

WIGSTON ACADEMIES TRUST

MANAGEMENT POLICY

NUMBER TWENTY FOUR

EQUALITY ACT 2010

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.

KEY POINTS

- The Equality Act 2010 provides a single, consolidated source of discrimination law.
- Schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief or sexual orientation.
- Protection against discrimination is now extended to pupils who are pregnant or have recently given birth or who are undergoing gender reassignment.
- It is now unlawful for employers to ask health-related questions of applicants before job offer unless the questions are specifically related to an intrinsic function of the work.
- It is now unlawful to victimise a child for anything done in relation to the Act by their parent or sibling.
- The Act extends the reasonable adjustment duty to require schools to provide auxiliary aids and services to disabled pupils.

Equality Duties

The three existing general and specific equality duties on schools (race, disability and gender) to eliminate discrimination and advance equality of opportunity have been combined into a single duty.

These are the new provisions of the Act.

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Chapter 1 – Overview of the Act

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

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 benefits, facility or service, or
- by excluding a pupil or subjecting them to any other detriment.

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

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

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

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

It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated. So, for example, 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.

It is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken. So a teacher who consistently picks on a pupil for being gay will be discriminating because of sexual orientation whether or not the pupil is in fact gay.

The new Act extends protection against discrimination on grounds of pregnancy or maternity to pupils, so it will be unlawful – as well as against education policy – for a school to treat a pupil unfavourably because she is pregnant or a new mother.

Protection for transgender pupils against gender reassignment discrimination is also new in this Act.

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

A person’s age is also a protected characteristic in relation to employment and the Act extends this (except for children) to the provision of goods and services, but this does **not** apply to pupils in school. Schools therefore remain free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge, even in the case of pupils over the age of 18.

Unlawful behaviour

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

Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic.

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic.

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

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

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

Special provisions for Disability

The law on disability discrimination is different from the rest of the Act in a number of ways. It protects disabled people but not people who are not disabled. This means that schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so by making reasonable adjustments to put them on a more level footing with pupils without disabilities.

Chapter 2 – General Exceptions

These are exceptions which apply to all schools or broad categories of schools.

Curriculum

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

Excluding the content of the curriculum ensures that schools are free to include a full range of issues. Ideas and materials in their syllabus, and to expose pupils to thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic. But schools will need to ensure that the way in which issues are taught does not subject individual pupils to discrimination.

Acts of worship

There is a general exception, which applies to all schools, to the religion or belief provisions which allows all schools to have acts of worship or other forms of collective religious observance. This means the daily act of collective worship, which for maintained schools is mandatory and should be of a broadly Christian nature, is not covered by the religion or belief provisions. The exception means that schools will not be acting unlawfully if they do not provide an equivalent act of worship for other faiths.

Schools are also free to celebrate religious festivals and could not be claimed to be discriminating against children of other faiths if, for example, they put on a nativity play at Christmas or hold a celebration to mark other religious festivals such as Diwali or Eid.

Uniforms

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

Long-standing guidance makes it clear that schools must have regard to their obligations under the Human Rights Act 1998. Consequently it will be up to the individual school to consider the implications their uniform requirements have on their pupils.

For example, differences in dress requirements for girls and boys are standard, and where they don't have significantly more detrimental effect on one sex or the other they are unlikely to be regarded as discriminatory.

There are potential issues around school uniform policies and religion and belief. Schools should be sensitive to the needs of different cultures, races and religions and act reasonably in accommodating these needs, without compromising important school policies.

Bullying

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

Schools' duty of care

This guidance sets out the position on the extent of the Equality Act only. It must be remembered that schools also have many other duties, including their duty of care to their pupils, and their duty to deliver key areas of the curriculum such as religious education or sex and relationship education.

Chapter 3 – Special issues for some protected characteristics

The Act does not contain significant changes in the law with regard to the majority of discrimination legislation applicable to schools. Schools that already employ non-discriminatory practices and adhere to government guide lines should already be acting within the spirit and letter of the Act and should need to make only minor adjustments, if any. However, it may be useful to review the school's compliance in the light of this guidance.

Gender reassignment

Protection from discrimination because of gender reassignment in schools is new for pupils in the Equality Act, although school staff are already protected.

The protection against discrimination because of gender reassignment now matches the protection because of sexual orientation in schools. That is protection from direct and indirect discrimination and victimisation, which includes discrimination based on perception and on association.

Race

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

Schools need to make sure that pupils of all races are not singled out for different and less favourable treatment from that given to other pupils.

Segregating pupils by race or ethnicity

Segregation of pupils by race is always direct discrimination. This stipulation in the Act is to make it clear that claims that segregated treatment is "separate but equal" cannot be sustained where race is concerned.

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

Religion or Belief

The Equality Act defines “religion” as being any religion, and “belief” as any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics. These definitions are fairly broad and the concepts of religion and belief therefore must be construed in accordance with Article 9 of the European Convention on Human Rights and with existing case law. This means that to benefit from protection under the Act, a religion or belief must have a clear structure and belief system, and should have a certain level of cogency, seriousness and cohesion, and not be incompatible with human dignity.

“Religion” will include for example all the major faith groups and “belief” will include non-religious worldviews such as humanism. Religion will also include denominations or sects within a religion, such as Catholicism or Protestantism within Christianity. It is not however intended to include political beliefs such as Communism or support for any particular political party.

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

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

The Equality Act makes it clear that unlawful religious discrimination can include discrimination against another person of the same religion or belief as the discriminator. This is to ensure that any potential discrimination between, e.g. Orthodox and Reform Jews, or Shia and Sunni Muslims, would also be unlawful. So if a Muslim pupil is not chosen for a part in a school play because it is thought to be inappropriate for a girl of that faith, that will be discrimination even if the decision was taken by a Muslim teacher.

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

Sex/Gender

Schools need to make sure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils.

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

Single sex classes

It is not necessarily unlawful to have some single-sex classes in a mixed school, provided that this does not give children in such classes an unfair advantage or disadvantage when compared to children of the other sex in other classes.

Single sex sport

Although the Equality Act forbids discrimination in access to benefits, facilities and services; the Act does contain an exception which permits single-sex sports. But while this exception might permit a mixed school to have a boys-only football team, the school would still have to allow girls equal opportunities to participate in comparable sporting activities.

Pregnancy and maternity

Protection for pupils from discrimination because of pregnancy and maternity in schools is new in the Equality Act. This means it will be unlawful for schools to treat a pupil less favourably because she becomes pregnant or has recently had a baby, or because she is breastfeeding.

Sexual orientation

Schools need to make sure that all gay, lesbian or bi-sexual pupils, or the children of gay, lesbian or bi-sexual parents, are not singled out for different and less favourable treatment from that given to other pupils.

Sexual Orientation and Religion or Belief

Where individual teachers are concerned, having a view about something does not amount to discrimination. So it should not be unlawful for a teacher in any school to express personal views on sexual orientation provided that it is done in an appropriate manner and context. However, it should be remembered that school teachers are in a very influential position and their actions and responsibilities are bound by much wider duties than this legislation. A teacher's ability to express his or her views should not extend to allowing them to discriminate against others.

Chapter 4 – Disability

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

New provisions relating to disability

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

- The definition of disability is less restrictive.
- Failure to make a reasonable adjustment can no longer be defended as justified. The fact that it must be *reasonable* provides the necessary test.
- Direct discrimination against a disabled person can no longer be defended as justified.
- From September 2012 schools have a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through Special Educational Needs (SEN) statements.

Definition of disability

The Act defines disability as when a person has a ‘physical or mental impairment which has a substantial and long term adverse effect on that person’s ability to carry out normal day to day activities.’

Unlawful behaviour with regard to disabled pupils

Direct Discrimination – A school must not treat a disabled pupil less favourably simply because that pupil is disabled.

There can no longer be justification for direct discrimination in any circumstances.

Indirect Discrimination: A school must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only.

Discrimination arising from disability: A school must not discriminate against a disabled pupil because of something that is a consequence of their disability.

Harassment: A school must not harass a pupil because of his disability.

Reasonable adjustments and when they have to be made

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

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

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

Auxiliary aids and services

The duty to provide auxiliary aids as part of the reasonable adjustment duty is a change for all schools from September 2012.

Many disabled children will have a SEN and may need auxiliary aids which are necessary as part of their SEN provision; in some circumstances as part of a formal SEN statement. These aids may be provided in the school under the SEN route, in which case there will be no need for the school to provide those aids as part of their reasonable adjustment duty.

Making reasonable adjustments

The EHRC has published guidance on the auxiliary aids duty which includes advice on when it would be reasonable for schools to have to make adjustments and what factors a school should take into account in its assessment of whether or not it would be reasonable to make any particular adjustment. The guidance is available at <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice/>.

Schools generally will try to ensure that disabled pupils can play as full a part as possible in school life and the reasonable adjustments duty will help support that. However, there will be times when adjustments cannot be made because to do so would have a detrimental effect on other pupils and would therefore not be reasonable.

The reasonable adjustments duties on schools are intended to complement the accessibility planning duties and the existing SEN statement provisions which are part of education legislation, under which Local Authorities have to provide auxiliary aids to pupils with a statement of special educational need.

Schools' duties around accessibility for disabled pupils

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

Schools must implement accessibility plans which are aimed at:

- Increasing the extent to which disabled pupils can participate in the curriculum;
- Improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided; and
- Improving the availability of accessible information to disabled pupils.

Schools will also need to have regard to the need to provide adequate resources for implementing plans and must regularly review them.

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

Chapter 5 – The Public Sector Equality Duty

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED) (sometimes also referred to as the 'general duty') that applies to public bodies, including maintained schools and Academies, and which extends to all protected characteristics – race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment. This combined equality duty came into effect in April 2011. It has three main elements. In carrying out 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.

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

All public bodies were previously bound by three separate sets of duties to promote disability, race and gender equality. The new simpler, less bureaucratic, PSED has replaced those three duties.

With the new PSED, as with the previous general duties, schools are subject to the need to have **due regard** to the three elements outlined above. What having “due regard” means in practice has been defined in case law and means giving relevant and proportionate consideration to the duty. For schools this means:

- Decision makers in schools must be aware of the duty to have “due regard” when making a decision or taking an action and must assess whether it may have implications for people with particular protected characteristics.
- Schools should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis.
- The PSED has to be integrated into the carrying out of the school’s functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes or following a particular process.
- Schools can’t delegate responsibility for carrying out the duty to anyone else.

Having “due regard”

The duty to have “due regard” to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications. (This is explained more fully in the above paragraph). The significance of those implications – and the amount of thought that needs to be devoted to them – will vary depending on the nature of the decision. For example, a decision to change the time of school assembly is unlikely to have a significant impact on any particular group. On the other hand, deciding when and where to have a school trip may raise a range of considerations: are the facilities for boys and girls equivalent; are they accessible to disabled pupils; does the date cut across any religious holidays and so exclude some pupils, and so on. An initiative to raise pupil attainment in a single sex school might not have any gender implications, but there could be race issues that need to be considered. It is good practice for schools to keep a note of any equality consideration, although this does not necessarily need to take the form of a formal equality analysis. Publishing it will help to demonstrate that the due regard duty is being fulfilled.

It is good practice for schools to keep a written record to show that they have actively considered their equality duties and asked themselves relevant questions. There is no legal requirement to produce a formal equality impact assessment document, although for key decisions this might be a helpful tool.

If a school does not record its consideration of the general equality duty when making a decision or carrying out a particular function, this does not automatically mean that the duty to have ‘due regard’ has not been met. However, if challenged, it will be easier for a school to demonstrate that the duty has been met if a record has been made at the time. The duty only needs to be implemented in a light-touch way, proportionate to the issue being considered.

The Government has also introduced new specific duties, which are intended to help public authorities to meet their obligations under the PSED. The PSED is set out on the face of the Act, while the specific duties are set out in secondary legislation (the Equality Act 2010 (Specific Duties) Regulations 2011).

What compliance with the specific duties will mean for schools

This section is intended to provide schools with practical advice on what is expected of them under the specific duties regulations. Nothing in this advice is intended to be prescriptive – schools have freedom to meet the duties in ways appropriate to their own set of circumstances. Rather, this section should be used as a helpful guide to what schools might wish to do to demonstrate that they are complying with the Equality Duties.

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

The specific duties regulations require schools:

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

Schools have until 6 April 2012 to publish their initial information and first set of objectives. They will then need to update the published information at least annually and to publish objectives at least once every four years.

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

Data about employees will not need to be published where a public authority has fewer than 150 employees. This means that for the great majority of schools, only pupil-related data will need to be published. However, if a school decides that making public some employee-related statistics would help them to demonstrate that they are complying with the general duty they may choose to do so, so long as this does not conflict with principles of data protection. Broadly speaking, schools must ensure that individuals are not able to be identified through the publication of data. The Department for Education does not generally publish information which relates to few than 3 people (school staff or pupils) but it will be for schools to determine whether the data they wish to publish will be suitable or not. The full rules to which DfE adheres on the publication of data can be viewed here: <http://www.education.gov.uk/rsgateway/ns-sp-confidentialityv3.pdf>.

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

It is also important to note that the published information does not necessarily have to be statistical data. Many other kinds of information can be used to show how the school is promoting equality, such as publishing its policies online, or publishing minutes of Directors’ meetings (see paragraph 5.17 below).

Under specific duties set out in previous equality legislation, schools were required to produce equality schemes in relation to race, disability and gender. Under the new specific duties there are no requirements to create equality schemes. But schools may choose to continue producing such a scheme, if it helps them to comply with the Equality Duty, and they can expand it to cover the additional protected characteristics.

Publishing Information

Eliminating discrimination and other conduct that is prohibited by the Act

Evidence that the school is aware of the requirements of the Act and determine to comply with the non-discrimination provisions will be relevant here. This might include copies of any of a range 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 expressly noted. If there has been a meeting of staff or Directors where they are reminded of their responsibilities under the Act, a note of that meeting could also be useful evidence that due regard is being had to this part of the duty. Evidence of staff training on the Equality Act would also be appropriate, as would a note of how the school monitors equality issues.

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

Advancing equality of opportunity involves, in particular:-

- a) removing or minimising disadvantages suffered by people which are connected to a particular characteristic they have (for example disabled pupils, or gay pupils who are being subjected to homophobic bullying);
- b) taking steps to meet the particular needs of people who have a particular characteristic (for example enabling Muslim pupils to pray at prescribed times) and
- c) encouraging people who have a particular characteristic to participate fully in any activities (for example encouraging both boys and girls, and pupils from different ethnic backgrounds, to be involved in the full range of school societies).

Attainment data which shows how pupils with different characteristics (e.g. boys or girls) are performing will obviously be relevant here, in particular in helping to identify whether there are areas of inequality which may need to be addressed. RAISE online contains much detailed analysis by relevant characteristics.

To show that due regard is being had to the importance of advancing equality of opportunity, schools will also need to include information about the steps they have taken in response to their analysis of the available data – for example, work being done to support disabled children, or special steps taken to help boys improve their performance in writing or girls to catch up in science, or to boost the English language skills of bi-lingual children from certain minority ethnic groups. None of this needs to be complicated; most of the information will already be contained in easily available documents such as reports to the governing body. Evidence which shows e.g. a decline in bullying of disabled children, or a decrease in homophobic or transphobic bullying, would also be relevant here.

For some protected characteristics – religion, and particularly sexual orientation, for example – statistical data about pupils is less likely to be available, and it may well not be considered

appropriate to try to obtain it. More general data about the issues associated with these particular protected characteristics, from which schools should be able to identify possible issues which may affect their own pupils, will be easily available however. For example, information from groups such as Stonewall or GIRES about the experience of gay or trans pupils in schools generally may help schools to understand how best to support their own LGBT pupils. Such information (or links to/extracts from it) may be included among a school's published material, alongside information about any initiatives taken, or policies developed, to promote equality for particular groups (such as measures to address racist or homophobic bullying).

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

It should be particularly easy for schools to demonstrate that they are fostering good relations since promoting good relations between people and groups of all kinds is inherent in many things which they do as a matter of course. It may be shown through – for example – aspects of the curriculum which promote tolerance and friendship, or which share understanding of a range of religions or cultures, the behaviour and anti-bullying policies, assemblies dealing with relevant issues, involvement with the local communities, twinning arrangements with other schools which enable pupils to meet and exchange experiences with children from different backgrounds, or initiatives to deal with tensions between different groups of pupils within the school itself.

How to Publish Information

It will be up to schools themselves to decide in what format they publish equality information.

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. They should be used as a tool to help improve the school experience of a range of different pupils. A school should set as many objectives as it believes are appropriate to its size and circumstances; the objectives should fit the school's needs and should be achievable.

Although it is no longer a requirement for schools to have an equality action plan, those schools which do already have one (or more) of these in place, may find it helpful to continue with this approach and adapt it to take into account the new extent of the duty.

Equality objectives may arise from analysis schools have carried out on their published data or other information, where they have identified an area where there is potential for improvement on equalities, or they may – for example – be set in anticipation of a change in local circumstances. Some examples might be:

- to increase participation by black pupils in after school activities;
- to narrow the gap in performance of disabled 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;
- to encourage girls to consider non-stereotyped career options;
- to anticipate the needs of incoming pupils from a new group, such as traveller children.

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

Chapter 6 –Education Specific Employment Provision

The general provisions on employment apply to schools in their role as employers and this is briefly summarised below, however, schools should consult the EHRC’s guidance and Codes of Practice for Employers for more detailed information on the employment provisions of the Act and how they will be affected as an employer (see links at the end of this chapter). In addition, there are some specific employment issues just for schools and a new employment provision on health questioning which will affect schools and these are summarised below.

What the Act covers

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

As an employer, a school must not discriminate against a potential employee in respect of whether to offer a job or the terms on which it offers a job and it must not discriminate against an existing employee in respect of the benefits facilities and services it offers to its employees including training opportunities, promotion or dismissal. For example, a school must not demand higher/better qualifications from female applicants for teaching posts than it does for male applicants. Harassment against potential or existing employees in relation to any of the protected characteristics is also unlawful, as is victimisation of any person who has done a protected act.

Reasonable Adjustments

Schools as employers are under the same duties to make reasonable adjustments in relation to disability for their employees or potential employees as they are for their pupils as set out in Chapter 4. They must make reasonable adjustments to arrangements or practices to alleviate disadvantage and must also take reasonable steps to provide any necessary auxiliary aids and services. They are also under the duty to consider alterations to physical features of the school where that is reasonable to avoid disadvantage caused by disability.

Enquiries about health and disability

A new provision introduced by the Act makes it unlawful for an employer to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function of the work – for example ensuring that applicants for a PE teaching post have the physical capability to carry out the duties.

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

A M Green
June 2015

WIGSTON ACADEMIES TRUST

MANAGEMENT POLICY

NUMBER TWENTY FOUR APPENDIX A

EQUALITY AND DIVERSITY POLICY

Legal Framework

The legal framework for this policy is:

- Race Relations Act 1976, amended 2000
- Disability Discrimination Act 1995, amended 2005
- Children Act 2004
- Equality Act 2006
- Education and Inspections Act 2006
- Duty to promote Community Cohesion, Education and Inspections Act 2006
- Equality Act 2010

Scope

The policy is available to all school stakeholder's. The policy applies to **all** staff and pupils of the school and any visitors to the school.

Vision Statement

Wigston Academy and Wigston College will provide, in partnership, a welcoming learning campus of excellence across the 11-19 age range at the heart of the local community.

Our core purpose is to secure the highest standards and outcomes, raise aspirations and achievements by securing continuous, first class education and provision for all.

Our schools will provide high quality teaching and learning with a rich curriculum and wide extra-curricular opportunities. We will have high expectations of our learners who will be challenged, supported and celebrated to achieve their full potential and maximise life chances for the future.

Our schools will provide a safe, nurturing, inclusive environment with high quality care in which to enjoy learning. All our children and young people will be encouraged to be responsible, resilient and confident individuals who work hard to achieve their best. They will be well prepared for the next phase of higher education, training or career, equipped with the personal, academic and work related skills to flourish in a 21st Century global society.

Within our community all can Learn, Aspire and Achieve

The Purpose of the Policy

1. To provide a secure environment in which all our children can flourish and achieve;
2. To provide a learning environment where all individuals see themselves reflected and feel a sense of belonging;
3. To prepare children for life in a diverse society where they can find their place as part of a local, regional, national and global community;

4. To include and value the contribution of families to our understanding of equality and diversity;
5. To provide positive non-stereotyping information about different groups of people regardless of gender, ethnicity, disability, sexual orientation and age and improve our understanding of equality and diversity;
6. To actively challenge discrimination and disadvantage,
7. To make inclusion a thread which runs throughout whole provision.

Organisation

The curriculum and all the teaching and learning experiences offered at Abington are planned with the requirements of this policy in mind. This includes the less formal aspects of school such as assemblies, extra-curricular activities, trips, visits etc.

Responsibilities

The Governing Body is responsible for ensuring that the school complies with equality legislation and meets with the requirements to publish equality schemes. It also has to ensure that all policies and procedures are carried out and monitored and evaluated and all necessary recording procedures are in operation. The Governing Body is also responsible for following the admissions code and ensuring equal opportunities practice is operated in staff recruitment and professional development.

The Headteacher is responsible for managing the day to day implementation of the policy by actively challenging any discriminatory practice, dealing with reported incidents, ensuring everyone in the school complies with the policy expectations and producing timely reports for the Directors.

All staff are responsible for being vigilant at all times for any type of bullying and harassment and dealing effectively with any type of victimisation that may occur in school. They are responsible for identifying and challenging bias in either the curriculum or the school culture and they have a duty to promote equality and not discriminate on the grounds of race, gender, culture, age and sexual orientation. The staff are responsible for promoting an inclusive curriculum and whole school ethos which reflects our diverse society and attending relevant training when necessary.

Monitoring and Evaluation

This policy will be reviewed regularly.

Relationship to other Policies

This policy underpins all practice and procedure at the school and therefore relates to all other policies. It is particularly relevant to the Accessibility Plan, Community Cohesion Policy, Safeguarding Policy, Health and Safety Policies and SEN Policy.

Impact on Workload and Working Hours

Equality and Diversity Impact Measures from *Single Equality Scheme 2012-15* Equality Objectives and EDIMs (Equality and Diversity Impact Measures)

The Equality Act requires public bodies to set Equality Objectives at least every four years, and they have to be 'stretching'. These are measures through the setting of EDIMs to accompany them. The Objectives and EDIMs for Abington Academy 2013/2014 will be:

Equality Objective 1:

To ensure that the school is compliant with its duties under the Equality Act (2010)

- Equality Analyses carried out as part of monitoring and evaluation of data and school improvement and action plans. (See Appendix A – Review undertaken by Directors Community Committee – January 2014)

Equality Objective 2:

To narrow the gaps in achievement between the various groups in the school:

Equality Objective 3:

To address any under-representation of boys/girls or particular ethnic groups in option choice subjects at KS4

Equality Objective 4:

To continue to endeavour to ensure that the diversity of the workforce and management profile of the school reflects the learner population and society as a whole

A M Green
June 2015

WIGSTON ACADEMIES TRUST

MANAGEMENT POLICY

NUMBER TWENTY FOUR
APPENDIX B

EQUAL OPPORTUNITIES POLICY

The following statement is taken from the school prospectus:

The principle of **equal opportunities** is applied throughout the curriculum, and to all other aspects of school life.

All children, regardless of gender, race or religion, have equal access to all the school's activities, whether or not these are part of the formal curriculum.

Britain is a **multi-cultural** society, and our curriculum reflects this.

Cultural diversity is seen as an important resource which is both informing and enriching. There is therefore no place in this school for language, attitudes or behaviour which are racist.

A M Green
June 2015

Equal Opportunities

Definition

Equal Opportunities means:

Offering everyone regardless of sex, race, disability or ability, age, or religion, an equal opportunity to have full access to all aspects of school life.

We value all people equally and oppose all forms of discrimination, on any grounds, against individuals and groups. We openly condemn all forms of aggression whether they are expressed verbally or physically. Any incidents regarded as sexist, racist, or bullying will not be accepted in this school and will be dealt with under the appropriate school policy.

We are committed to:

- promoting tolerance and respect for all individuals and groups by opposing all forms of oppression and injustice.
- the principles of human equality and dignity.
- providing a caring, supportive learning environment for all pupils.
- creating an atmosphere of understanding and acceptance of each other through a whole school approach.

Present whole school policies reflect these commitments

- Code of Conduct
- Physical Violence
- Verbal Abuse (name calling)
- Behaviour in and around school

It is important that all employees at Abington understand their role in overcoming prejudiced attitudes in adults and young people, and they should be supported in doing so.

Equal Opportunities - Race

The curriculum

Should reflect the following:

- a) The nature of a multi-cultural society
- b) The need to teach through world examples.
- c) The benefits of cultural diversity
- d) The full recognition of linguistic diversity and positive support of bilingualism.
- e) The full recognition and acceptance of cultural and religious differences.
- f) The elimination of any form of disadvantage resulting from cultural or religious differences.
- g) The elimination of all forms of racial prejudice and discrimination.

Classroom Management

All teaching staff must be aware of the role they play in creating an atmosphere (physical and verbal) to encourage those from different cultural backgrounds to work together.

Resources

Resources should be carefully monitored to reflect and represent the full ranges of cultures within society.

Racist and sexist materials should not be used (unless as e.g.s of racism and sexism)

Ethos

Displays, publications, exhibitions, notices, where appropriate, should actively promote the positive value of a multiethnic society.

Language

Where bilingual children are concerned, they should be given the opportunity, where possible, to explore meaning, express themselves and share with others, their heritage language. Equally the right to additional support in learning the English language and in English as a tool for learning must be met. The Learning Support team should work closely with pupils as appropriate.

Care Systems:

Since we value pupils as individuals and as members of particular ethnic/cultural groups, we should invite them to share their experiences with us. For example, experience of a recent festival, visit to relatives in another country. Through assemblies, curriculum time, tutorial activities.

Parent liaison is essential. All correspondence sent home should be accessible to the reader. Therefore specialist help in drafting letters etc., in several languages may be required e.g. Educational Psychological Services.

PSHCE and Tutorial programmes

This offers an ideal opportunity for pupils to discuss, with an adult they know and their peers in a class they know well, issues relating to equal opportunities.

Dealing with Racism

There must be an automatic rejection of racist name calling or taunting based on race or religion. All staff must be consistent in their approach. It is the responsibility of all staff to acquaint themselves with the relevant school policies within the Staff Handbook and implement them.

By working together as a school in valuing the individual and encouraging them to share their ideas, values and culture, we will be helping to widen the horizons of all children and enabling them to understand the multi-racial world in which we live and the interdependence of individuals, groups and nations.

Equal Opportunities - Gender

It may be necessary for all employees to examine aspects of their own behaviour and practices and make changes in order to eliminate unfairness.

Implementation

How we ensure fairness to all:

Documentation and Communication

All documentation and communication will stress equality and the similarities of experiences, abilities and problems as well as differences between the sexes. Images of girls and boys will be equally represented where possible.

Pupil Lists

All pupil lists shall be in alphabetical order without gender discrimination. Mixed activities shall be offered as the norm where appropriate.

Seating Arrangements

Seating arrangements in classrooms shall be such as to allow girls and boys and disabled youngsters or pupils with learning disabilities, equal access to equipment, teacher attention and written guidance or visual aids.

Tasks around School

Boys and girls shall participate equally in the various tasks around school, e.g. making refreshments at parents' evenings; escorting visitors around school, clearing up, moving furniture etc.

Visitors

Visitors to the school who work with students should include a balance of positive female and male role models where possible. They should be informed of the school's policy and practices (particularly if they are to speak publicly to the school).

Assembly

Assembly content should celebrate the similarities of experiences as well as the different interests and experiences of the groups.

Pastoral teams

Where possible the 'balance' of Year Teams should be considered, so that equal representation of the sexes is presented to the pupils.

Sanctions and Referrals

Staff shall ensure that they apply sanctions and school policy equally to pupils of both sexes.

Counselling

Staff shall ensure that equal time and opportunity for counselling is given to both sexes.

Meetings

Where possible composition of staff at meetings shall reflect a balance of the sexes.

All members of the meetings shall have equal access to time to express their opinions and receive equal value and recognition for their contributions.

Monitoring and Review

i) The Head

The Head will be responsible to the Governing Body for promoting, monitoring and maintaining the implementation of this policy.

ii) Deputy Heads

Deputy Heads will be responsible to the Governing Body through the Head for promoting, monitoring and maintaining this policy within the curriculum/guidance support and care systems within the areas of their assigned responsibilities.

iii) Staff with Curricular responsibility

Will be directly responsible to the Head through the Deputies for promoting, monitoring and maintaining the implementation of this policy.

- iv) **Staff**
Are responsible for acquainting themselves with all relevant documentation. A consistent approach across the whole school is essential.
There should be on going review of current practice and policies.

A M Green
June 2015

WIGSTON ACADEMIES TRUST

MANAGEMENT POLICY

NUMBER TWENTY FOUR APPENDIX D

GENDER EQUALITY SCHEME

The Equality Act 2006

The Equality Act 2006 amends the Sex Discrimination Act to place a statutory duty on Directors and the school to have due regard to the need:

- to eliminate unlawful discrimination and harassment
- to promote equality of opportunity between men and women

School Context and Aims and Values

This policy is written with the Trusts aims and values as its starting point.

It sets out our commitment to promoting equality and eliminating sexual discrimination and harassment.

Each person in our Trust will be given fair and equal opportunities to develop their full potential regardless of their gender, ethnicity, cultural and religious background, sexuality, disability or special educational needs and ability.

We will continuously strive to ensure that everyone is treated with respect and dignity, working actively to promote equality and foster positive attitudes and commitment to education for all.

We will do this by:

- Treating all those within the school community (e.g. pupils, staff, Directors, parents, visitors and the community) as individuals with their own particular abilities, beliefs, challenges, attitudes, background and experience
- Creating and maintaining a school ethos which promotes equality, develops understanding and challenges myths, stereotypes, misconceptions and prejudices through our leadership, teaching and the wider curriculum
- Encouraging everyone in our school community to gain a positive self image and high self esteem
- Having high expectations of everyone involved with the whole school community
- Promoting mutual respect and valuing each other's similarities and differences and facing equality issues openly and honestly within our policies and rules
- Identifying, challenging and removing all practices, procedures and customs which are discriminatory and replacing them with practices that are fair to all
- Monitoring, evaluating and reviewing all the above to secure continuous improvement in all that we do

Roles and Responsibilities

The promotion of gender equality and raising the achievement of all pupils is the responsibility of the whole school staff and Directors.

The roles and responsibilities of everyone involved and connected with the school is set out through clear, current job descriptions and in a variety of other documents that convey the leadership, management and governance structure and organisation in the school. The gender equality links to other specific policies and action plans that the school produces including the process of School Self-evaluation and the School Improvement Plan.

Introduction to this gender equality scheme will be included in induction arrangements for all staff and Directors new to the school. Pupils new to the school will also have these issues and expectations explained to them. School procedures to highlight duties implied by this policy in the same way as child protection, health and safety and behaviour policies form part of the induction process.

The Headteacher and Senior Leadership Team – Will demonstrate through their personal leadership the importance of this scheme. Ensure that all staff are aware of it and understand their role and responsibilities in relation to it. The Headteacher will assess and monitor the impact of the scheme and will report outcomes to the governing body annually. Where additional funding is available for raising the achievement of specific groups of pupils, the Headteacher will ensure that the additional resources are recommended, used appropriately and targeted on the basis of identified need in the School Improvement Plan following the approval of Directors.

Directors – The governing body has adopted this scheme and will assess and monitor the impact annually. Where possible, a member of the Governing Body will be elected as the link, designated governor of equality.

Staff – By means of the Staff Handbook all staff will be expected to know what their responsibilities are in ensuring that the scheme is implemented. They will be aware of the implications of it for their planning, teaching and learning strategies, management of activities, as well as for behavioural issues. Staff will also be aware that examination and annual test or teacher assessments and pupil achievements will be scrutinised and analysed with this scheme in mind, as well as other established monitoring procedures.

Pupils – Pupils will be made aware of how the gender equality policy applies to them at induction and as part of the school aims, values and in the curriculum. They will learn to treat each other with respect and encouraged to have the confidence to report incidents of harassment to adults. The School Council will be involved with the process.

Parents/Carers – Parents and carers will share in the development of the gender equality scheme and be encouraged to participate fully in implementing it in partnership with the school. They will be invited to comment on the scheme and will be regularly informed about developments.

Training – All staff and Directors will receive training on the gender equality scheme as well as the outcomes of self evaluation reviews, as appropriate.

Monitoring, Assessing and Reviewing the Scheme

The school will monitor the impact of this scheme on pupils, parents and staff. In particular, we will monitor the impact of our policies on the attainment levels of our pupils. School and Governor monitoring will include reports on:-

- Curriculum, teaching and learning (including language and cultural needs) and provision for pupils with special educational needs and gifted and talented pupils
 - Analysis of pupil data of standards and attainment
 - Rewards and sanctions, including exclusions
 - Parental involvement and the raising of concerns or complaints
 - Working with the community
-
- Records of specific support and advice and guidance
- Monitoring information will help us to see what progress we are making in:
- Difference between pupils, specific groups, gender differences
 - Ask why these differences exist and test explanations given
 - Review the effectiveness of current targets and objectives
 - Decide what further action will be necessary to meet particular needs and to improve the performance of pupils (which might include positive action)
 - Talking to parents, pupils and staff to find out their needs and opinions
 - Carrying out surveys or special research

- Rethink and set targets in relevant strategic plans (e.g. SIP)

Assessing the Impact of Policies

We will continue to assess the effectiveness of our policies through existing arrangement for developing and reviewing other school policies, giving special attention to:-

Helping all our pupils to achieve as much as they can, and get the most from the curriculum opportunities on offer, based on their individual needs.

Which groups of pupils are not achieving as much as they can and why not?

How do we explain any differences? Are the explanations justified?

Does each relevant policy include aims to deal with pupil attainment differences between male and female pupils?

What are we doing to raise standards and promote equality of opportunity for pupils who seem to be underachieving and who may need extra support?

Can any outcomes be traced back to individual policy aims, related targets and strategies?

The Local Authority Perspective

The Local Authority continues to focus on raising the attainment levels of all pupils, and is committed to reducing the gap between the performance of boys and girls.

Making the Scheme Available

The gender equality scheme will be available both within the school community and in the wider community so that all Directors, staff, pupils and parents are aware of it and its contents through the scheme itself, the staff handbook, poster displays in the school, newsletters, other statements and reports.

Breach of the Policy

All Directors, staff, pupils and parents will be expected to abide by the policies and principles set out and related policies. All persons covered by the scheme are aware of their responsibility to report any action which constitutes or could be deemed to constitute a breach of the policy in line with the school whistle-blowing policy – in the first instance to the Headteacher and/or Senior Leadership Team. It will be for the Headteacher in consultation with other relevant staff/Chair of Directors to decide on appropriate response to any breach of the scheme depending on circumstances and seriousness. This may include amongst other actions:

- Use of the school complaints or disciplinary policies
- Use of the school behaviour policy
- Formal or informal warnings
- Involvement of other Directors
- Fixed term or permanent exclusion

A M Green
June 2015

WIGSTON ACADEMIES TRUST

MANAGEMENT POLICY

NUMBER TWENTY FOUR APPENDIX E

DISABILITY DISCRIMINATION: DISABILITY EQUALITY POLICY

Status

It accords with national legislation and local policies with agreement of all Directors.

Legislation

This policy incorporates the duties for schools under the **Disability Discrimination Act 1995 (DDA) and the DDA 1995 Part 4 (as amended by the Special Educational Needs and Disability Act 2001) (SENDDA)** and takes full notice of the **Code of Practice for Schools published by the Disability Rights Commission (2002)**.

Definitions

Disability

According to the Disability Discrimination Act 1995 a person has a disability if he/she has a physical or mental impairment, which substantially and in the long term, adversely affects the person's normal day-to-day activities. This applies to members of staff and pupils.

Pupils:

Having a disability does not, however, imply that a pupil has for that reason alone 'special educational needs' under the terms of the Education Act 1996 and the Code of Practice. Therefore, each pupil with a disability will require separate consideration and treatment.

Unlawful Discrimination

It is unlawful to treat a disabled person less favourably for a reason related to his/her disability than a person who does not have a disability, without justification.

Pupils:

It will also be unlawful to fail to take 'reasonable adjustments' to admission and curriculum arrangements, and in relation to education and associated services to ensure that disabled pupils are not disadvantaged in comparison with pupils who are not disabled, without justification.

Less Favourable Treatment

For 'less favourable treatment' to lead to unlawful discrimination, it must be:

- for a reason related to the person's disability;
- less favourable treatment than the treatment given to a non-disabled person; and
- not be justified.

Justification

Less favourable treatment can be justified if the reasons are material to the circumstances and substantial. Examples are given in the Disability Rights Commission's Code of Practice for Schools. Available from the DRC or from the internet at – www.drc-gb.org/drc/documents/schoolscop2.doc

Rationale

Staff:

The school values each member of staff for their contribution to the school and will seek to ensure that no member of staff is disadvantaged by reason of his/her disability.

Pupils:

The school values the full range of its students and seeks to ensure that its practices are fully inclusive. Every effort will be made to ensure that 'reasonable adjustments' are made to accommodate disabled pupils, while bearing in mind the interests of other pupils.

The school is required to make, under the terms of SENDDA 2001:

- improvements in access to the curriculum for disabled students;
- physical improvements to increase access to education and associated services (e.g. extra-curricular activities); and
- improvements in the provision of information in a range of formats for disabled students.

There is an additional requirement for schools to explore whether or not students with behaviour issues may or may not have an underlying disability leading to this. For example, the following may be underlying reasons for poor behaviour:

mental illness, mental health problems, learning difficulties, dyslexia, diabetes, epilepsy.

(Behaviour difficulties arising from social or domestic circumstances are not covered by the Act. Other school policies cover these areas).

The school will take into account all these requirements when considering the inclusion of disabled pupils in the school's curriculum.

Aims

Staff:

The Trust aims, within the constraints of resources available, to ensure that no member of staff is less favourably treated in the school's procedures and practices in respect of:

recruitment, performance management, promotion, staff development, teaching environment and access to the premises.

Pupils:

The Trust aims, within the constraints of resources, to enable each pupil to fulfil his/her potential, within an educational programme that has development of the whole person at its core.

The Trust aims to fulfil the requirements of the legislation to make 'reasonable adjustments'.

The Trust will examine each disability case to determine the best adjustments that can be made to accommodate a disabled pupil's needs.

Responsibilities

The Trust Directors are responsible for admissions to this school.

The Governing Body (BG) is responsible for the discharge of the duties under the DDA 1995 and SENDDA 2001, and the provision of education and associated services. This includes GB responsibility for volunteer helpers including parents, support service teachers, school meals staff, after school clubs, or any other activity included within 'provision of education and associated services'.

The Head is responsible for:

Staff:

- ensuring that the governing body policy is implemented;
- identifying and liaising with staff who have a disability;
- identifying where adjustments can be made, and reporting to the governing body those that cannot be made within the allocated resources; and
- implementing and maintaining procedures that identify and eliminate areas of possible 'less favourable treatment' for disabled staff.

Pupils:

- identifying (in consultation with the LA and others as appropriate) pupils who have disabilities;
- ensuring that the Directors' policy is implemented in the school;
- that non-discriminatory practices are developed;
- identifying where 'reasonable adjustments' can be made;
- training all staff in their responsibilities towards disabled pupils;
- delegating responsibilities and tasks to other staff as appropriate; and
- liaison with parents and any agencies as necessary.

All staff are responsible for knowing their responsibilities towards pupils with disabilities and for taking appropriate action.

Action

General:

The school has established a Disability Inclusion group (also known as Study Support Meeting). The governing body has established a group (SLMT) to:

- oversee the implementation of all the school's policies and practices in this area, including Disability Inclusion;
- consider what reasonable adjustments are being made and could be made;
- make recommendations to the Head with a view to improving access to teaching and learning;
- consider the school's systems and procedures for making staff, parents and pupils aware of the policies;
- consider the school's Accessibility Plan; and
- review the Plan annually.

Staff:

The Head will report to the governing body at least annually on members of staff who have a disability, and the steps taken to ensure that they are not treated less favourably.

Pupils:

The school will produce an (Disabled Pupils) Accessibility Plan which will be reviewed annually by the relevant committee of the full governing body (Community).

Regular liaison with parents of disabled pupils takes place via HOY and LS Department.

Premises

The school recognises that through the provisions of SENDDA it is not required to provide 'auxiliary aids' (i.e. special equipment or additional personal support), nor make 'physical alterations' to the buildings (such as provide lifts).

However, to meet its obligations, the school will ensure that the needs of disabled staff and pupils are fully considered in any strategic planning for the development of the school campus.

When determining the priorities for the use of the annual Capital Grant, the school will take into account the need to make the school more accessible for staff and pupils with disability.

The school will budget annually for reasonable minor adjustments to the environment to enable a member of staff and/or a pupil with a disability to have access to the full teaching and learning of the school.

The school will bear in mind health and safety requirements and the interests of other pupils in all the above considerations.

Discrimination in Admissions

The governing body will ensure that disabled pupils and adult students are not discriminated against:

- through the criteria they determine for admission to the school, including criteria used where the school is oversubscribed; and
- by refusing, or deliberately not accepting, an application from a disabled person for admission to the school.

Action on Transfer into the School

At transfer to the school, additional liaison time is allocated for disabled pupils and their families to ensure that the pupil's educational needs and this school's requirements are fully understood by staff at the feeder school, parents, and pupil, and to ensure that the transfer process is effective.

Teaching

Staff:

The development needs of disabled staff will be discussed with the member of staff on a regular basis.

Where necessary, support staff time will be allocated, relevant to the disabled member of staff's needs.

Wherever possible the timetable will be adjusted to reflect the needs of disabled members of staff.

Within the constraints of financial resources the school aims to make adjustments to the premises to enable the member of staff to teach effectively.

Pupils:

In all teaching and learning activities a full range of teaching and learning styles will be employed to ensure that no pupil is excluded from learning.

Teaching staff will be given, as relevant, advice from appropriate external agencies regarding the learning needs of disabled pupils (such as the Sensory Impairment Service).

Staff Training

Training will be given to senior staff to ensure understanding of the DDA and SENDDA and how actions at school level may be undertaken to ensure inclusion of disabled members of staff and pupils.

All staff (teaching and support staff) must attend training regarding duties to disabled members of staff and pupils under the DDA and SENDDA, and to attend updating sessions when deemed necessary by the Head.

All teaching staff will have at least annual training at Study Support Meetings regarding improved practice in differentiation for all pupils including those with disability.

Regular staff training will be undertaken regarding the needs for learning of particular disabled pupils.

Support staff working with disabled members of staff and pupils will be given relevant training.

Liaison with Parents

The school will continue to ensure close liaison with families of all students with disability through the provision of designated staff members with allocated time and effective communication skills.

Whenever appropriate, information to home is provided in different formats to take account of disability.

Under the supervision of a senior member of staff with delegated responsibility, staff with pastoral responsibility will liaise closely with the homes of students who exhibit behavioural difficulties to determine whether they arise from disability or from domestic or social circumstances. They will report to the senior member of staff who will determine, after consultation, appropriate action.

The School, at least annually, will remind parents of the school's Complaints Procedure.

Monitoring and Review

Staff:

Procedures are in place for disabled staff to discuss problems and needs with relevant senior staff (e.g. annual meeting with the Headteacher).

The needs of disabled members of staff are taken into account in the school's Performance Management system (both teaching and support staff). The system enables the Head to appraise the effectiveness of the school's treatment of disabled staff.

Pupils:

The School will monitor separately the progress, attainment and exclusions of pupils with disability.

Incidents involving students with disability will be monitored through the Study Support Meetings and any overt or unintended discrimination will be identified, reported and dealt with by senior staff.

Governing Body:

The governing body will review the effectiveness of its policies and the school's procedures annually to ensure full compliance with the **Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001)** through its annual cycle of review.

The legislation on Disability Discrimination does not call for a school policy, but for action, and in the case of pupils, the only written document required by law in the Special Needs and Disability Discrimination Act 2001 is an Accessibility Plan (see Staff Handbook for Access Plan). To fulfil our non-discrimination duties towards disabled pupils a clear policy is to be found above. Accessibility Plans have been in place since April 2003).

A M Green
June 2015

RACE EQUALITY POLICY

Introduction

Under the duty to promote race equality we have:

- Prepared a written statement called the race equality policy and we will maintain and monitor this written statement.

The policy is part of our equality and diversity policies.

A senior member of staff in charge of developing the policy, putting it into practice, and informing and involving people inside and outside the school. This senior member of staff is the Headteacher.

A. The Race Equality Policy

1. Aims and values

Our race equality policy is based on our values and aims based on a desire to eliminate unlawful racial discrimination, to promote equal opportunities and good race relations in all areas of school life, including.

- progress, attainment, and assessment;
- behaviour, discipline, and exclusion;
- pupils' personal development and pastoral care;
- teaching and learning;
- admission and attendance;
- the curriculum;
- staff recruitment and professional development; and
- partnerships with parents and guardians, and communities.

This links our race equality policy to other school activities.

2. Leadership and management

Directors, the head teacher, staff, pupils, and visitors to the school are committed to this policy.

We are committed to:

- actively tackling racial discrimination, and promoting equal opportunities and good race relations;
- encouraging, supporting, and helping all pupils and staff to reach their potential;
- working with parents and guardians, and with the wider community, to tackle racial discrimination, and to follow and promote good practice; and
- making sure the race equality policy and its procedures are followed.

Our Responsibilities are:

A Governing body

The Directors are responsible for:

- making sure the school complies with the amended Race Relations Act 1976 (the Act); and
- making sure the race equality policy and its procedures are followed.

B Head teacher

The head teacher is responsible for:

- making sure the race equality policy is readily available and that the Directors, staff, pupils, and their parents and guardians know about it;
- making sure the race equality and its procedures are followed;
- producing regular information for staff and Directors about the policy and how it is working, and providing training for them on the policy, if necessary;
- making sure all staff know their responsibilities and receive training and support in carrying these out; and
- taking appropriate action in cases of racial harassment and racial discrimination.
- co-ordinating work on race equality; and
- dealing with reports of racist incidents.

C All staff

All staff are responsible for:

- dealing with racist incidents, and being able to recognise and tackle racial bias and stereotyping;
- promoting equal opportunities and good race relations, and avoiding discrimination against anyone for reasons of race, colour, nationality or ethnic or national origins; and

- keeping up to date with the law on discrimination, and taking up training and learning opportunities.

3. Covering the specific duties

Specific duties under the Act include monitoring the effects of our policy on pupils, parents, guardians, and staff from different racial groups.

Monitoring and Evaluation procedures

Ethnic monitoring

- we will collect ethnic data to monitor pupils' attainment and progress, and to set targets.
- we will use ethnic data – for example on attainment, progress, exclusions, sanctions, and rewards – to inform planning and decision-making.

Assessing and reviewing policies

- we will monitor, assess, and review our policy to see how effective they are in tackling unlawful racial discrimination, and promoting equal opportunities and good race relations each year.

Publishing the results of monitoring

- We will report each year the results of our monitoring to Governor, pupils, and LA.

The policy will be published and promoted

The policy will be available on request and will be promoted in school newsletters, the prospectus and website.

B. Race equality and other policies

1. Policies on attainment, progress, and assessment

- Everyone in the school has equally high expectations of all pupils and are committed to encouraging and helping them to achieve the highest standards?
- everyone in the school recognises and values different kinds of achievement?
- we will monitor pupils' attainments and progress by their racial group, and analyse the information to identify trends and any patterns of underachievement?

2. Policies on behaviour, discipline, and exclusion

- our procedures for disciplining pupils and managing behaviour are fair to pupils from all racial groups?
- staff use rewards and sanctions consistently?
- exclusions are monitored to see if there are any patterns or trends?

- strategies for integrating long-term truants and excluded pupils in the school consider the needs of pupils from all racial groups?

3. Policies on admission and attendance

- our admission policy equally open to pupils from all racial groups?
- we monitor the admission process to make sure it is applied consistently and fairly to applicants from all racial groups?
- the school monitors school attendance by pupils' racial groups?

4. Policies on the curriculum

- curriculum organisation includes the principle of race equality, and recognises and values diversity?
- pupils get the opportunity to explore questions of identity, race equality, and racism? (eg slavery day, holocaust day).
- we monitor the curriculum and assess whether it helps all pupils to achieve their full potential?
- we give pupils the chance to experience other cultures?
- extra-curricular activities and events cater for the interests and abilities of all pupils, and take account of parents' and guardians' concerns about religion or culture?

5. Policies on personal development and pastoral care

- we make sure that pastoral support takes account of religious and ethnic differences, and the experiences and needs of particular groups of pupils.
- support is given to victims of racism and racial harassment through the school.

6. Policies on teaching and learning

- staff create an environment where all pupils can contribute fully and feel valued?
- teaching take account of pupils' cultural backgrounds, language needs, and different learning styles?
- teachers challenge stereotypes and give pupils the understanding they need to recognise prejudice and reject racial discrimination?

7. Policies on racial harassment, bullying, and school values

- we publicity promote good personal and community relations, and take steps to prevent racial discrimination?
- we record, investigate, and report racist incidents and racial harassment to the local authority.
- all pupils, and staff know the procedures for dealing with racist incidents and racial harassment?

8. Policies on staff recruitment and professional development

- all posts are open to the widest pool of applicants?
- recruitment and selection procedures follow good equal opportunities practice?
- applications for employment, training and promotion, are carefully monitored.

A M Green
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