



# **EQUALITY POLICY**

## **2021-2023**

**Effective Date:**

**Last Reviewed: March 2021**

**Reviewed by: Miss K Hayward**

**New Review Date: April 2023**

## Legislation and Guidance

On 1 October 2010, the Equality Act 2010 replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It has consolidated this legislation and also provides some changes that schools and academies need to be aware of.

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
- 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 because of their:

- sex
- race
- disability
- religion or belief
- sexual orientation
- gender reassignment
- pregnancy or maternity
- age
- marital and civil partnership status

These are termed '*Protected Characteristics*'. For schools, age will be a relevant characteristic in consideration of their duties only in their role as an employer, and not in relation to pupils.

## Guidance

The DfE have produced some very useful guidance for schools and academies on equality (published February 2013 updated 2018):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/269341/Equality\\_Act\\_2010\\_-\\_advice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269341/Equality_Act_2010_-_advice.pdf)

The Equality and Human Rights Commission (EHRC) has developed detailed technical guidance for schools and academies:

<http://www.equalityhumanrights.com/advice-and-guidance/education-providers-schools-guidance/>

## Public Sector Equality Duty

Moggerhanger Primary School will need to ensure that in addition to implementing an Equality Policy, the school complies with 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 schools, and which extends to all protected characteristics.

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

The Government has also introduced new Specific Duties to help Public Bodies meet their obligations under the Public Sector Equality Duty. The specific duties regulations require schools and academies:

**a) To publish information to demonstrate how they are complying with the Public Sector Equality Duty; and**

*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 - RAISE online, which presents performance data for individual schools and academies broken down by a number of relevant characteristics (sex, race, and also SEND which can be seen as a rough proxy for disability) and which includes comparative analysis with national statistics and with comparable schools and academies, will be a particularly useful source.*

**b) To prepare and publish 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. The DfE provides some examples:*

- *to increase participation by black pupils in after school/academy activities*
- *to narrow the gap in performance of disabled/disadvantaged pupils*
- *to reduce exclusion rates for black boys*
- *to increase understanding between religious groups*
- *to reduce the number of homophobic incidents*
- *to raise attainment in English for boys*

It is suggested that schools and academies publish this information and their objectives, together with the Equality Policy and other equality related policies, on an equalities section of their website.

The DfE Guidance linked above includes useful information on how to comply with these duties.

# Equality Policy

## 1. Introduction

Moggerhanger Primary School is a school for girls and boys aged from 3 - 11 years. The School welcomes staff, workers, volunteers, pupils, parents/guardians, applicants and governors from all different ethnic groups and backgrounds. The School provides for pupils of different abilities and who are wholly or mainly drawn from the area in which the School is situated. The term School Community includes staff, governors, pupils, parents/guardians, visitors and volunteers.

**The School's aims:** The School recognises the benefits of having a diverse School Community, with individuals who value one another, and the different contributions everyone can make. Pupils will be taught to value and respect others. The School is committed to being an equal opportunities education provider and is committed to equality of opportunity for all members of the School Community. In the provision of equal opportunities, the School recognises and accepts its responsibilities under the law and opposes discrimination on the basis of:

- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief (including lack of religion or belief)
- gender
- sexual orientation and (in the case of adult members of the School Community)  marital or civil partnership status
- age

These can be called the **Protected Characteristics**. The School also opposes all bullying and unlawful discrimination on the basis that a person has a special educational need or learning difficulty, or because English is an additional language.

### Association

The school recognises that it is 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 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.

### Perception

The school recognises it is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken.

The School aims to ensure that all policies and practices conform with the principle of equal opportunities and comply with the Public Sector Equality Duty set out in Section 149 of the Equality Act 2010.

**Publication:** This policy will be available on the School's website and on request from the main office. This policy can be made available in large print or other accessible format if required.

**Related policies:** This equal opportunity policy is consistent with all of the School's policies, including the admissions policy, policy on discipline and behaviour, uniform policy, anti-bullying policy, disability policy, SEND policy and our accessibility plan.

## 2. Policy Statement

**Scope:** This policy applies to all members of the current and prospective School Community. There is also an equal opportunities policy for staff in the staff handbook.

**Policy aims:** Through the operation of this policy we aim to:

- communicate the commitment of the School to the promotion of equal opportunities
- promote equal treatment within the School for all members of the School Community
- create and maintain an open and supportive environment which is free from discrimination
- foster mutual tolerance and positive attitudes so that everyone can feel valued within the School
- remove or help to overcome barriers for pupils where they already exist
- ensure that there is no unlawful discrimination against any person on any ground listed under Protected Characteristics above
- make it clear that, and ensure, that all discriminatory words, behaviour and images are treated as unacceptable
- take reasonable steps to avoid putting disabled people at a substantial disadvantage (the **Reasonable Adjustments** duty)
- set out how we will publish information to demonstrate our equality commitments □ set out details about our school equality objectives

## 3. Public Sector Equality Duty

The School is committed to promoting equality and when carrying out our functions, in accordance with the Public Sector Equality Duty, we will have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and those without
- foster good relations between people who share a protected characteristic and those who do not

We also:

- publish information to demonstrate how we are complying with the Public Sector Equality Duty; and prepare and publish school equality objectives

Our equality information and objectives are published on our school website. We publish the information at least annually and we publish new objectives at least every four years.

#### 4. Forms of Discrimination

**Types:** Discrimination may be direct or indirect, or arising from disability and it may occur intentionally or unintentionally.

**Direct discrimination:** Direct discrimination occurs when a person is treated less favourably than another person because of a protected characteristic as set out above. For example, rejecting an applicant of one race because it is considered they would not "fit in" on the grounds of their race would be direct discrimination. Direct discrimination also occurs when a person is treated less favourably because of their association with another person who has a protected characteristic (other than pregnancy or maternity). For example, if a pupil is harassed or victimised because a sibling is disabled, this would be direct discrimination against that pupil.

**Indirect discrimination:** Indirect discrimination occurs where an individual is subject to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of, for example, their sex or race. For example, a minimum height requirement would be likely to eliminate proportionately more women than men. If these criteria cannot be objectively justified for a reason unconnected with gender, they would be indirectly discriminatory on the grounds of gender.

**Discrimination arising from disability:** Discrimination arising from disability occurs when a disabled person is treated unfavourably because of something connected with their disability and the treatment cannot be shown to be proportionate means of achieving a legitimate aim. For example, where a pupil with cerebral palsy who is a wheelchair user is told they will be unable to attend a school trip because there is no wheelchair access available and other options are not investigated.

#### 5. Admission

**Applicants:** The School accepts applications from, and admits pupils irrespective of their Protected Characteristics and will not discriminate on these grounds in the terms on which a place is offered, subject to Section 9, below. The School will treat every application in a fair, open-minded way.

**Admissions policy:** The School's admissions policy reflects the School's approach towards equal opportunities and is consistent with this policy.

#### 6. Education and Associated Services

**Equal access:** The School will afford all pupils equal access to all benefits, services, facilities, classes and subjects including all sports, irrespective of their Protected Characteristics, subject to considerations of safety and welfare as set out below.

**Positive action:** The School may afford pupils of a particular racial group, or pupil with a disability or special educational needs, access to additional education or training to meet the special needs of the pupil in that group.

**Exclusions:** The School will not discriminate against any pupil by excluding him or her from the School, or by subjecting him or her to any other detriment, on the grounds of his or her Protected Characteristics, subject to Section 9 of this policy.

**Teaching and School materials:** Efforts are made to recognise and be aware of the possibility of bias (for example gender or racial), so that this can be eliminated in both the School's teaching and learning materials and teaching styles. Materials are carefully selected for all areas of the curriculum so as to avoid stereotypes and bias.

**Pupil interaction:** All pupils are encouraged to work and play freely with, and have respect for, all other pupils, irrespective of their Protected Characteristics, subject to considerations of safety and welfare. Positive attitudes are fostered towards all groups in society through the curriculum and ethos of the School, and pupils will be encouraged to question assumptions and stereotypes.

**Bullying:** The School will not tolerate bullying or cyberbullying for any reason. Specific types of bullying include:

- bullying relating to race, religion, belief or culture
- bullying related to SEND, learning difficulties or disabilities
- bullying related to appearance or health conditions
- bullying relating to sexual orientation
- bullying of young carers or looked after children or otherwise related to home circumstances □ sexist or sexual bullying

The School's anti-bullying policy contains more details about the School's anti-bullying practice.

## 7. School Uniform

The School uniform policy is consistent with this policy. The same School uniform policy applies equally to all pupils, irrespective of their gender, gender reassignment, race, disability, sexual orientation, religion or belief or special educational needs, subject to considerations of safety and welfare.

However, the School will consider reasonable requests to alter the School uniform, for example for genuine religious requirements and reasonable adjustments for disabled children.

**Disabled pupils:** Reasonable adjustments may be required to the School uniform for disabled pupils who require them. The pupil or his or her parents/guardians should refer the matter to the Executive Principal to ensure all reasonable adjustments are made to accommodate the pupil.

## 8. Religious Belief

**Religion:** The School respects the right and freedom of individuals to worship in accordance with any faith, or no faith, subject always to their respecting the rights and freedoms of the School Community as a whole and considerations of safety and welfare.

## 9. Disability and Special Educational Needs

**Our approach:** We are an inclusive School which welcomes members of the School Community with disabilities and special educational needs. We maintain and drive a positive culture towards inclusion of disabled people and those with special educational needs in all the activities of the School and we will not treat a member of the School Community less favourably on these grounds without justification. At present, our facilities, physical and otherwise, for the disabled and those with special educational needs are limited. However, we will do all that is reasonable to ensure that the School's curriculum, ethos, culture, policies, procedures and premises are

made accessible to everyone. Our disability policy and special educational needs policy are consistent with this policy. For a copy of these policies please contact the main office.

**Definitions:** Children have 'special educational needs' if they have a learning difficulty which calls for special educational provision to be made for them. A disability is a physical or mental impairment which has a "*substantial and long-term adverse effect*" on a person's ability to carry out normal day-to-day activity (Equality Act 2010).

**Reasonable adjustments:** The School has an on-going duty to make reasonable adjustments for disabled pupils and pupils with special educational needs in respect of the education and associated services provided, to ensure that such pupils are not placed at a substantial disadvantage in comparison with other pupils. This is a broad expression that covers all aspects of school life, for example: the curriculum, classroom organisation and timetabling, access to school facilities, clubs and visits, school sports and school policies.

Reasonable adjustments may typically include:

- making arrangements for a child in a wheelchair to attend an interview in an accessible ground floor room
- allowing extra time for a dyslexic child to complete an entrance exam
- providing examination papers in larger print for a child with a visual impairment
- rearranging the timetable to allow a pupil to attend a class in an accessible part of the building arranging a variety of accessible sports activities. The school is not legally required to make adjustments which include physical alterations such as the provision of a stair-lift or new ground floor facilities, or a new library

In making reasonable adjustments, the School is required to provide auxiliary aids and services for disabled pupils. The School will carefully consider any proposals made by parents/guardians and will not unreasonably refuse any requests for such aids and services.

**Informing the School:** Parents/guardians of pupils should notify the Executive Principal, in writing, if they are aware or suspect that the pupil (or prospective pupil) has a disability, or if they (either parent/guardian), the pupil (or prospective pupil), or any close relations have at any time had, or has a learning difficulty.

Parents/guardians should provide copies of all written reports and other relevant information upon request.

Providing the School with such information will enable the School to support the pupils as much as possible. Confidential information of this kind will only be communicated on a "need to know" basis. The School will have due regard to any request made by a parent/guardian or pupil (who has sufficient understanding of the nature and effect of the request) to treat the nature or existence of the person's disability as confidential.

**Access:** The School will monitor the physical features of its premises to consider whether disabled users of the premises are placed at a substantial disadvantage compared to other users. Where possible and proportionate, the School will take steps to improve access for disabled users of the premises. The School has an Accessibility Plan, which is reviewed annually and is available on request from the main office.

## 10. Pupils with Statements of Special Educational Needs

The School's policy on special educational needs includes details about the welfare and educational provision for pupils with Statements of Special Educational Needs.

## 11. Pupils with English as an Additional Language (EAL)

**English as an Additional Language (EAL):** Pupils with English as an additional language will receive additional learning support if necessary. The School will consult with the pupil and the parents/guardians as appropriate. Linguistic diversity is positively recognised.

**Language and culture:** The School will ensure that:

- home-school links are made to involve parents/guardians directly in the work of the School
- interpretation and translation services are made available as quickly as possible
- links are established within the local community
- staff work effectively with other local services
- learning support for ethnic minority pupils is efficient and effective
- provision is made for the spiritual, moral, social and cultural education, supported by appropriate resources and information
- pupils' names should be accurately recorded and correctly pronounced. Pupils should be encouraged to accept and respect names from cultures other than their own

## 12. Responsibilities

All members of the School Community are expected to comply with this policy and therefore to treat others with dignity at all times.

**Overall responsibility:** The Board of Governors has overall responsibility for the effective operation of the School's equal opportunities policy and for ensuring compliance with the relevant statutory framework prohibiting discrimination. The Board of Governors has delegated to the Executive Principal day-to-day responsibility for operating the policy and ensuring its accessibility, availability, maintenance and review.

**Management:** Those working at a management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote the aims and objectives of the School with regard to equal opportunities in light of the Public Sector Equality Duty.

**Senior management:** The senior management team is responsible for ensuring that appropriate arrangements to monitor the performance of potentially disadvantaged pupils are in place. Arrangements include:

- identifying and investigating any patterns in exclusions and poor attendance
- monitoring differences in attitudes to the School, work and other pupils
- addressing harassment and bullying
- evaluating performance among different groups
- the impact of any additional support

## 13. Monitoring and Review

**Monitoring:** To ensure that this policy is operating effectively with respect to admissions, and to identify those sections of the local community which may be under-represented in the School, the School monitors applicants' gender, race, disability and religion or belief as part of the Admissions procedure. We also monitor achievement, exclusions and bullying incidents against gender, race, disability and special educational need. We maintain records of this data in an anonymised format for the purposes stated in this policy.

**Review:** The Executive Principal is responsible for the ongoing monitoring and regular analysis of the data monitored in accordance with this policy and will arrange for the taking of appropriate positive steps to eliminate unlawful direct and indirect discrimination where necessary. The Executive Principal is also responsible for reviewing whether the aims of this policy are carried out throughout all areas of the School and taking appropriate action where necessary. This policy is reviewed annually by the Executive Principal. Recommendations for any amendments are reported to the Board of Governors.

#### **14. Reporting and Recording Incidents of Discrimination**

**Questions about this policy:** If you have any questions about the content or application of this policy, you should contact the Executive Principal.

**Complaints:** If you believe that you have received less favourable treatment on any of the unlawful grounds listed above, or if you feel that this policy has been breached in any way to your detriment you are encouraged to raise the matter through the School's formal Complaints Procedure. For a copy of the School's complaints procedure, please refer to the School's website. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the complaints procedure.

**Reports:** If you would like to report a breach of this policy that does not constitute a complaint under one of the grounds listed above, please contact the Executive Principal.

**Enforcement:** We will treat seriously and urgently investigate every complaint and report. Disciplinary action may be taken against any member of the School Community who is found to have acted in contravention of this policy.

**Record:** All reported breaches of this policy will be recorded and this record will be reviewed annually by the Executive Principal.