

# **Bledlow Ridge School**



## **Equalities and Cohesion Policy**

**Date agreed: March 2023**

**Review date: March 2025**

## **Equality and Cohesion Policy**

Bledlow Ridge School wants to be recognised as a school with a strong, supportive community, providing an inclusive, safe, caring and stimulating environment in which to learn.

### **Equality Statement**

At Bledlow Ridge 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, 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.

The achievement of pupils will be monitored by race, gender 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.

At Bledlow Ridge School, we believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach, and visit here.

### **Legal Duties**

At Bledlow Ridge School we welcome our duties under the Equality Act 2010. The general duties are to:

- eliminate discrimination,
- advance equality of opportunity
- foster good relations

We understand the principal of the act and the work needed to ensure that those with protected characteristics are not discriminated against and are given equality of opportunity. Protected characteristics make up the part of a person's identity that makes them who they are, such aspects or characteristics are protected from discrimination. Everyone in Britain is protected from unlawful behaviour by the Act.

The protected characteristics are as follows:

- age
- disability
- race
- sex
- gender reassignment
- maternity and pregnancy
- religion and belief
- sexual orientation
- marriage and civil partnership (for employees)

We recognise that these duties 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. In developing our policy, we have therefore also taken them into consideration.

To meet our general duties, listed above, the law requires us to carry out some specific duties to demonstrate how we meet the general duties.

These are to:

- Publish Equality Information – to demonstrate compliance with the general duty across its functions (We will not publish any information that can specifically identify any individual)
- Prepare and publish equality objectives which we will review on an annual basis
- Consult all our stakeholders in the development of our equality objectives and report on progress against our objectives on an annual basis.

To do this effectively we will collect data related to the protected characteristics above and analyse this data to determine our focus for our equality objectives. The data will be assessed across our core provisions as a school, but we will also analyse available data relating to the context of our local community, including hate crime data and demographic information. In relation to school provision, we will pay particular attention to the following functions:

- Admissions
- Attendance
- Attainment
- Suspensions
- Prejudice-related incidents
- Curriculum
- Complaints/compliments

Our objectives will detail how we will ensure equality is applied to the services listed above, however where we find evidence that other functions have a significant impact on any group, we will include work in this area.

We also recognise that our work on equality is central to the successful promotion of fundamental British values, especially in relation to the values of respect and tolerance and the rule of law. We will therefore ensure that our curriculum helps to prepare pupils for life in modern Britain. We will work proactively to address all forms of prejudice and discrimination, including derogatory and discriminatory language. We will mainly do this through the delivery of our statutory RSE / PSHE Curriculum. We will also utilise all other subject areas to foster positive relations and to ensure that we consciously cultivate opportunities to challenge stereotypes and support positive identity development for all our pupils. We will regularly audit our resources, displays, lesson content, and assessment processes to ensure that they meet the needs of all groups. We will scrutinise outcomes across a range of measures, analyse the results and address any identified areas of concern.

In endeavouring to fulfil our legal duties, we will:

- Recognise and respect diversity
- Foster positive attitudes and relationships, and a shared sense of belonging
- Observe good equalities' practice, including staff recruitment, retention, and development
- Aim to identify, reduce, and remove existing inequalities and barriers
- Consult and involve widely
- Regularly review our progress

## Definitions

**Discrimination** is unfair treatment towards another or a group of individuals who share one or some of the protected characteristics.

**Direct Discrimination** occurs when someone is treated less favourably than others because of a protected characteristic.

**Discrimination by Association** occurs when someone is treated less favourably because someone they are associated with, such as a friend, family member or carer, has a protected characteristic.

**Direct Discrimination by Perception** occurs when someone is treated less favourably because someone believes they have a protected characteristic, regardless of whether their perception is correct or not.

**Indirect discrimination** can be more difficult to identify and sometimes is not intended. It can occur due to a lack of understanding of the law or a genuine error of judgement about an individual. For example, a policy that is applied to all individuals equally may inadvertently disadvantage individuals or groups who have a protected characteristic. It is therefore essential that all aspects of school life and policies are scrutinised carefully to avoid any unlawful provision, criterion, or practice.

**Victimisation** occurs when an individual has either raised a complaint or grievance that they have been discriminated against based on having a protected characteristic; or has supported someone who has raised a complaint or grievance.

**Harassment** is any form of unwanted behaviour intended to violate an individual's dignity or create an environment which may be described as hostile, degrading, humiliating or offensive. The victim will be subject to this harassment based on a protected characteristic or the perception that they have a protected characteristic, or because they are associated with someone who has a protected characteristic.

**Prejudice** can be conscious or unconscious and involves stereotypes, prejudgements, and beliefs (which are usually negative) about an individual, or group of people, based on a protected characteristic.

## Our Aims are for pupils at Bledlow Ridge School:

- to reach their potential academically and physically and socially.
- to have the knowledge and cultural capital they need to succeed in life
- to remember more of what they have learnt, transferring key knowledge to long-term memory and apply it fluently.
- to be confident and self-motivated children who recognise their self-worth.

**Our Aims are underpinned by our six core values:** curiosity, resilience, health, empathy, respect and confidence, which equip pupils to not only be prepared for the academic challenges of their secondary education but the social ones as well.

## Roles and Responsibilities

We believe that promoting Equality is the whole school's responsibility

School Community	Responsibility
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Governing Body	<p>Involve and engage the whole school community in identifying and understanding equality barriers and in the setting of objectives to address these.</p> <p>Monitor progress towards achieving equality objectives.</p> <p>Publish data and publish equality objectives.</p> <p>Ensure that staff have access to appropriate training and resources.</p>
Head Teacher	<p>As above including:</p> <p>Promote key messages to staff, parents, and pupils about equality and what is expected of them and can be expected from the school in carrying out its day-to-day duties.</p> <p>Ensure that all in the school community receive adequate training to meet the need of delivering equality, including pupil awareness.</p> <p>Ensure that all staff are aware of their responsibility to record, report and respond appropriately to prejudice-related incidents.</p>
Teaching Staff	<p>Help in delivering the right outcomes for pupils.</p> <p>Uphold the commitment made to pupils and parents/carers on how they can be expected to be treated.</p> <p>Design and deliver an inclusive curriculum.</p> <p>Record, report and respond appropriately to prejudice-related incidents.</p>
Non -Teaching Staff	<p>Support the school and the governing body in delivering a fair and equitable service to all stakeholders.</p> <p>Uphold the commitment made by the Head Teacher on how pupils and parents/carers can be expected to be treated.</p> <p>Support colleagues within the school community.</p> <p>Record, report and respond appropriately to prejudice-related incidents.</p>
Parents/Carers	<p>Take an active part in identifying barriers for the school community and in informing the governing body of actions that can be taken to eradicate these.</p> <p>Take an active role in supporting and challenging the school to achieve the commitment given to the school community in tackling inequality and achieving equality of opportunity for all.</p> <p>Uphold the commitment made by the Head Teacher on how pupils and parents/carers, staff and the wider school community can be expected to be treated</p>
Pupils	<p>Support the school to achieve the commitment made to tackling inequality.</p> <p>Uphold the commitment made by the Head Teacher on how pupils and parents/carers, staff and the wider school community can be expected to be treated.</p> <p>Report prejudice-based incidents to a trusted adult</p>
Local Community	<p>Take an active part in identifying barriers for the school community and in informing the governing body of actions that can be taken to eradicate these.</p> <p>Take an active role in supporting and challenging the school to achieve the commitment made to the school community in tackling inequality and achieving equality of opportunity for all.</p>

We will ensure that the whole school community is aware of the Equality Policy and our published equality information and equality objectives by publishing them on the school website.

## **Preventing and Addressing Prejudice Related Incidents**

We define prejudice-based incidents/bullying in the following way:

**Prejudice-related incidents/bullying** – derogatory and discriminatory language and behaviour including that which is racist, homophobic, biphobic, transphobic and disablist in nature. This language and behaviour may be directed towards people because of their race/ethnicity/nationality; because they are lesbian, gay, bisexual, or trans, or are perceived to be, or have a parent/carer, sibling, or friend who is, or because they have a learning or physical disability. It may include misogyny or misandry and be sexist in nature. Such language and behaviour are generally used to refer to something or someone as inferior.

At Bledlow Ridge School we encourage open discussions around differences between people, we actively challenge prejudice, and we celebrate diversity. This school is opposed to all forms of prejudice, and we recognise that children and young people who experience any form of prejudice-related discrimination may fair less well in the education system. We recognise that prejudice-based bullying is a form of child-on-child abuse and is therefore a safeguarding concern, as outlined in Keeping Children Safe in Education 2022. We adopt a contextual safeguarding, trauma-informed and strengths-based approach to bullying and child-on-child abuse. We are committed to working with families and outside agencies to proactively prevent incidents and to create an environment in which all members of our school community feel welcomed, accepted, and safe. We believe every member of our community should be treated with respect and should not be subjected to prejudice or discrimination in any form. This includes staff, parents/carers, governors/trustees, and visitors to our school.

We provide both our pupils and staff with an awareness of the impact of prejudice to prevent any incidents. We will endeavour to proactively tackle all forms of prejudice by ensuring our curriculum is representative of all sections of society and the contributions made by people with different characteristics are consciously embedded across all subjects. In doing so, we will challenge stereotypes and work towards inclusivity and identity-safe classrooms where everyone feels validated, accepted, safe and a sense of belonging.

If incidents still occur, we will address them immediately ensuring that appropriate levels of support are provided to those affected; that we thoroughly investigate all reports/allegations; and that we will apply appropriate sanctions and address offending behaviours through a programme of education. All adults in our school community are expected to comply with the school's Code of Conduct. Any allegations made against staff will be investigated in line with our policies and procedures relating to staff conduct and behaviour. Any staff member/parent/carer, governor/trustee or visitor to the school, who is subjected to prejudice-based abuse can also expect to have their complaint thoroughly investigated and will be supported in accordance with their wishes.

We review our practice following each incident including what more we might do to prevent further incidents. We recognise that we must not become complacent and will regularly evaluate satisfaction levels in respect of how we have responded to any reports or concerns raised.

### **Pupils, Including Bystanders/Witnesses**

We talk about trusted adults regularly in school to remind our pupils of who they can report concerns to. The definitions of victim, perpetrator and bystander are clarified to all pupils regularly to develop a shared understanding.

- We emphasise the importance of all pupils (whether a victim or a bystander) reporting concerns of bullying or bullying behaviour to a member of school staff – this can be any member of teaching or nonteaching staff, including a class teacher, a teaching assistant, the head teacher, a lunchtime supervisor, or a member of the office team.
- The member of staff will listen to the pupil and make an initial note of their concerns, they will then discuss next steps with them and reassure them that they will be supported.
- The member of staff will make a formal record of the bullying report on the school's recording system (CURA) and other relevant members of staff will be alerted.
- The member of staff will directly alert the school's Designated Safeguarding Lead if the report is deemed urgent or if a pupil is considered at risk.
- Even if the behaviour/incident which has been reported is deemed 'not bullying' and is thought to be 'relational conflict', school staff will still support the pupils involved and help them to resolve any concerns.

## **Parents/Carers**

We understand that it can be very difficult for a parent/carer to hear that their child has been the target of bullying, has experienced bullying behaviour or is an alleged perpetrator of bullying.

**We ask that parents/carers report their concerns directly to the school rather than discussing them with other members of the school community, either in person or online.**

The following steps will be taken to investigate:

- Initially, we ask parents/carers to contact their child's class teacher (in person/via telephone call) to explain their concerns.
- The class teacher will take an initial note of the concerns but may ask to schedule a meeting to allow for more time to discuss these in detail.
- The school's Designated Safeguarding Lead will be informed if the allegation is deemed urgent or if a pupil is considered at risk
- Following an allegation, the class teacher will make a formal record of this on the school's recording system (CURA).
- An investigation into the allegation will be carried out and appropriate follow-up actions identified and taken.

Our school remains committed to supporting pupils and their families in all instances of bullying and relational conflict and will respond to reports promptly. Even if the behaviour/incident which has been reported is deemed 'not bullying' and is thought to be 'relational conflict', school staff will still support the pupils involved and help them to resolve any concerns.

We will endeavour to ensure that all parties are kept informed of progress and any developments, but we will also need to show due regard to GDPR. This may mean, at times, that we are not able to provide or share information or updates.

## **School Staff**

Our staff work closely with our pupils and therefore may notice a change in a pupil's behaviour or attitude that might indicate that something is wrong before receiving a report from a pupil or a member of the school community. If staff have any concerns about a pupil's welfare or are concerned that a pupil is displaying behaviours that may show they are the target of bullying or perhaps perpetrating bullying,

they should act on them immediately rather than wait to be told, following the procedures outlined above in the 'Parents/Carers' section.

## Complaints

If a parent/carer is not satisfied with our school's actions, we ask that they follow our school's complaint policy and procedures. This is available online from our school website, and by request from the school office.

This policy is available: • Online via the school website: [Bledlow Ridge School - Policies](#)

## Links with other policies

Policy	How it may link
Safeguarding Policy	Includes information about child protection procedures and contextualised safeguarding
Behaviour Policy	Includes details about the school's behaviour system including potential sanctions for pupils
Anti-Bullying Policy	Includes information about bullying behaviours and vulnerable groups
Online Safety / Acceptable Use Policy	Includes information about children's online behaviour and details about online bullying/cyberbullying
Child-on-Child Abuse Policy	Includes links to bullying
PSHE Policy, including Sex Education, Relationships and Health	Includes information about our school's PSHE and RSHE programme and how we teach about healthy relationships, friendships, diversity and bullying
Complaints Policy	Includes information about how to make a complaint if you are not satisfied with the school's response

## Staff recruitment and professional development

- All posts are advertised formally and open to the widest pool of applicants.
- All those involved in recruitment and selection are trained and aware of what they should do to avoid discrimination and ensure equality good practice throughout the recruitment and selection process.
- Access to opportunities for professional development is monitored on equality grounds.
- Equalities policies and practices are covered in all staff induction
- All supply staff are made aware of equalities policies and practices.
- Facilitate training for staff, teachers, governors and head teachers on community cohesion.
- Reduce direct, indirect and institutional discrimination with regards to staff recruitment, training and retention.
- Workforce at all levels reflects local, regional and national diversity in terms of age, race, gender, ability, faith, ethnicity, social condition, cultural background and sexual orientation.

## Partnerships with parents/carers and communities



- All parents/carers are encouraged to participate at all levels in the full life of the school.
- The school has a role to play in supporting new and settled communities.
- We plan to increase consultation and engagement of community members to monitor and evaluate efficiency and fairness of extended services.
- Increase participation and empowerment of community members on all extended services.
- Emphasise equal contribution to society of members from different backgrounds with various lifestyles and identities.
- Improve perceptions about efficiency, efficacy and fairness of service provision at local level.
- Increase sense of responsibility and reciprocity between and within groups and persons.
- Promote understanding and recognition of overlapped and interconnected sources of identity for persons and groups.
- Increase awareness amongst pupils, parents, carers and families about social services at county, district, parish and neighbourhood level.
- Foster positive relationships between and within groups of pupils, workers, staff, parents, carers and families.
- Facilitate meaningful and continuous interaction between and within members of different groups.
- Establish and strengthen effective approaches to monitor, evaluate, manage and prevent conflict.

### **Monitoring and Reviewing**

We have a rolling programme for reviewing our school policies. When policies are reviewed in future, governors will endeavour to ensure that due regard is given to the promotion of all aspects of equality within each policy.

We regularly review the impact of our policies on the needs, entitlements and outcomes for pupils, staff and parents from the equality strands referred to in this policy. We pay specific attention to the impact that our policies have on the attainment of pupils from different groups.

We make regular assessments of pupils' learning and use this information to track pupils' progress, as they move through the school. As part of this process, we regularly monitor the performance of different groups, to ensure that all groups of pupils are making the best possible progress. We use this information to adjust future teaching and learning plans, as necessary. Resources are available to support groups of pupils where the information suggests that progress is not as good as it should be. The governing body receives regular updates on pupil performance information.

School performance information is compared to national data and Local Authority data, to ensure that pupils are making appropriate progress when compared to all schools, and to schools in similar circumstances.

Our monitoring activities enable us to identify any differences in pupil performance. This allows us to take appropriate action to meet the needs of specific groups and to set targets in our strategic plan, in order to make the necessary improvements.

## 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 policies 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 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.