

Equality Policy

This policy reflects the Equality Act 2010 which harmonises and replaces previous legislation including the Race Relations Act 1976, Disability Discrimination Act 1995, Gender Recognition Act 2004 and Sex Discrimination Act 1975. The policy therefore supersedes all previous school policies on Disability, Ethnicity (I.e. Race) and Gender. Through this policy St James' Church of England will fulfil its public duty to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations in connection with disability, ethnicity, gender, religion, sexual identity, and where appropriate, age (applicable to employees only). The guiding principles in this policy refer to all individuals and therefore are equally applicable to students, staff, governors in addition to visitors to St James'. Part one sets out the school's aims to promote equality of opportunity and comply with the Act; Part Two sets out the legal duties which are referred to in Part One.

Part one

The primary aim of St James' school is to enable all pupils to take part as fully as possible in every part of school life by developing each child's self-confidence, recognising their strengths and encouraging them to achieve their full potential. St James' School will take steps to advance equality of opportunity, foster good relations and eliminate discrimination or harassment across all the protected characteristics (age, race, gender reassignment, disability, marriage and civil partnership, religion and belief, pregnancy, maternity and paternity, gender, sexual orientation) within the school community.

This means:

- ☒ We will take reasonable and necessary steps to meet pupils' needs by using a variety of approaches and planning reasonable adjustments for disabled pupils, enabling our pupils to take as full a part as possible in all the activities of the school. We will make reasonable adjustments to ensure the school environment and its activities are as accessible and welcoming as possible for pupils, staff and visitors to the school. We are also committed to ensuring staff with a disability have equality of opportunity.
- ☒ We will actively encourage positive attitudes towards pupils and staff and expect everyone to treat others with dignity and respect.
- ☒ We will regularly consider the ways in which the taught and wider curriculum will help to promote awareness of the rights of individuals and develop the skills of participation and responsible action.
- ☒ We will regularly consider the ways in which our teaching and the curriculum provision will support high standards of attainment, promote School, British and Christian values, and help students understand and value the diversity that surrounds them, and challenge prejudice and stereotyping.
- ☒ We will monitor the progress and achievement of pupils by the relevant and appropriate protected characteristics. This information will help the school to ensure

that individual pupils are achieving their potential, the school is being inclusive in practice, and trends are identified which inform the setting of our equality objectives in the school improvement plan.

☒ We will collect and analyse information about protected characteristics in relation to staff recruitment, retention, training opportunities and promotions to ensure all staff have equality of opportunity. We will not ask health-related questions to job applicants before offering a job, unless it relates to an intrinsic function of the work they do. We will make reasonable adjustments such as providing auxiliary aids for our disabled staff.

☒ Staff will ensure the curriculum is accessible to all pupils with special educational needs and disabilities (SEND) or those for whom English is not their first language. Auxiliary aids and services will be provided for them, where reasonable adjustments are required. By planning ahead, staff will ensure that all pupils are able to take part in extra-curricular activities and residential visits, and the school will monitor the uptake of these visits to ensure no one is disadvantaged on the grounds of a protected characteristic.

☒ We will seek the views of advisory staff and outside agencies and partnerships with other schools where this is needed. In planning the curriculum and resources the school will take every opportunity to promote and advance equality.

☒ Bullying and Prejudice Related Incidents will be carefully monitored and dealt with effectively. Regular training will be given to both existing and new staff to ensure that they are aware of the process for reporting and following up incidents of prejudice-related bullying (follow link to new DCC guidance).

☒ We expect that all staff will be role-models for equal opportunities, deal with bullying and discriminatory incidents and be able to identify and challenge prejudice and stereotyping.

☒ Throughout the year, the school will plan on-going events to raise awareness of equality and diversity. This may include a focus on disability, respect for other cultures, religions and beliefs, anti-homophobia/gay pride, gender equality, developing community cohesion and an understanding of the effects of discrimination. This will be set out as equality objectives in the school improvement plan.

☒ We will ensure pupil/parent/staff consultation is regularly sought in the development and review of this policy.

☒ We will regularly seek the views of pupils, parents, advisory staff and visitors to the school, to ensure that the school environment is as safe and accessible as possible to all school users. We will regularly review our accessibility plans.

☒ The school welcomes a diverse range of candidates and encourages those who are currently under-represented to join.

☒ We will ensure that all staff are aware of their legal duties under the Equality Act 2010, the different forms of discrimination and what 'reasonable adjustments' mean in practice.

☒ Training and awareness sessions will be set out in the school improvement plan.

☒ The school will consult with stakeholders, i.e. pupils, parents/carers, staff and relevant community groups, to establish equality objectives and draw up a plan based on information collected on protected groups and accessibility planning. These equality objectives will be reviewed and reported on annually.

☒ When drawing up policies, it is best practice to carry out an equality impact assessment (EIA) to ensure a policy does not, even inadvertently, disadvantage groups of pupils with protected characteristics. As a minimum, the governing body must consider to what extent a new/revised policy, practice or plan meets the Public Sector Equality Duties (eliminates discrimination, advances equality and fosters good relations for all the protected characteristics) and recommend changes/mitigations should it feel the policy, practice or plan could be improved to fulfil the Duties (DCC policies will have already had EIAs carried out).

Part Two

Our Legal Duties

Duties are as identified in the Equality Act 2010 and its schedules. There are nine equality strands (Known as Protected Characteristics): disability; ethnicity (including Gypsy and Traveller groups); gender; gender identity and transgender; faith and belief; marriage and civil partnerships; sexual orientation (homophobia); pregnancy and maternity; age.

Each related to direct discrimination, discrimination by association, discrimination by perception, indirect discrimination; harassment and victimisation. St James' will seek to achieve positive action in respect of the Act.

This legislation covers employment (work), the provision of services and public functions, and education.

It should be noted that all schools have a duty to comply with the Equality Act 2010 and the Public Sector Duties, and failure to do so could result in legal action against the school's Governing Body. Employees of the school acting on behalf of the Governing Body are also liable for their own discriminatory actions.

The 'Protected Characteristics' within equality law are:

☒ **Age** - A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). Age discrimination does not apply to the provision of education, but it does apply to work.

☒ **Disability** - A person has a disability if s/he has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. It includes discrimination arising from something connected with their disability such as use of aids or medical conditions. HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

☒ **Gender reassignment** - A person (usually with 'gender dysphoria') who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male). 'Trans' is an umbrella term to describe people with this 'Gender Identity'. 'Intersex' or 'Third Sex' is not covered by the Act but the school will treat Intersex children with the same degree of equality as children with gender dysphoria. Children as young as five may begin to show signs of gender dysphoria and therefore it is relevant in any school environment. (The Intercom Trust in Devon supports schools in supporting children undergoing gender reassignment).

☒ **Marriage and civil partnership** - Marriage and civil partnership discrimination does not apply to the provision of education, but it does apply to work.

☒ **Pregnancy and maternity** - Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.

☒ **Race** - A person's colour, nationality, ethnic or national origin. It includes Travellers and Gypsies as well as White British people.

☒ **Religion and belief** - Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Religion and belief discrimination does not prevent a school from carrying out collective worship or other curriculum-based activities, but pupils may withdraw from acts of collective worship.

☒ **Sex** - A man or a woman.

☒ **Sexual orientation** - A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). Although children may not identify as gay or lesbian when very young, promotion of sexual orientation equality is as relevant in a primary school environment as it is in a secondary school. For example, a child may have an older sibling or parent who is gay. Children may experience friends 'questioning' or 'coming out' when they are in secondary school or college. Schools with a particular religious ethos cannot discriminate against lesbian, gay or bisexual pupils.

It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated. So, for example, a school must not discriminate by refusing to admit a pupil because his parents are gay men or lesbians. It would be race discrimination to treat a white pupil less favourably because she has a black boyfriend.

'Prohibited Conduct' (acts that are unlawful):

☒ **Direct discrimination** - Less favourable treatment because of a protected characteristic.

☒ **Indirect discrimination** - A provision, criteria or practice that puts a person at a particular disadvantage and is not a proportionate means of achieving a legitimate aim.

☒ **Harassment** - Conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It includes harassment by a third party (e.g. customer or contractor) in the employment context.

☒ **Victimisation** - Subjecting a person to a detriment because of their involvement with proceedings (a complaint) brought in connection with this Act.

☒ **Discrimination arising from disability** - Treating someone unfavourably because of something connected with their disability (such as periods of absence from work or medical conditions) **and failure to make reasonable adjustments.**

☒ **Gender re-assignment discrimination** - Not allowing reasonable absence from work for the purpose of gender-reassignment in line with normal provision such as sick leave).

☒ **Pregnancy/maternity related discrimination** - Unfavourable treatment because of pregnancy or maternity. It includes unfavourable treatment of a woman or girl because she is breastfeeding.

☒ **Discrimination by association or perception** - For example, discriminating against someone because they "look gay", or because they have a gay brother; discriminating against someone because they care for a disabled relative.

Schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with pupils without disabilities.

Public Sector Duties (applies to schools):

A school must, in the exercise of its functions, give due regard to the need to (in relation to protected characteristics above):

1. Eliminate discrimination, harassment, victimisation and any other prohibited conduct.
2. Advance equality of opportunity (remove or minimise disadvantage; meet people's needs; take account of disabilities; encourage participation in public life).
3. Foster good relations between people (tackle prejudice and promote understanding).

In practice, 'due regard' means giving relevant and proportionate consideration to the duty, so decision makers in schools must have due regard when making a decision, developing a policy or taking an action as to whether it may have implications for people because of their protected characteristics.

Reasonable Adjustments and Accessibility Plans (Schedule 10)

Schools are required to:

☒ Take reasonable steps to avoid disadvantage caused by a provision, criteria or practice or a physical feature that puts a disabled person at a substantial disadvantage compared to a non-disabled person. This involves removing or avoiding a physical feature, for example steps and lifts.

☒ Take reasonable steps to provide auxiliary aids/services.

☒ Provide information in an accessible format.

☒ Develop and implement (by allocating appropriate resources) Accessibility Plans which will

1. Increase disabled pupils' access to the school curriculum
2. Improve the physical environment
3. Improve provision of information.

The duty is an anticipatory and continuing one that schools owe to disabled pupils generally, regardless of whether the school knows that a particular pupil is disabled or whether the school currently has disabled pupils. The school will need to plan ahead for the reasonable adjustments that it may need to make, working with the **relevant admissions authority** as appropriate.

For more information download guidance from the DfE:

<http://www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010>

and **Equality Human Rights website:**

<http://www.equalityhumanrights.com> which includes the guidance for education providers (schools)

or <https://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Equality-and-Diversity/Equality-information-and-objectives.aspx>

The Education and Inspections Act 2006 introduced a duty on all maintained schools in England to promote community cohesion.

Aspects of educational legislation have also promoted equal opportunities, for example the Education Act includes a duty for local authorities to educate children with special educational needs in mainstream schools wherever possible.

Responsibilities

The role of the governing body

- Ensure that the school complies with equality-related legislation.
- Ensure that the policy and its procedures are implemented by the Headteacher.
- Ensure all other school policies promote equality.
- Give due regard to the Public Sector Equality Duty when making decisions.

The role of the Headteacher

- Implement the policy and its related procedures.
- Make all staff aware of their responsibilities and provide training as appropriate to enable them to effectively deliver this policy.
- Take appropriate action in any case of actual or potential discrimination.
- Ensure that all staff understand their duties regarding recruitment and providing reasonable adjustments to staff. It is unlawful for an employer to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function of the work - for example ensuring that applicants for a PE teaching post have the physical capability to carry out the duties. Schools should no longer require job applicants to complete a generic health questionnaire. Neither should a school seek out past sickness records until they have made a job offer.
- Ensure that all staff and pupils are aware of the process for reporting and following up bullying and prejudice-related incidents.

The role of all adults in school

- Enact this policy, its commitments and procedures, and their responsibilities associated with this policy.
- Deal with bullying and discriminatory incidents, and know how to identify and challenge prejudice and stereotyping.
- Promote equality and good relations and not discriminate on any grounds.
- Attend such training and information opportunities as necessary to enact this policy and keep up to date with equality legislation.
- To be models of equal opportunities through their words and actions.

Pupils

- Refrain from engaging in discriminatory behaviour or any other behaviour that contravenes this policy.

Visitors (e.g. parent helpers, contractors)

- To be aware of, and comply with, the school's equality policy.
- To refrain from engaging in discriminatory behaviour (for example, racist language) on school premises.

Appendix

Definitions

Equality: This is more clearly defined as equality of opportunity and outcome, rather than equality of treatment. This means treating people fairly and according to their needs as some people may need to be treated differently in order to achieve an equal outcome.

Inclusive: Making sure everyone can participate, whatever their background or circumstances.

Diversity: Recognising that we are all different. Diversity is an outcome of equality and inclusion.

Cohesion: People from different backgrounds getting on well together (good community relations). There is a shared vision and sense of purpose or belonging. Diversity is valued. Relationships are strong, supportive and sustainable. Cohesion is an outcome of equality and inclusion.

Community: From the school's perspective, the term "community" has a number of meanings:

The school community - the students we serve, their families and the school's staff.

The community within which the school is located - in its geographical community, and the people who live and/or work in that area.

The community of Britain - all schools by definition are part of it.

The global community - formed by European and international links.

Gender Dysphoria: **Gender dysphoria is a recognised condition in which a person feels that there is a mismatch between their biological sex and their gender identity.**

Biological sex is assigned at birth, depending on the appearance of the infant. Gender identity is the gender that a person "identifies" with, or feels themselves to be.