Bradshaw Primary School

Equality Policy

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1. Introduction

1.1 The academy undertakes to meet all its statutory obligations in relation to the Equality Act 2010 (which replaced previous equality legislation including the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act).

1.2 The Equality Act 2010 constitutes a single, consolidated source of discrimination law, covering all types of discrimination which are unlawful. Its introduction simplified the law by removing inconsistencies and anomalies that had developed over time in the existing legislation, and in certain areas it extended legal protection from discrimination.

1.3 The Equality Act 2010 replaced the previous three sets of duties on schools to promote disability, sex and race equality through the mechanism of having polices and action plans for each of these discrete categories (although many schools chose to meet these previous duties by combining the three policies into a 'single equality policy') with a new equality duty which consists of two parts: the 'general' equality duty and 'specific' equality duties.

1.4 Schools were required to comply with these updated duties from 6 April 2012, although certain duties were further enhanced and clarified by the subsequent introduction of the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

1.5 The general duty is the overarching legal requirement for public sector employers (such as schools) in relation to equality. It means they must consider how their policies, practices and day-to-day activities impact on pupils and staff, and under the general duty, such employers are required to have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between those who share a protected characteristic (as specified in the Equality Act 2010) and those who do not (this is defined in the legislation as having due regard to the need to remove or minimise disadvantages)
- foster good relations between those who share a protected characteristic and those who do not (this is defined in the legislation as having due regard to the need to tackle prejudice and promote understanding).

1.6 The two specific duties for schools aim to assist them in meeting the general duty. These duties require schools to:

- publish information (which must be updated at least annually) to show how they are complying with the equality duty
- prepare and publish at least one specific and measurable equality objective no less than every four years.

1.7 None of the information to be published (see below for definition) must be in a form from which an individual pupil, or employee, of the school can be identified.

1.8 The obligation to publish equality information and objectives is contained in the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 which came into force on 31 March 2017. These regulations clarify the requirement for schools and academies to publish equality objectives (if they have not already done so) by 30 March 2018 and to renew them no more than four years after the date on which they were last published.

1.9 In addition to ensuring compliance with legislative requirements, schools and academies should be aware not only that equality is integral to the Common Inspection Framework but also that equality and diversity are specified factors which must be taken into consideration in all of Ofsted's key judgements.

2. Purpose and scope

2.1 The academy recognises and welcomes its duties under the Equality Act 2010 as both a provider of education and as an employer.

2.2 The academy fully acknowledges that it is unlawful to discriminate against a pupil (or prospective pupil) or member of staff (or prospective member of staff) by treating them less favourably on the basis of certain protected characteristics (those defined by the Equality Act) and undertakes to observe its duties in these respects.

2.3 The academy believes that all pupils, and all members of staff, should have every opportunity to fulfil their potential regardless of their background, identity and circumstances.

2.4 The academy is committed to creating a community that recognises and celebrates difference and diversity within a culture of respect and cooperation, and fully appreciates that a culture which promotes equality will create a positive environment.

2.5 The academy believes that such an approach will foster a shared sense of belonging for all who work at, or learn in, or may otherwise be stakeholders in the academy, including those in the community who access our services in a broader sense.

2.6 The academy recognises that equality will only be achieved by the whole school community working together and that this will involve cooperation between our pupils, our staff, our governors and our parents/carers as well as other stakeholders and those with a less formal connection to the academy.

3. Definitions

3.1 The Equality Act 2010 provides protection from discrimination. Discrimination can be subdivided into several different types of unlawful behaviour, including:

- direct discrimination (this includes discrimination 'by association' and 'by perception')
- indirect discrimination
- victimisation
- harassment

plus (although these latter types only arise in relation to disability)

- discrimination arising from a disability
- failure to make reasonable adjustments for disability.

3.2 Protected characteristics under the Equality Act 2010 (the school acknowledges that certain of these may effectively be of more relevance to members of staff than to pupils/students) are, in alphabetical order, as follows:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, ethnic or national origins and nationality)

- religion or belief
- sex
- sexual orientation.

3.3 The Equality Act 2010 specifies that 'publishing' (of information) equates to making the information available in a manner that is readily accessible to the public. In relation to the school this will most often be achieved by making such information freely available on the organisation's website.

4. Guiding principles of equality

4.1 To regard all learners (and potential learners) as being of equal value.

4.2 To observe good equalities practice in all aspects of staff recruitment, retention and development.

4.3 To recognise and respect difference and diversity.

4.4 To foster positive attitudes and relationships, and a shared sense of cohesion and belonging.

4.5 To be proactive in reducing and removing inequalities and barriers that already exist.

4.6 To consult and involve widely in the belief that adherence to these principles will benefit not just the organisation itself but society as a whole.

5. Ethos and organisation

5.1 The academy has an essential ethos of inclusivity, within which diversity is positively celebrated.

5.2 The academy recognises that the promotion of equality and the fostering of good relations are the responsibility of every individual associated with the organisation.

5.3 The academy undertakes to ensure that each curriculum subject or area is kept under continual review to guarantee that teaching and learning always reflect the principles listed above.

5.4 The academy undertakes to ensure that resource allocation will always be in accordance with the principles listed above.

5.5 The academy undertakes to ensure that the principles listed above apply to the full range of our policies, practices and protocols, including (although not limited to) those that are concerned with:

- admissions
- attendance
- care, guidance and pastoral support
- pupil behaviour (including discipline and exclusions)
- pupils' personal development, welfare and wellbeing
- pupils' progress, attainment and achievement

- staff recruitment and retention
- staff training and continuing professional development
- teaching styles and strategies
- working together with parents/carers
- working together within the wider community.

5.6 The academy appreciates that treating people equally does not necessarily involve treating them all the same, and recognises that our policies, procedures and activities must not discriminate but must take account of diversity in being alert to the potential barriers and disadvantage that pupils, staff and parents/carers might variously face in relation to their possession of protected characteristics.

6. Roles and responsibilities

6.1 All members of staff have a duty to:

- be aware of equality issues
- assist in planning and delivering a curriculum which reflects the above principles
- engage with such training as may be appropriate to realise equality objectives
- promote an inclusive and collaborative ethos at all times when undertaking their work duties on school premises and/or representing the academy in any other way
- deal appropriately (in accordance with the staff handbook) with any prejudice-related incidents that may occur, including accurate recording of such incidents.

6.2 The headteacher is responsible for implementation of this policy and for ensuring that all staff are aware of their responsibilities and are provided with appropriate training and support.

6.3 The governing body is responsible for ensuring that the academy complies with equality legislation, and that this policy and its related procedures are implemented effectively.

6.4 The academy has a duty to publish information in relation to its equality duties. Much of the relevant information and analysis will relate to the school improvement plan and to evaluations of pupil data and this will be used to improve education for all groups in the academy.

6.5 The academy understands that this may involve monitoring and analysis of both pupil attendance statistics and pupil achievement by race, sex and disability, with a responsibility to take appropriate and prompt action in responding to any emerging data which establishes that additional support may be required in respect of a particular sub-group of pupils.

6.6 The academy undertakes to develop and publish (in a manner that is accessible to the public) specific and measurable objectives (to comply with the relevant legislation it is specified that an objective published by a public authority, such as a school, must be 'specific and measurable') at intervals of no more than every four years, and similarly undertakes to ensure that these objectives will be based on evidence that has been gathered in accordance with this policy.

6.7 The academy undertakes to review such objectives, and report upon progress towards them, at intervals of no more than twelve months.

6.8 The academy recognises that in establishments with less than 150 staff, the governing body will not be required to publish information in relation to their staff and is therefore only required to publish pupil-related data, although it is nonetheless acknowledged that it will be necessary to obtain appropriate information on the characteristics of the workforce to enable the academy to consider the impact of their policies and practices on those with particular characteristics and to determine whether specific objectives need to be set in relation to the workforce.

7. Other policies and procedures

7.1 This policy will be supported by the following policies and procedures:

- Disabilities accessibility plan
- School improvement plan
- SEND policy
- Employee handbook

Appendix 1: Summary of equality legislation for schools

Introduction

This appendix summarises the requirements of disability legislation, and the duty to promote community cohesion. Every aspect of school life is covered by the above equality duties, and examples of areas covered are as follows:

For **pupils*** this will include aspects such as:

- admissions and attendance
- teaching and learning, timetabling, homework, trips, visits, sports, breaks and lunchtimes, exams, clubs and extracurricular activities, and curriculum development, planning and delivery
- behaviour, discipline and sanctions, exclusions (permanent and fixed term)
- welfare and well-being
- progress and attainment.

**Pupils are defined under the Equality Act 2010 ('the Act') by the following categories:*

i. *prospective pupils (in relation to admissions arrangements)*
ii. *pupils at the school (including those absent or temporarily excluded)*
iii. *former pupils (if there is a continuing relationship based on them having been a pupil at the school).*

For **staff** this will include aspects such as:

- recruitment, selection, conditions of employment
- career progress, appraisal, CPD activities
- disciplinary, grievance, dismissal.

The duties also apply to those using the services of the school, for example parents/carers, and the wider community. The governing body carries ultimate responsibility for implementing equality legislation.

Meeting these duties

Accessibility

There is specific disability legislation in relation to disabled pupils and accessibility, and in relation to the relevant sub-group this means schools must plan strategically over time to:

- increase access to the curriculum
- make improvements to the physical environment of the school to increase access
- make written information accessible to pupils in a range of different ways.

Schools must ensure that disabled pupils do not receive treatment that is less favourable, and to satisfy this requirement of the Equality Act the school has a duty to make reasonable adjustments.

Age, sexual orientation, religion and belief

Schools must not discriminate on the grounds of age, sexual orientation or religion and belief. Age is not a protected characteristic for the school's provision in terms of pupils although it may be relevant in relation to the treatment of staff members.

Community cohesion

Schools have a responsibility to promote community cohesion, developing good relations across different cultures and different ethnic, religious (and non-religious) and socio-economic groups. This duty also includes other differences such as disability, sex, sexual orientation, etc.

Disability equality

The general duty to promote disability equality is owed to all disabled people which means that schools must have due regard to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate unlawful discrimination
- eliminate disability related harassment
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to take into consideration people's disabilities, even where that may involve more favourable treatment.

Sex equality

The general duty in this context means that schools must have due regard to the need to:

- eliminate unlawful discrimination and harassment
- promote equality of opportunity between men and women, girls and boys.

The duty also includes the need to consider actions to address the causes of any gender pay gap**.**

Transgender

Transgendered people are explicitly covered by the gender equality duty. The term transgender refers to a range of people who do not feel comfortable with their birth sex and prefer to identify as another gender. Schools must provide a supportive environment within the school community and should endeavour to respect the confidentiality of such persons, including those seeking gender reassignment (although safeguarding considerations in relation to children must always take precedence over the issue of confidentiality).

Race equality

The general duty in this context means that schools must have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups.

Public Sector Equality Duty

The Public Sector Equality Duty applies to maintained schools, academies and pupil referral units. The Duty requires public bodies to demonstrate that they are taking action on equality in relation to policies, delivery of services and public sector employment. The duty requires public bodies to take steps not just to eliminate unlawful discrimination and harassment, but also to actively promote equality of opportunity and to foster good relations. The duty also requires schools to:

- publish information to demonstrate compliance with the duty
- prepare and publish equality objectives.

Where a school has 150 or more employees, data about these employees will need to be published in addition to pupil data. In a school with fewer than 150 employees, only pupil related data will need to be published.

Socio-economic duty

A public sector duty applies to 'authorities' who, when making decisions of a strategic nature, must consider how to reduce the inequality of outcomes resulting from socio-economic disadvantage.

Equality terminology

The definitions given below relate to the terminology and provisions of the Equality Act 2010:

Protected characteristics

The Act protects people from discrimination and harassment based on the following 'protected characteristics':

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

Discrimination

Unlawful discrimination is defined in the Act as:

- direct discrimination (including discrimination based on perception or association)
- indirect discrimination
- discrimination arising from disability
- failure to make reasonable adjustments (for disabled people).

Victimisation and harassment may also represent forms of discrimination.

Direct discrimination

Direct discrimination occurs when a person is treated less favourably than another person would be treated because of a protected characteristic. A very basic example of this would be refusing to admit a child to a school as a pupil because of their race. Another basic example would be only allowing male members of staff to drive the school minibus. It is not possible to justify direct discrimination, so it will always be unlawful.

There are, however, exceptions to the schools' provisions that allow, for example, single-sex schools to only admit pupils of one sex without this being unlawful direct discrimination. There are also limited circumstances in which an employer might be able to make a case for a genuine occupational requirement for a job.

For someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected characteristic is receiving or would receive. They do not need to find an actual person to compare their treatment with but can rely on a hypothetical person if they can show there is evidence that such a person would be treated differently.

Indirect discrimination

Indirect discrimination occurs when a provision, criterion or practice (PCP) is applied in the same way for all people or for a particular group of people but this has the effect of putting people sharing a protected characteristic at a particular disadvantage. It is immaterial that there is no intent to disadvantage those with a particular protected characteristic in this way. What does matter is whether the action does, or would, disadvantage such people compared with others who do not share that characteristic.

'Disadvantage' is not defined in the Act but may be understood to mean that a reasonable person would consider that disadvantage has occurred. It can take many different forms, such as denial of an opportunity or choice, deterrence, rejection or exclusion.

Indirect discrimination will occur if **all** the following four conditions are met:

1. the provision, criterion or practice is applied (or would be applied) equally to all, including a person with a protected characteristic
2. the provision, criterion or practice puts (or would put) those sharing a protected characteristic at a particular disadvantage compared to others who do not share that characteristic
3. the provision, criterion or practice puts (or would put) the actual person (who is claiming to have been discriminated against) at a disadvantage
4. it cannot be shown that the provision, criterion or practice is justified as a 'proportionate means of achieving a legitimate aim'.

Positive action

Those with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions that enable schools to take positive action to tackle the particular disadvantage, different needs or disproportionately low participation of, for example, a particular pupil group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) schools to take proportionate action to address the disadvantage faced by particular groups of pupils.

Such action could include targeted provision of resources or putting in place additional or bespoke provision to benefit a particular disadvantaged pupil group.

Positive action is intended to be a measure that will allow schools to provide additional benefits to some pupils to address disadvantage and is not the same as positive discrimination. Positive discrimination would be providing preferential treatment for a particular disadvantaged pupil group that exceeded the positive action conditions.

It is never unlawful to treat disabled pupils (or applicants) more favourably than non-disabled pupils (or applicants). That is, a school is permitted to positively discriminate in favour of disabled pupils (or applicants).

Proportionate means of achieving a legitimate aim

To be legitimate, the aim of the provision, criterion or practice must be legal and non-discriminatory and must represent a real objective consideration.

In the context of school education, examples of legitimate aims might include:

- maintaining academic and other standards
- ensuring the health and safety and welfare of pupils.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim. Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into consideration as part of the school's justification, if there are other good reasons for adopting the chosen practice.

Provision, criterion or practice (PCP)

These are not defined in the Act but can be interpreted widely and include:

- arrangements (for example, for deciding who to admit to the school or in preparing for a school trip)
- the way that education, or access to any related benefit, service or facility, is offered or provided
- one-off decisions
- proposals or directions to do something in a particular way.

They may be written out formally or they may just have evolved over time as the school has gradually worked out the best way of achieving what it wanted to do.

Reasonable adjustments

The reasonable adjustment duty requires steps to be taken to avoid disadvantage where a provision, criterion or practice puts disabled people at a substantial disadvantage. In relation to pupils this duty is owed to existing pupils, applicants and, in limited circumstances, to disabled former pupils in respect of the following areas:

- deciding who is admitted as a pupil
- the provision of education
- access to any related benefit, service or facility.

For employees, and potential employees, the duty to make reasonable adjustments aims to make sure that, as far as is reasonable, a disabled worker has the same access to everything that is involved in carrying out (and keeping) a job as a non-disabled person.

Schools cannot justify a failure to make a reasonable adjustment: where the duty arises: the issue will be whether or not an adjustment is 'reasonable' and this is an objective question for a tribunal (in the last resort) to ultimately determine.

Appendix 2: Examples of school activities contributing to equalities best practice

Pupil attainment

- Use of ASP/RAISE online analysis to track pupil progress by different groups
- Analysis of SATs by sex
- Action points arising from analysis of pupil performance tracking, such as intervention programmes
- Activities for Gifted and Talented children

Addressing prejudice and bullying

- Anti-bullying initiatives
- Playground buddies and friends
- Use of CCTV to monitor school
- Anti-bullying policy reviewed by all pupils every year

Pupils' behaviour

- Weekly behaviour tracker in each class and pupils discuss their ratings with teachers
- All incidents are logged

Pupils' attendance

- Attendance initiatives
- Proactive schemes with parents and carers where attendance is an issue

The extent to which pupils contribute to the school and wider community

- Ensuring clubs are available to everyone and monitoring attendance
- Using adaptations and reasonable adjustments for sports and PE
- Curriculum enhancement days
- Analysis of extended school data and ability to access out of school activities

The extent of pupils' spiritual, moral, social and cultural development

- Use of global curriculum
- Assembly themes
- Multicultural week
- Involved in Black History Month etc
- Visits from different religions/denominations/faiths
- Celebrating and highlight key events, such as Paralympics, Deaf Awareness Week, Learning Disability Week, Disability Awareness Week

The effectiveness of the school's engagement with parents and carers

- Parental survey on transition
- Use of a range of media, such as website and newsletters to keep stakeholders up to date
- Headteacher blog on school website
- Analysis of attendance at family learning events held on evenings/weekends

The effectiveness of partnerships in promoting learning and well-being

- English as an Additional Language (EAL) services
- Use Parent Support Advisers to support parents/carers with EAL, disabled children, etc
- Cluster meetings to allow schools to come together for training and development

The effectiveness of the governing body in challenging and supporting the school so that weaknesses are tackled decisively and statutory responsibilities met

- Single equality scheme action plan cross-referenced with SIDP
- Governor curriculum participation – governor learning walks with HT
- Governor focus meetings

The effectiveness with which the school promotes equal opportunity and tackles discrimination

- Use of pupil attainment data to track progress by different equality groups
- Relevant learning experiences through differentiation suited to learning abilities of pupils
- Non-stereotypical gender activities are actively promoted throughout the curriculum
- All staff are aware of and act upon the school's approach to reporting incidents
- Regular feedback on progress of equality action plan to whole school community

The effectiveness with which the school promotes community cohesion

- Links with overseas schools – teachers and pupils
- Involvement in lottery funded community activities
- Plan for the future community not just the existing community
- Identify and utilise community role model
- Chair of governing body forms links with community members and involves them in the life of the school
- School twinning project

Family, community and partnership

- Explain to parents/carers the importance of supporting equality expectations via website, parents' evenings, open evenings
- Notice on display in reception/foyer stating equality/respect expectations
- Equality statement given to external providers with school's expectations in relation to equality

Staff and governors

- CPD log of all staff training activities
- Use statement about commitment to equality on all recruitment materials – job advert, application pack, etc
- Guarantee an interview to any disabled person who applies for a post at school, provided that the individual meets all the essential criteria on the relevant person specification (Positive About Disabled Scheme)