



Stonesfield Primary School
Learning together to achieve our best

EQUALITY POLICY
July 2021
Review: July 2024

This Equality Policy sets out the school's approach to promoting equality and diversity in line with legislative requirements of the 2010 Equality Act.

The Equality Act 2010 replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act, and provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful.

The Equality Act introduced a single equality duty and this is known as the public sector Equality Duty, which came into force on 5 April 2011.

The Equality Duty covers the following protected characteristics:

- Disability
- Gender Reassignment
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour or nationality
- Religion or Belief – includes lack of belief
- Sex (referred to previously as gender and includes issues of transgender)
- Sexual Orientation The protected characteristics of 'Age' and 'Marriage and Civil Partnership' apply to schools as employers, but not with regard to the treatment of pupils or prospective pupils.

The Equality Duty has three aims and requires schools to show how they are meeting these by giving due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it

We have a statutory duty to show due regard for these aims in our decision making by doing the following.

- Removing or minimising disadvantages suffered by children and adults who share a relevant protected characteristic that is connected to that characteristic.

- Take steps to meet the needs of children and adults who share a relevant protected characteristic that is different from the needs of people who do not share it
- Encourage children and adults who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Definitions within The Equalities Act

Race Equality.

The definition of race includes colour, nationality and ethnic or national origins. The 2010 Act states that, *'Schools need to make sure that pupils of all races are not singled out for different and less favourable treatment from that given to other pupils. Schools 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 a selective school to impose a higher standard for admission to applicants from an ethnic minority background, or for a school to impose stricter disciplinary penalties on African Caribbean boys than they do in similar circumstances to children from other backgrounds.'* Segregation of pupils by race is always direct discrimination. It would thus be unlawful for a school 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 schools 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.'

Disability

The Equality Act 2010 states, *'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'*.

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:

- 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 Special Educational Needs (SEN) Statements.

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.

Unlawful Behaviour with Regard to Disabled Pupils Direct Discrimination:

A school 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:

A school 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 being admitted to the school – unless they can show that it is done for a legitimate reason, and is a proportionate way of achieving that legitimate aim.

Discrimination arising from disability:

A school 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. Like indirect discrimination, discrimination arising from disability can potentially be justified.

Harassment:

A school must not harass a pupil because of his disability – for example, a teacher shouting at the pupil because the disability means that he is constantly struggling with class-work or unable to concentrate.

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.

Schools must implement accessibility plans which are aimed at:

- Increasing the extent to which disabled pupils can participate in the curriculum.

- Improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided.
- Improving the availability of accessible information to disabled pupils. Schools will also need to have regard to the need to provide adequate resources for implementing plans and must regularly review them. An accessibility plan may be a freestanding document but may also be published as part of another document such as the School Development Plan.

OFSTED inspections may include a school's accessibility plan as part of their review.

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. These definitions are fairly broad and the concepts of religion and belief therefore must be construed in accordance with Article 9 of the European Convention on Human Rights and with existing case law. This means that to benefit from protection under the Act, a religion or belief must have a clear structure and belief system, and should have a certain level of cogency, seriousness and cohesion, and not be incompatible with human dignity.

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. It is not however intended to include political beliefs such as Communism or support for any particular political party. Lack of religion or belief is also included in the definition of 'religion or belief'. This means it will be unlawful 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, their lack of religion or belief, or the religion or belief, or lack of it, of someone else with whom they are associated. The Equality Act makes it clear that, *'unlawful religious discrimination can include discrimination against another person of the same religion or belief as the discriminator. This is to ensure that any potential discrimination between, e.g. Orthodox and Reform Jews, or Shia and Sunni Muslims, would also be unlawful. So if a Muslim pupil is not chosen for a part in a school play because it is thought to be inappropriate for a girl of that faith, that will be discrimination even if the decision was taken by a Muslim teacher. Nor could a Muslim teacher choose one Muslim pupil over another for a part in the play because he thinks the chosen pupil is a more observant member of his faith and should be rewarded'*.

The definition of discrimination on grounds of religion or belief does not address discrimination on any other ground (such as race, sex or sexual orientation). The Act does not allow a teacher to discriminate against a pupil because of his own personal religious views about homosexuality or the role of women for example.

Sex/Gender

The 2010 Act states that, *'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 a school to require girls to learn needlework while giving boys the choice between needlework and woodwork classes'*. 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 a mixed school to have a boys only football team, the school would still have to allow girls equal opportunities to participate in comparable sporting activities.

The judgment on whether girls would be at a physical disadvantage needs to take into account the particular group in question, so it is much less likely to justify segregated sports for younger children. Where separate teams exist, it would be unlawful discrimination for a school to treat one group less favourably – for example by providing the boys' hockey or cricket team with much better resources than the girls.

Sexual Orientation

The Equality Act places a requirement on schools 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 a school to refuse to let a gay pupil become a prefect because of his sexual orientation

REVIEW OF PROGRESS AND IMPACT

The Equality Policy has been agreed by our Governing Body. We recognise that the strength of this policy depends upon ensuring that everyone is actively implementing it, and that gaps and the need for further development will arise from effective evaluation. The school will routinely collect and analyse evidence and data on children's achievement, attendance and participation by sex, SEND and disadvantaged. The school will also collect and analyse evidence and data relating to other protected characteristics when the cohort size is statistically significant or if there are concerns. The school will use this information to ensure that all groups of pupils are making the best possible progress, and take appropriate action to address any gaps.

The school has a rolling programme for reviewing policies and their impact. In-line with legislative requirements, equality objectives will be set out annually in an Equality Plan. These objectives will be reviewed annually and published in a Public Sector Equality Duty Statement along with a summary of the school's actions during the previous year to meet the Equality Act. The Equality Policy will be reviewed every three years.

In order to meet the statutory requirements to publish a Single Equality Plan, we will:

- Publish our Equality Policy, Equality Plan and Public Sector Equality Duty Statement on the school website;
- Raise awareness of the above through the school newsletter, assemblies, staff meetings and other communications;
- Make sure hard copies are available.