four kinds of unlawful behaviour – direct discrimination; indirect discrimination; harassment and victimisation.

**Direct discrimination** occurs when one person treats another less favourably than they treat other people because of a protected characteristic. This describes the most clear-cut and obvious examples of discrimination – [for example if we were to refuse to let a pupil be a member of the school council because of their race.](#)

**Indirect discrimination** is the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic.

**Harassment** has a specific legal definition in the Act - it is *“unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”*. This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

Where schools are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does **not** mean that we are free to bully or harass pupils on these other grounds - to do so would still be unlawful as well as unacceptable.

**Victimisation** occurs when a person is treated less favourably than they otherwise would have been because of something they have done - “a protected act”. A protected act might involve, for example, making an allegation of discrimination based on race or supporting another person’s complaint by giving evidence or information. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in ‘bad faith’. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.

As well as it being unlawful to victimise a person who does a protected act, a child must not be victimised because of something done by their parent or a sibling in relation to the Act. This means that a child must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the school, whether or not the mother was acting in good faith.

If a pupil has himself or herself done a protected act – such as making a complaint of discrimination against a teacher – then the child’s own good faith will be relevant. For example, if the parent’s complaint is based on information from her son and the son was deliberately lying, it is not victimisation for the school to punish him in the same way as it might do any other dishonest pupil - based on our school behaviour policy. Unless it can be clear that the mother was also acting in bad faith (for example that she knew her son was lying) it would still be unlawful to victimise her for pursuing the complaint.

### **Curriculum**

The content of the school curriculum has never been caught by discrimination law, and this Act now states explicitly that it is excluded. However, the way in which our school provides education – the delivery of the curriculum – is explicitly included.

Excluding the content of the curriculum ensures that we are free to include a full range of issues, ideas and materials in our syllabus, and to expose pupils to thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic. [We would always inform and involve parents before commencing the work if we felt an issue/ideas or topic may be controversial in its nature.](#)

However, we will need to ensure that the way in which these issues are taught does not subject individual pupils to discrimination as valid complaints that the curriculum is being delivered in a discriminatory way might well arise in situations such as the following:

- In class discussions, black pupils are never called on and the teacher makes it clear that he/she is not interested in their views.
- Girls are not allowed to do design technology or boys are discouraged from doing food technology. This is not intrinsic to the curriculum itself but to the way in which education is made available to pupils.
- The girls are not allowed equal access to the football pitch or the boys’ team are given far better resources than the girls’ team. This would be less favourable delivery of education rather than to do with the sports curriculum per se.

### **Acts of worship**

There is a general exception, which applies to all schools, to the religion or belief provisions which allows all schools to have acts of worship or other forms of collective religious observance. This means the daily act of collective worship, which for maintained schools is mandatory and should be of a broadly Christian nature, is not covered by the religion or belief provisions. The exception means that we will **not** be acting unlawfully if we do not provide an equivalent act of worship for other faiths. We are also free to celebrate religious festivals and we could not be claimed to be discriminating against children of other faiths if, for example, we put on a nativity play at Christmas or hold a celebration to mark other religious festivals such as Diwali or Eid.

### **Uniforms**

The Equality Act does not deal specifically with school uniform or other aspects of appearance such as hair colour and style, and the wearing of jewellery and make-up, but the general requirement not to discriminate in the treatment of pupils applies here as in relation to other aspects of school policy. It is for the governing body of a school to decide whether there should be a school uniform and other rules relating to appearance, and if so what they should be.

Long-standing guidance makes it clear that schools must have regard to their obligations under the Human Rights Act 1998 (it is here rather than in relation to equality law that most case law has been determined to date) as well as under equality law, and that they need to be careful that blanket uniform policies do not discriminate because of race, religion or belief, gender, disability, gender reassignment or sexual orientation. [Guidance on uniform, make up and the wearing of jewellery can be found in our school uniform document.](#)

For example, differences in dress requirements for girls and boys are standard, and where they don’t have significantly more detrimental effects on one sex or the other they are unlikely to be regarded as discriminatory. But it might be unlawful if, for example, the uniform was considerably more expensive for girls than for boys. It may also be discrimination because of disability if, for example, a child who has a skin condition which means they cannot wear nylon is not allowed to wear cotton trousers as part of the uniform.

There are potential issues around school uniform policies and religion and belief. [At Straits we are sensitive to the needs of different cultures, races and religions and act reasonably in accommodating these needs, without compromising important school policies, such as school safety or discipline.](#)

[At Straits, the parents of pupils with specific needs would discuss these needs with either the class teacher, Deputy Head teacher, SENCO or Head teacher.](#)

### **Bullying**

The issue of bullying motivated by prejudice is a particularly sensitive issue. Although the relationship between one pupil and another is not within the scope of the Act, we need to ensure that all forms of prejudice-motivated bullying are taken seriously and dealt with equally and firmly.

The Department for Education has published specific guidance on bullying including homophobic and transphobic bullying and bullying related to sexual orientation, transgender, disability, race and religion.

### **Special issues for some protected characteristics**

#### **Gender reassignment**

Gender reassignment is defined in the Equality Act as applying to anyone who is undergoing, has undergone or is proposing to undergo a process (or part of a process) of reassigning their sex by changing physiological or other attributes. This definition means that in order to be protected under the Act, a pupil will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so.

Protection from discrimination because of gender reassignment in schools is new for pupils in the Equality Act, although school staff are already protected. This means that for the first time it will be unlawful for schools to treat pupils less favourably because of their gender reassignment and that schools will have to factor in gender reassignment when considering their obligations under the new Equality Duty.

#### **Race**

The definition of race includes colour, nationality and ethnic or national origins.

#### **Segregating pupils by race or ethnicity**

Segregation of pupils by race is always direct discrimination. It would thus be unlawful for us to put children into sets, or into different sports in PE classes, according to their ethnicity. This stipulation in the Act is to make it clear that claims that segregated treatment is “separate but equal” cannot be sustained where race is concerned. It does not mean that we cannot take positive action to deal with particular disadvantages affecting children of one racial or ethnic group, where this can be shown to be a proportionate way of dealing with such issues.

Race Equality Duty – schools previously had a statutory duty which required them to take proactive steps to tackle racial discrimination, and promote equality of opportunity and good race relations. Under the Equality Act, this has been replaced by the general equality duty and the new specific duties.

#### **Religion or Belief**

The Equality Act defines “religion” as being any religion, and “belief” as any religious or philosophical belief. A lack of religion or a lack of belief is also protected characteristics.

“Religion” will include for example all the major faith groups and “belief” will include non-religious worldviews such as humanism. Religion will also include denominations or sects within a religion, such as Catholicism or Protestantism within Christianity.

Lack of religion or belief is also included in the definition of “religion or belief”. This means it will be unlawful for us to discriminate against someone on the grounds that they do not adhere, or sufficiently adhere, to a particular religion or belief (even one shared by the discriminator), or indeed any religion or belief at all – such as, for example, an atheist.

Discrimination because of religion or belief means treating a person less favourably than another person is or would be treated, because of their religion or belief, or the religion or belief they are perceived to have or their lack of religion.

## **Sex/Gender**

Schools need to make sure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of boys or girls. For example, it would be unlawful for us to require girls to learn needlework while giving boys the choice between needlework and woodwork classes.

**Gender Equality Duty** - Schools previously had a statutory duty to promote gender equality and have a gender equality scheme in place. Under the Equality Act, this has been replaced by the general equality duty and the new specific duties.

## **Single sex classes**

Whilst there is no express exemption in the same way that there is for same-sex schools, it is **not** necessarily unlawful to have some single-sex classes in a mixed school, provided that this does not give children in such classes an unfair advantage or disadvantage when compared to children of the other sex in other classes.

[At Straits, for example, it is lawful for us to teach sex education to single-sex classes, as long as the classes are provided to both boys and girls.](#)

## **Single sex sport**

Although the Equality Act forbids discrimination in access to benefits, facilities and services; the Act does contain an exception which permits single-sex sports. It applies to participation in any sport or game, or other activity of a competitive nature, where the physical strength, stamina or physique of the average woman (or girl) would put her at a disadvantage in competition with the average man (or boy). But while this exception might permit us to have a boys-only football team, the school would still allow girls equal opportunities to participate in comparable sporting activities.

## **Sexual orientation**

[Straits needs to make sure that all gay, lesbian or bi-sexual pupils, or the children of gay, lesbian or bi-sexual parents, are not singled out for different and less favourable treatment from that given to other pupils.](#) They should check that there are no practices which could result in unfair, less favourable treatment of such pupils. For example, it would be unlawful for us to refuse to let a gay pupil become a school council member because of his sexual orientation.

Where individual teachers are concerned, having a view about something does not amount to discrimination. So it should not be unlawful for a teacher to express personal views on sexual orientation provided that it is done in an appropriate manner and context (for example when responding to questions from pupils, or in an RE or Personal, Social, Health and Economic education (PSHE) lesson). However, it should be remembered that school teachers are in a very influential position and their actions and responsibilities are bound by much wider duties than the legislation. A teacher's ability to express his or her views should not extend to allowing them to discriminate against others.

## **Disability**

### **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. Provision for disabled pupils is closely connected with the regime for children with special educational needs.

The overriding principle of equality legislation is generally one of equal treatment - i.e. that you must treat a black person no less well than a white person, or a man as favourably as a woman. However, the provisions relating to disability discrimination are different in that you may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to your practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what you offer to the same extent that a person without that disability can. So in a school setting the general principle is that you have to treat male and female, black and white, gay and straight pupils equally - but you may be required to treat disabled pupils differently.

Discrimination is also defined rather differently in relation to disability.

### **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.

The Act sets out details of matters that may be relevant when determining whether a person meets the definition of disability. Long term is defined as lasting, or likely to last, for at least 12 months.

### **New provisions relating to disability**

The disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA). There are some minor differences as follows:

- Unlike the DDA the Equality Act does not list the types of day to day activities which a disabled person must demonstrate that they cannot carry out, thus making the definition of disability less restrictive for disabled people to meet.
- Failure to make a reasonable adjustment can no longer be defended as justified. The fact that it must be *reasonable* provides the necessary test.
- Direct discrimination against a disabled person can no longer be defended as justified – bringing it into line with the definition of direct discrimination generally.
- Schools and local authorities will (when provisions are implemented) be under a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through EHCPs.

### **Unlawful behaviour with regard to disabled pupils**

**Direct Discrimination:** we must not treat a disabled pupil less favourably simply because that pupil is disabled – for example by having an admission bar on disabled applicants.

A change for schools in this Act is that there can no longer be justification for direct discrimination in any circumstances. Under the DDA schools could justify some direct discrimination – if was a proportionate means of meeting a legitimate aim. What the change means is that if a school discriminates against a person purely because of his or her disability (even if they are trying to achieve a legitimate aim) then it would be unlawful discrimination as there can be no justification for their actions.

**Indirect Discrimination:** we must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only – for example having a rule that all pupils must demonstrate physical fitness levels before attending athletics club.

**Discrimination arising from disability:** we must not discriminate against a disabled pupil because of something that is a consequence of their disability – for example by not allowing a disabled pupil on crutches outside at break time because it would take too long for her to get out and back.

**Harassment:** we must not harass a pupil because of his disability – for example, a teacher disciplining a pupil because the disability means that he is constantly struggling with class-work or unable to concentrate.

**Disability Equality Duty** – schools previously had a statutory duty which required them to take proactive steps to tackle disability discrimination, and promote equality of opportunity for disabled pupils. Under the Equality Act, this has been replaced by the general equality duty and the new specific duties.

### **Reasonable adjustments and when they have to be made**

The duty to make reasonable adjustments applies only to disabled people. For schools the duty is summarised as follows:

- Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.
- Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.

Schools are not subject to the other reasonable adjustment duty to make alterations to physical features because this is already considered as part of their planning duties.

In addition to having a duty to consider reasonable adjustments for particular individual disabled pupils, schools will also have to consider potential adjustments which may be needed for disabled pupils generally as it is likely that any school will have a disabled pupil at some point. However, schools are not obliged to anticipate and make adjustments for every imaginable disability and need only consider general reasonable adjustments - e.g. being prepared to produce large font papers for pupils with a visual impairment even though there are no such pupils currently admitted to the school.

Cost will inevitably play a major part in determining what is reasonable and it is more likely to be reasonable for a school with substantial financial resources to have to make an adjustment with a significant cost, than for a school with fewer resources. For example, a small rural primary school may not be able to provide specialised IT equipment for any disabled pupils who may need it and it may not be reasonable for the school to provide that equipment. On the other hand, a much larger school might reasonably be expected to provide it.

Schools generally will try to ensure that disabled pupils can play as full a part as possible in school life and the reasonable adjustments duty will help support that. However, there will be times when adjustments cannot be made because to do so would have a detrimental effect on other pupils and would therefore not be reasonable – for example, if a school put on a trip which necessarily involved climbing and walking over rough ground and after fully considering alternatives to accommodate a disabled pupil in a wheelchair who could not take part it determined that there was no viable alternative or way of enabling the disabled pupil to participate or be involved, it would not have to cancel the trip as originally planned. This is unlikely to constitute direct discrimination or failure to make a reasonable adjustment.

The reasonable adjustments duties on schools are intended to complement the accessibility planning duties and the existing SEN provisions, which are part of education legislation, under which Local Authorities have to provide auxiliary aids to pupils with an EHCP (Education Health and Care Plan).

The duty applies in respect of all disabled pupils but many will have an EHCP and auxiliary aids provided by the LA and so may not require anything further. However, if the disabled pupil does not have an EHCP (or the plan does not provide the necessary aid) then the duty to consider reasonable adjustments and provide such auxiliary aids will fall to the school.

### **Schools' duties around accessibility for disabled pupils**

Schools and LAs need to carry out accessibility planning for disabled pupils. These are the same duties as previously existed under the DDA and have been replicated in the Equality Act 2010.

Schools are required to develop plans to improve access for disabled pupils and other stakeholders (parents of pupils, governors, staff/employees and other users of the school) by:

- **Increasing access to the curriculum**, by embedding inclusive practices in the classroom to help remove barriers to learning.
- **Improving the physical environment of the school**, for example by the use of ramps, handrails, adapting doors and emergency exits, toilets and washing facilities and the use of physical aids to help pupils gain access to education (such as custom built furniture, sound field systems and ICT equipment).
- **Improving the delivery of information** that is provided in writing, for example, by providing alternative formats, such as large print, alternative languages, Braille and audio tapes and CDs, signing systems and communication aids to be used in response to individual pupil profiles, taking advice from La specialist services.

### **Straits' procedures to fulfil these Requirements:**

- Gather information from the school community through an analysis of current provision, participation and outcomes. This will be completed every four years and will include pupils, staff, parents and other stakeholders.
- develop, define and promote an Equalities Action Plan (The plan may be a freestanding document but may also be published as part of another document such as the school development plan) for the school, in relation to:
  - the different needs highlighted
  - reasonable adjustments to accommodate these needs

- examples of best practice
- Promote awareness of disability and provision for people with long-term needs to pupils, staff, parents and governors.
- Liaise with Local authority representatives with responsibility for: Physical Disabilities, Visual Impairment, Hearing Impairment, Pupil Referral Units, Child and Adolescent Mental Health Service (CAMHS) etc.

### **The 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 which extends to all 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 our functions, we 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.

*N.B. Where schools are concerned, age will be a relevant characteristic in considering their duties in their role as an employer but not in relation to pupils.*

What having “**due regard**” means in practice has been defined in case law and means giving relevant and proportionate consideration to the duty. 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 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.

### **Having “due regard”**

The duty to have “due regard” to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications. The significance of those implications – and the amount of thought that needs to be devoted to them - will vary depending on the nature of the decision. For example, a decision to change the time of school assembly is unlikely to have a significant impact on any particular group. On the other hand, deciding when and where to have a school trip may raise a range of considerations: are the facilities for boys and girls equivalent; are they accessible to disabled pupils; does the date cut across any religious holidays and so exclude some pupils, and so on.

The duty only needs to be implemented in a light-touch way, proportionate to the issue being considered.

## **What compliance with the specific duties will mean for Straits**

The specific duties are meant to help public bodies fulfil their obligations under the general duty. They are designed to be flexible, light-touch and proportionate rather than being bureaucratic or a “tick-box” exercise. The emphasis is on transparency - making information available so that the school’s local community can see how the school is advancing equality in line with the PSED, and what objectives it is using to make this happen.

The specific duties regulations require us:

- (a) to publish information to demonstrate how we are complying with the Public Sector Equality Duty, and
- (b) to prepare and publish equality objectives.

We will publish objectives at least once every four years and update the published information at least annually.

The Equality Duty is proportionate, and complying with it will look different for organisations of different sizes and with different levels of resources. Therefore, in terms of publishing information and setting equality objectives, the requirements of the duty will not be the same for a small primary school as they are for a large secondary school.

Data about employees will not need to be published where a public authority has fewer than 150 employees. [This means that, at Straits, only pupil-related data will need to be published.](#)

The government is clear that the new duties should not be overly burdensome on schools. Schools will not be required to collect any statistical data which they do not already collect routinely. A large amount of data is already collected by schools – Analyse School Performance, which presents performance data for individual schools broken down by a number of relevant characteristics (sex, race, and also SEN which can be seen as a rough proxy for disability) and which includes comparative analysis with national statistics and with comparable schools, will be a particularly useful source.

It is also important to note that the published information does not necessarily have to be statistical data. Many other kinds of information can be used to show how the school is promoting equality, such as publishing its policies online.

[At Straits our policies - available through the school website \(www.straitsprimaryschool.com\) or through the school office - demonstrate how the school is promoting equality.](#)

Under specific duties set out in previous equality legislation, schools were required to produce equality schemes in relation to race, disability and gender. Under the new specific duties there are no requirements to create equality schemes.

### **Publishing information**

Information relevant to showing how each of the three limbs of the duty is being addressed at Straits Primary School.

### **Eliminating discrimination and other conduct that is prohibited by the Act**

Evidence that the school is aware of the requirements of the Act and determined to comply with the non-discrimination provisions is demonstrated through:

- [Our school policies - for example - behaviour, Child on Child abuse, admissions, equality, pay, SEN](#)
- [Staff and Governor Meeting Minutes \(Full Governing Body and Committees\) where the importance of avoiding discrimination and other prohibited conduct is noted.](#)
- [Staff training records detailing any training relating to the Equality Act.](#)
- [Parent and Pupil letters/questionnaires and follow up actions.](#)

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

Advancing equality of opportunity involves, in particular:-

- (a) 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);
- (b) taking steps to meet the particular needs of people who have a particular characteristic.
- (c) 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 activities).

### **Straits Primary School Evidence:**

- Attainment data (ASP, school's own data) which shows how pupils with different characteristics (e.g. boys or girls, SEN groups) are performing, in particular in helping to identify whether there are areas of inequality which may need to be addressed.
- School Development Planning/School Buildings Plan - show that due regard is being had to the importance of advancing equality of opportunity. This will include information about the steps we have taken in response to their analysis of the available data – for example special steps taken to help boys improve their performance in writing. This is evidenced through the SDP, Monitoring Notes and reports to the Governing Body.

## **Fostering good relations across all characteristics - between people who share a protected characteristic and people who do not share it**

Straits Primary School evidence to show we are fostering good relations:

- Aspects of our curriculum which promote equality, tolerance and collaboration.
- Promotion of our School Pathways and British Values.
- Topics which develop an understanding of a range of religions or cultures.
- Our behaviour and Child on Child abuse policies.
- Assemblies dealing with relevant issues and values.
- Projects which we have involvement with the local communities (e.g. school council).

### **Engagement**

To ensure we are addressing equality issues, we will consult and engage both with people affected by our decisions - parents, pupils, staff, members of the local community – and with people who have special knowledge which can inform the school's approach, such as disability equality groups and other relevant special interest organisations. This will be completed on a four-year cycle and will be included in the published material showing how the duty has been addressed.

### **Publishing Information**

The PSED does not specify a format for schools to publish equality information. The regulations are not prescriptive and it will be entirely up to schools to decide how they publish the information, so long as it is accessible to those members of the school community and the public who want to see it.

At Straits we will publish this policy and our equalities action plan on our website, where information and links to other useful websites or information are available.

### **Equality Objectives**

Schools are free to choose the equality objectives that best suit their individual circumstances and contribute to the welfare of their pupils and the school community. Objectives are not intended to be burdensome or a 'tick box' exercise, but they do need to be specific and measurable. They should be used as a tool to help improve the school experience of a range of different pupils. A school should set as many objectives as it

believes are appropriate to its size and circumstances; the objectives should fit the school's needs and should be achievable.

At Straits our objectives will be selected after we have:

- Gathered information from the school community through an audit and analysis of current provision, participation and outcomes. This will be completed every four years and will include pupils, staff, parents and other stakeholders.
- Analysed school data (ASP, school's own data)
- Reviewed and Monitored the School Development and Buildings Plans.

This will enable us to:

- develop, define and promote an Equalities Action Plan (The plan may be a freestanding document but aspects may also be published as part of another document such as the school development plan) for the school, in relation to:
  - the different needs highlighted
  - reasonable adjustments to accommodate these needs
  - examples of best practice
- promote awareness of equality and provision for people with long term needs to pupils, staff, parents and governors.
- Liaise with Local authority representatives with responsibility for: Physical Disabilities, Visual Impairment, Hearing Impairment, Pupil Referral Units, SEN, Child and Adolescent Mental Health Service (CAMHS) etc.

Some examples might be:

- to increase participation by disabled pupils in after school activities;
- to increase understanding between religious groups;
- to raise attainment in English for boys;
- to encourage girls to consider non-stereotyped activity choices;

Publication of information in future years should include evidence of the steps being taken and progress made towards meeting the equality objectives that we have already set ourselves.

### **Education Specific Employment Provisions**

All of the protected characteristics, including age, are covered by the employment provisions of the Act.

As an employer, we must not discriminate against a potential employee in respect of whether to offer a job or the terms on which we offer a job and we must not discriminate against an existing employee in respect of the benefits facilities and services we offer to our employees including training opportunities, promotion or dismissal. For example, we must not demand higher/better qualifications from female applicants for teaching posts than we do for male applicants. We could not dismiss a black teacher who was discovered using school facilities for personal use if we also discovered a white teacher using the same facilities but did not dismiss them – unless the reason for the different treatment could be demonstrated to be something other than their race. Harassment against potential or existing employees in relation to any of the protected characteristics is also unlawful, as is victimisation of any person who has done a protected act.

We as employers are under the same duties to make reasonable adjustments in relation to disability for our employees or potential employees as we are for our pupils. We must make reasonable adjustments to arrangements or practices to alleviate disadvantage and must also take reasonable steps to provide any necessary auxiliary aids and services. We are also under the duty to consider alterations to physical features of the school where that is reasonable to avoid disadvantage caused by disability.

A new provision introduced by the Act makes it unlawful for us, as 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. There are potential implications in relation to establishing teachers' fitness and ability to teach (as required by the Health Standards (England) Regulations 2003). We must consider how we are complying with both the Health Standards Regulations and Section 60 of the Equality Act.

In addition, these provisions will also affect recruitment practices under the Safeguarding Children and Safer Recruitment in Education Guidance which advises schools to seek out past sickness records of candidates before interview. In order to ensure compliance with these new provisions, we are advised not to seek out past sickness records until we have made a conditional job offer.

**Review**

The Headteacher, Full Governing Body (delegating some aspects to the Finance and Personnel or Buildings committees) will ensure that provision is reviewed every four years, or sooner if changes occur that affect this policy.

**Headteacher** .....

**Chair of Full Governing Body Committee** .....

**Agreed at Full Governing Body meeting on** .....