

St Nicholas Catholic Primary School



Policy – 4.07 Equality Policy

Agreed at APW Feb 17

Review due Spring 2020

This single policy replaces separate policies the school has on race, disability and gender to eliminate discrimination, advance equality of opportunity and foster good relations. It reflects the legal duties set out in the [Equality Act 2010](#) and [non-statutory guidance](#) set out by the government in December 2011 and March 2012. 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.

Equality at St Nicholas School.

The primary aim of St Nicholas 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. We recognise that this is achieved through all staff reaching their potential. We expect all staff to be role-models for equal opportunities, to deal with bullying and discriminatory incidents and be able to identify and challenge prejudice and stereotyping. 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. St Nicholas School's compliance with the Public Sector Equality Duty (PSED) in the Equality Act 2010 and advancing equality of opportunity is published on our website at www.st-nicholas-exeter.devon.sch.uk.

St Nicholas School actively encourages positive attitudes towards pupils and staff and expects everyone to treat others with dignity and respect. We will take steps to promote awareness of the rights of individuals, 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 and maternity, gender, sexual orientation) within the school community.

Meeting individual's needs

We will take reasonable and necessary steps to meet the needs of pupils and staff, using a variety of approaches and planning reasonable adjustments to meet identified needs, enabling all to take as full a part as possible in school life.

Curriculum:

Through our planning, we will ensure teaching and the curriculum provision is accessible and supports high standards of attainment for all, promotes common values, helps students understand and value the diversity that surrounds them, and challenges prejudice and stereotyping. In addition, through the curriculum we will develop participation and responsible action.

Physical accessibility:

We will make reasonable adjustments to ensure the school environment, its activities, extra-curricular activities and residential visits, are as accessible and welcoming as possible for all pupils, staff and visitors. Accessibility plans will be reviewed annually.

Equal opportunities

We are committed to ensuring all staff have equality of opportunity in their careers at St Nicholas.

Raising awareness:

The school will run events to raise awareness of equality and diversity as set out in the equality objectives in the school improvement plan.

Policies and planning:

When setting policies, the Governing Body will ensure it meets the Public Sector Equality Duties, and include an Equality Impact Assessment (EIA) as appropriate.

The school will establish equality objectives and an action plan based on stakeholder consultation, information collected on protected groups and accessibility planning. These equality objectives will be reviewed and reported on annually.

Monitoring and Evaluation:

- The school will monitor the progress and achievement of pupils by the relevant and appropriate protected characteristics. This information will be evaluated by the school and Governors to ensure that individual pupils are achieving their potential, and the school is being inclusive in practice. The results of this will inform the focus of the School Improvement Plan.
- We will monitor and evaluate information about protected characteristics in relation to staff recruitment, retention, training opportunities and promotions to ensure all staff have equality of opportunity. Our recruitment policy will be based on equal opportunity best practise.
- Prejudice related bullying and incidents relating to pupils and staff will be monitored and dealt with through our bullying policy. 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.
- We will regularly seek the views of pupils, parents, advisory staff and visitors to the school. This information will be used to ensure that the school environment is as safe and accessible as possible to all school users.

Part Two - Legal Duties

Legislation relating to equality and discrimination is laid out in the Equality Act 2010. This legislation covers employment (work), the provision of services and public functions, and education. Employers (schools) are liable for discriminatory acts of their employees if they did not take reasonable steps to prevent such acts. Employees can be liable for acts (where an employer took reasonable steps to prevent such acts).

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
 - Increase disabled pupils' access to the school curriculum
 - Improve the physical environment
 - 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.

DfE Guidance:

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

Equality Human Rights guidance: <http://www.equalityhumanrights.com>

Devon County Council guidance: <http://www.devon.gov.uk/equalitylegislation.htm>

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	<p>From the school's perspective, the term "community" has a number of meanings:</p> <ul style="list-style-type: none">• 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	<p>Gender dysphoria is a recognised condition in which a person feels that there is a mismatch between their biological sex and their gender identity.</p> <p>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.</p>