



FOXFORD

School & Community Arts College

Equality Policy

Reviewed & Approved by Governors February 2018

Single Equality Scheme

Our Scheme covers a three year period from 01.01.18 to 01.12.21

Introduction

This Single Equality Scheme for Foxford School provides a format for addressing the statutory duties of the Equality Act 2010. This supersedes and brings together all previous statutory duties in relation to race, gender and disability and also addresses the duty to promote community cohesion, thus meeting the school's statutory duties in these areas.

The scheme also highlights how our school has worked with and listened to the staff, students, parents and carers to inform development of action plans and the need and commitment required to ensure the scheme is a success. This is underpinned by a commitment to promoting positive relationships and understanding between all groups within our school community.

This document sets out how students with the following protected characteristics (previously known as equality strands) will be protected in our school from harassment and discrimination:-

- Disability.
- Gender
- Race
- Religion and belief
- Sexual orientation
- Gender reassignment
- Maternity and pregnancy, also paternity

This scheme extends however to cover all aspects of vulnerability, including those associated with socio-economic factors (e.g. students from low income families). As well as delivering high quality services to our students, the school is also committed to being a good employer and as such this scheme outlines how we meet our varied duties in terms of recruitment and employment practices. We are also committed to be fully inclusive of all community users, including parents and carers. As such, this scheme therefore also sets out how we will work to overcome any discrimination related to the other protected characteristics:-

- Age
- Being married or in a civil partnership

This Scheme sets out:

- Information about our school and the local area;
- Our plans to meet our general and specific duties;
- How we will promote community cohesion within the school;
- How we have involved people in the development of this scheme;
- What consultation has taken place;
- What our plans are to gather and use information;
- How we intend to ensure our policies are fair;
- How we will report on our progress;
- Who is responsible for making our scheme a reality; and,
- An action plan addressing our equality priorities
- This scheme is reviewed every three years and is reported on annually.

Aims of the single equality scheme

- To articulate the school's commitment to equality which permeates all school policies and practices
- To ensure that everyone who belongs to, or comes into contact with, our school community is valued and respected
- To promote equality of opportunity and eliminate unlawful discrimination, harassment or victimisation
- To comply with statutory duties under equalities legislation in one document

Purpose of the Equality Scheme

This Equality Scheme is the school's response to the specific and general duties in the current equality legislation, which has been brought together under the Equality Act 2010 (see appendix 1). It is an attempt to capture how the school is systematically establishing and implementing good practice in equality and diversity across all areas of school life. This includes a response to all aspects of social identity and diversity.

This Equality Scheme sets out how the school will:

- Eradicate discrimination (see appendix);
- Eradicate harassment or victimisation related to any aspect of social identity or diversity
- Promote equality of opportunity
- Promote positive attitudes to all aspects of social identity and diversity
- Encourage participation by disabled people and people representing different aspects of social identity in public life
- Take steps to take account of difference even where that involves treating some people more favourably than others
- Take steps to ensure that the use of social media, e.g. Facebook, does not impact on the welfare in school of our students and staff (see also 'Acceptable use of ICT' policy document)
- Take proportionate action to address the disadvantage faced by particular groups of students

Planning to eradicate discrimination and promote equality of opportunity

This scheme is underpinned by the core belief that all children and young people belong to their local community and share the same rights to membership of that community and a quality education. An action plan accompanies this Equality Scheme which identifies what we will be doing over the coming years to make our school more accessible to the whole community, irrespective of background or need (see appendix 2).

We will collect data related to the protected characteristics and analyse this data to determine our focus for our equality objectives. This data will be assessed across our core provisions as a school. This will include the following functions:

- Admissions
- Attendance
- Attainment
- Exclusions
- Prejudice related incidents

Addressing Prejudice Related Incidents

This school is opposed to all forms of prejudice and we recognise that children and young people who experience any form of prejudice related discrimination may not fare well in the education system. We provide both our students and staff awareness of the impact of prejudice in order to prevent any incidents. If incidents still occur we address them immediately. The Local Authority may also provide support. The scheme encompasses our **anticipatory duties to plan ahead for the reasonable adjustments** (reasonable and proportionate steps to overcome barriers that may impede some students) we need to make to be best placed to help disabled students who come to our school.

This action plan also sets out how the school will increase access to education for disabled students, alongside other protected groups, in the three areas required:

- Increasing the extent to which disabled students can participate in the school curriculum
- Improving the environment of the school to increase the extent to which disabled students can take advantage of education and associated services
- Improving the delivery to disabled students of information which is provided in writing for students who are not disabled

Monitor, review and reporting

The action plan is renewed annually and progress towards the equality objectives within it is reported on regularly to governors. Equality objectives have been identified through consultation with key stakeholders. It is available in different formats and in different languages on request to the school office. Every three years, we will review our objectives in relation to any changes in our school profile. Our objectives will sit in our overall school improvement plan and therefore will be reviewed as part of this process.

This Scheme will be reported on annually. Progress against the action plan will be evaluated and the impact of the action and activities assessed. This report will be made available as a separate document and in the school profile and school prospectus.

Publication and Implementation

This action plan is understood and implemented by all staff and is available. We will ensure that the whole school community is aware of the Single Equality scheme and our published equality information and equality objectives by publishing them on the school website:

www.foxford.coventry.sch.uk ;

We will also publish and actively promote them within the school's annual prospectus document, termly newsletters home to parents and carers and via our school council.

Implementation, monitoring and review are the responsibility of the schools Leadership Team and our Governing Body who have agreed and published this scheme which sets out our priorities and supports these within the detailed action plan (see appendix 3)

The scheme will be implemented for three years at which end point it will be reviewed and revised appropriately. We will report annually on the scheme and will assess the impact of our actions on improving Equality (and in particular educational outcomes) for all within our school community with particular reference to race and faith, gender, disability, sexual orientation, age and Free School Meals (FSM)/ disadvantaged status.

Breaches

Breaches to this statement will be dealt with in the same way that breaches of other school policies are dealt with, as determined by the head teacher and governing body

School Aims Statement

We seek to embed equality of access, opportunity and outcome for all members of our school community, within all aspects of school life. We actively seek out opportunities to embrace the following key concepts:

- Shared Humanity. Underlying our diversity lies commonality and shared values, aspirations and needs. We value our fundamental similarities and universality
- Valuing difference and diversity. We appreciate the richness within our differences and look for ways of celebrating and understanding them better
- Interdependence, interaction and influence. We recognise that, as they evolve, distinct cultures, beliefs and lifestyles will impact on and inform each other
- Social cohesion within our school and within our local community
- Excellence. We aim to inspire and recognise high personal and collective achievement throughout our community, the UK and the wider world. Excellence is to be found everywhere
- Personal and cultural identity. We will provide opportunities to explore and value the complexity of our personal and cultural identities
- Fairness and social justice. We will develop our understanding of the inequality that exists in society and explore ways of individually and collectively promoting a more equitable society

Foxford School Context - What kind of a school are we?

School Vision and Values

The school's vision and values statement reflects the school's ambitions for all its students and have been developed with the whole community. It refers to the key requirements set out in the National Curriculum Inclusion Statement for developing an inclusive curriculum: setting suitable learning challenges; responding to students' diverse learning needs; overcoming potential barriers to learning and assessment for individuals and groups of students.

School Context

The nature of the school population and context to inform action planning for the Equality Scheme. Following are significant features of the geographical, social, cultural, linguistic, religious, disability diversity of students, staff and governors;

- The school is an 11-19 secondary school situated in the North East of the city of Coventry serving families in a complex catchment area in the north east of Coventry. The catchment includes both social and private housing and serves the Alderman's Green, Edgwick, Little Heath, Courthouse Green, Holbrooks, Foleshill and Longford districts of Coventry - the area which has levels of deprivation above the City and National Average
- We are a trust school (formed in 2011); formerly a Local Authority maintained school
- Our Trust partners are Coventry University, Henley College, Ricoh Arena, University Hospitals Coventry and Warwickshire and Changing Cultures
- We currently have 975 students on roll and can accommodate 1040 students at capacity
- We have 108 students in Post 16

- 42% of our students are white British, 55% are from ethnic minority groups
- There are 32 different home languages spoken by our students (not including English)
- We have an above average number of students taking Free School Meals – 23%
- 3 of our students have an Education and Health Care plan.
- We have 155 students registered as SEN K.
- 47% of our students are EAL (English as an additional language)
- School staff recruitment fully complies with Equal Opportunity legislation. Our staff mix is derived to include social factors, also gender, sexual orientation, faith, age, ethnicity and disability

Reasonable adjustments made by our school to ensure the equal opportunity of students, staff and governors are as follows: Recognising that some groups covered in this policy may have particular needs the school:

- Works closely with outside support agencies to ensure the most effective support is in place for all vulnerable groups
- Completes specific, targeted training to enable staff to meet the needs of individuals (e.g. autism training)
- Has areas within school to facilitate special arrangements for students with particular needs
 - e.g. SEN, disabled access where possible.
- Provides an extensive range of extra-curricular activities to allow choice and access for all
- Reports to Governors
- Regular items on Governors agendas
- Tracks the achievement of all vulnerable groups

Outcomes for students

Outcomes for students are analysed against social identity issues, i.e. gender, ethnicity, disability, faith background, and aspects of vulnerability identified by the school. This is compared with the outcomes made for all students. This is recorded in the School Self Evaluation Form (SEF).

This process determines the impact of our provision on improving outcomes for identified students. In line with statutory requirements all new policies as well as existing policies and functions are evaluated for the impact they have, in consultation with identified students and parents/carers.

Our Approach to Promoting Equality for All

Our school works in the following ways to secure equality and respect for all **(these principles apply to all seven equality duties)**.

A - Current policy and practice in the school shows commitment to meeting the duty to promote race, disability, gender equality for students, staff and parents.

Our school addresses this by:

- Ensuring that our mission statement, aims and core values relate to every member of our school community.
- Ensuring that we regularly evaluate the impact of all school policies (particularly admissions and attendance, behaviour, collective worship, target-setting, teaching and learning and appraisal) on the equality groups as identified in this policy and take action to improve our policy and practice where necessary, through having specific actions on the school development plan

- Ensuring that, wherever possible, the equality groups as identified in this policy are reflected in the language and images of all publications (including the school prospectus, publicity to promote school events, website)
- Ensuring that the school's policy on uniform makes reasonable allowances for expressions of identity and ease of use for students who are disabled ("reasonable allowances" to be limited by the extent to which adaptation of the school uniform might be used to represent an affiliation to a group or belief which might not be in keeping with the other key principles laid out in this policy)
- Ensuring that, wherever possible and without artificiality or unbalanced representation, there are positive images of the equality groups as identified in this policy, in school policies, in school publications, in learning resources and in displays
- Ensuring that the school has clear, commonly understood processes for challenging inappropriate language or behaviour and/or prejudice
- Ensuring that equality values are represented in the everyday language and behaviour evident in the school and that the Leadership Team regularly monitor the school climate in relation to this, in order that tolerance levels in relation to language or behaviour are maintained
- Ensuring that the school makes the strongest possible efforts to minimise any barrier to the participation and engagement of parents with regard to their child's development and in other aspects of school life

B - The school can clearly demonstrate how it assesses the impact on equalities of its current policies and practices on race, disability and gender equality for students, staff and parents. Our school addresses this by:

- Ensuring that the school has consistent and reliable procedures for recording and reporting incidents of inappropriate language or behaviour towards the equality groups as identified in this policy
- Ensuring that the school has monitoring data on attendance, exclusions and bullying and can analyse this with reference to the equality groups identified in this policy

C - The school has secure arrangements for ensuring equality of opportunity with regard to the recruitment, development and retention of employees. Our school addresses this by:

- Ensuring that, whilst adhering to equalities law and fair recruitment practice, every attempt is made to achieve diversity in the workforce and governing body which is representative of that within the school, the local community and the wider community
- Ensuring that all aspects of employment, including recruitment, disciplinary issues, complaints, allocation of responsibilities, professional development and opportunities for all staff to progress are monitored to ensure that equality is upheld as a central consideration when judgments and decisions are made
- Ensuring that all staff are aware of this Single Equality policy and wider equality issues through staff training and professional development and that this is an essential element of the induction training for all staff

D - The school can demonstrate equality with regard to the educational opportunities available to the students in the specified groups. Our school addresses this by:

- Ensuring that there are opportunities for different viewpoints to be expressed and voices to be heard
- Ensuring that, where possible and appropriate and without contrivance or artificiality, curriculum themes and content reflect the rights and interests of the equality groups

as identified in this policy and promote greater tolerance towards them, across a breadth of curriculum which is wider than planned direct teaching within RE, PSHE and citizenship themes

- Ensuring that the curriculum offers opportunities for all students to learn about the history of inequality and oppression in relation to the equality groups as identified in this policy
- Ensuring that all of the equality groups as identified in this policy have the same opportunity to access educational visits and other school trips as any other pupil in the school
- Ensuring that all students can participate equally in all aspects of school life, including extended school activities
- Ensuring that school events or activities, including those arising from the extended school offer, celebrate diversity

E - The school can demonstrate equality of opportunity with regard to the achievements of students in the specified groups. Our school addresses this by:

- Ensuring that the school has processes for monitoring and evaluating the attainment and progress of all students and the comparative attainment and achievement of students in the equality groups identified in this policy. Thereafter ensuring, where there are discrepancies, that appropriate intervention is put into place which will narrow the gap between the attainment and achievement of all students and of those students from the equality groups identified within this policy, where these are lower and need to be addressed

F - The school can demonstrate equality with regard to attendance, exclusion and anti-bullying. Our school addresses this by:

- Ensuring it has effective attendance, behaviour and anti-bullying policies which are applied equally to all groups and do not disadvantage any member of our school community
- Ensuring that the school has processes for avoiding the exclusion of any pupil and that these processes are equally applied to and equally effective for students in the equality groups identified in this policy
- Ensuring that the school can clearly demonstrate the steps it takes to eliminate harassment and bullying of students or staff in the equality groups identified in this policy
- Ensuring that the school has monitoring data on attendance, exclusion and bullying and can analyse this with reference to the equality groups identified in this policy

G - The school's links with local organisations and community groups represent its commitment to raising the awareness of its students, staff and parents with regard to the equality groups identified in this policy.

- Ensuring that the school has links or partnerships with other schools, colleges, local or national groups, charities and organisations which also promote equality.
- Ensuring that the school does not have links, partnerships or connections with local or national groups or organisations which overtly promote prejudice or intolerance or, in the way in which they operate, exclude or disenfranchise members of any of the equality groups identified in this policy

H - With specific regard to disability equality:

- Ensure that the school recognises the "social model" of disability - that a person who has an impairment may become disabled if reasonable adjustments are not provided in relation to that impairment (and is therefore a "disabled person") – over and above

the “medical model” – that a person is disabled by physical or mental impairments (and is therefore a “person with disabilities”)

- With particular regard to disability: ensure that reasonable adjustments are considered in order to include all disabled young people living within the school’s locality

Equality Objectives – 2018 – 2021

- To continue to fulfil our responsibilities to include all aspects of the Equality Scheme
- To meet or exceed attendance benchmarks including analysis of all key groups
- To continue to identify opportunities to develop and embed social, cultural, spiritual and moral dimensions within the school ethos and daily routines
- To continue work with external agencies as applicable
- Embed ethics and moral debate within the curriculum & continue to embed the focus in assemblies and registration activities
- Focus on cultural dimensions
- Focus on social dimensions
- Continue to develop our thematic PSHE curriculum to incorporate opportunities to demonstrate and promote equality
- Focus on Behaviour & Safety of all members of our school community

Roles and Responsibilities in Implementing the Single Equality Scheme

Who is Responsible

1. The governors are responsible for:

- Making sure the school complies with the relevant equality legislation and for ensuring that the school Equality Scheme and its procedures are followed
- Recommend all governors receive up to date training in all the equalities duties
- Designate a link governor with specific responsibility for the Single Equality Scheme
Our designated governor is Marian Simpson
- Establish that the action plans arising from the scheme are part of the School Development Plan
- Support the Head Teacher in implementing any actions necessary
- Inform and consult with parents about the scheme
- Evaluate and review the action every three years
- Set annual priorities for the Equality Scheme

2. The Head Teacher is responsible for:

- Making sure the Equality Scheme and its procedures are followed
- Making sure the Race, Disability and Gender Equality Plans are readily available and that the governors, staff, students, and their parents and carers know about them
- Producing regular information for staff and governors about the plans and how they are working, report at least annually to the governing body
- Making sure all staff know their responsibilities and receive training and support in carrying these out
- Taking appropriate action in cases of harassment and discrimination, including racist bullying, homophobic bullying and bullying related to gender or disability
- Responsible overall for monitoring reports of Race Related incidents, the quality of the school response to these incidents and sharing this information with the Head Teacher and Governing Body

- Ensure that the scheme is implemented effectively
- Manage any day to day issues arising from the policy whether for students or for the school as an employer
- Liaise with external agencies regarding the policy so that the school's actions are in line with the best advice available
- Ensure that the Senior Leadership Team are kept up to date with any development affecting the policy/action plan arising from the scheme
- Provide appropriate support and monitoring for all students and specific and targeted students to whom the scheme has direct relevance, with assistance from relevant agencies

3. The Senior Leadership Team will:

- Have general responsibility for supporting other staff in implementing this scheme
- Provide a lead in the dissemination of information relating to the scheme
- Identify good quality resources and CPD opportunities to support the scheme
- With the Head Teacher, provide advice/support in dealing with any incidents/issues
- Assist in implementing reviews of this scheme as detailed in the School Development Plan

4. All Staff are responsible for:

- Self awareness of the Single Equality Scheme and how it relates to them
- Dealing with racist, homophobic and other hate incidents
- Being able to recognise and tackle bias and stereotyping
- Promoting equal opportunities and good race relations; ensure that students from all groups are included in all activities and have full access to the curriculum
- Avoiding discrimination against anyone for reasons of ethnicity, disability, gender, sexual orientation, age, religion or belief
- Taking up training and learning opportunities
- Accept that this is a whole school issue and fully support the Single Equality Scheme
- Make known any queries or training requirements
- Know procedures for reporting incidents of racism, harassment or other forms of discrimination
- Know procedures for dealing with and reporting prejudice related incidents
- Ensure that those with protected characteristics are not discriminated against and are given equality of opportunity
- Keep themselves up to date with relevant legislation and attend training and information events organised by the school or other external organisation, e.g. LA, examinations board etc
- Promote equality and diversity through teaching and through relations with students, staff, parents, and the wider community

5. Visitors and contractors are responsible for:

Knowing and following our Equality Scheme. Visitors and contractors are responsible for complying with the school's Equality Scheme – non-compliance will be dealt with by the Head Teacher.

6. Parents/Carers will:

- Have access to the scheme
- Be encouraged to support the scheme

- Have the opportunity to attend any relevant meetings/awareness raising sessions related to the scheme
- Have the right to be informed of any incident related to this scheme which could directly affect their child

7. Students will:

- Be made aware of any relevant part of the scheme, appropriate to age and ability;
- Be expected to act in accordance with any relevant part of the scheme
- Experience a curriculum and environment which is respectful of diversity and difference and prepares them well for life in a diverse society;
- Understand the importance of reporting prejudiced based bullying/ incidents;
- Ensure the peer support programme within the school promotes understanding and supports students who are experiencing discrimination.

Involvement Processes

Policies are vital to identify and consolidate thinking regarding appropriate provision for students; however, they are often viewed as an end, when they should be seen as a process - always evolving in response to changes and evidence from impact assessments. When developing this Equality Scheme, the school is clear that this is a process which must be informed by the involvement of all participants such as students, parents, school staff, governors and external agencies. This will ensure that the school gleans insights into the barriers faced by people from different social identity backgrounds and learns the best ways to overcome such barriers. This Scheme will be informed, therefore, by:

- The views and aspirations of students themselves from different social identity backgrounds
- The views and aspirations of parents/carers of students from different social identity backgrounds
- The views and aspirations of staff from different social identity backgrounds
- The views and aspirations of members of the community and other agencies, including voluntary organisations, representing different social identity backgrounds

Mechanisms for involvement

At this school the following mechanisms will ensure the views of **students** inform the Equality Scheme and action plan:

- School Council/ Year Councils
- Exit interviews with students leaving Foxford School
- School Website
- Daily registration/ tutor time
- School and teaching days with specific equality dimension
- Individual and /or group meetings with students involved in incidents of a discriminatory nature
- Individual and /or group interviews with students experiencing reasonable adjustments
- Individual and /or group meetings with students experiencing equality issues
- Meetings and seminars with students from other schools both locally and nationally

At this school the following mechanisms will ensure the views of **staff** inform the Equality Scheme and action plan:

- Exit interviews with staff
- Annual Staff handbook
- Meetings with union representatives, school and regional.
- Teacher training days / information sharing and training sessions
- Individual discussions with staff as part of appraisal

At this school the following mechanisms will ensure the views of **parents/carers and the community** inform the Equality Scheme and action plan:

- Feedback through governing body meetings
- Termly newsletters
- Parents evenings and parent information evenings
- Parental feedback questionnaires
- Progress Review Days
- Text to be inserted in school publications, e.g. prospectus, letters to parents, newsletters – ‘Your support for your child’s education is crucial to their progress Please tell us if there are any adjustments we can make to help you support your child, e.g. letters in large font, letters in different languages, wheelchair access, explanation of things over the phone, a discussion with a school employee or colleague of the same gender’

The school’s action plan will focus on developing the involvement of students, staff and parents from different social identity backgrounds over the three years of this Scheme. We will consider varying the times, methods and the venues for this involvement to ensure the best possible attendance and ensure views can be heard. This way the school will learn what works and the involvement of students, staff and parents will improve and deepen over time.

Action Planning

This scheme is supported by an action plan, the progress of which is monitored and evaluated by the Governing Body.

The action plan that identifies the equality objectives for the school arising from this scheme has:

- Clear allocation of responsibility
- Clear allocation of resources, human and financial
- Clear timescales
- Expected outcomes and performance criteria
- Specified dates for review

The effectiveness of this Scheme will be evaluated and reflected in:

- The School Self-evaluation Form and School Development Plan
- Whole Governing Body meetings
- Discussions with the Education Improvement Advisor and /or School Improvement Partner (SIP).

Signed _____

Date _____

Head Teacher

Signed _____

Date _____

Chair of Governors

Statistics based on academic year 2017/2018

Equality Legislation

Appendix 1

This equality scheme responds to the current equalities legislation.

- The Equality Act 2010 is the overarching legislation for all equality duties. The act serves two main purposes:
 - a) To harmonise discrimination law;
 - b) To strengthen the law to support progress on equality.

The act supersedes or strengthens the following acts and regulations:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Employment Equality (Religion & Belief and Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006 Part 2
- The Equality Act (Sexual Orientation) Regulations 2007

Overview of previous equalities legislation which has been harmonised and strengthened by Equality Act 2010:

- Race Relations Act (RRA) 1976/2000 – statutory positive duty to promote racial equality, promote good race relations and eliminate unlawful racial discrimination;
- Sex Discrimination Act (SDA) 1975 (and Regulations 1999), Gender Equality Duty 2007 – statutory positive duty to promote gender equality and eliminate unlawful gender discrimination
- Employment Equality (religion or belief) (sexual orientation) Regulations 2003 extended to education, Equality Act (Part 2) 2007. The Act sets out that is unlawful for schools to discriminate against a person:
 - a) in the terms on which it offers to admit him/her as a pupil;
 - b) by refusing to accept an application to admit him/her as a pupil, or
 - c) where he/she is a pupil of the establishment:
 - i) in the way in which it affords him/her access to any benefit, facility or service,
 - ii) by refusing him/her access to a benefit, facility or service,
 - iii) by excluding him/her from the establishment,
 - iv) by subjecting him/her to any other detriment.
- Disability Discrimination Act (DDA) 1995/2005 - statutory positive duty to promote equality of opportunity for disabled people: students, staff, parents, carers and other people who use the school or may wish to, and eliminate unlawful discrimination; Education and Inspections Act 2006, duty to promote community cohesion. By 'community cohesion' the school is endorsing and adopting the definition provided by the Education Secretary, 2006, as:

"working towards a society in which there is a common vision and sense of belonging by all communities; a society in which the diversity of people's backgrounds and circumstances is appreciated and valued; a society in which similar life opportunities are available to all; and a society in which strong and positive relationships exist and continue to be developed in the workplace, in schools and in the wider community."

What is discrimination?

The Equality Act 2010 consolidates existing law into a single legal framework and while many of the concepts of discrimination remain the same as in previous equality legislation there are some areas that were not previously covered. This appendix describes the various types of discrimination and how they apply to the schools provisions.

Direct discrimination

Direct discrimination occurs when you treat a pupil less favourably than you treat (or would treat) another pupil because of a protected characteristic. So a very basic example would be refusing to admit a child to a school as a pupil because of their race, for example because they are Roma.

It is not possible to justify direct discrimination, so it will always be unlawful. There are however exceptions to the schools provisions that allow, for example, single-sex schools to only admit students of one sex without this being unlawful direct discrimination.

In order for someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected characteristic is receiving or would receive. So a gay pupil cannot claim that excluding them for fighting is direct discrimination on grounds of sexual orientation unless they can show that a heterosexual or bisexual pupil would not be excluded for fighting. A pupil does not need to find an actual person to compare their treatment with but can rely on a hypothetical person if they can show there is evidence that such a person would be treated differently.

There is no need for someone claiming direct discrimination because of racial segregation or pregnancy, maternity or paternity to find a person to compare themselves to:

- Racial segregation is deliberately separating people by race or colour or ethnic or national origin and will always be unlawful direct discrimination.
- To claim pregnancy or maternity discrimination a female pupil must show that she has been treated unfavourably because of her pregnancy or maternity and does not have to compare her treatment to the treatment of someone who was not pregnant or a new mother. This can also be applied to male young pupil potential fathers seeking paternity rights. The school already offers statutory paternity and adoption leave for male staff.

It is not direct discrimination against a male pupil to offer a female pupil special treatment in connection with her pregnancy or childbirth.

It is not direct discrimination against a non-disabled pupil to treat a disabled pupil more favourably.

For example:

- A female pupil is actively discouraged from undertaking a course in engineering by a teacher who tells her this is an unsuitable area of study for a female. This would be direct discrimination on the grounds of sex.
- A pupil with Asperger's Syndrome can sometimes act in a disruptive manner in class. The school does not take disciplinary action, but uses agreed strategies to manage his behaviour. A non-disabled pupil who is also disruptive in class is punished for his behaviour. This difference in treatment would not be direct discrimination against the non-disabled pupil.

Discrimination based on association

Direct discrimination also occurs when you treat a pupil less favourably because of their association with another person who has a protected characteristic (other than pregnancy, maternity or paternity).

This might occur when you treat a pupil less favourably because their sibling, parent, carer or friend has a protected characteristic.

Discrimination based on perception

Direct discrimination also occurs when you treat a pupil less favourably because you mistakenly think that they have a protected characteristic.

Discrimination because of pregnancy, maternity or paternity.

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. It would also be discriminatory to treat differently a male pupil who needs to take time, or be treated differently to allow him to undertake his paternity rights or duties.

Indirect discrimination

Indirect discrimination occurs when you apply a provision, criterion or practice in the same way for all students or a particular pupil group, such as A-level physics students, but this has the effect of putting students sharing a protected characteristic within the general student group at a particular disadvantage. It doesn't matter that you did not intend to disadvantage the students with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such students compared with students who do not share that characteristic.

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

'Provision', 'criterion' or 'practice' are not defined in the Act but can be interpreted widely and include:

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

They may be written out formally or they may just have developed as the school worked out the best way of achieving what it wanted to do. Indirect discrimination will occur if the following four conditions are met:

1. You apply (or would apply) the provision, criterion or practice equally to all relevant students, including a particular pupil with a protected characteristic, and
2. The provision, criterion or practice puts or would put students sharing a protected characteristic at a particular disadvantage compared to relevant students who do not share that characteristic, and

3. The provision, criteria, practice or rule puts or would put the particular pupil at that disadvantage, and
4. You cannot show that the provision, criteria of practice is justified as a 'proportionate means of achieving a legitimate aim'.

For example:

A school requires male students to wear a cap as part of the school uniform. Although this requirement is applied equally to all students, it has the effect of excluding Sikh boys whose religion requires them to wear a turban. This would be indirect discrimination based on religion and belief as it is unlikely that the school would be able to justify this action.

What is a 'proportionate means of achieving a legitimate aim'?

To be legitimate the aim of the provision, criterion or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of school education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health and safety and welfare of students.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the school's justification, if there are other good reasons for adopting the chosen practice.

The more serious the disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be.

In a case involving disability, if you have not complied with your duty to make relevant reasonable adjustments it will be difficult for you to show that the treatment was proportionate.

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 (which could be the result, effect or outcome of that disability) such as an inability to walk unaided or disability-related behaviour, and

- you cannot justify the treatment by showing that it is 'a proportionate means of achieving a legitimate aim'. This is explained above.

For example:

A pupil with cerebral palsy who is a wheelchair user is told she will be unable to attend a school trip to a local theatre putting on a production of a play she is currently studying in English, because the building is not wheelchair accessible. The pupil and her parents are aware that the play is also on at a theatre in a neighbouring city which is accessible but the school does not investigate this option. This is likely to be discrimination arising from a disability.

Knowledge of disability

If you can show that you

- did not know that the disabled pupil had the disability in question, and
- could not reasonably have been expected to know that the disabled pupil had the disability

then the unfavourable treatment would not amount to unlawful discrimination arising from disability.

If your agent (someone who undertakes tasks on your behalf) or employee knows of a pupil's disability, you will not usually be able to claim that you do not know of the disability.

For example:

A pupil tells the school secretary that she has diabetes and that she needs to carry biscuits to eat when her blood sugar levels fall. A teacher has no information about her disability and refuses to allow students to bring food into the classroom. The pupil has a hypoglycaemic attack. In this case, the school is unlikely to be able to argue that it did not know about her condition.

Relevance of reasonable adjustments

By acting quickly to identify and put in place reasonable adjustments for disabled students, you can often avoid discrimination arising from disability, although there may be cases where an adjustment is unrelated to the unfavourable treatment in question.

If you fail to make an appropriate reasonable adjustment, it is likely to be very difficult for you to argue that unfavourable treatment is justified.

Reasonable adjustments

You should be familiar with the reasonable adjustments duty as this 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.

This duty sits alongside your duties and those of local authorities under Part 4 of the Education Act 1996. 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 (see below) and so there is no need for additional reasonable adjustments to be made for them. In other cases disabled students may require reasonable adjustments in addition to the special educational provision they are receiving. There are also disabled students who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a pupil is receiving under Part 4 of the Education

Act 1996 is one of the factors to be taken into account when you consider what it would be reasonable for you to have to do.

What is the reasonable adjustments duty?

You are required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage. You owe this duty to existing students, applicants and, in limited circumstances, to disabled former students in relation to the following areas:

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

The duty does not require you to make reasonable adjustments to avoid the disadvantage caused by physical features as this is covered by the planning duties.

You cannot justify a failure to make a reasonable adjustment; where the duty arises, the issue will be whether or not to make the adjustment is 'reasonable' and this is an objective question for the tribunals to ultimately determine.

The duty is an anticipatory and continuing one that you owe to disabled students generally, regardless of whether you know that a particular pupil is disabled or whether you currently have any disabled students. You should not wait until an individual disabled pupil approaches you before you consider how to meet the duty. Instead you should plan ahead for the reasonable adjustments you may need to make, regardless of whether you currently have any disabled students. By anticipating the need for an adjustment you will be best placed to help disabled students who come to your school. You are not expected to anticipate the needs of every prospective pupil but you are required to think about and take reasonable and proportionate steps to overcome barriers that may impede students with different kinds of disabilities. For example, while it may be appropriate for you to provide large print for a pupil with a visual impairment, you would not be expected to have Braille devices standing ready.

What is a substantial disadvantage?

A disadvantage that is more than minor or trivial is called a 'substantial disadvantage'. The level of disadvantage created by a lack of reasonable adjustments is measured in comparison with what the position would be if the disabled pupil in question did not have a disability.

You will need to take into account a number of factors when considering whether or not the disadvantage is substantial such as:

- the time and effort that might need to be expended by a disabled child
- the inconvenience, indignity or discomfort a disabled child might suffer
- the loss of opportunity, or the diminished progress a disabled child might make in comparison with his or her peers who are not disabled.

For example:

A deaf pupil is advised by the work experience coordinator that it would be better for her to remain at school rather than go on work experience as it might be 'too difficult' for her to manage. The school does not take any steps to help her find a placement and she misses the opportunity taken by the rest of her classmates. This would be a substantial disadvantage.

The duty to change a provision, criterion or practice

These terms are not defined but in general they relate to how the education and other benefits, facilities and services are provided and cover all of your arrangements, policies, procedures and activities.

Where a provision, criterion or practice places disabled students at a substantial disadvantage in accessing education and any benefit, facility or service, you must take such steps as it is reasonable to take in all the circumstances to ensure the provision, criterion or practice no longer has such an effect. This might mean waiving a criterion or abandoning a practice altogether but often will involve just an extension of the flexibility and individual approach that most schools already show to their students.

For example:

A school has been allocated three places for students to represent the school at a national youth conference on the environment. The school decides to hold a debate on the topic to select the three students who will attend the conference. This places a pupil with a nervous system disorder at a significant disadvantage as he has trouble communicating verbally. The school modifies the criteria to enable that pupil to submit his views and ideas on the issue in writing. This is likely to be a reasonable adjustment to the school's practice.

When is it reasonable for a school to have to make adjustments?

A useful starting point when determining what a reasonable adjustment might be is to consider how to ensure that disabled students can be involved in every aspect of school life. Often effective and practical adjustments involve little or no cost or disruption.

For example:

- A teacher always addresses the class facing forward to ensure that a pupil with hearing difficulties is able to lip-read. This is an example of a simple reasonable adjustment.
- A primary school introduces a playground buddy system and a friendship bench which creates a supportive and friendly place for disabled students during breaks. This is an example of an effective but easy reasonable adjustment.

Where disabled students are placed at a substantial disadvantage by a provision, criterion or practice or the absence of an auxiliary aid, you must consider whether any reasonable adjustment can be made to overcome that disadvantage.

You should not expect disabled students to suggest adjustments but if they do you should consider whether those adjustments would help to overcome the disadvantage and whether the suggestions are reasonable. It is good practice for schools to work with students and their parents in determining what reasonable adjustments can be made.

2.2 Harassment

There are three types of harassment which are unlawful under the Equality Act:

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of a pupil because they submit to or reject sexual harassment or harassment related to sex.

The relevant protected characteristics for the schools provisions are:

- Disability.
- Race.
- Sex.

Pregnancy and maternity are not protected directly under the harassment provisions, however, unwanted behaviour (as described below) will amount to harassment related to sex.

Harassment related to a protected characteristic

Harassment occurs when you engage in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- violating a pupil's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil.

The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for the pupil to say that they object to the behaviour for it to be unwanted.

In this context 'related to' has a broad meaning and includes situations where the pupil who is on the receiving end of the unwanted behaviour does not have the protected characteristic himself or herself, provided there is a connection between the behaviour and a protected characteristic.

This would also include situations where the pupil is associated with someone who has a protected characteristic, or is wrongly perceived as having a particular protected characteristic.

For example:

A pupil from an Irish Traveller background overhears a teacher making racial slurs about gypsy and traveller people stating their site should be shut down and they were 'trouble'. This would constitute harassment related to a protected characteristic (race).

The definition of harassment as described above does not apply to the protected characteristics of gender reassignment, sexual orientation or religion or belief in relation to schools. However, where unwanted conduct related to any of these protected characteristics results in a pupil suffering disadvantage that would constitute direct discrimination.

For example:

During a PSHE (personal, social, health and economic education) lesson, a teacher describes homosexuality as 'unnatural' and 'depraved' and states he will only be covering heterosexual relationships in the lesson. A bisexual pupil in the class is upset and offended by these comments. This may be unlawful direct discrimination on the grounds of sexual orientation.

Sexual harassment

Sexual harassment occurs when you engage in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- violating a pupil's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil.

'Of a sexual nature' can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

For example:

A sixth form female pupil is asked intimate questions about her personal life and subjected to sexual innuendos by her teacher. This would be sexual harassment.

Less favourable treatment of a pupil because they submit to or reject sexual harassment or harassment related to sex

It is unlawful to treat a pupil less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

2.3 Victimisation

Victimisation is defined in the Act as: 'Treating someone badly because they have done a 'protected act' (or because the school believes that a person has done or is going to do a protected act).'

There are additional victimisation provisions for schools which extend the protection to students who are victimised because their parent or sibling has carried out a protected act.

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.

If you do treat a pupil less favourably because they have taken such action then this will be unlawful victimisation. There must be a link between what the pupil (or parent or sibling) did and your treatment of them.

The less favourable treatment does not need to be linked to a protected characteristic.

For example:

A teacher shouts at a pupil because he thinks she intends to support another pupil's sexual harassment claim. This would amount to victimisation.

Who is not protected?

A pupil who in bad faith gives false information or evidence (that is, that they knew was false) or makes an allegation that was false and given in bad faith would not be protected against victimisation. The original complaint/claim would not be affected providing it was not made in bad faith.

For example:

A pupil at an independent school with a grudge against his teacher knowingly gives false evidence in another pupil's discrimination claim against the school. He is subsequently excluded from the school for supporting the claim. This treatment could not amount to victimisation because his evidence was untrue and given in bad faith.

Victimisation for actions of parents or siblings

You must not treat a pupil less favourably because of something their parent(s) or sibling has done in relation to the making of a complaint of discrimination.

A parent of a pupil complains to the school that her daughter is suffering sex discrimination by not being allowed to participate in a metalwork class. If the daughter is treated less favourably as result of the complaint this would be unlawful victimisation.

This applies to a child in relation to whom the parent(s) were making a complaint in relation to and also to any other children who are students at the school. This also applies if a parent supports a teacher's complaint against the school under Part 5 of the Act.

If the information or evidence was false and given in bad faith (that is, the parent/sibling knew it was false) or the allegation was false and given in bad faith then this protection for the pupil will still apply, provided that the pupil did not act in bad faith.

For example:

A pupil makes a complaint against his school claiming that he has suffered discrimination by a member of staff because of his sexual orientation. The pupil's younger brother, at the same school, is protected against any less favourable treatment by the school because of this complaint, even if it is later found out that the older brother was not acting in good faith.

There must be a link between what the parent(s) or their child has done and you treating the child/sibling badly.

The child who is being treated badly does not need to have any of the protected characteristics.

The fact that a complaint/claim is not upheld does not mean that it was made in bad faith.

2.4 Obligations to former students

Even after a person has left your school you must not discriminate against them or harass or victimise them. This only applies if the discrimination or harassment arises out of and is closely connected to their previous relationship with you and would have been unlawful if they were still a pupil. For example, if an ex-pupil asks for a reference from the school it would be unlawful for the reference to be unflattering because of a protected characteristic of the ex-pupil, or because they at one time brought or supported a discrimination complaint against the school.

This obligation to former students would include the duty to make reasonable adjustments for disabled former students if they continue to be at a substantial disadvantage in comparison to former students without a disability. This obligation only applies if the substantial disadvantage arises out of and is closely connected with them having been a pupil.

For example:

A school sends an annual newsletter to former students and one former pupil who has a visual impairment requests that it is sent to him by email rather than in hard copy. The school does not provide him with an electronic copy. This is likely to be an unlawful failure to make a reasonable adjustment.

If someone believes that they are being discriminated against after they have stopped studying with you, they can take the same steps to have things put right as if they were still a pupil. These steps are explained in Section 6.

2.5 When are you responsible for what other people do?

Liability for employees and agents

As an employer you are legally responsible for acts of discrimination, harassment and victimisation carried out by your employees in the course of employment or by people who take action for you (agents). It does not matter whether you knew about or approved of those acts. However, if you can show that you took all reasonable steps to prevent your employees or agents from acting unlawfully, you will not be held legally responsible.

It is important that you take steps to make sure your employees and agents understand that they must not discriminate against students, or harass them or victimise them, and that they understand your duties in relation to making reasonable adjustments for disabled students.

Personal liability of your employees and agents

An employee (of a school) is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable. However, an employee is not personally liable in relation to disability discrimination in schools.

For example, a teaching assistant racially discriminated against a pupil. The school is able to show that it took all reasonable steps to prevent the harassment and therefore was not liable. The pupil can still make a claim of discrimination against the teaching assistant. However, if this was a case of discrimination on the grounds of disability, the pupil would not be able to make a claim against the teaching assistant because the personal liability provisions do not cover disability discrimination in schools.

If the relationship is one of a person paying for someone else to take action for them and someone taking action for them (their 'agent') rather than employer and employee, the agent is personally responsible in the same circumstances. Employees or agents will still be responsible for their acts of discrimination, harassment or victimisation even if they did not know their actions were against the law.

But there is an exception to this. An employee or agent will not be responsible if their employer or principal has told them that there is nothing wrong with what they are doing and he or she reasonably believes this to be true. It is a criminal offence, punishable by a fine of up to £5,000, for an employer or principal to make a false statement in order to try to get an employee or agent to carry out an unlawful act.

Instructing and causing discrimination

As a school you must not instruct, cause or induce someone to discriminate against, harass or victimise another person, or to attempt to do so.

Both the person who receives the instruction and the intended victim will have a claim against whoever gave the instructions. This applies whether or not the instruction is carried out, provided the recipient or intended victim suffers loss or harm as a result.

It only applies where the person giving the instruction is in a legal relationship with the person receiving the instruction such as employer and employee or agent and principal.

Employment Tribunals will deal with complaints from an employee or agent who has received the instructions and the victim can make a claim in the same way as they would for any other claim under the act. So if you instruct a member of staff to discriminate against a pupil on grounds of their sex then the member of staff can make a claim to an Employment Tribunal and the pupil can make a claim to a county or sheriff court.

The Equality and Human Rights Commission can also take action for unlawful instructions to discriminate.

Aiding contraventions

It is unlawful for you to help someone else carry out an act which you know is unlawful under the Equality Act.

However, if the person giving assistance has been told by the person he or she assists that the act is lawful and he or she reasonably believes this to be true, he or she will not be legally responsible.

It is a criminal offence, punishable by a fine of (currently) up to £5,000, to make a false statement in order to get another person's help to carry out an unlawful act under the Equality Act.

For further information visit:-

<http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/>

Equality Scheme Action Plan –

Appendix 3

Through its auditing process and the development of this scheme, taking account of the views of those consulted, the school governing body have identified a range of equality and cohesion priorities for action over the three years of the Scheme. These are detailed in the attached action plan.

Objective	Action	Resource Implication	Success Criteria	Timescale	Responsible person/report to
Parent, carer information	Update prospectus	None – annual update		Summer 2018 and then annually	R. Williamson
Workforce Census Data	Ask staff, by provided information and support, whether they qualify as disabled. Collate ethnicity & gender data	Annual Workforce census	Completed census return	Summer 2018 and then annually	
Pupil Harassment, bullying, racial incident	Complete reports relating to incidents	Collation and complete returns to L.A. Staff training updates	Data files & provision of collated information	Summer 2018 and then annually	S. Beestone
To ensure representative sample of students on school council		Training & staff time	Wider participation on student council	Summer 2018	P. Thompson

Objective	Action	Resource Implication	Success Criteria	Timescale	Responsible person/report to
Continue to increase staff confidence in differentiating curriculum:	Needs analysis and provide training as required	Teacher training time	Staff confident in differentiation techniques	Autumn 2018	M. Syndler
Individual Access plans for disabled students	Check & update individual plans	Time		Autumn 2018 and annually as needed	J. Thornton Clarke
All pupil access PE, educational Visits etc	Monitor and provide interventions as necessary	Additional staffing if needed	Wider participation	Ongoing	DOL s
Develop PSHE to include all equality aspects	Ensure this is prioritised through MEP/ Improvement Plans of DoLs	Time	All equality aspects covered	September 2018	S. Beestone
Continue to develop and embed SMSC	Through all aspects of school life and Enrichment Days	Time	More cohesion	September 2018	S. Beestone