



# SMARDEN PRIMARY SCHOOL

*'Ambition, Respect, Kindness'*

## Equal Opportunities Policy

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## **Equal Opportunities Policy**

Our school is committed to all members of the school community – pupils, staff, governors and parents – having equal opportunities to develop their full potential regardless of gender, race, intellectual and physical ability or disability, social, cultural and religious identity in all aspects of the school curriculum and organisation and within the daily experiences of school life.

### **Aims:**

- To make the school a place where everyone feels welcomed and valued and all are able to access facilities, learning opportunities and events
- To create an ethos of self and mutual respect by raising awareness of each person's worth, rights and needs
- To ensure that each pupil has access to the whole curriculum and is provided with a quality of education suited to his or her needs so all are enabled to achieve and enjoy
- To challenge intolerance, prejudice and discrimination wherever it occurs within the school and community
- To promote positive images of cultural, social and religious diversity
- To prepare all members of the school for their responsibilities and active involvement in the modern world with all its diversity

### To achieve these aims we will provide:

- Learning experiences and opportunities to meet the needs of all pupils
- Differentiation to allow pupils of all abilities to achieve
- A personal and social curriculum to develop understanding, respect and tolerance
- A citizenship curriculum to develop understanding of society and community cohesion
- An ethos of respect, tolerance and equality and an appreciation and understanding of difference
- Effective role models demonstrating positive behaviour and attitudes
- Policy and procedure to underpin equal opportunities and address any incidents of discrimination or prejudice that arise
- Accessibility and awareness of the physical environment and our ability to ensure equality in access and movement around the school

### The Head Teacher will:

- Ensure the equal opportunities policy is implemented
- Have clear procedures in place to ensure that staff deal with all forms of discrimination, racist incidents, harassment and prejudice, firmly and consistently and report as required
- In the termly report to Governors, report on the pattern and frequency of racist incidents or incidents of discrimination where they occur.
- Analyse pupil data, including pupil performance, attendance and exclusions, to monitor achievement and attainment of pupils according to various factors e.g. gender, racial and ethnic backgrounds, intellectual ability and aptitude
- Ensure compliance with regulation regarding discrimination and equal opportunities (race, gender, disability)

### Governors will:

- Ensure that staff plan and deliver a curriculum that promotes and enables equality of opportunity
- Ensure that staff prepare the children for life in a multi-ethnic society, promoting race equality and harmony
- Ensure that the school has a clear behaviour policy and home-school agreement, which states the way in which we respond to racist incidences and prejudice and discrimination.
- Ensure that all policies underline our commitment to equality for all and comply with our statutory responsibility

## **PART ONE – THE LEGAL REQUIREMENTS**

# THE EQUALITY ACT 2010

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

## THE PROTECTED CHARACTERISTICS

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The Equality Act 2010 makes it is unlawful for the “responsible body” of a school to discriminate against (either directly or indirectly) an individual or group of individuals by treating them less favourably because they (or somebody they associate with) have one or more of the following characteristics:

- Sex
- Race
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Disability

The Equality Act 2010 also makes it unlawful for the “responsible body” of a school to discriminate against (either directly or indirectly) an individual or group of individuals **who are not the school’s pupils** by treating them less favourably because they (or somebody they associate with) have one or more of the above characteristic or the following characteristics:

- Age
- Marriage and civil partnership

Specifically, the “responsible body” of a school must not discriminate against a pupil or group of pupils because they have a protected characteristic (with the exception of age or marriage and civil partnerships):

- In the arrangements it makes for deciding who is offered admission as a pupil
- As to the terms on which it offers to admit a prospective pupil
- By not admitting a prospective pupil
- In the way it provides education for a pupil (but not in relation to the contents of the curriculum)
- In the way it affords a pupil access to a benefit, facility or service
- By not providing an education for a pupil
- By excluding a pupil
- By subjecting a pupil to any other detriment (including the imposition of sanctions)

The Equality Act 2010 also makes it unlawful for the “responsible body” of a school to harass or victimise an individual or group of individuals because of some of the protected characteristics, or because of something done in reliance on the Equality Act 2010, as outlined in further detail below.

The “responsible body” in an academy is its proprietor, namely the Governing Body. In practice, all persons acting on behalf of the Governing Body (including employees of the school) are personally responsible for ensuring that their actions or omissions are not discriminatory, and the Governing Body will also be responsible for the actions of

the school's employees if it cannot show that it has taken all reasonable steps to prevent the discriminatory actions or omissions being undertaken on their behalf.

The Equality Act 2010 covers discriminatory acts or admissions by the school against prospective pupils, current pupils and (in some circumstances) former pupils, as well as against parents (including non-parents with parental responsibility or care of a pupil), visitors and other people coming into contact with the school.

The Equality Act 2010 does not cover discriminatory acts by one pupil against another pupil, such as racist bullying (such behaviour by a pupil will, in any event, be a breach of the school's Behaviour Policy and be sanctioned accordingly). However, if the school is aware of a discriminatory act by one pupil against another and does nothing to prevent it, or treats the act less seriously than it would for other acts, this may in itself be a discriminatory act by the school.

## **DISCRIMINATION**

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The Equality Act 2010 defines two types of discrimination; direct and indirect:

### **Direct Discrimination**

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**Direct discrimination** occurs where an individual or group of individuals are treated less favourably than others because they or somebody they associate with have (or it is mistakenly thought that they have) a protected characteristic.

### **Indirect Discrimination**

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**Indirect discrimination** occurs when a policy, criteria or practice is applied generally to all, which has the indirect effect of discriminating against an individual or group of individuals by putting them at a disadvantage, unless there is a legitimate reason for the policy, criteria or practice and there is no other way to achieve it.

### **Disability Arising from Disability**

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There are special provisions in the Equality Act 2010 relating to disability discrimination and, in particular, a third type of discrimination called **discrimination arising from a disability**, as well as failing to make reasonable adjustments for an individual with a disability. The definition of what constitutes disability discrimination is more complex than that for the other protected characteristics, and is set out in further detail under the section relating to disability equality below.

## **HARASSMENT**

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The Equality Act 2010 makes it unlawful to harass an individual or group of individuals in relation to certain protected characteristics. Harassment is defined as an unwanted act, related to a relevant protected characteristic, which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment only applies in relation to the following protected characteristics:

- Sex
- Race

- Religion or belief (in relation to those who are **not** pupils)
- Sexual orientation (in relation to those who are **not** pupils)
- Pregnancy or maternity
- Disability
- Age (in relation to those who are **not** pupils)

Harassment does not apply to the otherwise protected characteristics of religion or belief, sexual orientation or gender reassignment in relation to pupils, however any discriminatory acts because of these characteristics are likely to be direct discrimination in any event.

## **VICTIMISATION**

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The Equality Act 2010 makes it unlawful to victimise an individual or a group of individuals in certain circumstances. Victimisation is defined as occurring when an individual or group of individuals are treated less favourably as a result of anything they have done in reliance upon the Equality Act 2010, for example by previously making an allegation of discrimination or harassment, even if it was not upheld.

Victimisation will also occur when an individual is treated less favourably as a result of anything their parent, sibling or other person has done in reliance upon the Equality Act 2010, for example where their older sibling has previously made an allegation of discrimination, even if it was not upheld.

## **POSITIVE ACTION**

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The Equality Act 2010 allows (but does not require) a school to take action to tackle disadvantages suffered by a particular group of pupils as a result of them having a protected characteristic, known as “positive action”. This does not mean that the school can give a particular group of pupils preferential treatment (which would be positive discrimination and unlawful), it merely allows the school to put in place measures which redress the balance between those with the protected characteristic and those without.

The Equality Act 2010 does, however, allow for the school to treat disabled pupils more favourably than pupils who are not disabled (positive discrimination). In some cases, schools are *required* to treat disabled pupils more favourably than pupils who are not disabled, by making reasonable adjustments for their disability and providing auxiliary aids where necessary.

## **SEX EQUALITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their sex or the sex of somebody they associate with.

Schools must not treat a pupil, parent, visitor or other person coming into contact with the school (or a group of these people) less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their sex or the sex of somebody they associate with.

## **RACE EQUALITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their race or the race of somebody they associate with. Race is defined

as including colour, nationality, ethnic or national origins, and would also include travellers whose cultural heritage is traditionally nomadic, for example gypsies and Irish travellers.

Schools must ensure that a pupil, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their race or the race of somebody they associate with. Segregation of pupils by race will always be unlawful.

## **RELIGION OR BELIEF EQUALITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their religion or belief or the religion or belief of somebody they associate with. Religion is defined as being any religion, and belief as being any religious or philosophical belief, including a lack of belief in religion (for example, humanism or atheism). Religion will include all of the major faiths, including denomination within the religion. Political beliefs are not included within the definition of religion or belief.

Schools must ensure that a pupil, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their religion or belief or the religion or belief of somebody they associate with.

## **SEXUAL ORIENTATION EQUALITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their sexual orientation, their parents' sexual orientation or the sexual orientation of somebody they associate with. Sexual orientation includes heterosexuality, homosexuality (gay or lesbian), and bisexuality.

Schools must ensure that a pupil, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their sexual orientation or the sexual orientation of somebody they associate with.

## **GENDER REASSIGNMENT EQUALITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their gender reassignment. Gender reassignment is defined as applying to anyone who is currently undergoing, has undergone or is proposing to undergo a process or part of a process of reassigning their sex to the opposite sex by changing their physical or other attributes. There is no requirement to undergo, or plan to undergo, a medical procedure – taking steps to live life as the opposite sex, or planning to live life as the opposite sex, is sufficient.

Schools must ensure that a pupil, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others because they, their parents or somebody that they associate with has undergone, is planning to undergo or is in the process of undergoing gender reassignment. Pupils must be included within a class of the sex that they identify with.

## **PREGNANCY AND MATERNITY EQUALITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of pregnancy or maternity. Maternity is defined as having had a baby within the preceding twenty-six week period, and includes breastfeeding. It is not discriminatory to treat an individual who is pregnant, has recently had a baby or is breastfeeding a baby more favourably than others who are not.

Schools must ensure that a pupil, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than another pupil or group of pupils because they are pregnant, have recently had a baby or are breastfeeding a baby.

Schools must not take any disciplinary action (including exclusion) against a pupil because they are pregnant, have recently had a baby or are breastfeeding. Schools should not authorise more than eighteen weeks' absence (or "maternity leave") from school to ensure the pupil's reintegration into education as quickly as possible following the birth of a baby.

## **DISABILITY EQUALITY**

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The overriding objective of the Equality Act 2010 is to achieve equality (equal treatment) for all people whether they have a protected characteristic or not. However, the provisions relating to disability are different to those for all of the other protected characteristics, in that it **is** lawful, and in fact is sometimes a legal requirement, to treat a disabled individual or group of individuals **more favourably** than an individual or group of individuals without a disability.

## **DEFINITION OF DISABILITY**

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The Equality Act 2010 defines disability as being where an individual or group of individuals has a physical or mental impairment which has a substantial and long term adverse effect (lasting or recurring, or likely to last or recur, for at least twelve months) on their ability to carry out normal day to day activities.

Some conditions such as being HIV positive, or having multiple sclerosis or cancer, are automatically deemed to have a disability regardless of their effect or longevity. Severe disfigurement will also come within the definition of disability (disfigurement by tattooing or piercing is excluded). Those that are certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist are automatically deemed to have a disability.

Others conditions are not deemed to be a disability, such as addiction to alcohol (unless it is a symptom of a psychiatric illness lasting or recurring for at least twelve months), legal or illegal substances (unless medically prescribed as treatment), fire-setting, kleptomania, a tendency towards violence or sexual abuse of others. Hay fever sufferers are not deemed to have a disability; however hay fever may be taken into account where it aggravates the effect of another medical condition.

## **DIRECT DISABILITY DISCRIMINATION**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be directly discriminated against or harassed because of their disability.

Schools must ensure that a pupil or group of pupils are not treated less favourably than another pupil or group of pupils, because of their disability, their parents' disability or the disability of somebody they associate with.

Schools cannot justify directly discriminating against a pupil or group of pupils with a disability by maintaining that their discriminatory act was a proportionate means of achieving a legitimate aim, as was the case under previously disability discrimination legislation.

It is **not** unlawful for a school to treat a disabled pupil or group of pupils **more** favourably than another pupil or group of pupils who are not disabled. This is positive disability discrimination and is lawful.

## **INDIRECT DISABILITY DISCRIMINATION**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be indirectly discriminated against because of their disability, by the implementation of a provision, criterion or practice applied generally to those with or without the disability, unless there is a legitimate reason for the provision, criterion or practice and there is no other way to achieve it.

Schools must ensure that a pupil or group of pupils are not put at a disadvantage by the implementation of a school provision, criterion or practice which applies to all pupils because of their disability, unless they can show that it was implemented for a legitimate reason and was proportionate way of achieving the legitimate aim.

## **DISCRIMINATION ARISING FROM DISABILITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against because of **something arising in consequence of their disability**, unless there is a legitimate reason for discriminatory act and there is no other way to achieve it, and provided that the discriminator knew, or should have known, about the disability.

Schools must ensure that a pupil or group of pupils are not treated less favourably because of something arising in consequence of their disability, unless they can show that there was a legitimate reason for the less favourable treatment and there was no other way of achieving the legitimate aim.

## **REASONABLE ADJUSTMENTS FOR DISABILITY**

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The Equality Act 2010 requires "reasonable adjustments" to be made for individuals suffering from a disability.

Schools have the following duties:

- **Where a provision, criterion or practice places a disabled pupil or group of pupils at a substantial disadvantage compared to pupils who are not disabled, reasonable steps must be taken to avoid that disadvantage;**



- **Where a disabled pupil or group of pupils would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with pupils who are not disabled, the school must take reasonable steps to provide the auxiliary aid.**

An “auxiliary aid” includes equipment and services. The Equality Act 2010 does not provide a definition of “auxiliary aids”, however the dictionary definition includes helpful, supporting, assistant things or persons. Where a piece of equipment is necessary for all aspects of a pupil’s life rather than being required in an educational context only (for example, hearing aids), it is likely that it would be considered unreasonable for a school to be expected to provide these.

Factors which a school may consider when considering whether the provision of an auxiliary aid to a disabled pupil is reasonable include the financial or other resources required, its effectiveness, its affect upon other pupils and health and safety requirements.

Where a pupil with Special Educational Needs (SEN) is already being provided with an auxiliary aid as part of their SEN provision, there is no need for the school to provide the auxiliary aid as part of their “reasonable adjustment” duty. Schools should not, however, assume that an auxiliary aid is not required under their “reasonable adjustment” duty for a pupil with SEN simply because it is not being provided under their SEN provision. In addition, where a school determines that it is unreasonable to provide an auxiliary aid (perhaps, for example, on the grounds of cost), it is not necessarily reasonable for the local authority to refuse to provide the auxiliary aid.

## **AGE EQUALITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their age, unless it can be shown that it is a proportionate means of achieving a legitimate aim. Age is widely defined as being either of a particular age or as being within an age group.

Schools must ensure that a parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their age or age group, or the age or age group of somebody they associate with, unless they can show that there was a legitimate reason for treating them less favourably, and there was no other way to achieve it.

Schools are **not** under a duty not to treat pupils less favourably because of their age or age group.

## **MARRIAGE AND CIVIL PARTNERSHIP EQUALITY**

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The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of they are married or in a civil partnership.

Schools must ensure that a parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of they or somebody they associate with are married or in a civil partnership.

Schools are **not** under a duty not to treat pupils less favourably because they are married or in a civil partnership.

## SINGLE SEX SPORT

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The Equality Act 2010 contains an exception allowing for single sex sports, games or other activities of a competitive nature, where the physical strength, stamina or physique of the average female pupil would put her at a disadvantage in competition with the average male pupil. However, schools must still allow pupils of both sexes to have an equal opportunity to participate in the same sporting activities.

## THE CURRICULUM

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The contents of the school curriculum is exempt under the Equality Act 2010 to allow schools to explore a full range of issues, ideas and materials, to expose its pupils to thoughts and ideas of all kinds, however controversial, without fear of legal challenge. However, the way in which the school delivers the curriculum to its pupils remains subject to the Equality Act 2010.

## ASSEMBLIES

Schools are free to hold assemblies based upon one religion without acting unlawfully by not providing an equivalent service for other religions. Schools are also free to celebrate any religious festivals of their choosing without acting unlawfully by offending those of another religion.

## RELIGIOUS FREEDOM

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Article 9 of the European Convention on Human Rights and Fundamental Freedoms provides:

- 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.*
- 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

While a pupil has the right to manifest their religion or belief by, for example, by wearing a specific item of jewellery or clothing, this must be permitted by the school where:

- The act is in fact a manifestation of the pupil's religion or belief (the act does not need to be a *requirement* of the religion or belief, but there must be a sufficiently close link between the act and the religion or belief<sup>1</sup>);

**and;**

- If the act *is* in fact a manifestation of the pupil's religion or belief, there is no justification in the school interfering with the pupil's right to do so.

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<sup>1</sup> Following the ruling by the European Court of Human Rights in the *Eweida case*, which may subsequently be overruled and will therefore be kept under review.

In deciding whether the school is justified in interfering with a pupil's right to manifest their religion or belief, for example, by wearing a specific item of jewellery or clothing, the school should weigh up how important it is to the pupil to manifest their religion or belief in this way against the school's own considerations, for example the value in a school uniform policy being adhered to in encouraging pride in the school, enabling pupils to feel comfortable in the school environment, ensuring a sense of cohesion in the school, and protecting pupils from feeling pressure to dress in a certain way, in addition to security and health and safety considerations.

The school's Uniform Policy provides details of the school uniform to be worn by pupils, including confirming the school's policy in relation to religious clothing and jewellery.

## **The relationship between religion AND SEXUAL ORIENTATION**

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Some people may hold personal views in relation to the protected characteristic of sexual orientation because of their own religious beliefs. While it is not necessarily unlawful for a teacher or other employee of a school to express their own personal view, in an appropriate way and in an educational context that takes into account guidance on the delivery of Sex and Relationships Education and Religious Education, employees at a school must always remember that they are in a very influential position and their acts must still comply with their duty not to discriminate against individuals or groups of individuals because of their sexual orientation under the Equality Act 2010, and not to manifest their religion or belief in contravention of the limitations prescribed under the European Convention on Human Rights and Fundamental Freedoms (see above).

## **SCHOOLS WITH A RELIGIOUS DESIGNATION<sup>2</sup>**

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Schools with a religious designation are permitted to give priority to applicants because of their religion within their admissions arrangements without breaching the religion or belief equality provisions.

## **BEHAVIOUR AND EXCLUSIONS**

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The process for excluding a pupil must be fair and equitable to pupils, however in relation to pupils with a behavioural disability, schools must keep in mind their duty to make "reasonable adjustments" for a pupil with a disability. A "reasonable adjustment" can be a decision to impose a less serious sanction for undesirable behaviour than the sanction which would have been imposed on a pupil who does not have a behavioural disability, including making a decision not to exclude for behaviour which would usually attract an exclusion.

The school's Behaviour Policy sets out the school's expectations in relation to the way its pupils behave, including the sanctions which will be imposed if the Behaviour Policy is breached.

# THE SCHOOL AS AN EMPLOYER

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The school also has responsibilities to comply with the Equality Act 2010 in its role as an employer, in relation to which separate HR policies apply. This policy applies to pupils, parents, visitors and other persons coming into contact with the school only.

## THE PUBLIC SECTOR EQUALITY DUTY

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### The General Duty

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The Equality Act 2010 makes provision for a single “public sector equality duty” which extends to all protected characteristics. As a result of this provision, schools are required to have due regard to the need to:

- **Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;**

and;

- **Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:**

- remove or minimise disadvantages connected to a relevant protected characteristic; and
- take steps to meet the different needs of those sharing a relevant protected characteristic; and
- encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;

and;

- **Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:**

- tackle prejudice; and
- promote understanding;

The above duty is often referred to as the **General Duty**.

The reference to “relevant protected characteristics” includes the protected characteristics of sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and age (except that the public sector equality duty does not apply to age where it relates to the provision of education to pupils in schools, or the provision of benefits, facilities or services to pupils in schools).

Having “due regard” means giving relevant and proportionate consideration to the public sector equality duty.

*DfE guidance on what this means in practice sets out the following:*

- *Decision makers in schools must be aware of the public sector equality duty to have due regard to the three principles set out above when making decisions or taking action. Decision makers must assess whether their decision or action will have implications for a pupil or group of pupil with a protected characteristic;*
- *Schools must have due regard to the three principles set out above when drafting and amending policies and procedures, and this should be at the forefront of their mind in advance, rather than an afterthought. Policies and procedures should be kept under review on a continuing basis;*
- *The public sector equality duty must be integrated into the day to day functioning of the school, and the analysis required to comply with the duty must be carried out seriously, rigorously and with an open mind;*
- *Schools must not delegate their public sector equality duty to anyone else.*

## **The Specific Duty**

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Schools have a **Specific Duty** to:

- **Publish information to demonstrate how the school is complying with its public sector equality duty**, which must be updated at least annually, and re-published at least once every four years;
- Prepare and publish their **Equality Objectives**.

The **Specific Duty** exists to assist schools fulfil their obligations under the **General Duty**.

*DfE guidance confirms that the publication of information to demonstrate how schools are complying with their public sector equality duty is not intended to be a “tick box” bureaucratic procedure, but rather a flexible, light touch exercise. Data about employees does not need to be published by schools which have fewer than 150 employees, although schools can choose to publish such information if they feel it would demonstrate their compliance. All data must be published in compliance with the Data Protection Act 1998 which means that, broadly speaking, individuals are not able to be identified in the published data. Schools are not required to publish any information which they do not already routinely collect, for example through RAISE online. The information published does not need to be statistical, it can be a reference to school policies or Governing Body meeting minutes, which are published online.*

## **THE ACCESSIBILITY PLAN**

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Schools are legally required to prepare a written **Accessibility Plan** to:

- Increase the extent to which disabled pupils can participate in the curriculum;
- Improve the physical environment of the school to increase the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school; and
- Improve the delivery to disabled pupils of information readily accessible to pupils who are not disabled, within a reasonable time and in ways which are determined after taking into account the pupils’ disabilities and any preferences expressed by them or their parents.

## **PART TWO - COMPLIANCE**

The school has in place the following policies and procedures in order to comply with its general duty to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010, advance equality of opportunity between those who share a relevant protected characteristic and those who do not, and foster good relations between those who share a relevant protected characteristic and those who do not.

### **LINKS TO OTHER POLICIES AND DOCUMENTATION**

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Although this policy is the key document for information about our approach to equalities in line with the Public Sector Equality Duty, we ensure that information about our responsibilities under the Equality Act are also included in our school development plan, self-evaluation review, the school prospectus, school web site and newsletters.

The Equality Act also applies to schools in their role as employers, and the way we comply with this are found in our recruitment policy.

### **WHAT WE ARE DOING TO ELIMINATE DISCRIMINATION, HARASSMENT AND VICTIMISATION**

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We take account of equality issues in relation to admissions and exclusions; the way we provide education for our pupils and the way we provide access for pupils to facilities and services.

We are aware of the Reasonable Adjustment duty for disabled pupils – designed to enhance access and participation to the level of non-disabled pupils and stop disabled children being placed at a disadvantage compared to their non-disabled peers.

The Head Teacher ensures that all appointment panels give due regard to this policy so that no one is discriminated against when it comes to employment, promotion or training opportunities.

We ensure that those who are affected by a policy or activity are consulted and involved in the design of new policies, and in the review of existing ones.

We take seriously the need to consider the equality implications when we develop, adapt and review any policy or procedure and whenever we make significant decisions about the day today life of the school. We make a record of each specific equality consideration and this is available for review if required.

We actively promote equality and diversity through the curriculum and by creating an environment which champions respect for all.

Our admissions arrangements are fair and transparent, and we do not discriminate against pupils by treating them less favourably on the grounds of their sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity

### **BEHAVIOUR, EXCLUSIONS AND ATTENDANCE**

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The school Policy on Behaviour - Rewards, Sanctions and Exclusions - takes full account of the new duties under the Equality Act. We make reasonable, appropriate and flexible adjustment for pupils with a disability. We closely monitor data on exclusions and absence from school for evidence of over-representation of different groups and take action promptly to address concerns.

## **ADDRESSING PREJUDICE AND PREJUDICE BASED BULLYING**

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The school challenges all forms of prejudice and prejudice-based bullying, which stand in the way of fulfilling our commitment to inclusion and equality:

- prejudices around disability and special educational needs
- prejudices around race, religion or belief, for example anti-Semitism and Islamophobia, Travellers, migrants, refugees and people seeking asylum
- prejudices around gender and sexual orientation, including homophobic and transphobic attitudes

We keep a record of different prejudice-related incidents and provide a report to the governors about the numbers, types and seriousness of prejudice-related incidents at our school and how we dealt with them. We review this data termly and take action to reduce incidents.

## **WHAT WE ARE DOING TO ADVANCE EQUALITY OF OPPORTUNITY BETWEEN DIFFERENT GROUPS**

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We know the needs of our school population very well and collect and analyse data in order to inform our planning and identify targets to achieve improvements. We have procedures, working in partnership with parents and carers, to identify children who have a disability through our pupil admissions meetings. We collect data and monitor progress and outcomes of different groups of pupils and use this data to support school improvement.

We take action to close any gaps, for example, for those making slow progress in acquiring age-appropriate literacy and number skills.

We collect, analyse and publish data: on the school population by gender and ethnicity; on the % of pupils identified as having a special educational need and/or disability and by their principal need or disability; by year group – in terms of ethnicity, gender and proficiency in English; on inequalities of outcome and participation, related to ethnicity, gender and disability and proficiency in English

We publish an analysis of standards reached by different groups at the end of each key stage:

- Girls/boys
- PP and non-PP
- Free School Meals
- EAL
- All SEN and non-SEN
- EHCP children
- Looked after Children
- AMA
- Traveller

We also collect, analyse and use data in relation to attendance and exclusions of different groups.

We are aware that the legislation relates mainly to current but also to future pupils – we will for example, be sufficiently prepared if a Visually Impaired, Hearing impaired or mobility impaired pupil joins our school.

We avoid language that runs the risk of placing a ceiling on any pupils' achievement or that seeks to define their potential as learners, such as "less able".

We use a range of teaching strategies that ensures we meet the needs of all pupils

We provide support to pupils at risk of underachieving.

We are alert and proactive about the potentially damaging impact of negative language in matters such as race, gender, disability and sexuality.

In addition to avoiding or minimising possible negative impacts of our policies, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between, for example:

- disabled and non-disabled people
- people of different ethnic, cultural and religious backgrounds
- girls and boys

We ensure equality of access for all pupils to a broad and balanced curriculum, removing barriers to participation where necessary. We are also implementing an Accessibility Plan 2016-20 designed to: increase the extent to which pupils with disability can participate in the curriculum; improve the physical environment and; improve the availability of accessible information to disabled pupils.

In order to ensure that the work we are doing on equalities meets the needs of the whole school community we:

- review relevant feedback from the annual parent questionnaire, parents' evening, parent-school forum and/or focus meetings or governors' parent-consultation meeting
- secure and analyse responses from staff surveys, staff meetings and training events
- review feedback and responses from the children and groups of children, from the school council, PSHE lessons, whole school surveys on children's attitudes to self and school;
- analyse issues raised in Annual Reviews or reviews of progress on Individual Education Plans/Personalised Provision Maps, mentoring and support;

ensure that we secure responses and feedback at Governing Body meetings and from the Governing Body's working groups.

## **PUBLISHING EQUALITY OBJECTIVES (SEE SCHOOL DEVELOPMENT PLAN)**

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The objectives which we identify represent our school's priorities and are the outcome of a careful review of and analysis of data and other evidence. They also take into account national and local priorities and issues.

We evaluate our success in meeting the Public Service Equality Duties by the extent to which we **achieve improved outcomes** for the different groups. We produce Equality data Analysis which inform our discussions about the Equality Objectives.

Our Equality Objectives for 2016-2017 are



All pupils to make at least good across KS 1-2 in English and mathematics

Achieve a year on year (over three years) reduction in the attainment gap in English and mathematics @ KS 2 between pupils with a SEN/D statement and their peers

- Increase participation of PP pupils in after school clubs
- Ensure the AMA are challenged and make excellent progress between key stages.
- Challenge gender stereotypes

Our Equality Action Plan is incorporated in our school development plan.

## **ROLES AND RESPONSIBILITIES**

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We expect all members of the school community and visitors to support our commitment to promoting equalities and meeting the requirements of the Equality Act. We will provide training, guidance and information to enable them to do this.

### **Governing body**

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The governing body is responsible for ensuring that the school complies with legislation, and that this policy and its related procedures and action plans are implemented. A member of the governing body has a watching brief regarding the implementation of this policy. Every governing body meeting keeps aspects of the school's commitment to the Equality Duty under review, for example, in terms of standards, curriculum, admissions, exclusions, personnel issues and the school environment. Governors annually review the Equality Policy and evaluate the success of the school's Equalities Work taking account of quantitative evidence (e.g. data) and qualitative evidence (e.g. surveys)

### **Head Teacher and Leadership team**

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The Head Teacher is responsible for implementing the policy; for ensuring that all staff are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination.

A senior member of staff has day-to-day responsibility for co-coordinating implementation of the policy and for monitoring outcomes. S/he will have expert and informed knowledge of the Equality Act.

### **Teaching and Support Staff**

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All teaching and support staff will:

- promote an inclusive and collaborative ethos in their classroom
- challenge prejudice and discrimination
- deal fairly and professionally with any prejudice-related incidents that may occur
- plan and deliver curricula and lessons that reflect the school's principles, for example, in providing materials that give positive images in terms of race, gender and disability
- maintain the highest expectations of success for all pupils
- support different groups of pupils in their class through differentiated planning and teaching, especially those who may (sometimes temporarily) find aspects of academic learning difficult
- keep up-to-date with equalities legislation relevant to their work.

We will provide training and guidance on Equalities for all staff new to the school as part of the induction procedure. We will go through the principal expectations and duties of the Equality Act at a whole staff meeting at the start of the school year. Staff will receive a certificate of attendance.

## **Visitors**

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All visitors to the school, including parents and carers are expected to support our commitment to equalities and comply with the duties set out in this policy. We will provide guidance and information in school newsletters to enable them to do this.

## **THE SCHOOL'S EQUALITY OBJECTIVES**

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All pupils to make at least good progress across KS 1-2 in English and mathematics

Achieve a year on year reduction in the attainment gap in English and mathematics within both KS1 and KS2 between pupils with a SEN/D and their peers

Achieve a year on year reduction in the attainment gap in English and mathematics within both KS1 and KS2 between pupils with Pupil Premium entitlement and their peers

Accelerate the progress of PP pupils so they are at least in line with national expectations.

Increase participation of PP pupils in after school clubs

Ensure the AMA are challenged and make excellent progress between key stages.

## **THE SCHOOL'S ACCESSIBILITY PLAN**

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The school has prepared and will implement an accessibility plan to increase the extent to which disabled pupils can participate in the curriculum, improve the physical environment of the school to increase the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and improve the delivery to disabled pupils of information readily accessible to pupils who are not disabled, within a reasonable time and in ways which are determined after taking into account the pupils' disabilities and any preferences expressed by them or their parents.

Please refer to the schools Accessibility Plan.

# SMARDEN PRIMARY SCHOOL

## Public Sector Equality Duty (PSED) Statement

Reviewed by: Inclusion Manager and Headteacher

Review date: December 2022

Next review: December 2023

You will find information here about how the school ensures it meets its Specific Equalities Duties (these are things our school **must** do). The **Public Sector Equality Duty** requires our school to publish information about Equalities. The **Equality Act 2010** clearly states that the groups below must be taken into account. People identified in the following groups are considered to have a protected characteristic.

### Protected Characteristics

Schools must take the following into account when publishing information; disability, sex (gender), race (ethnicity), pregnancy and maternity, religion and belief, sexual orientation and gender re-assignment. For schools, age is only a relevant characteristic in consideration of their duties only in their role as an employer, and not in relation to pupils.

### General Duties

The three aims of the Public Sector Equality Duty are to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

### Specific Duties

- Publish information about how we comply with the PSED.
- Produce 'Equality Objectives'.

### How we comply with the PSED

The school publishes an accessibility plan setting out how we make improvements in accessibility for those with disabilities. We no longer have to produce an 'equality scheme.' Instead, we intend to publish relevant information on our school website and information may include:

- Copies of policies, for example the behaviour policy or anti-bullying policy, or the recruitment or pay policies, where the importance of avoiding discrimination and other prohibited conduct is noted.
- A note of meetings of staff or of governors, where they are reminded of their responsibilities under the Equality Act 2010.
- Evidence of staff training on the Equality Act 2010.
- A note of how the school monitors equality issues.

We may also publish evidence relating to:

- Aspects of the curriculum that promote tolerance and friendship, or which share understanding of a range of religions or cultures.
- Assemblies dealing with relevant issues.
- Involvement with the local communities.
- Paired arrangements with other schools which enable pupils to meet and exchange experiences with children from different backgrounds.

Further information can be found at [www.equalityhumanrights.com/advice-and-guidance/public-sectorequality-duty/guidance-on-the-equality-duty/](http://www.equalityhumanrights.com/advice-and-guidance/public-sectorequality-duty/guidance-on-the-equality-duty/)