



Single Equality Policy

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Single Equality Policy

Mission Statement "Let the light of Christ shine in us all."

St. Cuthbert's R.C. Primary School Single Equality Policy is drawn up in line with and in response to the 2010 Single Equality Act and the Equality Act 2010 (*Specific Duties*) Regulations 2011. The contents are intended to outline the policies and procedures which are in place in this school in order to ensure compliance with the Act along with further information on the evidence that will be made public.

2010 Single Equality Act:

The overriding principle of all equality legislation is generally one of equal treatment for all peoples, regardless of race, sex, age or disability.

The 2010 Single Equality Act replaces and supersedes all existing equality legislation including the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It provides a single, consolidated source of discrimination law.

The purpose of implementing the single equality scheme is:-

- To articulate the school's commitment to equality, this permeates all school policies and practices.
- To ensure that everyone who belongs to, or comes into contact with, our school community is valued and respected.
- To promote equality of opportunity and eliminate unlawful discrimination, harassment or victimisation.
- To comply with statutory duties under equalities legislation in one document.

The Act places a duty on Governing Bodies to publish information to prove how their school complies with the **Public Sector Equality Duty**. Schools must comply by 6th April 2012 and annually thereafter.

The Public Sector Equality Duty (PSED) extends schools' equality duties to all protected characteristics, (*previously known as equality strands*):

Our school respects each other's: -

- Race
- Disability
- Sex
- Age
- Religion or belief
- Sexual orientation
- Pregnancy and maternity
- Gender reassignment
- Marriage & Civil Partnerships

Race includes colour, nationality and ethnic or national origins. The Equality Act replaces the *Race Equality Duty*.

Disability – the disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA). However, the general definition of disability is less restrictive. Failure to make reasonable adjustments can no longer be defended as justified. Schools will (*when the Act is fully implemented*), be under a duty to supply auxiliary aids and services as reasonable adjustments where these are not supplied through Special Educational Needs statements. The Act replaces the *Disability Equality Duty*. Schools generally must try to ensure that disabled pupils and employees play as full a part as possible in school life. The reasonable adjustment duties on schools are intended to complement the accessibility planning duties and the existing SEN statement provisions which are part of education legislation. Schools are required to carry out accessibility planning for all disabled stakeholders and must implement these accessibility plans.

Sex – pupils and employees of one sex must not be singled out for different or less favourable treatment. Gender equality must still be promoted but this Act replaces the *Gender Equality Duty*. The Act makes an exception to single sex sporting activities, when a judgement should be made as to the physical disadvantages of particular groups of pupils.

Religion or belief is defined by the Act as being any religion or belief including philosophical belief. The lack of religion or belief is also a protected characteristic. Religions include all major faith groups and denominations or sects. Belief includes non-religious worldviews such as humanism but not political beliefs such as communism.

Sexual orientation refers not only to the pupils' and employee's sexual orientation but also to the children and partners of gay, lesbian or bi-sexual parents. It is recognised that many people's views on sexual orientation and sexual activity are grounded in their religious beliefs but this is not accepted as an excuse for allowing discrimination to continue.

Pregnancy and maternity – the Act applies to pupils and is a new area of equality legislation. (Note – employees are covered by separate Maternity & Paternity policies).

Gender reassignment – this is a new provision for pupils. It is acknowledged that it is relatively rare for pupils, particularly very young pupils, to be in a programme for gender reassignment, but when a pupil does choose to go along this route, it is acknowledged that a number of issues will arise which will need to be sensitively handled.

Marriage & Civil Partnership – Many schools and academies (including free schools) also teach about this topic, and when they do so, they must have regard to the Secretary of State's guidance on sex and relationship education. Schools must accurately state the facts about marriage of same sex couples under the law of England and Wales, in a way that is appropriate to the age and level of understanding and awareness of the pupils. Teaching about marriage must be done in a sensitive, reasonable, respectful and balanced way. Teachers are subject to professional requirements, the school curriculum, school policies, and anti-discrimination duties towards colleagues and pupils. No school, or individual teacher, is under a duty to support, promote or endorse marriage of same sex couples. Teaching should be based on facts and should enable pupils to develop an understanding of how the law applies to different

relationships. Teachers must have regard to statutory guidance on sex and relationship education, and to meet duties under equality and human rights law.

Publicising school information:

Governing Bodies have a duty to prove compliance with the 2010 Single Equality Act by publishing their evidence. Published information does not necessarily have to be statistical data. Publishing policies and Governing Body minutes will be sufficient to cover some areas. The information must be accessible to members of the school community and the public who wish to view it.

The three areas of the Equality Duty that schools are expected to report on are:

- Eliminating discrimination and other conduct that is prohibited by the Act.
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it.
- Fostering good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

The Act defines four kinds of unlawful behaviour -

- Direct discrimination.
- Indirect discrimination.
- Harassment.
- Victimisation.

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 its pupils.
- In the way it provides pupils with access to any benefit, facility or service
- By excluding a pupil or subjecting them to any other detriment.

It is now unlawful -

- For employers to ask health related questions of applicants before a job offer.
- To discriminate against a transgender pupil or employee.
- To discriminate against a pupil who is pregnant or has recently had a baby.
- To victimise a child for anything done in relation to the Act by their parent or sibling.

New positive action provisions allow schools to target measures that are designed to alleviate disadvantage experienced by, or to meet the particular needs of, pupils with particular protected characteristics.

The law on disability discrimination is different from the rest of the Act in that it protects disabled people and allows schools to treat disabled pupils and employees more favourably than non-disabled pupils and employees. The reasonable adjustment duty is extended to require schools to provide auxiliary aids and services to disabled pupils and employees.

Exceptions -

- **Single sex schools** are still able to refuse to admit pupils of the opposite sex.
- **Schools with a religious character**, (commonly known as faith schools), have certain exceptions to the religion or belief provisions.
- **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 delivery of the curriculum is explicitly included.
- **Acts of worship** - 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.
- **Uniforms** - the Act does not deal specifically with school uniform or other aspects of appearance. It is the Governing Body's right to determine whether or not a school uniform is preferred. Schools should remain sensitive to the needs of different cultures, races and religions and act reasonably when applying uniform rules.
- **Bullying** - this is a sensitive area. The relationship between one pupil and another is not within the scope of the Act, schools still have a duty to ensure that all forms of prejudice motivated bullying are taken seriously and dealt with equally and firmly.
- **School's duty of care** - the Act does not specifically refer to this duty. Schools have many duties along with complying with the Equality Act and these include their duty of care to all their pupils, their duty to deliver key areas of the curriculum and in particular their duty to deliver religious education or sex and relationship education.

Equality Objectives -

- The Equality Act requires schools to set and publish Equality Objectives by 6th April 2012. Objectives will be specific, measurable and achievable and they are likely to arise from the analysis of data which may indicate an area for improvement. The objectives will fit the school's needs.
- The Equality Duty requires Schools to consider equality implications before and at the time that they develop policy and take decision. The school is subject to the need to have 'due regard' to the elements outlined above.
- The PSED will be integrated into all of the school functions and the analysis that is necessary in order to comply with the duty will be carried out seriously, rigorously and with an open mind.
- School will not delegate the responsibility for carrying out the Duty to anyone else. The school will maintain a written record to show that they have actively considered their equality duties.

The Government has also introduced new specific duties, intended to help public bodies to meet their obligations under the PSED. The PSED is set out on the face of the Act, while the specific duties are set out in secondary legislation - the Equality Act 2010 (Specific Duties) Regulations 2011.

The emphasis is on transparency - making information available so that the school's local community can see how the school is advancing equality in line with the PSED and what objectives it is using to make this happen. A large amount of data is already collected by

schools in RAISE online, which presents performance data for schools broken down by a number of relevant characteristics and which includes comparative analysis with national statistics. We monitor and analyse pupil performance by ethnicity, gender, disability and special educational needs and take account of socio-economic circumstances. Any disparities which are identified will be addressed through targeted curriculum planning, teaching and support. 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 curriculum builds on pupil's starting points and is differentiated appropriately to ensure the inclusion of:

- Boys and girls
- Pupils learning English as an additional language
- Pupils from minority ethnic groups
- Pupil who are gifted and talented
- Pupils with special educational needs
- Pupils with a disability
- Pupils who are in public care
- Pupils who are at risk of disaffection and exclusion
- Lesbian, gay, bisexual or questioning young people

The following areas are key elements of the school's assessment and tracking programme:

- pupils' attainment - analysis of end of key stage results for pupils of particular groups, e.g. boys/girls, SEN, FSM, summer born, ethnicity.
- the quality of particular groups of pupils' learning and the progress they make throughout the school.
- the extent to which different groups of pupils feel safe (e.g. Incidents of prejudiced based bullying recorded).
- the extent to which pupils from particular groups adopt healthy lifestyles.
- the extent to which pupils from particular groups contribute to the school and the wider community (e.g. participation and achievement on extracurricular/ extended school activities, participation on school trips for particular groups of pupils).
- attendance data for all pupils and for particular groups (e.g. extended leave/mobility issues for particular groups of pupils)
- the effectiveness of the school's engagement with parents/carers of particular groups of pupils (e.g. attendance at parents' meetings, involvement in planning provision, consultation with, results of parental feedback)

Publication:

All documents will be published on the School website,

www.stcuthbertsschool.org.uk

A dedicated page will be established to publish school policies and supplementary documentary evidence.

The following information is available in school on request

- Copies of relevant policies.
- Governors minutes when duties under the Act have been discussed.
- Evidence of staff training on the Single Equality Act.
- Monitoring reports of equality.
- Evidence of methods of advancing equality of opportunity between people who share a protected characteristic and people who do not share it.
- Evidence of what steps have been taken to meet the needs of particular people who have particular characteristics.
- Evidence of encouraging people who have a particular characteristic to participate fully in any activity, (*addendum 6*)
- Attainment data which shows how pupils with different characteristics are performing
- Evidence of the responses made to the analysis of attainment data
- Evidence that 'due regard' is being taken in relation to the importance of advancing equality of opportunity, (*Headteacher's report to Governors*)
- Evidence that demonstrates the school is working to foster good relationships across all the characteristics
- Consultation with stakeholders to address any issues.

Publication in future years will include evidence of the steps being taken and progress made towards meeting the equality objectives that the school has already set.

How the Act will be enforced:

Discrimination claims - court proceedings:

- Proceedings in relation to a contravention of the education provisions of this Act will be brought in a county court by the pupil, or in the pupil's name.
- Proceedings must be brought within 6 months of the date of the act to which the claim relates
- If the court rules that there has been a contravention then it has the power to award an appropriate remedy including an award of damages.

Discrimination claims - tribunal proceedings for disability cases:

- Specialist tribunals which have experience and knowledge of disability issues will hear cases of contravention of the education provisions on grounds of disability. In England this will be the First-tier Tribunal.
- Claims of discrimination or harassment against a pupil by a school will be made to the tribunal by the parent of the pupil.
- Claims have to be brought within 6 months of the act to which the claim relates.
- If the tribunal rules that there has been a contravention then it has the power to make an order of a remedy. Such a remedy will be with a view to removing or reducing the adverse affect on the pupil concerned.

Burden of proof:

- A new provision for schools is the reversal of the burden of proof in cases of contravention of the Act's provision in both court and tribunal cases. This brings education in line with the rest of the legislation. It means that if a complainant can establish facts which could lead to the conclusion that an act of discrimination has taken place, then it will be down to the school to show that the reason for what happened was something other than discrimination.
- It is hoped that any pupil who believes they have experienced discrimination will first work with the staff and Governors of the school to identify and rectify the perceived problem.
- Normal complaint procedures will be followed to attempt to resolve all issues prior to formal steps.
- Evidence must be retained of all measures and steps taken to identify or correct any incidents.
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Education specific employment provisions:

- All of the protected characteristics, including age, are covered by the employment provisions of the Act.
- A school must not discriminate against a potential employee or an existing employee in respect of any of the particular characteristics already identified or in respect of the benefits, facilities or services it offers.
- Harassment against potential or existing employees in relation to any of the protected characteristics is also unlawful.
- Victimisation of any person who has done a protected act is also unlawful.
- Schools must make reasonable adjustments in relation to disability for their employees or potential employees as for their pupils.
- They must make reasonable adjustments to arrangements or practices to alleviate disadvantage and must take reasonable steps to provide any necessary auxiliary aids and services.
- School has a duty to consider alterations to physical features of the school where that is reasonable to avoid disadvantage caused by disability.
- A new provision introduced by the Act makes it unlawful for an employer to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function of the work.

St. Cuthbert's R.C. Primary School Single Equality Aim:

The Governing Body of St. Cuthbert's R.C. Primary School will seek to ensure that discrimination does not take place against anyone, either staff or pupil, on the grounds of their gender, sexual orientation, race, colour, religion, nationality, ethnic or national origins.

The Governing Body:

The Governing Body will ensure that all pupils have equal access to the full range of educational opportunities provided by the school and will seek to remove any forms of indirect discrimination that may form a barrier to learning.

They are committed to preparing the pupils of our school for life in a multicultural society and are totally opposed to racism and all other forms of oppressive behaviour.

The Governing Body will ensure that the curriculum reflects the attitudes, values and respect that we have for all individuals and cultural groups. We will encourage the pupils to explore fully the origins and differences of all religions, nationalities and ethnicities in order to develop their better understanding of the world wide community.

The Governing Body will ensure that all recruitment, employment, promotion and training systems are fair to all, and provide equal opportunities for everyone to achieve their potential regardless of their gender, sexual orientation, race or nationality.

The Governing Body will ensure that people with disabilities are not discriminated against and that all reasonable steps are taken to ensure that the school environment gives equal access to people with disabilities.

The Governors recognise that it is vital that all staff, teaching and non-teaching, understand the need for the promotion of equality in education. They will seek to ensure that suitable training and support is given to members of the school staff to fulfil their professional duties in line with school policy.

The Governing Body will be sensitive to and support all cultural, ethnic and religious backgrounds of the school staff.

The School records any incidents of racist behaviour and will report the number and nature of any incidents to the Governing Body.

The Headteacher:

The Headteacher will ensure that the Single Equality Policy is adhered to throughout the management, curriculum and ethos of the school community.

The Headteacher will ensure that all staff are aware of the school policy and that all staff apply the guidelines fairly in all situations.

The Headteacher will ensure that the school curriculum promotes respect for other cultures, religions and nationalities and will ensure that all classroom resources and materials reflect the diverse nature of the school community and have respect for the sensitivities of all members of the class.

The Headteacher will ensure that all appointments made to the school will have given due regard to the policy and that no-one is discriminated against on the grounds of gender, sexual orientation, race, ethnic or national origins.

The Headteacher will have strategies in place to deal with any incident and recognises that these may take many forms including verbal or physical acts, rejection, unwelcome and negative comments.

The Headteacher will treat all incidents of unfair treatment and any racist or discriminatory incidents with due seriousness. The Headteacher will present a Termly report to the Governing Body on the nature and number of any such incidents.

School Staff will:

- accept that this is a whole school issue and support the Single Equality Policy and procedures
- make known any queries or training requirements.
- know how to deal with incidents of concern, and how to identify and challenge bias and stereotyping.
- be aware of the procedures for reporting incidents of racism, harassment or other forms of discrimination.

- ensure that those with protected characteristics are not discriminated against and are given equality of opportunity.
- keep themselves up to date with relevant legislation and attend training and information events organised by the school or Local Authority.
- ensure that pupils from all groups are included in all activities and have full access to the curriculum
- promote equality and diversity through teaching and through relations with pupils, staff, parents, and the wider community.

Pupils will:

- be made aware of any relevant part of the scheme, appropriate to age and ability.
- be expected to act in accordance with any relevant part of the scheme.
- experience a curriculum and environment which is respectful of diversity and difference and prepares them well for life in a diverse society.
- understand the importance of reporting prejudiced based bullying incidents.
- ensure the peer support programme within the school promotes understanding and supports pupils who are experiencing discrimination.

Monitoring and review:

The Governing Body is responsible for monitoring the Single Equality Policy and for ensuring its effectiveness in the daily life of the school community.

The monitoring process will include:

- Reviewing all school appointments to ensure the policy has been fairly applied.
- Requiring the Headteacher to present a termly report to the Governors on any incidents covered by the Policy.
- Monitoring the progress of pupils of protected characteristics.
- Taking into serious consideration any complaints regarding equal opportunities from parents/carers, staff or pupils and the wider school community.
- Monitoring all school policies to ensure that they are fairly applied to all staff, pupils and the wider school community.

When necessary the Governing Body will initiate an investigation into any reported incidents and will inform the Local Authority of any concerns raised.

All such actions of the Governing Body will be recorded appropriately.

Notes:

Equality Legislation

This equality scheme responds to the current equalities legislation.

- The 2010 Single Equality Act is the overarching legislation for all equality duties.

The act serves two main purposes:

- a) To harmonise discrimination law;
- b) To strengthen the law to support progress on equality.

The act supersedes or strengthens the following acts and regulations:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Employment Equality (Religion & Belief and Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006 Part 2
- The Equality Act (Sexual Orientation) Regulations 2007

Overview of previous equalities legislation which has been harmonised and strengthened by Equality Act 2010:

- Race Relations Act (RRA) 1976/2000, statutory positive duty to promote racial equality, promote good race relations and eliminate unlawful racial discrimination;
- Sex Discrimination Act (SDA) 1975 (and Regulations 1999), Gender Equality Duty 2007, statutory positive duty to promote gender equality and eliminate unlawful gender discrimination;

a) Employment Equality (religion or belief) (sexual orientation) Regulations 2003 extended to education, Equality Act (Part 2) 2007

The Act sets out that it is unlawful for schools to discriminate against a person:

- a) in the terms on which it offers to admit him/her as a pupil:
- b) by refusing to accept an application to admit him/her as a pupil, or
- c) where he/she is a pupil of the establishment:
 - i) in the way in which it affords him/her access to any benefit, facility or service.
 - ii) by refusing him/her access to a benefit, facility or service.
 - iii) by excluding him/her from the establishment.
 - iv) by subjecting him/her to any other detriment.

- Disability Discrimination Act (DDA) 1995/2005
- statutory positive duty to promote equality of opportunity for disabled people:
- pupils, staff, parents, carers and other people who use the school or may wish
- to, and eliminate unlawful discrimination;
- Education and Inspections Act 2006, duty to promote community cohesion.

Single Equality Policy

Review of this Policy is to be annually.