



Staplehurst School

Equality Policy

Date

Policy ratified by **the Full Governing Body** at meeting on

17 May 2017

Policy to be next reviewed by **the Learning and Development Committee**

Spring 2020

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Equality Policy

Introduction

Legislation

The Equality Act 2010 replaced nine major Acts of Parliament and almost a hundred sets of regulations which had been introduced over several decades. It provides a single consolidated source of discrimination law, covering all types of discrimination that are unlawful. It simplifies the law by getting rid of anomalies and inconsistencies that had developed over time and it extends protection against discrimination in certain areas.

The Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil

- in relation to admissions,
- in the way it provides education for pupils,
- in the way it provides pupils access to any benefit, facility or service, or
- by excluding a pupil or subjecting them to any other detriment.

Public Sector Equality Duty

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED) that applies to public bodies, including schools, and extends to certain **protected characteristics**. This combined equality duty came into effect in April 2011. It has three main elements.

In carrying out their functions, public bodies are required to have due regard to the need to:

- Eliminate **discrimination** and other conduct that is prohibited by the Act,
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it,
- Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

Protected Characteristics

The term “protected characteristics” is used as a convenient way to refer to the categories to which the law applies. It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their

- sex,
- race,
- disability,
- religion or belief
- sexual orientation
- gender reassignment,
- pregnancy or maternity
- marriage or civil partnership

Where this document refers to a particular protected characteristic in order to example unlawful behaviour, all protected characteristics should also be considered. It is also unlawful to discriminate because of the protected characteristic of another person with whom the pupil is associated. It is also unlawful to discriminate because of a protected characteristic which you think a person has, even if you are mistaken.

The new Act extends protection against discrimination on grounds of pregnancy or maternity to pupils, so it will be unlawful – as well as against education policy – for a school to treat a pupil unfavourably because she is pregnant or a new mother.

Protection for transgender pupils against gender reassignment discrimination is also new in this Act.

A person’s age is also a protected characteristic in relation to employment and to the provision of goods and services, but this does **not** apply to pupils in schools. Schools therefore remain free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge, even in the case of pupils over the age of 18.

Guidance

Department for Education's Advice for school leaders, school staff, governing bodies and local authorities - The Equality Act 2010 and the Equality and Human Rights Commission Public Sector Equality Duty Guidance for Schools in England

Definitions

Diversity is about recognising, respecting and valuing differences in people with different protected characteristics. It also includes an infinite range of individual unique characteristics and experiences, such as communication style, career path, life experience, educational background, geographic location, income level, marital status and other variables that influence personal perspectives

Inclusion is the process of planning to meet and of meeting the needs of all within the culture of Staplehurst School in the fullest way possible

Environment in this Policy means all school facilities and any setting outside the school where individuals who work with or for the school are gathered, such as school trips, conferences, social events, etc

Disability. The Act defines a disabled person as someone who has:

"A physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities"

Definition of the terms:

- 'physical impairment' includes sensory impairments;
- 'mental impairment' includes learning difficulties and an impairment resulting from or consisting of a mental illness;
- 'substantial' means 'more than minor or trivial'; and
- 'long-term' is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the person's ability to carry out **normal day-to-day activities** is **substantial** and **long-term**.

The effect on normal day-to-day activities is on one or more of the following:

- Mobility, Manual dexterity & Physical co-ordination
- Continence
- Ability to lift, carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception of risk of physical danger.

Discrimination - the following are examples of discrimination which are against the policy:

- Direct discrimination, where a person is less favourably treated because of a protected characteristic.
- Indirect discrimination, where a provision, criterion or practice which cannot be justified is applied equally to all groups but has a disproportionately adverse effect on one particular group
- Victimisation, where a person is treated less favourably because they have, in good faith, taken action in relation to the discrimination legislation, for example brought proceedings or given evidence or information in a case under the legislation or alleged (expressly or otherwise) that anyone has committed an act which could constitute a breach of the legislation
- Harrassment, where conduct of a physical, verbal or non-verbal nature is unwanted and/or has the purpose or effect of violating another's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for another

Guiding Principles and Purpose

Staplehurst School is an inclusive community school. This Equality Policy seeks to cover all of the PSED and promote **Inclusion** for all. The guiding principles of the policy are to:

- Ensure all children are treated with dignity and respect regardless of their ethnicity, gender, age, race, religion, physical ability, national origins and sexual orientation
- Ensure all children are treated equally before, during and after their association with Staplehurst School.

Additional priorities are to:

- Narrow the attainment gap between different groups of children in the school e.g. children using alternative forms of communication and Looked After Children (LAC)
- Challenge race and gender stereotypes in subject choices
- Improve the involvement of children from minority ethnic backgrounds
- Improve access to information e.g. translation and interpretation to inform and engage parents / carers for whom English is an Additional Language (AL)
- Improve the involvement of disabled children
- Help children 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, and to develop the skills of participation and responsible action

Responsibilities

The Governing Body (GB)

The GB has a duty to promote equality of opportunity and eliminate discrimination. Functionally, the GB discharges this responsibility through the SLT and monitors outcomes via its Learning & Development (L&D) Committee.

Senior Leadership Team (SLT)

The SLT promotes equality and eliminates discrimination by:

- Familiarising themselves with the **Guidance**
- Raising awareness of elements of the duties with all staff, parents and pupils
- Providing appropriate training for all relevant people on the implementation of the policy
- Ensuring understanding of the broad definition of disability within the Act (see definitions section)
- Sensitively encouraging declaration of protected characteristics by pupils
- Monitoring the outcomes, undertaking **Impact Assessments** and responding with appropriate actions.

All Members of the School Community

Staplehurst School regards equality for all as a responsibility for all. All members of the community (staff, contractors, volunteers, parents and pupils) contribute to ensuring that the school is a fair, just and cohesive community by:

- Raising issues with the Inclusion Manager or SLT which have an impact or potential impact on the schools provisions, criteria and practices
- Maintaining an awareness of, and professional interest in, the school's Equality Policy
- Behaving with respect and fairness to all members of the school community

Implementation of the Policy

Information Gathering

The collection of information is crucial to supporting the school in making decisions about what actions would best improve opportunities and outcomes for pupils. The information will help us to review our performance. Information will be detailed enough to enable us to measure the delivery on equality duties, to assess the impact

of the changes made and to help the school identify which of our priorities have been achieved. From the information we collect, the most important indicators of how successful we are in promoting equality and eliminating discrimination are the outcomes for the different group of children.

The school records outcome using a wide range of criteria, both academic and experiential, for the various protected characteristics and other vulnerable groups, mindful of the principles of proportionality, relevance and potential impacts (whether positive or adverse). Where a robust analysis of outcomes reveals poorer outcomes for any particular group it triggers the **Impact Assessment** process.

Types of Information

- Identification of children representing the different protected characteristics. Comprehensive and sensitive efforts are made to collect accurate information and meet security of information requirements, in addition to our duty to secure accurate information relating to ethnicity and first language;
- Pupil attainment and progress data relating to different groups;
- Children's views are actively sought through the school council & pupil voice questionnaires;
- Information about how different groups access the whole curriculum; sports and activities choices of all groups;
- Uptake of the extended school offer by group;
- Records of bullying and harassment on the grounds of any equality issue;
- Outcomes of actions taken to secure the involvement of parents, in particular those who have been identified as difficult to engage.

Impact Assessments

Impact Assessments refers to the review of provisions, criteria and practices (PCPs) in order to help the school act within the spirit of the Equality Act to ensure that no one with a protected characteristic is disadvantaged by school activities and to promote equality. Impact assessments will be an on-going process to ensure that PCPs develop, evolve and are incorporated into the school's planned review and revision of every policy. Every new policy or procedure will be drawn up with regard to the duties to promote equality and to eliminate discrimination and harassment within the school community. It is likely that the Impact Assessments will initially be completed by the SLT with input where appropriate from the relevant subject leader.

Objective Setting

The priorities for the school will be set in the light of:

- An examination of the information that the school has gathered
- The messages that the school has heard from pupils, parents and staff

Publication

There are two specific publication duties schools are required to carry out. These are:

- To publish information to demonstrate how they are complying with the equality duty - the school publishes performance data split according to protected characteristics on the school website.
- To prepare and publish one or more specific and measurable equality objectives.

Parental responsibility

The School follows the [DfE's guidance on dealing with issues relating to parental responsibility](#).

The School staff must treat all parents equally, unless there is a Court order limiting an individual's exercise of parental responsibility. Everyone who is a parent, has a right to participate in decisions about a child's education and receive information about the child (even though, for day-to-day purposes, the School's main contact is likely to be a parent with whom the child lives on school days).

The School will:

- ask parents or guardians for contact details, including names and addresses, of all parents when they register a pupil;
- ensure that names and addresses of all parents, where known, are included in the admission register and also in pupil records and are available to the pupil's teachers;

- ensure that the school has details of who to contact in the case of an accident or medical emergency;
- ensure that details of Court orders are noted in a pupil's record
- ensure that contact details, including names and addresses, of all parents are forwarded to any school to which the pupil moves
- run Parent Governor elections in accordance with the School Governance Constitution Regulations

Reviewing and revising the policy

This policy will be formally reviewed every three years or earlier in the light of any new information and/or guidance which becomes available. As part of the review of the Policy, the school will revisit the information that was used to identify the priorities for the policy and ensure all legislative requirements are considered.