

## EQUALITY AND DIVERSITY POLICY

Our mission statement is 'working together to achieve our potential', and in our practice this is clearly stated as 'all children'. We value each child for who they are and their potential, and do not discriminate in any way against any child. We tackle any issues of bullying behavior and teach the children to value the skills and attributes of all others. This policy of value applies not only to all children but also to all adults who work within our school. No child or adult in our school is judged by gender, ethnicity, academic or physical ability, religious choice or life choices. We teach the children to recognize and value different backgrounds, lifestyles and identities; acknowledging similarities and respecting differences. All adults within our school community model attitudes of tolerance and respect.

Our school is situated in a rural area of Buckinghamshire and as such we do not have a diverse culture within our immediate locality. Therefore we ensure that the curriculum opportunities enhance the understanding of the children with regard to broader multi-cultural issues and religious tolerance. Understanding and a culture of respect for all enable the children to be responsible citizens as they grow and develop.

### The Governing Body:

It is the responsibility of the Governing Body to ensure equality of opportunity is embodied within the school. It recognizes that the avoidance of discrimination is not in itself enough to ensure that equality exists in school. The Governing Body will not discriminate in favour of individuals from specific groups, but will ensure that everyone is able to compete on an equal basis. Therefore it ensures that any advertisements are clear that interview and appointment are on merit only; that training opportunities are offered by need; and that all staff are respected for the skills they bring to the school.

The Governing Body is committed to the principles of dignity at work for all staff in the school. It will consider any harassment on the grounds of age, disability, gender, marital status, life circumstance, ethnicity, religious beliefs or sexual orientation as totally unacceptable; and therefore subject to disciplinary proceedings. (*Reference:* Grievance policy) The Governing Body has an assigned member to liaise with the Head Teacher regarding Equality and Diversity issues.

### The Head Teacher and SLT:

It is the responsibility of the leadership of the school to ensure that attitudes of equality and respect are part of the expected day-to-day practice of the school. As such their attitudes should be exemplary and they should promote tolerance, understanding and respect in their daily work. School assemblies should also promote these attributes to both staff and children. In addition it is their duty to investigate and take action on any incidents of inappropriate behaviours. The leadership team are committed to supporting all parents in becoming involved in the education of their children.

### All staff:

All staff in the school should model attitudes of respect for all in their daily duties. Their teaching should have no political, religious or other bias. They should investigate any incidences of inappropriate behaviour and refer to the SLT for advice when required.

### All Parents:

The school expects parents to support their children's education; and to positively influence their children in adopting polite and respectful behaviour towards all their peers and the adults with whom they come into contact.

### All children:

In our school the children are taught to respect all members of our school community (rule 1); treating others as their equals. They are enabled to report any behaviours which make anyone feel uncomfortable. They are encouraged to understand, value and celebrate diversity.

As evidenced by our mission statement and practice document (appendix 1) we are committed within our curriculum and teaching to:

- Ensuring equality of access for all children, regardless of cultural or lifestyle background, linguistic need or learning style; and preparing them for life in a diverse society.
- Promoting attitudes and values which challenge discriminatory behaviour by using materials which reflect diversity in terms of age, race, gender, ability, faith, ethnicity, social condition, cultural background and sexual orientation.
- Develop the children's skills to deal with change over time and space.
- Develop the children's social skills, understanding and tolerance by challenging assumptions.
- Enabling each child to achieve their academic potential, especially in core skills of English, Mathematics, Science and IT, through careful tracking and assessment: whilst also recognizing other academic and social skills which the children possess.
- Develop learning opportunities which celebrate diversity through food, arts, sport and culture.
- Showing sensitivity in dealing with diversity of cultural traditions, and promoting understanding of human rights and inclusion.
- Enabling the children to understand the interdependence of members of any society, and to appreciate the benefits of diversity.

*This policy summarises our practices and is based on the principles of The Equality Act 2010 (appendix 2)*

Policy reviewed: Spring 2018

Date of next review: Spring 2019

## Appendix 1 – Mission Statement and Practice:

### Mission Statement:

'Working together to achieve our potential.'

### Practice:

To achieve our mission statement we will:

- encourage the development of confident, self-aware individuals who are able to engage effectively with the world around them, showing respect and consideration for all.
- establish an enriching learning environment which is safe and encouraging.
- create an atmosphere where there is an enjoyment of learning and a celebration of all achievements.
- deliver a creative, stimulating, broad and balanced curriculum which is accessible and engaging for all.
- ensure all children develop key skills in mathematics, english and ICT to enable them to function in society.
- support steps to improvement by using individual targets for all members of the school community.
- promote well-being within the school community and ensure a healthy work-life balance.
- celebrate and encourage positive role modelling.
- foster and develop links with the wider community.
- provide opportunities for all staff to develop professionally.

## Appendix 2 – Legal Statements:

*Equality is not about benefiting some people at the expense of others - equality benefits everyone. In an effort to ensure that marginalised groups are given equal opportunity this policy will prioritise the following groups.*

*Disabled persons - We follow the social model of disability which means that we understand that the barriers to disabled persons securing equality are due to the physical environment and people's attitudes. Disabled people include those with physical and sensory impairment (difficulties), learning disabilities, mental illness, long term illness all of which are substantial.*

*With regard to age our focus is on older persons (over 60) and younger people*

*With regard to race equality we accept the definition of a racist incident based on recommendation 12 of the Report of the Stephen Lawrence Enquiry: 'A racist incident is any incident which is perceived to be racist by the victim or any other person'.*

*With regard to sexual orientation we refer to the LGBT community i.e. lesbians, gay, bisexual and transgender people.*

*With regard to religion we actively support the rights of all to practice their belief /non beliefs equally.*

### **The Equality Act 2010**

The Equality Act 2010 replaced all existing equality legislation from 1<sup>st</sup> October 2010. It streamlines all the various legislation into a single requirement.

The Act prohibits schools from discriminating against, harassing or victimising:

- prospective pupils
- pupils at the school
- in some circumstances former pupils
- Schools also have obligations as employers, bodies which carry out public functions and service providers.

### **What the law protects against**

These are the main forms of prohibited conduct.

#### Discrimination

This includes:

- Treating a person worse than someone else because of a protected characteristic (known as **direct discrimination**). Although in the case of pregnancy and maternity direct discrimination, this can occur if they have protected characteristic without needing to compare treatment to someone else. It is not possible to justify direct discrimination, so it will always be unlawful.
- Putting in place a rule or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified (known as **indirect discrimination**). Indirect discrimination will occur if the following four conditions are met:
  - You apply (or would apply) the provision, criterion or practice equally to all relevant pupils, including a particular pupil with a protected characteristic, and
  - The provision, criterion or practice puts or would put pupils sharing a protected characteristic at a particular disadvantage compared to relevant pupils who do not share that characteristic, and
  - The provision, criteria, practice or rule puts or would put the particular pupil at that disadvantage, and

- You cannot show that the provision, criteria of practice is justified as a 'proportionate means of achieving a legitimate aim'.
- Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified (**known as discrimination arising from disability**). Discrimination arising from disability occurs when you treat a disabled pupil unfavourably because of something connected with their disability and cannot justify such treatment. Discrimination arising from disability is different from direct discrimination. Direct discrimination occurs because of the protected characteristic of disability. For discrimination arising from disability, the motive for the treatment does not matter; the question is whether the disabled pupil has been treated unfavourably because of something connected with their disability.  
Discrimination arising from disability is also different from indirect discrimination. There is no need to show that other people have been affected alongside the individual disabled pupil or for the disabled pupil to compare themselves with anyone else. Discrimination arising from disability will occur if the following three conditions are met:
  - you treat a disabled pupil unfavourably, that is putting them at a disadvantage, even if this was not your intention, and
  - this treatment is because of something connected with the disabled pupil's disability, and
  - you cannot justify the treatment by showing that it is 'a proportionate means of achieving a legitimate aim'.
- **Failing to make reasonable adjustments for disabled people.**
  - The reasonable adjustments duty was first introduced under the Disability Discrimination Act 1995. The reasonable adjustments duty under the Equality Act operates slightly differently and has been extended to cover the provision by a school of auxiliary aids and services; however this element of the duty will not come into force until a later date yet to be confirmed. The object of the duty is the same: to avoid as far as possible by reasonable means, the disadvantage which a disabled pupil experiences because of their disability.
  - In some cases the support a disabled pupil may receive under the special educational needs framework may mean that they do not suffer a substantial disadvantage and there is no need for additional reasonable adjustments to be made for them. In other cases disabled pupils may require reasonable adjustments in addition to the special educational provision they are receiving. There are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them.

#### Harassment

- Unwanted conduct which has the purpose or effect of violating someone's dignity or which is hostile, degrading, humiliating or offensive to someone with a protected characteristic or in a way that is sexual in nature.

#### Victimisation

- Treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so. These are called 'protected acts'.

A 'protected act' is:

- Making a claim or complaint of discrimination (under the Act).
- Helping someone else to make a claim by giving evidence or information.

- Making an allegation that the school or someone else has breached the Act.
- Doing anything else in connection with the Act.

There is also protection for pupils who are victimised because their parent or sibling has carried out a protected act.

As well as these characteristics, the law also protects people from being discriminated against:

- By someone who wrongly perceives them to have one of the protected characteristics.
- Because they are associated with someone who has a protected characteristic. This includes the parent of a disabled child or adult or someone else who is caring for a disabled person.

### New positive action provisions

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

These are known as the positive action provisions and allow (but do not require) schools to take proportionate action to address the disadvantage faced by particular groups of pupils. Such action could include targeted provision, resources or putting in place additional or bespoke provision to benefit a particular disadvantaged pupil group.

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

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

### ***Why we need to address race equality issues:***

Legal Requirements:

- *The Equality Act 2010 outlines that all public authorities including schools have a statutory duty to*

Eliminate racial discrimination;  
Promote equality of opportunity;  
Promote good relations between people of different racial groups.

The specific duties require us to:

- *Prepare a written policy on racial equality;*
- *Assess the impact of our policies, including this policy, on pupils, staff and parents of different racial groups including, in particular, the impact on attainment levels of these pupils;*
- *Monitor the operation of our policies through the impact they have on such pupils, staff and parents, with particular reference to their impact on the attainment levels of*

*such pupils.*

### **Why we need to address gender issues:**

#### *Legal requirements:*

*The Equality Act 2010 states that it is unlawful to treat a person less favourably than another is treated in similar circumstances on the grounds of sex:*

- Apply a condition which discriminated against a man or a woman because they are less able to comply with it than a member of the opposite sex is and;
- Discriminate against somebody because they are married.

*The Equality Act 2010 requires that men and women should be paid equally where they are carrying out:*

- The same job
- Work of equal value
- Work related as equivalent under the job evaluation scheme.

*The Equality Act 2010 permits employers to act positively in favour of a particular gender by:*

- Offering access to training to employers and/or non employees to help fit them to particular work in the organisation in which their gender group has been identified as under represented and;
- Encouraging employees and/or non employees to take up opportunities for work.

*The Equality Act 2006 purpose was to create a public duty to promote equality of opportunity between men and women and to prohibit sex discrimination.*

#### **The specific duties:**

- Consider the need to include objectives to address the causes of any gender pay gap.
- Gather and use information.
- Consult stakeholders and take account of relevant information.
- Assess the impact of its current and proposed policies and practices.
- Implement the actions set out in its scheme.
- Monitor, evaluate and report.

### **Discrimination because of pregnancy and maternity**

It is discrimination to treat a woman (including a female pupil of any age) less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger.

It is direct sex discrimination to treat a woman (including a female pupil of any age) less favourably because she is breastfeeding a child who is more than 26 weeks old.

### **Gender reassignment**

Gender reassignment is a personal process (rather than a medical process) which involves a person expressing their gender in a way that differs from or is inconsistent with the physical

sex they were born with.

This personal process may include undergoing medical procedures or, as is more likely for school pupils, it may simply include choosing to dress in a different way as part of the personal process of change.

A person will be protected because of gender reassignment where they:

- make their intention known to someone – it does not matter who this is, whether it is someone at school or at home or someone like a doctor:
  - once they have proposed to undergo gender reassignment they are protected, even if they take no further steps or they decide to stop later on
  - they do not have to have reached an irrevocable decision that they will undergo gender reassignment, but as soon as there is a manifestation of this intention they are protected
- start or continue to dress, behave or live (full-time or part-time) according to the gender they identify with as a person
- undergo treatment related to gender reassignment, such as surgery or hormone therapy, or
- have received gender recognition under the Gender Recognition Act 2004.

It does not matter which of these applies to a person for them to be protected because of the characteristic of gender reassignment.

This guidance uses the term 'transsexual person' to refer to someone who has the protected characteristic of gender reassignment.

### ***Why we need to address disability issues:***

The Equality Act 2010 outlines that a person is a disabled person (someone who has the protected characteristic of disability) if they have a physical and/or mental impairment which has what the law calls 'a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. There is no need for a person to have a medically diagnosed cause for their impairment; what matters is the effect of the impairment not the cause.

In relation to physical impairment:

- Conditions that affect the body such as arthritis, hearing or sight impairment (unless this is correctable by glasses or contact lenses), diabetes, asthma, epilepsy, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs are covered.
- HIV infection, cancer and multiple sclerosis are covered from the point of diagnosis.
- Severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met (see below).
- People who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated as disabled under the Act.
- Mental impairment includes conditions such as dyslexia and autism as well as learning disabilities such as Down's syndrome and mental health conditions such as depression and schizophrenia. The other tests to apply to decide if someone has the protected characteristic of disability are:



- The length the effect of the condition has lasted or will continue: it must be long term. 'Long term' means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months or where the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition but it is likely to recur or if the person no longer has the condition, they will be considered to be a disabled person.
- Whether the effect of the impairment is to make it more difficult and/or time-consuming for a person to carry out an activity compared to someone who does not have the impairment, and this causes more than minor or trivial inconvenience.
- If the activities that are made more difficult are 'normal day-to-day activities' at work or at home.
- Whether the condition has this impact without taking into account the effect of any medication the person is taking or any aids or assistance or adaptations they have, like a wheelchair, walking stick, assistance dog or special software on their computer. The exception to this is the wearing of glasses or contact lenses where it is the effect while the person is wearing the glasses or contact lenses, which is taken into account.

*The Duty:*

- *The Equality Act 2010 places a general duty on schools, who need to have due regard for the following when carrying out their functions:*
- Promoting equality of opportunity between disabled people and other people;
- Eliminating discrimination that is unlawful under the DDA;
- Eliminating harassment of disabled people that is related to their disability;
- Promoting positive attitudes towards disabled people;
- Encouraging participation in public life by disabled people;
- Taking steps to meet disabled people's needs, even if this requires more favourable treatment.

***Why we need to address sexual orientation issues:***

*Legal requirements:*

- *The Equality Act 2010, covers discrimination, harassment and victimisation in work and vocational training. They make it unlawful to deny people jobs because of prejudice about their sexual orientation. They enable individuals to take prompt and effective action to tackle harassment, and enable people to have an equal chance of training and promotion, whatever their sexual orientation or the sexual orientation of those with whom a person is associated or related.*
- *The Equality Act 2006 included an order making power that allows Regulations to be made to prohibit sexual orientation discrimination in the provision of all goods, facilities and services in education and in the execution of public functions. These Regulations entered into force on the 30<sup>th</sup> of April 2007.*

Sexual orientation means an individual's sexual orientation towards:

- people of the same sex as him or her (gay or lesbian);
- people of the opposite sex (heterosexual);
- people of both sexes (bisexual)

It does not include transsexuality which is related to gender and is covered in the employment context by sex discrimination legislation.

The Regulations prohibit discrimination on the basis of a person's:

- Actual sexual orientation;
- Perceived sexual orientation by him or her;
- Sexual orientation of someone with whom he/she is associated.

Discrimination is defined as:

- Direct discrimination on the grounds of sexual orientation happens when a person is treated less favourably than another person is, or would be, treated in the same circumstances, and that treatment is because of their sexual orientation, perceived sexual, or that of a person with whom he or she is associated- such as a parent.
- Indirect discrimination on the grounds of sexual orientation happens where a provision, criterion or practice is applied to everyone, but it has the effect of putting a person of a particular sexual orientation at a disadvantage- and it cannot be reasonably justified by reference to considerations other than sexual orientation.
- Victimising someone by treating them less favourably because of anything they have done or intend to do in relation to these regulations such as making a complaint or giving evidence for a complainant, is also unlawful discrimination.

*The specific duties require us not to unlawfully discriminate against a person:*

- *In the terms on which it offers to admit him or her as a pupil*
- *By refusing to accept an application to admit him or her as a pupil*
- *In the way in which a pupil is afforded access to any benefit, facility or service*
- *By refusing access to any, benefit, facility or service*
- *By excluding him or her*
- *By subjecting him or her to any other detriment*

### ***Why we need to address Religious belief / non belief issues:***

#### *Legal requirements:*

- *The Equality Act 2010 outlines discrimination on grounds of religion, religious belief or similar philosophical belief. They cover direct or indirect discrimination, harassment and victimisation in work and vocational training on grounds of perceived as well as actual religion or belief (i.e. assuming - correctly or incorrectly - that someone has a particular religion or belief). It is illegal to discriminate against any one because of their religion or faith when providing goods or services.*
- Exceptions may be made in very limited circumstances if there is a genuine occupational requirement for the worker to be of a particular religion or belief in order to do the job or to comply with the religious or belief ethos of the organisation
- Religion or belief is defined as being any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief. It will be for the Employment Tribunals and other Courts to decide whether particular circumstances are covered by the law

For example it is unlawful to:

- Decide not to employ someone
- Dismiss them
- Refuse to provide them with training
- Deny them promotion
- Give them adverse terms and conditions

Because they follow, or do not follow, a particular religion or belief

### ***Why we need to address age issues:***

#### *Legal requirements:*

- *The Equality Act 2010 prevents unjustified age discrimination in employment and vocational training. It protects against discrimination that is directly against anyone:*
  - That is, to treat them less favourably than others because of their age – unless objectively justified
  - Discriminate indirectly against anyone – that is, to apply a criterion, provision or practice which disadvantages people of a particular age unless it can be objectively justified
  - Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them having regard to all the circumstances including the perception of the victim
  - Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of age

***Why we need to address Community Cohesion issues:***

*Legal Requirements: Please note that this duty will not apply once the new Education Bill is enacted*

*The Education and Inspections Act 2006 establishes general duties of governing bodies:*

*Section 38 states that governing bodies should conduct the school with regard to four new duties one of which is the duty to "promote community cohesion".*

*Section 154 states the duty to report to OFSTED on the contribution of certain schools to community cohesion.*

*Section 33 about requirements to foundation school contains a subsection 96) which establishes an explicit requirement that a foundation school should "promote community cohesion". This seems to be linked to the Government's desire "to promote ethnic, religious, and cultural tolerance and respect between different groups of people living together." Therefore, trusts will need to demonstrate that they are committed to providing "opportunities for young people from different backgrounds to learn from each other and encourage an understanding of, and respect for, other cultures and faiths and by activities in the community, which help build bridges between different ethnic groups." This duty also implies assessing if certain activities would constitute an obstacle to meeting this requirement.*

Schools play a fundamental role in decreasing deprivation and exclusion, in valuing and celebrating ethnic diversity, raising achievement and attainment, preventing and managing bullying, anti-social behaviour and discrimination incidents.

Beyond statutory requirements for schools to promote community cohesion, it is important that these policies are developed in a context-wise, evidence-based and problem-solving manner. Likewise, it is useful to acknowledge that the school's efforts to promote community cohesion will be more significant if the duty is mainstreamed across all areas such as curriculum, teaching and learning, equity and excellence, engagement and extended services.