Stony Dean School

Equality Policy

2015 – 2018

Reviewed: September 2017

Next Review: September 2018

Stony Dean School Equality Plan

1. **Mission statement**
2. **Mainstreaming equality into policy and practice**
3. **Legislative Context**
4. **Equal Opportunities for Staff**
5. **Equality and the law**
   1. **Race**
   2. **Disability**
   3. **Gender**
   4. **Sexual orientation**
   5. **Community cohesion**
6. **Consultation**
7. **Roles and Responsibilities**
8. **Tackling discrimination**
9. **Review of progress and impact**
10. **Impact assessments**
11. **Publishing the plan**

**1. Mission statement**

At Stony Dean School, we are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of race, gender, sexuality, disability, faith or religion or socio-economic background. We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and able to participate fully in school life. We promote British values throughout the school in the curriculum, social interactions and general school ethos.

The achievement of pupils will be monitored by race, gender, socio-economic factors and disability and we will use this data to support pupils, raise standards and ensure inclusive teaching. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all. Stony Dean School supports the Prevent Agenda to safeguard all pupils. At Stony Dean School, we believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

**2. Mainstreaming equality into policy and practice**

As well as the specific actions set out beneath this plan, the school operates equality of opportunity in its day to day practice in the following ways:

**Teaching and learning**

We aim to provide all our pupils with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, we will:

* Use contextual data to improve the ways in which we provide support to individuals and groups of pupils;
* Monitor achievement data by ethnicity, gender, socio-economic factors and disability and action any gaps;
* Take account of the achievement of all pupils when planning for future learning and setting challenging targets;
* Ensure equality of access for all pupils and prepare them for life in a diverse society;
* Use materials that reflect the diversity of the school, population and local community in terms of race, gender and disability, without stereotyping;
* Promote attitudes and values that will challenge racist and other discriminatory behaviour or prejudice;
* Provide opportunities for pupils to appreciate their own culture and celebrate the diversity of other cultures;
* Seek to involve all parents in supporting their child’s education;
* Encouraging classroom and staffroom discussion of equality issues which reflect on social stereotypes, expectations and the impact on learning; including teaching and classroom-based approaches appropriate for the whole school population, which are inclusive and reflective of our pupils.

Personal development and pastoral guidance

* Pastoral staff takes account of disability needs, gender, religious and ethnic differences and the experience and needs of particular groups such as Gypsy Roma and Traveller, refugee and asylum seeker pupils.
* All pupils are encouraged to consider the full range of career opportunities available to them with no discriminatory boundaries placed on them due to their disability, gender or race as well as their sexual orientation or religion/ belief or non-belief.
* Remove unlawful distinctions, exclusions, restrictions or preferences that have the purpose or effect of limiting equal access to goods, facilities and services.
* All pupils/staff/parents/carers are given support, as appropriate, when they experience discrimination. We also recognise that the perpetrators of discrimination are themselves sometimes victims of their personal circumstances and therefore where appropriate remedial work is done to ensure that the actions do not occur again.
* Positive role models are used throughout the school to ensure that different groups of pupils can see themselves reflected in the school community.
* All pupils develop communication, delegation, motivation and supervision skills, particularly those who come from vulnerable, excluded or deprived backgrounds.

**Admissions and exclusions**

Our admissions arrangements are fair and transparent, and do not discriminate on race, gender, disability or socio-economic factors.

Exclusions will always be based on the school’s Behaviour Policy. We will closely monitor exclusions to avoid any potential adverse impact and ensure any discrepancies are identified and dealt with.

**3. Legislative Context**

The School’s Equalities and Cohesion Policy covers (see Appendix A).

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.

**4. Equal Opportunities for Staff**

This section deals with aspects of equal opportunities relating to staff at Stony Dean School.

We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment.

All staff appointments and promotions are made on the basis of merit and ability and in compliance with the law. However we are concerned to ensure wherever possible that the staffing of the school reflects the diversity of our community.

**Employer duties**

As an employer we need to ensure that we eliminate discrimination and harassment in our employment practice and actively promote equality across all groups within our workforce.  
  
Equality aspects such as gender, race, disability, sexual orientation, gender re-assignment and faith or religion are considered when appointing staff and particularly when allocating Teaching and Learning Responsibilities (TLR) or re-evaluating staff structures, to ensure decisions are free of discrimination.

Actions to ensure this commitment is met include**:**

* Monitoring recruitment and retention including bullying and harassment of staff;
* Continued professional development opportunities for all staff;
* Senior Leadership Team support to ensure equality of opportunity for all.

**5. Equality and the law**

There are a number of statutory duties that must be met by every school in line with legislation from the Race Relations (Amendment) Act (2000), Disability Equality Duty (2005) and Equality Act (2006).

**5a. Race Equality**

This section of the plan reflects the general and specific duties of schools as detailed in The Race Relations Act 1976 and as amended by The Race Relations (Amendment) Act 2000.

The General Race Equality Duty requires us to have due regard to the need to:

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

Under our specific duty we will:

* Prepare an Equality Plan which includes our written policy for race equality;
* Assess the impact of our policies, including this Policy, on pupils, staff and parents by ethnicity including, in particular, the achievement levels of these pupils;
* Monitor the impact our plans and policies have on such pupils, staff and parents towards raising the achievement of minority ethnic groups.

**5b. Disability**

This section should be read in conjunction with the school’s Special Educational Needs Policy, Inclusion Policy and Accessibility Plan.

**Definition of disability**

The Disability Discrimination Act 2005 (DDA) defines a disabled person as someone who has ‘a physical or mental impairment which has a substantial or long-term adverse effect on his or her ability to carry out normal day-to-day activities’.

The DDA 2005 has also extended the definition of disability as follows:

* People with HIV, multiple sclerosis and cancer (although not all cancers) are deemed disabled before they experience the long-term and substantial adverse effect on their activities;
* Section 18 has been amended so that individuals with a mental illness no longer have to demonstrate that it is “clinically well-recognised”, although the person must still demonstrate a long-term and substantial adverse impact on his/her ability to carry out normal day-to-day activities.

**Legal duties**

The Disability Discrimination Act (DDA) 2005 placed a general duty on schools, requiring them to have due regard for the following when carrying out and delivering services:

* Promoting equality of opportunity between disabled people and other people;
* Eliminating discrimination and 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.

Under ourspecific duty we will**:**

* Prepare and publish an Equality Plan which covers the requirements for a Disability Equality Scheme identifying our disability equality goals and actions to meet them;
* Review and revise this Scheme every three years.

**5c. Gender Equality**

The Gender Equality Duty 2006 places a general and specific duty on schools to eliminate unlawful discrimination and harassment on the grounds of gender and to promote equality of opportunity between female and male pupils and between women and men and transgender people.

Under our general duty we will actively seek to:

* Eliminate unlawful discrimination and harassment on grounds of sex and gender reassignment;
* Promote equality between men and women.

**5d. Sexual Orientation**

The Equality Act 2006 made provision for regulations to be introduced to extend protection against discrimination on grounds of religion or belief to sexual orientation.

The Equality Act (Sexual Orientation) Regulations 2007 came into force on 30 April 2007, and they make discrimination unlawful in the area of goods, facilities and services on grounds of sexual orientation. For schools this means admissions, benefits and services for pupils and treatment of pupils.

**5e. Community cohesion**

The Education and Inspections Act 2006 inserted a new section 21(5) to the Education Act 2002, introducing a duty on the governing bodies of state schools to promote community cohesion. Community cohesion encompasses promoting good relations between pupils from different races, faiths / beliefs and socio-economic backgrounds. The duty came into force on 1 September 2007.

**6. Consultation and involvement**

It is a requirement that the development of this plan and the actions within it have been informed by the input of staff, pupils and parents and carers. We have achieved this by using the following to shape the plan:

* Feedback from the annual parent questionnaire, parents’ evening or governors’ parent-consultation at parents evenings and monthly meetings available to all parents
* Input from staff surveys or through staff meetings / INSET;
* Feedback from the school voice, PSHCEE lessons, RRSA Steering group, whole school surveys on children’s attitudes to self and school;
* Issues raised in annual reviews or reviews of progress on Individual Education Plans/Personalised timetables, mentoring and support;
* Feedback at Governing body meetings.

**7. Roles and Responsibilities**

**The role of governors**

The governing body has set out its commitment to equal opportunities in this plan and it will continue to do all it can to ensure that the school is fully inclusive to pupils, and responsive to their needs based on race, gender and disability.

The governing body seeks to ensure that people are not discriminated against when applying for jobs at our school on grounds of race, gender or disability.

The governors take all reasonable steps to ensure that the school environment gives access to people with disabilities, and also strive to make school communications as inclusive as possible for parents, carers and pupils.

The governors welcome all applications to join the school, whatever a child’s socio-economic background, race, gender or disability.

The governing body ensures that no child is discriminated against whilst in our school on account of their race, sex or disability.

**The role of the Headteacher**

It is the headteacher’s role to implement the school’s Equality Plan and s/he is supported by the governing body in doing so.

It is the headteacher’s role to ensure that all staff are aware of the Equality Plan, and that teachers apply these guidelines fairly in all situations.

The headteacher ensures that all appointments panels give due regard to this plan, so that no-one is discriminated against when it comes to employment or training opportunities.

The headteacher promotes the principle of equal opportunity when developing the curriculum, and promotes respect for other people and equal opportunities to participate in all aspects of school life.

The headteacher treats all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents, with due seriousness.

**The role of all staff: teaching and non-teaching**

All staff will ensure that all pupils are treated fairly, equally and with respect, and will maintain awareness of the school’s Equality Plan.

All staff will strive to provide material that gives positive images based on race, gender and disability, and challenges stereotypical images.

All staff will challenge any incidents of prejudice, racism or homophobia, and record any serious incidents, drawing them to the attention of the Headteacher.

Teachers support the work of ancillary or support staff and encourage them to intervene in a positive way against any discriminatory incidents.

**8. Tackling discrimination**

Harassment on account of race, gender, disability or sexual orientation is unacceptable and is not tolerated within the school environment.

All staff are expected to deal with any discriminatory incidents that may occur. They are expected to know how to identify and challenge prejudice and stereotyping; and to support the full range of diverse needs according to a pupil’s individual circumstances.

Racist and homophobic incidents and other incidents of harassment or bullying are dealt with by the member of staff present, escalating to a class teacher / Headteacher where necessary. All incidents are reported to the Headteacher and racist incidents are reported to the governing body and local authority on a termly basis.

**What is a discriminatory incident?**

Harassment on grounds of race, gender, disability, sexual orientation or other factors such as socio-economic status, can take many forms including verbal or physical abuse, name calling, exclusion from groups and games, unwanted looks or comments, jokes and graffiti.

A racist incident is defined by the Stephen Lawrence Inquiry Report (1999) as:

‘any incident which is perceived to be racist by the victim or any other person’.

**Types of discriminatory incident**

Types of discriminatory incidents that can occur are:

* Physical assault against a person or group because of their colour, ethnicity, nationality, disability, sexual orientation or gender;
* Use of derogatory names, insults and jokes;
* Racist, sexist, homophobic or discriminatory graffiti;
* Provocative behaviour such as wearing racist, sexist, homophobic or discriminatory badges or insignia;
* Bringing discriminatory material into school;
* Verbal abuse and threats;
* Incitement of others to discriminate or bully due to victim’s race, disability, gender or sexual orientation;
* Discriminatory comments in the course of discussion;
* Attempts to recruit others to discriminatory organisations and groups;
* Ridicule of an individual for difference e.g. food, music, religion, dress etc;
* Refusal to co-operate with other people on grounds of race, gender, disability or sexual orientation.

**Responding to and reporting incidents**

It should be clear to pupils and staff how they report incidents. All staff, teaching and non-teaching, should view dealing with incidents as vital to the well-being of the whole school (see following diagram)

Incident

Member of staff to investigate further (if incident reported) or challenge behaviour immediately. orange incident form to be completed

Response to victim and family

Response to perpetrator and family

Incident form to be followed up by LMT/SLT and filed. Incidents to be reported to Governing body and local authority as required

Action taken to address issue with year group / school if necessary e.g. through circle time / assembly/ PSHCEE lessons/ Hub intervention

**9. Review of progress and impact**

The Plan has been agreed by our Governing Body. We have a rolling programme for reviewing our school policies and their impact. In line with legislative requirements, we will review progress against our Equality Plan annually and review the entire plan on a three year cycle.

We make regular assessments of pupils’ learning and use this information to track pupil progress. As part of this process, we regularly monitor achievement by ethnicity, gender and disability, to ensure that all groups of pupils are making the best possible progress, and take appropriate action to address any gaps.

**10. Impact Assessments**

Schools have to take account of the need to impact-assess all policies for adverse impact on any groups referred to in this policy. It is important to show how this Equalities and Cohesion Policy relates to other policies in the school so that there is a clear understanding of how equality and diversity plays an integral part in the life of the school.

You may wish to use the following when formulating this section:

We ensure that the commitments embodied in our mission statement for equality apply to the full range of our policies and practices, especially those concerned with:

• Equal opportunities

• Pupils’ progress attainment and assessment

• Behaviour discipline and exclusions

• Pupils’ personal development and pastoral care

• Teaching and learning

• Induction

• Admissions and attendance

• The curriculum

• All subjects

• Teaching and learning

• Staff recruitment and retention

• Governor /staff training and professional development

• Partnerships with parents/carers and communities

• Visits and visitors

Each policy, and any other relevant policies as outlined in the specific duties placed upon us by the relevant legislation, will be evaluated and monitored for its impact on pupils, staff, parents and carers from the different groups that make up our school. As part of the action plan a timeline of high, medium and low priority policies for impact assessment will be drawn up.

**11. Publishing the policy**

In order to meet the statutory requirements to publish a Disability Equality Scheme and Gender Equality Scheme, we will:

Publish our policy and school aims on the school website;

Raise awareness of the equality aims through the school newsletter, assemblies, staff meetings and other communications;

Make sure hard copies are available.

**Signed: N Strain**

Headteacher

**Date: September 2017**

**Review: September 2018**

**Appendix A**

**The Equality Act 2010**

The Equality Act 2010 replaced all existing equality legislation from 1st 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 polices 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 30th 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: The duty still remains but is no longer a criteria used by Ofsted when grading schools.*

*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 and teaching and learning,