

# RED ROSE SCHOOL – EQUALITY SCHEME

Updated: October 2015

Section 5

3

*The Red Rose Equality Policy is based on The Equality Act 2010 and schools Departmental advice for school leaders, school staff, governing bodies and local authorities; May 2014 – extracts below:*

## **Key points**

- The Equality Act 2010 provides a single, consolidated source of discrimination law. It simplifies the law and it extends protection from discrimination in some areas.
- As far as schools are concerned, for the most part, the effect of the current law is the same as it has been in the past – meaning that schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief or sexual orientation.
- The exceptions to the discrimination provisions for schools are all replicated in the current act – such as the content of the curriculum, collective worship and admissions to single sex schools and schools of a religious character.
- Schools that were already complying with previous equality legislation should not find major differences in what they need to do. However, there are some changes that will have an impact on schools as follows:

### **Protection in schools**

Protection against discrimination is now extended to pupils who are pregnant or have recently given birth, or who are undergoing gender reassignment.

### **Health related questions for job applicants**

It is now unlawful for employers to ask health-related questions of applicants before job offer, unless the questions are specifically related to an intrinsic function of the work. This means that schools should no longer, as a matter of course, require job applicants to complete a generic health questionnaire as part of the application procedure. There are potential implications in relation to establishing teachers' fitness and ability to teach (as required by the Health Standards (England) Regulations 2003). Schools are advised to review their existing practices to ensure

they are complying with both the Health Standards Regulations and Section 60 of the Equality Act. Schools may decide to ask necessary health questions after job offer. In any case, they should ensure that any health-related questions are targeted, necessary and relevant to the job applied for.

### **Positive Action**

Positive Action provisions allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics. Such measures will need to be a proportionate way of achieving the relevant aim. Previously a school providing – for example - special catchup classes for Roma children or a project to engage specifically with alienated Asian boys might have been discriminating unlawfully by excluding children who didn't belong to these groups.

### **Victimisation**

It is now unlawful to victimise a child for anything done in relation to the Act by their parent or sibling.

### **Auxiliary aids**

The Act extends the reasonable adjustment duty to require schools to provide auxiliary aids and services to disabled pupils. Following consultation on implementation and approach, the duty came into force on 1 September 2012.

### **Equality duties**

The three previous general and specific equality duties on schools (race, disability and gender) to eliminate discrimination and advance equality of opportunity have been combined into a less bureaucratic and more outcome-focused duties covering an expanded number of protected characteristics. The general duty, public sector equality duty, is explained in chapter 5 of this advice. As is the lighter touch specific duty.

These are the provisions of the Act but schools will need to be aware of how the rest of the Equality Act applies to them. This is set out below.

## **Schools: who and what the Act applies to**

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.

The “responsible body” is the proprietor in the case of independent schools. In practice, any persons acting on behalf of the responsible body – including employees of the school – are liable for their own discriminatory actions, and the responsible body is also liable unless it can show that it has taken all reasonable steps to stop the individual from doing the discriminatory action or from doing anything of that kind.

The Act deals with the way in which schools treat their pupils and prospective pupils: the relationship between one pupil and another is not within its scope. It does not therefore bear directly on such issues as racist or homophobic bullying by pupils. However, if a school treats bullying which relates to a protected ground less seriously than other forms of bullying – for example dismissing complaints of homophobic bullying or failing to protect a transgender pupil against bullying by classmates – then it may be guilty of unlawful discrimination.

The school’s liability not to discriminate, harass or victimise does not end when a pupil has left the school, but will apply to subsequent actions connected to the previous relationship between school and pupil, such as the provision of references on former pupils or access to “old pupils” communications and activities.

## **Protected characteristics**

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

## **Association**

It is unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil

is associated. So, for example, a school must not discriminate by refusing to admit a pupil because his parents are gay men or lesbians. It would be race discrimination to treat a white pupil less favourably because she has a black boyfriend.

## **Perception**

It is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken. So a teacher who consistently picks on a pupil for being gay will be discriminating because of sexual orientation whether or not the pupil is in fact gay.

The 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 included in this Act.

A person's age is also a protected characteristic in relation to employment and the Act extends this (except for children) to the provision of goods and services, but age as a protected characteristic 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.

## **Unlawful behaviour**

The Act defines four kinds of unlawful behaviour – direct discrimination; indirect discrimination; harassment and victimisation.

### **Direct discrimination**

Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if a school were to refuse to let a pupil be a prefect because she is a lesbian.

### **Indirect discrimination**

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. An example might be holding a parents' meeting on a Friday

evening, which could make it difficult for observant Jewish parents to attend. It is a defence against a claim of indirect discrimination if it can be shown to be “a proportionate means of achieving a legitimate aim”. This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

## **Harassment**

Harassment has a specific legal definition in the Act - it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

Where schools are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does not mean that schools are free to bully or harass pupils on these other grounds - to do so would still be unlawful as well as unacceptable. Any case against the school would be on grounds of direct discrimination rather than harassment.

Thus, if a teacher belittles a pupil and holds her up to ridicule in class because of a disability she has, this could lead to a court case alleging unlawful harassment. The same unacceptable treatment directed at a lesbian pupil, or based on a pupil’s religion, could lead to a case claiming direct discrimination. The practical consequences for the school, and the penalties, would be no different.

## **Victimisation**

Victimisation occurs when a person is treated less favourably than they otherwise would have been because of something they have done (“a protected act”) in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person’s complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.

As well as it being unlawful to victimise a person who does a protected act, a child must not be victimised because of something done by their parent or a sibling in relation to the Act. This means that a child must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the school, or her brother has claimed that a teacher is bullying him because he is gay, whether or not the mother or brother was acting in good faith.

If a pupil has himself or herself done a protected act – such as making a complaint of discrimination against a teacher – then the child’s own good faith will be relevant. For example, if the parent’s complaint is based on information from her son and the son was deliberately lying, it is not victimisation for the school to punish him in the same way as it might do any other dishonest pupil. Unless it can be clear that the mother was also acting in bad faith (for example that she knew her son was lying) it would still be unlawful to victimise her for pursuing the complaint.

### **Special provisions for disability**

The law on disability discrimination is different from the rest of the Act in a number of ways. In particular, it works in only one direction – that is to say, it protects disabled people but not people who are not disabled. This means that schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with pupils without disabilities. The definition of what constitutes discrimination is more complex. Provision for disabled pupils is closely connected with the regime for children with special educational needs.

### **General exceptions - Schools with a religious character**

Schools with a religious character (commonly known as faith schools) have certain exceptions to the religion or belief provisions which allow them to discriminate because of religion or belief in relation to admissions and in access to any benefit, facility or service.

#### **Admissions**

Schools with a religious character may give priority in admissions to members of their own religion. The Admissions Code provides that this may only be done when a school is oversubscribed – schools subject to the Code are not permitted to refuse admission to pupils not of their faith if they have unfilled places.

The exception is not in fact confined to preferring children of the school’s own faith. It would, for example, allow a Church of England school to allocate some

places to children from Hindu or Muslim families if it wanted to ensure a mixed intake reflecting the diversity of the local population. It would not, however, allow the school to base this selection on ethnic background rather than faith.

### **Benefits facilities and services**

In addition to the admissions exception, schools with a religious character also have exceptions for how they provide education to pupils and in the way they allow access to other aspects of school life which are not necessarily part of the curriculum. For example:

- A Jewish school which provides spiritual instruction or pastoral care from a rabbi is not discriminating unlawfully by not making equivalent provision for pupils from other religious faiths.
- A Church of England school which organises visits for pupils to sites of particular interest to its own faith, such as a cathedral, is not discriminating unlawfully by not arranging trips to sites of significance to the faiths of other pupils.
- A child of a different faith could not claim, for example, that they were being treated less favourably because objects symbolic of a school's faith, such as the Bible, were given a special status in the school.

### **What is not permissible**

These exceptions allow such schools to conduct themselves in a way which is compatible with their religious ethos. But the Equality Act does not permit less favourable treatment of a pupil because they do not (or no longer) belong to the school's religion. For example, it would be unlawful for a Catholic school to treat a pupil less favourably because he rejected the Catholic faith and declared himself to be a Jehovah's Witness or an atheist.

Nor does it allow them to discriminate on religious grounds in other respects, such as excluding a pupil or subjecting a pupil to any other detriment. It also does not permit them to discriminate in relation to other protected characteristics, for example a school with a religious character would be acting unlawfully if it refused to admit a child because he or she was gay – or their parents were.

### **Curriculum**

The content of the school curriculum has never been caught by discrimination law, and **this Act now states explicitly that it is excluded**. However the way in which a school provides education – the delivery of the curriculum – is explicitly included.

Excluding the content of the curriculum ensures that schools are free to include a full range of issues, ideas and materials in their syllabus, and to expose pupils to

thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic. But schools will need to ensure that the way in which issues are taught does not subject individual pupils to discrimination.

### **Acts of worship**

There is a general exception, which applies to all schools, to the religion or belief provisions which allows all schools to have acts of worship or other forms of collective religious observance. This means the daily act of collective worship, which for maintained schools is mandatory and should be of a broadly Christian nature, is not covered by the religion or belief provisions. The exception means that schools will not be acting unlawfully if they do not provide an equivalent act of worship for other faiths.

Schools are also free to celebrate religious festivals and could not be claimed to be discriminating against children of other faiths if, for example, they put on a nativity play at Christmas or hold a celebration to mark other religious festivals such as Diwali or Eid.

### **Uniforms**

The Equality Act does not deal specifically with school uniform or other aspects of appearance such as hair colour and style, and the wearing of jewellery and make-up, but the general requirement not to discriminate in the treatment of pupils applies here as in relation to other aspects of school policy. It is for the governing body of a school to decide whether there should be a school uniform and other rules relating to appearance, and if so what they should be. This flows from the duties placed upon the governing body by statute to manage the school.

## **EQUALITY SCHEME FOR 2015 - 2018**

### **INCLUSION**

As a school we ensure that all children and staff are treated fairly and equally. All children have equal rights to access all areas of the curriculum, regardless of race, gender and disability. Within this subject area, the all staff endeavour to provide the appropriate provision for this to occur. This policy follows the guidelines and practices that are stated and outlined in our Equality Scheme



## **OVERARCHING STATEMENT**

In accordance with our Mission Statement and Christian ethos, we pledge to respect the equal human rights of all our pupils and to educate them about equality and to respect difference. As a school, we will also respect the equal rights of our staff and other members of the school community, the wider community and any visitors to the school. In particular, we will comply with the relevant legislation and implement school plans in relation to race equality, disability equality and gender equality. We will promote community cohesion at school, local, national and global levels, comparing our school community to its local and national context and implementing all necessary actions in relation to ethnicity, religion or belief, and socio-economic background.

## **COMMUNITY COHESION: A SHARED CONTEXTUAL STATEMENT**

As a Special School, our intake is generally from a transport distance of between 45 mins to 1 hour from the school. This covers several North West LEAs. Although most of our children are from a White British background, the social context of the catchment area indicates that we are in an area where there is below the UK average of employment. However, due to the nature of the School we also attract pupils from wealthy backgrounds. There are several areas in our catchment area where there remains tension between the Asian and White communities. Therefore, we have adopted a more explicit approach to multicultural teaching and learning in order to prepare them for their diverse world, with many different culture and beliefs. This approach also attempts to break down barriers of racial tensions. In addition, we believe strongly in giving our pupils access to an international understanding of all aspects of equality and human rights.

### **Who is responsible?**

The Principal, Mr. Colin Lannen, takes the lead, and is responsible for:

- making sure the school complies with the relevant equality legislation; and
- making sure the school Equality Scheme and its procedures are followed.

The Headteacher and Assistant Headteacher, Carol Dorrance are responsible for:

- making sure steps are taken to address the school's stated equality objectives;
- making sure the equality, access and community cohesion plans are readily available and that the staff, pupils, and their parents and guardians know about them;
- producing regular information for staff about the plans and how they are working;
- making sure all staff know their responsibilities and receive training and support in carrying these out; and

- taking appropriate action in cases of harassment and discrimination, including prejudice-related incidents.
- enabling reasonable adjustments to be made, in relation to disability, in regard to students, staff, parents/carers and visitors to the school.
- dealing with reports of prejudice-related incidents.

All staff are responsible for:

- promoting equality and community cohesion in their work;
- avoiding unlawful discrimination against anyone;
- fostering good relations between groups; and
- dealing with prejudice-related incidents;
- being able to recognise and tackle bias and stereotyping;
- taking up training and learning opportunities.

Visitors and contractors are responsible for:

- knowing and following our Equality Scheme.

## **STAFF DEVELOPMENT**

All staff are given equal opportunities to take part in staff training as and when required and have access to courses appropriate to their professional development and responsibilities as well as statutory requirements.

## **PUBLICATION AND REVIEW**

This Equality Scheme fulfils statutory requirements under the terms of legislation. As it is a public document, the school publish it by making it available on request and by keeping a copy on the School website.

The scheme will be kept under regular review for three years and then replaced in October 2018.

## **HOW WE CONDUCT EQUALITY IMPACT ASSESSMENT**

As a school we carryout rigorous monitoring and analysis of all pupils and their progress ½ termly, termly and annually. Staff can use the information to ensure the appropriate progress is made by all pupils regardless of race, disability, socio-economic background, belief or gender. Through analysis by the our staff we are aware of any groups or individuals who are not making at least expected progress.

Equality Impact Assessment at Annex C.

## HOW WE CHOSE OUR EQUALITY OBJECTIVES

Our equality objective-setting process has involved gathering evidence as follows:

- from the monitoring and analysis of pupil progress in the identified groups.
- from the following data – Teaching and Learning files, PSHE & Citizenship, EU Projects, Annual Reviews, Pupils Results, Vulnerable pupils information, Parent discussions, staff minutes.

The evidence was then analysed in order to choose objectives that will:

- promote equality of opportunity for members of identified groups
- eliminate unlawful discrimination, harassment and victimisation, and
- foster good relations between different groups in terms of:
  - ethnicity, belief, socio-economic background, gender and gender identity, disability, sexual orientation and age.

## THREE-YEAR EQUALITY OBJECTIVES 2015 - 2018

1. To ensure that the label of Specific Learning Difficulties does not endanger the ability of our pupils to reach their full potential both academically and as UK Citizens who are able make a positive contribution and to 'make a difference'.
2. To engender and facilitate values and attitudes that make our pupils 'givers' rather than 'takers'; those that will 'go the extra mile' for their community; those that know when to say 'no', and those that appreciate the older generation as wise.
3. To break down racial and social barriers in local, national and European communities.

## SCHOOL EQUALITY STATEMENTS

See Annex A.

## EQUALITY STATEMENTS

### **Pupils' attainment and progress**

This school expects the highest possible standards. Staff have high expectations of all pupils and continually challenge them to reach higher standards. The school recognises and values all forms of achievement. We will monitor and analyse pupil performance by ethnicity, gender, disability and special educational need and social background. Any disparities which are identified will be addressed through targeted curriculum planning, teaching and support.

### **The quality of provision - teaching and learning**

- All staff ensure the classroom is an inclusive environment in which pupils feel all contributions are valued. Positive steps are taken to include pupils who may otherwise be marginalized.
- We take account of pupils experiences and starting points and are responsive to pupils different learning styles. All pupils are regularly consulted about their learning.
- Pupil grouping is planned and varied to reflect the requirements of learners and their social development needs. Allocations to teaching groups will be kept under continual review and analysed by ethnicity, gender and background.
- Our teaching styles include collaborative learning. All pupils will be encouraged to question, discuss and collaborate in problem solving tasks. Pupils will be encouraged to be a resource for their peers.
- Staff encourage pupils to become independent and assist them in taking responsibility for the management of their own learning and behaviour.
- Staff will use a range of methods and strategies to assess pupil progress.
- Assessments are analysed for gender, cultural and social bias, and take account of access issues, e.g. print size.
- This school believes that self-assessment is a teaching-learning strategy, and we will provide all pupils with opportunities to take responsibility for their own learning through regular reflection and feedback on their progress.

## **The quality of provision – Curriculum and other activities**

- This School provides an appropriate curriculum for pupils of all backgrounds. We will monitor and evaluate its effectiveness through target setting and attainment analysis. All pupils participate in the curriculum of the school.
- Each area of the curriculum is planned to incorporate the principles of equality and to promote positive attitudes to diversity. All subjects contribute to the spiritual, moral, social, and cultural development of all pupils.
- The content of the curriculum reflects and values diversity. It encourages pupils to explore bias and to challenge prejudice and stereotypes.
- Extra curricular activities and special events e.g. school productions, cater for the interests and capabilities of all pupils and take account of parental preferences related to religion and culture.

## **The quality of provision – guidance and support**

- We actively promote good personal and community relations and recognise diversity as having a positive role to play within the school.
- All staff are expected to foster a positive atmosphere of mutual respect and trust among boys and girls from all ethnic groups and range of abilities.
- Staff challenge stereotypes and foster pupils' critical awareness and concepts of fairness, enabling them to detect bias and challenge inequalities.
- We expect work experience providers to demonstrate their commitment to equality, including disability, gender and race equality.
- Victims of harassment and bullying are given appropriate support using external agencies where appropriate. The perpetrators are dealt with in line with school policy and are provided with relevant support to consider and modify their behaviour.
- Our pastoral support takes account of religious, cultural and ethnic differences, special educational needs, disability and the experiences and needs of Traveller pupils, refugees and asylum seekers children.

## **Behaviour and Attendance**

- This school expects high standards of behaviour from all pupils, appropriate for their developmental level.
- We have procedures for disciplining pupils and managing behaviour that are fair and applied equally to all. All staff are expected to operate consistent systems of rewards and discipline
- It is recognised that cultural background and disability may affect behaviour. Our school takes this into account when dealing with incidents of unacceptable behaviour.

- Clear procedures are in place so that all forms of bullying and harassment, including racism and harassment related to disability, sexism and homophobia, are dealt with promptly, firmly and consistently. All forms of harassment are recorded, monitored and dealt with in line with relevant school policies.
- All staff are trained to deal effectively with bullying, racist incidents, racial harassment and prejudice and are offered support in handling such matters
- We encourage staff to explore their own views and attitudes to difference and to monitor their practice in relation to this policy. Adults in school take care to lead through example, demonstrating high expectations of all pupils.
- We monitor exclusions by gender, ethnicity and special educational need. Background is also considered. Action is taken in order to address any disparities between different groups of pupils.
- This school will take all reasonable steps to prevent the exclusion of a pupil for a reason related to any disability they may have.
- Pupils, staff and parents are aware of policies and procedures for dealing with harassment. They know that any language or behaviour, which is racist, sexist, homophobic or potentially damaging to any minority group, is always unacceptable.

### **Partnership with pupils, parents, carers and the wider community**

- We monitor parental involvement and have strategies to raise participation of under represented groups of parents and sections of the community. Information and meetings for parents are made accessible for all.
- Progress reports to parents/carers are clearly written and free from jargon to encourage parents to participate in their child's education.
- Parents are fully involved in the school-based response for their child with special educational needs, understand the purpose of any intervention or programme of action and are told about the parent partnership service when SEN is identified.
- This school encourages participation of under represented groups in areas of employment . e.g: through work experience placements
- Informal events are designed to include the whole community and at times may target minority or marginalised groups.
- This school works in partnership with parents and the community to address specific incidents and to develop positive attitudes to difference.
- The school's premises and facilities are equally available and accessible for use by all groups within the community.

## **Leadership and management**

- Steps are taken to ensure the school's admission process is fair and equitable to all pupils.
- This school will not discriminate against a disabled pupil in the arrangements it makes for determining admission.
- The school adheres to recruitment and selection procedures which are fair, equitable and in line with statutory duties.
- Equality and diversity issues are reflected in our school's employment practices
- Everyone associated with the school is informed of the contents of this policy. All staff and visitors must support the ethos of the school, promoting equality and challenging bias and stereotyping wherever they observe it.
- We will ensure that staff training continually highlights equality issues. Equality is incorporated in the induction programme for new staff.
- The skills of all staff, including non-teaching and part-time staff are recognised and valued. All staff are given status and support and are encouraged to share their knowledge.
- Staff handbooks and regular professional development activities are available for all staff members to support their practice in relation to this policy.
- Staff and visitors provide a wide range of role models and the school strives to reflect the diversity of the local and wider community.
- This school opposes all forms of racism, homophobia, prejudice and discrimination.
- Resources and displays in our school reflect the experience and backgrounds of pupils, promote diversity and challenge stereotypes.
- We recognise and celebrate the linguistic diversity in British society. We look for opportunities to enrich the curricular experience of all our pupils by:
  - highlighting how English has borrowed from other languages
  - raising awareness of the similarities and differences between English and other languages
  - reflecting the multilingual nature of wider society in our resources and displays