



Westgate Primary School Single Equalities Policy

This policy was originally drawn up in 2011 and has been reviewed and updated. It is reviewed on a 3 yearly basis.

Reviewed on: **28/03/2019** **(date)**

Signed: **(Head teacher)**

Signed: **(on behalf of the governing body)**

See Also:

Equality & Diversity Policy
Hate Incident Reporting Procedure
Family of Schools Anti-Racism Charter
Family of Schools Equality and Diversity Charter

Striving for excellence, Caring for children



Our Key Purposes

At Westgate Primary School, we are committed to promoting the highest possible standards of learning and teaching, to enable individuals to fulfil their potential.

We always put the best interests and well-being of the children at the heart of everything we do so they feel safe, protected and enjoy their learning.

To develop self-esteem, we respect the uniqueness of every member of the school community and value their contribution.

Everyone is expected to contribute to the success of Westgate through taking responsibility for their own actions in every aspect of school life.

We promote community cohesion by building and supporting local, national and international partnerships.

We will reflect upon and learn from successful practice and find ways to challenge ourselves to ensure continual improvement.

Our Aims

To ensure we achieve our key purposes, and so we can sustain a happy, successful school, we aim to:

- plan and deliver a curriculum that is differentiated, personalised and stimulating;
- encourage life-long learning;
- embrace change positively and manage it effectively;
- value diversity and encourage inclusion;
- seek opportunities to contribute to and benefit from the local and wider community;
- expect, recognise and celebrate success;
- foster respect for the concept of a sustainable environment;
- establish clear, fair boundaries for behaviour and model the highest possible standards of professionalism;
- use a wide range of teaching strategies to cater for all learning styles ;
- ensure that everybody associated with Westgate is kept fully informed about the work of the school so they will value, respect and listen to each other.

Striving for excellence, Caring for children

Otley Schools Anti-Racism Charter

- We will care for every person in our school. We will not judge them before we know them. We will not split people into groups because of the way they look or feel.
- We will try to help everyone in our schools to take an active part in their community. We will make sure everyone feels they matter and are treated fairly.
- Our timetable will give children chance to find out about and celebrate other cultures.
- We will suggest ways for us to get on together with people of different religions and other cultures in order to build a strong community.
- We will make sure that our students become responsible people of the world who help to change the future for the better, where people understand each other, where everyone works together and everyone is treated the same.
- We want everyone to have a say and we will look at ways to make sure this happens in our schools.
- We will keep the law that says that our community will work together.
- We will make sure we work as a team and treat the whole community equally because that is the law.

Otley Schools Equality & Diversity Charter

- We will ensure that everyone in our school community is treated with **respect** as an individual.
- We will **challenge** stereotypes, prejudices and behaviours which divide our society.
- We will teach our pupils to celebrate differences, champion **equality** and stand up to injustice.
- We will encourage everyone in our schools to play **an active part** in our local community, and to create a society where everyone is equally important.
- We will promote **good relationships** between different groups of people, including those from different faiths and ethnic groups.
- We will broaden our pupil's cultural horizons and ensure that the **rich diversity** of our world is valued and celebrated.
- We will help our young people to develop the **values** they need to become responsible global citizens who help to make the world a fairer place.

SCHOOL CONTEXT

Westgate Primary School is a Community school located on the western edge of the traditional market town of Otley. On entry, pupils' attainment is broadly average for their age but levels of significant special educational need are increasing, as are our numbers of children adopted from care. Eligibility for free school meals or pupil premium varies considerably from class to class. The school's population is stable, and the school has been generally over-subscribed for the last three years, with some mobility. The take-up of free school meals is half the national average but is increasing. The school has in place statutory policies and procedures for equal opportunities and racial and disability discrimination with procedures to respond to any issue relating to any potential aspect of inequality rigorously followed up.

The overall percentage of children with special educational needs is broadly in line with national averages and consists of children with a wide range of needs: cognitive, speech and language, social and emotional, physical, sensory and behavioural. A majority of the children who attract high needs top-up funding have pragmatics difficulties or a diagnosis on the autistic spectrum.

Children with SEN make good progress compared to children with SEN nationally. Children with SEN have specific individual targets and have specifically tailored programmes of work in order to meet the needs of the learners. Pupils are well supported by skilled Teaching Assistants in every class, with additional TAs also deployed to support children with significant needs.

Children with EAL and those from backgrounds other than White British make up a small percentage of our population. The school promotes a range of cultures and equality through our curriculum, which develops the children's understanding of diversity and equality (eg Black History Month and regular opportunities for diversity planned throughout the year).

There is a fairly equal number of boys and girls in the school and analysis of data shows no specific trends but issues with specific groups are addressed as they arise through ongoing monitoring. Progress and attainment are evaluated for all vulnerable groups including Pupil Premium, gender and BME.

The school considers curriculum provision to be of high quality. Westgate provides all children with a relevant and imaginative curriculum based around the needs of the children and the locality of the school. The result is a local curriculum set within a global framework, which engages and motivates learners.

WHAT WE MEAN BY EQUALITY?

At Westgate Primary School we understand equality to mean treating everyone with equal dignity and worth valuing their particular characteristics such as their age, disability, gender, ethnicity, religion or belief, sexual orientation and socio-economic circumstances.

We further understand that people have different needs, situations and goals and therefore achieving equality requires the removal of discriminatory barriers that limit what people, especially children and young people can do and can be. We recognise that inequality can be experienced in a variety of ways such as through outcomes, access to services, the degree of independence to make decisions affecting lives and inequality of treatment, including in relation to employment, through direct and indirect discrimination or disadvantage imposed by other individuals, groups, institutions or systems intentionally or inadvertently.

OUR GUIDING PRINCIPLES

In fulfilling the legal obligations outlined further on in this scheme, we at Westgate Primary School are guided by seven principles.

Principle 1: All members of the school and wider community are of equal value

We see all members of the school and wider community of equal value:

- whether or not they are disabled
- whatever their ethnicity, culture, religious affiliation, national origin or socio-economic circumstances
- whichever their gender and sexual orientation
- whatever their age

Principle 2: We recognise and respect diversity

Treating people equally does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate, but are differentiated, as appropriate, to take account of differences of life-experience, outlook and background, and in the kinds of barrier and disadvantage which people may face, in relation to:

- disability, so that reasonable adjustments are made
- ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised

- gender and sexual orientation so that the different needs and experiences of girls and boys, women and men are recognised.
- Age

Principle 3: We foster positive attitudes and relationships, and a shared sense of cohesion and belonging

We intend that our policies, procedures and activities should promote:

- positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people
- positive interaction, good relations and dialogue between groups and communities different from each other in terms of ethnicity, culture, religious affiliation, national origin or socio-economic circumstances, and an absence of prejudice-related bullying and incidents
- mutual respect and good relations between boys and girls, women and men, and an absence of sexual harassment
- promote positive intergenerational attitudes and relationships.

Principle 4: We will ensure that the recruitment, retention and ongoing development of staff is undertaken in a fair and equitable manner to support our school's vision and values

Policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing professional development:

- whether or not they are disabled
- whatever their ethnicity, culture, religious affiliation, national origin or socio-economic circumstance
- whichever their gender and sexual orientation
- whatever their age

Principle 5: We aim to reduce and remove inequalities and barriers that already exist

In addition to avoiding or minimising possible negative impacts, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between:

- disabled and non-disabled people
- people of different ethnic, cultural and religious and socio-economic backgrounds
- girls and boys, women and men
- lesbian, gay, bisexual and transgender
- Age (where appropriate)

Principle 6: We consult widely

People affected by a policy or activity should be consulted and involved in the design of new policies, and in the review of existing ones. We involve stakeholders in the school community, including, wherever possible:

- disabled people as well as non-disabled
- people from a range of ethnic, cultural and religious and socio-economic backgrounds
- both women and men, and girls and boys.
- People who are lesbian, gay, bisexual and transgender
- people of different ages

Principle 7: We feel that the community as a whole should benefit

We intend that our policies and activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion, and greater participation in public life of:

- disabled people as well as non-disabled
- people of a wide range of ethnic, cultural and religious and socio-economic backgrounds
- both women and men, girls and boys.

- lesbian, gay, bisexual and transgender
- People of different ages and between generations

Principles in themselves are not enough

In the light of the principles stated above, we have identified practical priorities and plans of specific action, in order to promote equality in:

- disability
- ethnicity
- gender
- sexual orientation
- religion and belief
- age
- socio-economic circumstances

These are outlined in our Single Equalities Action Plan.

ACTION PLANS

1. We recognise that the actions resulting from a policy are what make a difference.
2. Every three years we draw up an Equality Action Plan within the framework of the overall school improvement plan, setting out the specific actions and projects we shall undertake to implement the principles above.
3. Our Single Equality Scheme Action Plan is reviewed each year to ensure that actions are on track and to evaluate impact.

THE CURRICULUM

We will actively seek opportunities to review the curriculum (including the hidden curriculum) and curriculum subject or areas in order to ensure that teaching and learning reflect the seven principles outlined above.

We will ensure staff are offered the opportunity to engage in appropriate training and development to support the achievement of the seven principles.

ETHOS AND ORGANISATION

We ensure that the principles listed above apply also to the full range of our policies and practices, including those that are concerned with:

- learners' progress, attainment and assessment
- learners' and staff personal development, welfare and well-being
- teaching styles and strategies
- admissions and attendance
- staff and governor recruitment, retention and professional development
- care, guidance and support
- behaviour, discipline and exclusions
- working in partnership with parents, carers and guardians
- working with the wider community.
- participation of groups in wider school activities
- preparing all members of the learning community for living and positively contributing to a diverse society

ADDRESSING PREJUDICE AND PREJUDICE-RELATED BULLYING

The school is opposed to all forms of prejudice which stand in the way of fulfilling legal duties for all aspects of equality:

- prejudices around disability and special educational needs

- prejudices around racism and xenophobia, including those that are directed towards religious groups and communities, for example anti-semitism and Islamophobia, and those that are directed against Travellers, refugees and people seeking asylum
- prejudices reflecting sexism and homophobia.

There is guidance in the staff handbook on how prejudice-related incidents should be identified, assessed, recorded and dealt with.

We take seriously our obligation to report regularly to the local authority about the numbers, types and seriousness of prejudice-related incidents at our school and how they were dealt with in line with existing and future legal requirements. Our Hate Incident Reporting Procedure outlines in detail the procedure for this.

ROLES AND RESPONSIBILITIES

The governing body is responsible for ensuring that the school complies with current legislation, and that this policy and its related procedures and strategies are implemented.

A dedicated member of the governing body, Susan Carson, has a watching brief regarding the implementation of this policy.

The head teacher is responsible for implementing the policy; for ensuring that all staff, governors and visitors are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination.

A senior member of staff, Joanne Hattersley, Assistant Head responsible for Community and Pastoral, has day-to-day responsibility for co-ordinating implementation of the policy.

All staff are expected to:

- promote an inclusive and collaborative ethos in their classroom
- challenge and deal with any prejudice-related incidents that may occur
- identify and challenge bias and stereotyping in the curriculum
- support pupils in their class for whom English is an additional language
- keep up-to-date with equalities legislation relevant to their work.
- ensure pupils have the opportunity to have their voices heard with regards to equality issues

INFORMATION AND RESOURCES

We ensure that the content of this policy is known to all staff and governors and, as appropriate, to all pupils and parents and carers.

All staff and governors have access to a selection of resources/ training which discuss and explain concepts of equality, diversity and community cohesion in appropriate detail.

RELIGIOUS OBSERVANCE

We respect the religious beliefs and practice of all staff, pupils and parents, and comply with reasonable requests relating to religious observance and practice.

STAFF DEVELOPMENT AND TRAINING

We ensure that all staff, including support and administrative staff and governors, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

BREACHES OF THE POLICY

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

MONITORING AND EVALUATION

We collect study and use quantitative and qualitative data relating to the implementation of this policy, and make adjustments as appropriate.

In particular we collect, analyse and use data relation to achievement, broken down as appropriate according to disabilities and special educational needs; ethnicity, culture, language, religious affiliation, national origin, socio-economic circumstances, gender and age.

To review good practice we make use of a range of auditing schedules.

DEVELOPING AND IMPLEMENTING THE SCHEME

Key to this process for our school is the implementation of **Equality Impact Assessments** (EQUIAs). We use this tool as a common sense measure of determining whether a policy, practice or project will impact on all groups equally or whether it potentially may have a differential impact on one or more particular group (either positively or negatively). It helps us to ensure that there is no unlawful discrimination against certain individuals or groups and those positive duties are promoted equally. It is a way to ensure we meet the diverse needs of our pupils/students and staff and that diversity, equality and inclusion run through all areas of school life.

The format for Equality Impact Assessments can be found in the Equality & Diversity Policy as well as in this policy.

HOW WE DEVELOPED OUR SCHEME

The development of this scheme has involved the whole of our school community. We've discussed it with them and listened to what they have to say, including:

- Our pupils were consulted through School Council.
- The Leadership team agreed key aspects of the Action Plan, with all staff invited to contribute to it.
- Our school governors through the Pupil Support Committee contributed to it.
- Parents/carers were invited to comment following publication of the plan on the school website.
- We ensured links with the JCC action plan.
- It has been reviewed and updated by the Finance and Personnel and Pupil Support governing body committees.

PRIORITISING ACTIVITY

We will use the information gained from our involvement with all stakeholders and issues arising from our data (qualitative and quantitative) to prioritise activities for improvement.

LEGAL DUTIES

1. We welcome our duties under the Race Relations 1976 as amended by the Race Relations Amendment Act 2000; the Disability Discrimination Acts 1995 and 2005; and the Sex Discrimination Act 1975 as amended by the Equality Act 2006 and the Equalities Act 2010.
2. We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.
3. We recognise that these four sets of duties are essential for achieving the five outcomes of the Every Child Matters framework, and that they reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.
4. Summaries of our legal obligations under the three main equality strands of disability, ethnicity and gender are outlined below. After each of the three equality strand we have also outlined the outstanding key issues for our school to address as priorities for the forthcoming three years, which will be included in our action plan as well highlighting the successful impact we have already had in our school.

SUMMARY OF LEGISLATIVE REQUIREMENTS

The legal frameworks

Equality impact assessments of new policies have been required since 2002 in the case of ethnicity, since 2006 in the case of disability, and since 2007 in the case of gender. The requirements are contained within frameworks which distinguish between a) 'the general duty' and b) 'specific duties'.

A further distinction is drawn between a) specific duties concerned with policy development and service delivery and b) those concerned with employment.

The three main frameworks are summarised in below. As first published, they are:

[The Disability Discrimination \(Public Authorities\) \(Statutory Duties\) Regulations 2005](#)

Statutory Instrument 2005 No. 2966

[The Race Relations Act 1976 \(Statutory Duties\) Order 2001](#)

Statutory Instrument 2003 No. 3458

[The Sex Discrimination Act 1975 \(Public Authorities\) \(Statutory Duties\) Order 2006](#)

Statutory Instrument 2006 No. 29

DISABILITY EQUALITY

The general duty

The Disability Discrimination Act 1995, as amended by the Disability Act 2005, places a general duty on public authorities to promote disability equality. The duty came into force on 4 December 2006 and requires public authorities to:

- promote equality of opportunity between disabled persons and other persons
- eliminate unlawful discrimination
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled people more favourably.

Specific duties

The specific duties relating to policy development and service delivery require public authorities to:

- produce and publish a disability equality scheme (DES) demonstrating how they intend to fulfil their general and specific duties
- involve disabled people in the development of the scheme
- produce an action plan setting out the key actions an authority will take to promote disability equality
- explain the methods they use for assessing the impact of their policies and practices, or the likely impact of their proposed policies and practices, on equality for disabled persons
- assess and consult on the likely impact of proposed policies on the promotion of disability equality
- monitor policies for any adverse impact on the promotion of disability equality
- publish the results of these assessments, consultation and monitoring
- report annually on the progress of the action plan
- review the scheme every three years.

The specific duty covering an authority's role as an employer is to monitor the effect of its policies and practices on disabled persons, and in particular the effect on the recruitment, development and retention of disabled employees.

What impact have we already had on disability equality in our school?

The school is much more accessible to all children and visitors with disabilities through the provision of level access to both buildings; when any building work is carried out it is fully DDA compliant; a changing bed has been installed in consultation with the Inclusion Team; and all children with Special Needs are allowed full access to the curriculum and fully integrated into their class and school. The needs of visually impaired people have been built into ongoing redecoration works.

What key issues still remain for our school?

Parking for visitors remains a problem as the two parking spaces are located at some distance from the main entrance. We have consulted with the Highways department at Leeds City Council but we are unable to have disabled bays on Scarborough Road. Further work is needed to ensure learning environments are organised and presented so as to be accessible to as wide a range of needs as possible. We need to invest in a hearing induction loop as the current one is in need of replacement.

Access arrangements

All visitors can access the building via the office with a ramp and entrance system. Although we have a mezzanine floor, all aspects of the school curriculum can be accessed on the ground floor.

RACE EQUALITY

In 2001, the Race Relations Act 1976 was amended to give public authorities a new statutory duty to promote race equality.

The general duty

The general duty requires public authorities to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between persons of different racial groups.

Specific duties

The specific duties relating to policy development and service delivery are to do with the content of a race equality scheme (RES). Schemes should set out an authority's functions and policies, or proposed policies that are assessed as relevant to the general duty to promote ethnicity equality and should set out an authority's arrangements for:

- assessing and consulting on the likely impact of its proposed policies on the promotion of race equality
- monitoring its policies for any adverse impact on the promotion of race equality
- publishing the results of such assessments and consultation
- ensuring public access to information about the services that it provides
- training staff in connection with the general and specific duties
- reviewing the scheme every three years.

The specific duties covering an authority's role as an employer are to:

- monitor by ethnicity the numbers of staff in post and the applicants for employment, training and promotion.

- monitor by ethnicity the numbers of staff who receive training; benefit or suffer detriment as a result of performance assessment procedures; are involved in grievance procedures; are the subject of disciplinary procedures; cease employment
- report and publish annually the results of staff monitoring, and actions taken towards achievement of overall ethnicity equality objectives.

What impact have we already had on race equality in our school?

The Stephen Lawrence Education Standard (now defunct) originally guided our work. Otley Anti-Racism Charter has also had a really positive impact on our school. It was very important to us that in a town like Otley where the ethnic minority population is small in number that all our families appreciate that this does not reflect fully the society in which our children will live and work. The work carried out by the School Councillors to create a children's version of the charter is further evidence of this. Work was led by Joanne Hattersley in creating a curriculum which had clear global links throughout and with messages constantly reinforced throughout it of the importance of race equality. Special events are held regularly e.g. celebration of Black History month. Links are made with other cultures and visitors from other cultures welcomed to school (e.g. link with overseas students at Leeds University).

What key issues still remain for our school?

In a school like Westgate, where only 10 of our pupils are from black and minority ethnic backgrounds, this is a vital aspect of our work and must be ongoing focus through: continually looking for ways to enhance our curriculum; increasing the range of people from other cultures with whom the children are in regular contact ;and work with governors to find ways to make the workforce more representative of the population of Leeds ,when so few members of minority ethnic groups apply for posts at Westgate.

GENDER EQUALITY

The general duty

The Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate unlawful discrimination and harassment
- promote equality of opportunity between men and women

Specific duties

The specific duties relating to policy development and service delivery require public authorities to:

- produce and publish a gender equality scheme (GES) showing how they will meet the general and specific duties and setting out their gender equality objectives
- gather and use information on how their policies and practices affect gender equality
- assess the impact of their policies and practices, or the likely impact of their proposed policies and practices, on equality between women and men
- consult stakeholders in the development of the scheme
- assess functions and policies, or proposed policies, which are relevant to gender equality
- implement the actions set out in the scheme within three years
- report annually on the progress of the action plan
- review the scheme every three years.

The specific duties covering an authority's role as an employer are to:

- consider the need to have objectives that address the causes of any differences between the pay of men and women that are related to their sex
- gather and use information on how its policies and functions affect gender equality in the workforce.

What impact have we already had on gender equality in our school?

Strenuous efforts have been made to ensure that equal progress is made by both boys and girls and where discrepancies emerge through our rigorous reviews of pupil progress and attainment, intervention takes place, at times becoming a focus in our School Improvement Plan. Resources are regularly checked to ensure stereotypes are avoided and also staff are fully aware of the need to avoid gender stereotyping. Primary education is a female dominated workforce but there are now four men employed at the school, who provide positive role models for boys. Our work for the Family of Schools Equality & Diversity Charter in 2017 focused on gender equality and stereotyping.

What key issues still remain for our school?

Although staff work hard on avoiding stereotypes, when children come to us in Nursery these stereotypes are often already in place and this remains a key issue for the school. Our whole school focus revealed how ingrained gender stereotyping is for many children.

COMMUNITY COHESION

Since September 2007 all schools have had a duty to contribute to 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 work place, in schools and in the wider community.

At Westgate Primary School we make this contribution by creating opportunities, through the curriculum and otherwise, for pupils to interact with those from different backgrounds to themselves to enrich their understanding of community and diversity.

We recognise that a school's community is defined in 4 dimensions:

- the school community,
- the community within which the school is located,
- the UK community,
- the global community.

We at Westgate Primary School understand that there are links between this duty and the duty to promote equality, although each has a distinctive focus.

We recognise that our school's contribution to community cohesion should be organised under three main headings:

1. Teaching, learning and curriculum

- helping children and young people to learn to understand others
- to value diversity whilst also promoting shared values
- to promote awareness of human rights and to apply and defend them
- to develop the skills of participation and responsible action

2. Equity and excellence

- to ensure equal opportunities for all to succeed at the highest level possible
- striving to remove barriers to access and participation in learning and wider activities
- working to eliminate variations in outcomes for different groups

3. Engagement and extended services

- to provide reasonable means for children, young people, their friends and families to interact with people from different backgrounds
- build positive relations
- receive services which build positive interaction and achievement for all groups

EQUALITY ACT 2010 AND OTHER EXISTING EQUALITY LEGISLATION.

We at Westgate Primary School will also comply with and have due regard to the following equalities legislation:

New Equality Act 2010

The Equality Bill went through parliament and became an Act on the 8th April 2010. It took effect from Autumn 2010. The Equality Act has put a new single Equality duty on public bodies. The duty requires public bodies to think about the needs of everyone who uses their services or works for them, regardless of race or ethnicity, or any other protected characteristic such as disability or religion.

The act protects people from discrimination on the basis of “protected characteristics” (which previously used to be called grounds). The relevant characteristics for services and public functions are:

- **Disability (definition changed)**

The protected characteristic of disability applies to a person who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

To qualify for protection from discrimination a disabled person no longer has to show that their impairment affects a particular “capacity” such as mobility or speech, hearing or eyesight. Direct discrimination has been extended to cover disability

- **Gender re-assignment (definition changed)**

The protected characteristic of gender re-assignment will apply to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. To qualify for protection from discrimination a transsexual person no longer has to show that they are under medical supervision as it is considered 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.

- **Pregnancy and maternity (no change)**

Pregnancy and maternity is not a protected characteristic for the purposes of the schools provisions but it is covered by other requirements which means that schools are prohibited from restricting access to education on the grounds of pregnancy and maternity status.

- **Race (no change)**

Race includes ethnic or national origins, colour or nationality. People can belong to one or more of these groups at the same time and the one which is relevant to a particular situation depends on the circumstances.

- **Religion or belief (no change)**

The protected characteristic of religion or belief includes any religion or belief and any religious or philosophical belief. It also includes any lack of such religion or belief. A religion need not be mainstream or well known to gain protection as a religion, although it must be identifiable and have a clear structure and belief system.

Faith schools and educational institutions with a religious ethos may in some limited circumstances favour pupils or students because of their religion.

- **Sex (no change)**

A person’s sex refers to the fact that they are male or female. You must not treat a woman or a girl worse than you would treat a man or boy. You must not treat a man or boy worse than you would treat a woman or a girl in the same circumstances.

- **Sexual orientation (no change)**

Everyone is protected from being treated worse because of sexual orientation whether they are straight, gay, lesbian, or bisexual. Sexual orientation discrimination also covers discrimination

connected with expressions or manifestations of a person's sexual orientation. That may include someone's appearance, the places they visit or the people they associate with.

- **Age (no change)**

Under the schools provisions of the Act age is excluded from the list of protected characteristics. An integrated public sector Equality duty encourages public bodies to address the needs of groups experiencing disadvantage or discrimination on a number of grounds including the new socio-economic duty. It also extends the use of positive action in the workplace. Further clarity regarding these issues and many others, particularly in relation to employment matters are available in the codes of practice which became law in April 2011:

<http://www.equalityhumanrights.com/publication/equal-pay-statutory-code-practice>

<http://www.equalityhumanrights.com/publication/employment-statutory-code-practice>

<http://www.equalityhumanrights.com/publication/services-public-functions-and-associations-statutory-code-practice>

The [Employment Equality Regulations 2003](#) protect employees from discrimination because of their actual or perceived religion or belief.

Discrimination is unlawful in relation to:

- recruitment and selection
- terms and conditions of employment offered and or applied
- opportunities for training, training itself, job promotions and transfers
- harassment and victimisation
- dismissal, including redundancy
- post-employment, for example provision of references

The Employment Equality (Sexual Orientation) Regulations 2003 and the subsequent Equality Act (Sexual Orientation) Regulations 2007 protect employees and consumers from discrimination because of their actual or perceived sexual orientation.

Once seen as a peripheral issue of little relevance to the core business of public bodies, sexual identity has been brought centre stage by legislative and societal developments. The Equality Bill will mean that public authorities will have a single public duty, which will extend the current public duties to age, sexual orientation, religion or belief, gender reassignment. It also includes pregnancy and maternity. Public authorities will have a duty to promote 'positive action'.

Gender Recognition Act 2004

The purpose of the Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate (GRC) by a gender recognition panel. The holder of a GRC is not obliged to inform their employer that they have one, but if they choose to do so this information on their gender history must be established as protected information. Trans people are protected by the Sex Discrimination Act 1975, as amended by the Sex Discrimination (Gender Reassignment) Regulations 1992 and the Sex Discrimination (Amendment of Legislation) Regulations 2008.

Human Rights Act 1998 and Article 14 of the European Convention on Human Rights Article 14 refers to the prohibition of discrimination and states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any grounds such as "sex, race, colour, language, religion, political, or other opinion, national or social origin, association with a national minority, property, birth or other status".

Part 2 of the Equality Act 2006

Part 2 of the Equality Act 2006 came into force in April 2007 and makes it unlawful for providers of goods, facilities and services to discriminate in grounds of religion or belief.

Employment Equality (Age) Regulation 2006

This came into force in October 2006 and it protects against discrimination on grounds of age in employment and vocational training. Prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training.

The Equality Act (Sexual Orientation) Regulations 2007

Made under section 81 of the Equality act 2006, the Equality Act (Sexual Orientation) Regulations 2007, make it unlawful for providers of goods, facilities or services to discriminate under grounds of sexual identity.

Glossary

Diversity is

- about including everyone
- valuing differences
- harnessing differences in individuals to the benefit of both the organisation and the individual, by allowing people with different perspectives and views to use their unique blend of skills and character to improve the quality and performance of the organisation
- having a better understanding of the diverse needs of our community

Duty

A mandatory and legal obligation to do something

Promote

Contribute to the progress and growth of...

Make publicity for...

Equality and Human Rights Commission (EHRC)

Bringing together the Equal Opportunities Commission, Disability Rights Commission and Commission for Race Equality, also serving as a national body for age, religion and belief and sexual discrimination as well as human rights.

What is meant by discrimination?

Generally “discrimination” means treating someone with a protected characteristic worse than someone who does not have this characteristic would be treated in the same situation. The worse treatment must be because of that characteristic.

Discrimination can take a number of forms:

- “direct” or
- “indirect” or
- failure to make reasonable adjustments for disabled people or
- “discrimination arising from disability” or
- discrimination because of “association” with someone who has a protected characteristic, or
- discrimination because a person is thought to have a protected characteristic whether correctly or incorrectly (“perceived”)

People are also protected from:

- harassment related to a protected characteristic
- victimisation because they have, or their education provider thinks they have, made or helped make a complaint about discrimination, unless they know the complaint was not true.

Direct discrimination

Direct discrimination happens when an education provider treats a pupil or student (or an applicant for admission) worse than they treat or would treat another pupil or student (or applicant) because of a protected characteristic.

Direct discrimination also includes less favourable treatment of a person based on a stereotype relating to a protected characteristic, whether or not the stereotype is accurate.

It is not direct discrimination against a non disabled person to treat a disabled person better.

Education providers must not treat someone worse because of a combination of two protected characteristics than they would treat someone who did not have either of these characteristics; this is known as combined characteristics.

Combined discrimination

Sometimes, a person may experience worse treatment than someone else because of the combination of the protected characteristics they have:

There may be an interaction between two or more than two of a person's characteristics, but a claim for combined discrimination will only look at a combination of two of them.

Indirect discrimination

People's experiences and opportunities in education can be affected by an education provider's rules or ways of doing things. Indirect discrimination takes place when the same rule or way of doing things is applied to everyone. The rule or way of doing things may not appear to have a different or worse impact on people with a protected characteristic but does so in reality.

Victimisation

If an education provider treats a person badly because they have taken a particular action related to the Equality Act 2010 (or because they suspect the person has taken or will be taking such action), this will be victimisation, and is against the law. The protection covers anyone, whether or not they have a protected characteristic, if they do something in relation to making a complaint of discrimination and you treat them badly.

Harassment

Harassment in the Equality Act 2010 means:

- Unwanted behaviour which has purpose or effect of:
- Violating the dignity of another person: or
- Creating for that person an intimidating, hostile, degrading and humiliating or offensive environment

Unwanted behaviour can include any kind of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

Positive action

"Positive action" means the steps that an education provider is allowed (but not required) to take to encourage people with protected characteristics, from groups with different needs or a past track record of disadvantage or low participation to access education.

Appendix 1

Equality Impact Assessment

Equality, Diversity, Cohesion and Integration Screening

As a school via the public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration. Please also take due regard of [Equalities considerations](#)

A screening process can help judge relevance and provides a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

When adopting Model Policies drawn up by Leeds City Council, we will not carry out Equality Impact Assessments as these policies are presumed to comply with equality, diversity, cohesion and integration requirements.

The following questions will shape our decision to carry out an Equality Impact Assessment, and this process will be minuted:

- 1 Is there an existing or likely differential impact for the different equality characteristics?
- 2 Have there been or likely to be any public concerns about the policy or proposal?
- 3 Could the proposal affect how services are organised, provided, located and by whom?
- 4 Could the proposal affect our workforce or employment practices?
- 5 Does the proposal involve or will it have an impact on:
 - Eliminating unlawful discrimination, victimisation and harassment
 - Advancing equality of opportunity
 - Fostering good relations

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

If an EIA is required, the following format will record the assessment:

Westgate Primary School
Equality Impact Assessment

Policy/ Proposal:

Date:

- **How have you considered equality, diversity, cohesion and integration?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, perception that the proposal could benefit one group at the expense of another)

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

For record keeping purposes a copy will be kept on file with a copy of the policy and one with the governor minutes.

Date screening completed	
Date agreed at Governors	