

Equality Policy

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Applicable to	Students, parents, visitors and others coming into contact with the school
Valid from	Jan 2019
Review date	Jan 2023
Reviewed by	Mrs Woods

PART 1 THE LAW

THE EQUALITY ACT 2010

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

THE PROTECTED CHARACTERISTICS

The Equality Act 2010 makes it unlawful for the “responsible body” of a school to discriminate (either directly or indirectly) against an individual or group of individuals by treating them less favourably because they (or somebody they associate with) have one or more of the following characteristics:

- Sex;
- Race;
- Religion or belief;
- Sexual orientation;
- Gender reassignment;
- Pregnancy and maternity; and
- Disability.

The Equality Act 2010 also makes it unlawful for the “responsible body” of a school to discriminate (either directly or indirectly) against an individual or group of individuals **who are not the school’s students** by treating them less favourably because they (or somebody they associate with) have one or more of the above characteristic or the following characteristics:

- Age; and
- Marriage and civil partnership.

Specifically, the “responsible body” of a school must not discriminate against a student or group of students because they have a protected characteristic (with the exception of age or marriage and civil partnerships):

- In the arrangements it makes for deciding who is offered admission as a student;
- As to the terms on which it offers to admit a prospective student;
- By not admitting a prospective student;
- In the way it provides education for a student (but not in relation to the contents of the curriculum);
- In the way it affords a student access to a benefit, facility or service;
- By not providing an education for a student;
- By excluding a student;
- By subjecting a student to any other detriment (including the imposition of sanctions);

The Equality Act 2010 also makes it unlawful for the “responsible body” of a school to harass or victimise an individual or group of individuals because of some of the protected characteristics, or because of something done in reliance on the Equality Act 2010, as outlined in further detail below.

The “responsible body” in an academy is its proprietor, namely the Governing Body. In practice, all persons acting on behalf of the Governing Body (including employees of the school) are personally responsible for ensuring that their actions or omissions are not discriminatory, and the Governing Body will also be responsible for the actions of the school’s employees if it cannot show that it has taken all reasonable steps to prevent the discriminatory actions or omissions being undertaken on their behalf.

The Equality Act 2010 covers discriminatory acts or admissions by the school against prospective students, current students and (in some circumstances) former students, as well as against parents (including non-parents with parental responsibility or care of a student), visitors and other people coming into contact with the school.

The Equality Act 2010 does not cover discriminatory acts by one student against another student, such as racist bullying (such behaviour by a student will, in any event, be a breach of the school’s annually updated Anti-Bullying and Behaviour Policies and be sanctioned accordingly). However, if the school is aware of a discriminatory act by one student against another and does nothing to prevent it, or treats the act less seriously than it would for other acts, this may in itself be a discriminatory act by the school.

DISCRIMINATION

The Equality Act 2010 defines two types of discrimination; direct and indirect:

Direct Discrimination

Direct discrimination occurs where an individual or group of individuals are treated less favourably than others because they or somebody they associate with have (or it is mistakenly thought that they have) a protected characteristic.

Indirect Discrimination

Indirect discrimination occurs when a policy, criterion or practice is applied generally to all, which has the indirect effect of discriminating against an individual or group of individuals by putting them at a disadvantage, unless there is a legitimate reason for the policy, criteria or practice and there is no other way to achieve it.

Indirect Discrimination does not apply to the protected characteristic of pregnancy and maternity.

Disability

There are special provisions in the Equality Act 2010 relating to disability discrimination and, in particular, a third type of discrimination called **discrimination arising from a disability**, as well as failing to make reasonable adjustments for an individual with a disability. The definition of what constitutes disability discrimination is more complex than that for the other protected characteristics, and is set out in further detail under the section relating to disability equality below.

HARASSMENT

The Equality Act 2010 makes it unlawful to harass an individual or group of individuals in relation to certain protected characteristics. Harassment is defined as an unwanted act, related to a relevant protected characteristic, which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

VICTIMISATION

The Equality Act 2010 makes it unlawful to victimise an individual or a group of individuals in certain circumstances. Victimisation is defined as occurring when an individual or group of individuals are treated less favourably as a result of anything they have done in reliance upon the Equality Act 2010, for example by previously making an allegation of discrimination or harassment, even if it was not upheld.

Victimisation will also occur when an individual is treated less favourably as a result of anything their parent, sibling or other person has done in reliance upon the Equality Act 2010, for example where their older sibling has previously made an allegation of discrimination, even if it was not upheld.

POSITIVE ACTION

The Equality Act 2010 allows (but does not require) a school to take action to tackle disadvantages suffered by a particular group of students as a result of them having a protected characteristic, known as "positive action". This does not mean that the school can give a particular group of students preferential treatment (which would be positive discrimination and unlawful), it merely allows the school to put in place measures which redress the balance between those with the protected characteristic and those without. These measures must be a proportionate means of achieving this aim.

The Equality Act 2010 does, however, allow for the school to treat disabled students more favourably than students who are not disabled (positive discrimination). In some cases, schools are *required* to treat disabled students more favourably than students who are not disabled, by making reasonable adjustments for their disability and providing auxiliary aids where necessary.

SEX EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their sex or the sex of somebody they associate with.

Schools must not treat a student, parent, visitor or other person coming into contact with the school (or a group of these people) less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their sex or the sex of somebody they associate with.

RACE EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their race or the race of somebody they associate with. Race is defined as including colour, nationality, ethnic or national origins, and would also include travellers whose cultural heritage is traditionally nomadic, for example gypsies and Irish travellers.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their race or the race of somebody they associate with. Segregation of students by race will always be unlawful.

RELIGION OR BELIEF EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their religion or belief or the religion or belief of somebody they associate with. Religion is defined as being any religion, and belief as being any religious or philosophical belief, including a lack of belief in religion (for example, humanism or atheism). Religion will include all of the major faiths, including denomination within the religion. Political beliefs are not included within the definition of religion or belief.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their religion or belief or the religion or belief of somebody they associate with.

SEXUAL ORIENTATION EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their sexual orientation, their parents' sexual orientation or the sexual orientation of somebody they associate with. Sexual orientation includes heterosexuality, homosexuality (gay or lesbian), and bisexuality.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their sexual orientation or the sexual orientation of somebody they associate with.

GENDER REASSIGNMENT EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their gender reassignment. Gender reassignment is defined as applying to anyone who is currently undergoing, has undergone or is proposing to undergo a process or part of a process of reassigning their sex to the opposite sex by changing their physical or other attributes. There is no requirement to undergo, or plan to undergo, a medical procedure – taking steps to live life as the opposite sex, or planning to live life as the opposite sex, is sufficient.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others because they, their parents or somebody that they associate with has undergone, is planning to undergo or is in the process of undergoing gender reassignment. Students must be included within a class of the sex that they identify with.

PREGNANCY AND MATERNITY EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of pregnancy or maternity. Maternity is defined as having had a baby within the preceding twenty-six week period, and includes breastfeeding. It is not discriminatory to treat an individual who is pregnant, has recently had a baby or is breastfeeding a baby more favourably than others who are not.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than another student or group of students because they are pregnant, have recently had a baby or are breastfeeding a baby.

Schools must not take any disciplinary action (including exclusion) against a student because they are pregnant, have recently had a baby or are breastfeeding. Schools should not authorise more than eighteen weeks' absence (or "maternity leave") from school to ensure the student's reintegration into education as quickly as possible following the birth of a baby.

DISABILITY EQUALITY

The overriding objective of the Equality Act 2010 is to achieve equality (equal treatment) for all people whether they have a protected characteristic or not. However, the provisions relating to disability are different to those for all of the other protected characteristics, in that it **is** lawful, and in fact is sometimes a legal requirement, to treat a disabled individual or group of individuals **more favourably** than an individual or group of individuals without a disability.

DEFINITION OF DISABILITY

The Equality Act 2010 defines disability as being where an individual or group of individuals has a physical or mental impairment which has a substantial and long term adverse effect (lasting or recurring, or likely to last or recur, for at least twelve months) on their ability to carry out normal day to day activities.

Some conditions such as being HIV positive, or having multiple sclerosis or cancer, are automatically deemed to have a disability regardless of their effect or longevity. Severe disfigurement will also come within the definition of disability (disfigurement by tattooing or piercing is excluded). Those that are certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist are automatically deemed to have a disability.

Others conditions are not deemed to be a disability, such as addiction to alcohol (unless it is a symptom of a psychiatric illness lasting or recurring for at least twelve months), legal or illegal substances (unless medically prescribed as treatment), fire-setting, kleptomania, a tendency towards violence or sexual

abuse of others. Hay fever sufferers are not deemed to have a disability; however hay fever may be taken into account where it aggravates the effect of another medical condition.

DIRECT DISABILITY DISCRIMINATION

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be directly discriminated against or harassed because of their disability.

Schools must ensure that a student or group of students are not treated less favourably than another student or group of students, because of their disability, their parents' disability or the disability of somebody they associate with.

Schools cannot justify directly discriminating against a student or group of students with a disability by maintaining that their discriminatory act was a proportionate means of achieving a legitimate aim, as was the case under previously disability discrimination legislation.

It is **not** unlawful for a school to treat a disabled student or group of students **more** favourably than another student or group of students who are not disabled. This is positive disability discrimination and is lawful.

INDIRECT DISABILITY DISCRIMINATION

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be indirectly discriminated against because of their disability, by the implementation of a provision, criterion or practice applied generally to those with or without the disability, unless there is a legitimate reason for the provision, criterion or practice and there is no other way to achieve it.

Schools must ensure that a student or group of students are not put at a disadvantage by the implementation of a school provision, criterion or practice which applies to all students because of their disability, unless they can show that it was implemented for a legitimate reason and was proportionate way of achieving the legitimate aim.

DISCRIMINATION ARISING FROM DISABILITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against because of **something arising in consequence of their disability**, unless there is a legitimate reason for discriminatory act and there is no other way to achieve it, and provided that the discriminator knew, or should have known, about the disability.

Schools must ensure that a student or group of students are not treated less favourably because of something arising in consequence of their disability, unless they can show that there was a legitimate reason for the less favourable treatment and there was no other way of achieving the legitimate aim.

REASONABLE ADJUSTMENTS FOR DISABILITY

The Equality Act 2010 requires "reasonable adjustments" to be made for individuals suffering from a disability.

Schools have the following duties:

- **Where a provision, criterion or practice places a disabled student or group of students at a substantial disadvantage compared to students who are not disabled, reasonable steps must be taken to avoid that disadvantage;**
- **Where a disabled student or group of students would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with students who are not disabled, the school must take reasonable steps to provide the auxiliary aid.**

An “auxiliary aid” includes equipment and services. The Equality Act 2010 does not provide a definition of “auxiliary aids”, however the dictionary definition includes helpful, supporting, assistant things or persons. Where a piece of equipment is necessary for all aspects of a student’s life rather than being required in an educational context only (for example, hearing aids), it is likely that it would be considered unreasonable for a school to be expected to provide these.

Factors which a school may consider when considering whether the provision of an auxiliary aid to a disabled student is reasonable include the financial or other resources required, its effectiveness, its affect upon other students and health and safety requirements.

Where a student with Special Educational Needs (SEN) is already being provided with an auxiliary aid as part of their SEN provision, there is no need for the school to provide the auxiliary aid as part of their “reasonable adjustment” duty. Schools should not, however, assume that an auxiliary aid is not required under their “reasonable adjustment” duty for a student with SEN simply because it is not being provided under their SEN provision. In addition, where a school determines that it is unreasonable to provide an auxiliary aid (perhaps, for example, on the grounds of cost), it is not necessarily reasonable for the local authority to refuse to provide the auxiliary aid.

AGE EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their age, unless it can be shown that it is a proportionate means of achieving a legitimate aim. Age is widely defined as being either of a particular age or as being within an age group.

Schools must ensure that a parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their age or age group, or the age or age group of somebody they associate with, unless they can show that there was a legitimate reason for treating them less favourably, and there was no other way to achieve it.

Schools are **not** under a duty not to treat students less favourably because of their age or age group.

MARRIAGE AND CIVIL PARTNERSHIP EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because they are married or in a civil partnership.

Schools must ensure that a parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of they or somebody they associate with are married or in a civil partnership.

Schools are **not** under a duty not to treat students less favourably because they are married or in a civil partnership.

SINGLE SEX CLASSES

It is not unlawful to have some single sex classes in a mixed sex school, provided that it does not give students in such classes an advantage over students of the opposite sex. For example, it would not be unlawful to provide sex education to both sexes of students in single sex classes.

SINGLE SEX SPORT

The Equality Act 2010 contains an exception allowing for single sex sports, games or other activities of a competitive nature, where the physical strength, stamina or physique of the average female student would put her at a disadvantage in competition with the average male student. However, schools must still allow students of both sexes to have an equal opportunity to participate in the same sporting activities.

THE CURRICULUM

The contents of the school curriculum is exempt under the Equality Act 2010 to allow schools to explore a full range of issues, ideas and materials, to expose its students to thoughts and ideas of all kinds, however controversial, without fear of legal challenge. However, the way in which the school delivers the curriculum to its students remains subject to the Equality Act 2010.

SCHOOL UNIFORM

Schools must ensure that the school uniform policy does not discriminate against those students who have a protected characteristic. It is, however, lawful for schools to have a different school uniform for male and female students, as long as it is not more expensive or harder to obtain for one sex than the other.

Schools must be flexible in relation to their school uniform policy in order to alleviate a disadvantage suffered by students with a protected characteristic, for example by allowing a female student with a skin condition (which may amount to a disability) to wear trousers instead of a skirt, or allowing a Sikh student to wear a turban.

The school's Uniform Policy provides details of the school uniform to be worn by students, including confirming the school's policy in relation to religious clothing and jewellery.

SCHOOLS WITH A RELIGIOUS DESIGNATION

Schools with a religious designation are permitted to give priority to applicants because of their religion within their admissions arrangements without breaching the religion or belief equality provisions.

ASSEMBLIES AND COLLECTIVE WORSHIP

Schools are free to have a collective act of worship based upon one religion without acting unlawfully by not providing an equivalent act of worship for other religions. Schools are also free to celebrate any religious festivals of their choosing without acting unlawfully by offending those of another religion.

RELIGIOUS FREEDOM

Article 9 of the European Convention on Human Rights and Fundamental Freedoms provides:

- 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.*
- 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

While a student has the right to manifest their religion or belief by, for example, by wearing a specific item of jewellery or clothing, this must be permitted by the school where:

- The act is in fact a manifestation of the student's religion or belief (the act does not need to be a *requirement* of the religion or belief, but there must be a sufficiently close link between the act and the religion or belief¹);

and;

- If the act *is* in fact a manifestation of the student's religion or belief, there is no justification in the school interfering with the student's right to do so.

In deciding whether the school is justified in interfering with a student's right to manifest their religion or belief, for example, by wearing a specific item of jewellery or clothing, the school should weigh up how important it is to the student to manifest their religion or belief in this way against the school's own considerations, for example the value in a school uniform policy being adhered to in encouraging pride in the school, enabling students to feel comfortable in the school environment, ensuring a sense of cohesion in the school, and protecting students from feeling pressure to dress in a certain way, in addition to security and health and safety considerations.

¹ *Following the ruling by the European Court of Human Rights in the Eweida case, which may subsequently be overruled and will therefore be kept under review.*

The school's Uniform Policy provides details of the school uniform to be worn by students, including confirming the school's policy in relation to religious clothing and jewellery.

THE RELATIONSHIP BETWEEN RELIGION AND SEXUAL ORIENTATION

Some people may hold personal views in relation to the protected characteristic of sexual orientation because of their own religious beliefs. While it is not necessarily unlawful for a teacher or other employee of a school to express their own personal view, in an appropriate way and in an educational context that takes into account guidance on the delivery of Sex and Relationships Education and Religious Education, employees at a school must always remember that they are in a very influential position and their acts must still comply with their duty not to discriminate against individuals or groups of individuals because of their sexual orientation under the Equality Act 2010, and not to manifest their religion or belief in contravention of the limitations prescribed under the European Convention on Human Rights and Fundamental Freedoms (see above).

BEHAVIOUR AND EXCLUSIONS

The process for excluding a student must be fair and equitable to students, however in relation to students with a behavioural disability, schools must keep in mind their duty to make "reasonable adjustments" for a student with a disability. A "reasonable adjustment" can be a decision to impose a less serious sanction for undesirable behaviour than the sanction which would have been imposed on a student who does not have a behavioural disability, including making a decision not to exclude for behaviour which would usually attract an exclusion.

The school's Behaviour Policy sets out the school's expectations in relation to the way its students behave, including the sanctions which will be imposed if the Behaviour Policy is breached.

THE SCHOOL AS AN EMPLOYER

The school also has responsibilities to comply with the Equality Act 2010 in its role as an employer, in relation to which separate HR policies apply. This policy applies to students, parents, visitors and other persons coming into contact with the school only.

PART 2 – THE SCHOOL’S EQUALITY DUTIES

THE PUBLIC SECTOR EQUALITY DUTY

The General Duty

The Equality Act 2010 makes provision for a single “public sector equality duty” which extends to all protected characteristics. As a result of this provision, schools are required to have due regard to the need to:

- **Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;**

and;

- **Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:**
 - remove or minimise disadvantages connected to a relevant protected characteristic; and
 - take steps to meet the different needs of those sharing a relevant protected characteristic; and
 - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;

and;

- **Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:**
 - tackle prejudice; and
 - promote understanding;

The above duty is often referred to as the **General Duty**.

The reference to “relevant protected characteristics” includes the protected characteristics of sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and age (except that the public sector equality duty does not apply to age where it relates to the provision of education to students in schools, or the provision of benefits, facilities or services to students in schools).

Having “due regard” means giving relevant and proportionate consideration to the public sector equality duty.

DfE guidance on what this means in practice sets out the following:

- *Decision makers in schools must be aware of the duty to have “due regard” when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics;*

- Schools should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis;
- The public sector equality duty has to be integrated into the carrying out of the school's functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes or following a particular process;
- Schools cannot delegate responsibility for carrying out the duty to anyone else.

The duty to have “due regard” means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications. The significance of those implications and the amount of thought that needs to be devoted to them will vary depending on the nature of the decision.

It is good practice for schools to keep a written record to show that they have actively considered their equality duties and asked themselves relevant questions. There is no legal requirement to produce a formal equality impact assessment document, although for key decisions this might be a helpful tool.

If a school does not record its consideration of the general equality duty when making a decision or carrying out a particular function, this does not automatically mean that the duty to have “due regard” has not been met. However, if challenged, it will be easier for a school to demonstrate that the duty has been met if a record has been made at the time. The duty only needs to be implemented in a light-touch way, proportionate to the issue being considered.

The Specific Duty

Schools have a **Specific Duty** to:

- **Publish information to demonstrate how the school is complying with its public sector equality duty**, which must be updated at least annually, and re-published at least once every four years;
- Prepare and publish their **Equality Objectives**.

The **Specific Duty** exists to assist schools fulfil their obligations under the **General Duty**.

DfE guidance confirms that the purpose of the specific duty is to help schools fulfil their obligations under the general duty. It is designed to be flexible, light-touch and proportionate rather than being bureaucratic or a “tick-box” exercise. The emphasis is on transparency, namely making information available so that the school's local community can see how the school is advancing equality in line with the public sector equality duty, and what objectives it is using to make this happen.

Schools must publish information relating to persons who share a relevant protected characteristic who are affected by their policies and practices. Broadly speaking, schools must ensure that individuals are not able to be identified through the publication of data. The government is clear that the duty should not be overly burdensome on schools.

Schools will not be required to collect any statistical data which they do not already collect routinely. A large amount of data is already collected by schools (for example, RAISE online) which presents performance data for individual schools broken down by a number of relevant characteristics (sex, race and also special educational needs which can be seen as a rough proxy for disability) and which includes

comparative analysis with national statistics and with comparable schools, will be a particularly useful source.

It is also important to note that the published information does not necessarily have to be statistical data. Many other kinds of information can be used to show how the school is promoting equality, such as publishing its policies online, or publishing minutes of Governing Body meetings.

THE ACCESSIBILITY PLAN

Schools are legally required to prepare a written **Accessibility Plan** to:

- Increase the extent to which disabled students can participate in the curriculum;
- Improve the physical environment of the school to increase the extent to which disabled students are able to take advantage of education and benefits, facilities or services provided or offered by the school; and
- Improve the delivery to disabled students of information readily accessible to students who are not disabled, within a reasonable time and in ways which are determined after taking into account the students' disabilities and any preferences expressed by them or their parents.

Schools must keep their Accessibility Plan under review throughout the period to which it relates and revise it if necessary. Schools must ensure that they implement their Accessibility Plan, and that they have adequate resources to implement it. A school inspector can ask to see the Accessibility Plan and may consider the preparation, publication, review, revision and implementation of it.

<https://www.montsaye.northants.sch.uk/assets/Uploads/Accessibility-Policy-Jun-2018.pdf>

PART 3 – COMPLIANCE WITH THE GENERAL DUTY

The school has in place the following policies and procedures in order to comply with its general duty to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010, advance equality of opportunity between those who share a relevant protected characteristic and those who do not, and foster good relations between those who share a relevant protected characteristic and those who do not.

Protected Characteristics	Aims of General Duty		
	Evidence and engagement with protected groups in order to eliminate unlawful discrimination, harassment and victimisation	Advancing equality of opportunity and engagement with protected groups	Foster good relationships and engagement with protected groups in order to develop good relationships
Race	<ul style="list-style-type: none"> Hate crime and incident reporting used by all Few incidents of racial harassment reported Equality policies actively followed 	<ul style="list-style-type: none"> Children with differing backgrounds feel included throughout the school Adults from different backgrounds approach the school freely 	<ul style="list-style-type: none"> Home culture shared and celebrated in school in all classes at To celebrate the diverse cultures in our society
Disability	<ul style="list-style-type: none"> Disabled pupils included in all school events Disabled parents have access to all school events 	<ul style="list-style-type: none"> Enhanced curriculum for disabled children in place Access plan in place 	<ul style="list-style-type: none"> Contact with disabled parents to ensure equality of access to school events Assemblies make specific reference to disabilities
Sex and Discrimination	<ul style="list-style-type: none"> Children of both sexes take part in a wide variety of activities to encourage equal opportunities both in and after school Sporting teams from both genders given high profile 	<ul style="list-style-type: none"> Positive discrimination made e.g. boys/girls groups when appropriate Actively encourage volunteers and staff from male and female 	<ul style="list-style-type: none"> Stereotypes are challenged Assemblies tackle discrimination Working parties include male and females
Gender Reassignment	<ul style="list-style-type: none"> Montsaye is currently supporting a student who is exploring gender reassignment 	<ul style="list-style-type: none"> Equality to be followed to ensure good relations fostered 	<ul style="list-style-type: none"> Equality policy to be followed to ensure good relations fostered
Pregnancy and Maternity	<ul style="list-style-type: none"> NCC maternity policy followed PSHE programme- ERA days Science lessons 	<ul style="list-style-type: none"> Individual staff part of risk assessment process 	<ul style="list-style-type: none"> KIT days and flexible working on return encouraged
Age	<ul style="list-style-type: none"> Full age range of staff and volunteers from 16 – 65+ 	<ul style="list-style-type: none"> Retired employees welcomed back Volunteers from all age groups welcomed in to school 	<ul style="list-style-type: none"> Support elderly within the community
Religion and Belief	<ul style="list-style-type: none"> Different religious beliefs catered for in staff and children RE policy followed 	<ul style="list-style-type: none"> Alternative menus offered Withdrawal from RE and assembly if requested 	<ul style="list-style-type: none"> School visits to other places of worship Multi faith celebrations highlighted in assemblies

Sexual Orientation	<ul style="list-style-type: none"> • School rules set clear guidelines applicable to protected characteristics • All people treated as individuals PSHE policy 	<ul style="list-style-type: none"> • Variety of families represented • Assemblies tackle homophobia 	<ul style="list-style-type: none"> • Opportunity to share home environment in lessons • Non-judgemental view points fostered • Governors, staff, parents and volunteers all treated as equals
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PART 4 – COMPLIANCE WITH THE SPECIFIC DUTY

The school publishes the following information in compliance with its specific duty to publish information to demonstrate how the school is complying with its public sector equality duty, and publish its equality objectives.

The school will update the information contained in this part at least annually and republish it at least once every four years.

THE DUTY TO ELIMINATE DISCRIMINATION, HARASSMENT, VICTIMISATION AND OTHER PROHIBITED CONDUCT

DfE guidance states that evidence that the school is aware of the requirements of the Equality Act 2010 and determined to comply with the non-discrimination provisions will be relevant here. This might include copies of any of a range of policies (for example, the school’s Behaviour Policy or Anti-Bullying Policy) where the importance of avoiding discrimination and other prohibited conduct is expressly noted. If there has been a meeting of staff or of Governors, during which they are reminded of their responsibilities under the Equality Act 2010, a note of that meeting could also be useful evidence that due regard is being had to this part of the duty. Evidence of staff training on the Equality Act would also be appropriate, as would a note of how the school monitors equality issues.

Protected Characteristics	Aims of General Duty		
	Evidence and engagement with protected groups in order to eliminate unlawful discrimination, harassment and victimisation	Advancing equality of opportunity and engagement with protected groups	Foster good relationships and engagement with protected groups in order to develop good relationships
Race	<ul style="list-style-type: none"> Hate crime and incident reporting used by all Few incidents of racial harassment reported Equality policies actively followed 	<ul style="list-style-type: none"> Children with differing backgrounds feel included throughout the school Adults from different backgrounds approach the school freely 	<ul style="list-style-type: none"> Home culture shared and celebrated in school
Disability	<ul style="list-style-type: none"> Disabled pupils included in all school events Disabled parents have access to all school events 	<ul style="list-style-type: none"> Enhanced curriculum for disabled children in place Access plan in place 	<ul style="list-style-type: none"> Contact with disabled parents to ensure equality of access to school events Assemblies make specific reference to disabilities
Sex and Discrimination	<ul style="list-style-type: none"> Children of both sexes take part in a wide variety of activities to encourage equal opportunities both in and after school Sporting teams from both genders given high profile 	<ul style="list-style-type: none"> Positive discrimination made e.g. boys/girls groups when appropriate Actively encourage volunteers and staff from male and female 	<ul style="list-style-type: none"> Assemblies tackle discrimination Working parties include male and females
Gender Reassignment	<ul style="list-style-type: none"> Montsaye is currently supporting a student who is exploring gender reassignment 	<ul style="list-style-type: none"> Equality policy to be followed to ensure good relations fostered 	<ul style="list-style-type: none"> Equality policy to be followed to ensure good relations fostered

Pregnancy and Maternity	<ul style="list-style-type: none"> NCC maternity policy followed 	<ul style="list-style-type: none"> Individual staff part of risk assessment process 	<ul style="list-style-type: none"> KIT days and flexible working on return encouraged
Age	<ul style="list-style-type: none"> Full age range of staff and volunteers from 16 – 65+ 	<ul style="list-style-type: none"> Retired employees welcomed back Volunteers from all age groups welcomed in to school 	<ul style="list-style-type: none"> Support elderly within the community
Religion and Belief	<ul style="list-style-type: none"> Different religious beliefs catered for in staff and children RE policy followed 	<ul style="list-style-type: none"> Visitors from a variety of Faiths invited in to school Alternative menus offered Withdrawal from RE and assembly if requested 	<ul style="list-style-type: none"> School visits to other places of worship Multi faith celebrations highlighted in assemblies
Sexual Orientation	<ul style="list-style-type: none"> School rules set clear guidelines applicable to protected characteristics All people treated as individuals PSHE policy 	<ul style="list-style-type: none"> Dressing up clothes and toys throughout the school provide freedom of expression for all individuals Variety of families represented Assemblies tackle homophobia 	<ul style="list-style-type: none"> Non-judgemental viewpoints fostered Governors, staff, parents and volunteers all treated as equals

See the following policies:

Behaviour (including uniform)

Anti-Bullying

Safeguarding including child protection

Staff training requirement to complete Equality and Diversity online training.

THE DUTY TO ADVANCE EQUALITY OF OPPORTUNITY BETWEEN THOSE WHO SHARE A PROTECTED CHARACTERISTIC AND THOSE WHO DO NOT

DfE guidance states that attainment data which shows how students with different protected characteristics are performing will obviously be relevant here, in particular in helping to identify whether there are areas of inequality which may need to be addressed. RAISE online contains much detailed analysis by relevant characteristics. Schools will also need to include information about the steps they have taken in response to their analysis of the available data. This does not need to be complicated, as most of the information will already be contained in easily available documents such as reports to the Governing Body.

For some protected characteristics, for example religion and belief and particularly sexual orientation, statistical data about students is less likely to be available, and it may not be considered appropriate to try to obtain it. More general data about the issues associated with these particular protected characteristics, from which schools should be able to identify possible issues which may affect their own students, will be easily available however.

Protected Characteristics	Aims of General Duty		
	Evidence and engagement with protected groups in order to eliminate unlawful discrimination, harassment and victimisation	Advancing equality of opportunity and engagement with protected groups	Foster good relationships and engagement with protected groups in order to develop good relationships
Race	<ul style="list-style-type: none"> Hate crime and incident reporting used by all Few incidents of racial harassment reported Equality policies actively followed 	<ul style="list-style-type: none"> Children with differing backgrounds feel included throughout the school Adults from different backgrounds approach the school freely 	<ul style="list-style-type: none"> Home culture shared and celebrated in school in all classes at HIS through 'pet's diary' Multi-cultural events held throughout the year to celebrate the diverse cultures in our society
Disability	<ul style="list-style-type: none"> Disabled pupils included in all school events Disabled parents have access to all school events 	<ul style="list-style-type: none"> Enhanced curriculum for disabled children in place Access plan in place 	<ul style="list-style-type: none"> Contact with disabled parents to ensure equality of access to school events Assemblies make specific reference to disabilities
Sex and Discrimination	<ul style="list-style-type: none"> Children of both sexes take part in a wide variety of activities to encourage equal opportunities both in and after school Sporting teams from both genders given high profile 	<ul style="list-style-type: none"> Positive discrimination made eg boys/girls groups when appropriate Actively encourage volunteers and staff from male and female 	<ul style="list-style-type: none"> Stereotypes are challenged eg dressing up clothes for all Assemblies tackle discrimination Working parties include male and females
Gender Reassignment	<ul style="list-style-type: none"> Not currently reflected within staff group or children 	<ul style="list-style-type: none"> Equality policy would be followed to ensure good relations fostered 	<ul style="list-style-type: none"> Equality policy would be followed to ensure good relations fostered
Pregnancy and Maternity	<ul style="list-style-type: none"> NCC maternity policy followed Puberty teaching delivered by School nurses 	<ul style="list-style-type: none"> Individual staff part of risk assessment process 	<ul style="list-style-type: none"> KIT days and flexible working on return encouraged

Age	<ul style="list-style-type: none"> • Full age range of staff and volunteers from 16 – 65+ 	<ul style="list-style-type: none"> • Retired employees welcomed back • Volunteers from all age groups welcomed in to school 	<ul style="list-style-type: none"> • Support elderly within the community
Religion and Belief	<ul style="list-style-type: none"> • Different religious beliefs catered for in staff and children • RE policy followed 	<ul style="list-style-type: none"> • Visitors from a variety of Faiths invited in to school • Alternative menus offered • Withdrawal from RE and assembly if requested 	<ul style="list-style-type: none"> • School visits to other places of worship • Multi faith celebrations highlighted in assemblies
Sexual Orientation	<ul style="list-style-type: none"> • School rules set clear guidelines applicable to protected characteristics • All people treated as individuals PSHE policy 	<ul style="list-style-type: none"> • Dressing up clothes and toys throughout the school provide freedom of expression for all individuals • Variety of families represented • Assemblies tackle homophobia 	<ul style="list-style-type: none"> • Opportunity to share home environment • Non-judgemental view points fostered • Governors, staff, parents and volunteers all treated as equals

THE DUTY TO FOSTER GOOD RELATIONS BETWEEN THOSE WHO SHARE A PROTECTED CHARACTERISTIC AND THOSE WHO DO NOT

DfE guidance states that it should be particularly easy for schools to demonstrate that they are fostering good relations, since promoting good relations between groups of students of all kinds is inherent in many things which they do as a matter of course. It may be shown through, for example, aspects of the curriculum which promote tolerance and friendship, or which share understanding of a range of religions or cultures, the Behaviour Policy and Anti-Bullying Policy, assemblies dealing with relevant issues, involvement with the local communities, twinning arrangements with other schools which enable students to meet and exchange experiences with children from different backgrounds, or initiatives to deal with tensions between different groups of students within the school itself.

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Disability	<ul style="list-style-type: none"> Disabled pupils included in all school events Disabled parents have access to all school events 	<ul style="list-style-type: none"> Enhanced curriculum for disabled children in place Access plan in place 	<ul style="list-style-type: none"> Contact with disabled parents to ensure equality of access to school events Assemblies make specific reference to disabilities
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Gender Reassignment	<ul style="list-style-type: none"> Montsaye is currently supporting a student who is exploring gender reassignment 	<ul style="list-style-type: none"> Equality policy to be followed to ensure good relations fostered 	<ul style="list-style-type: none"> Equality policy to be followed to ensure good relations fostered
Pregnancy and Maternity	<ul style="list-style-type: none"> NCC maternity policy followed 	<ul style="list-style-type: none"> Individual staff part of risk assessment process 	<ul style="list-style-type: none"> KIT days and flexible working on return encouraged
Age	<ul style="list-style-type: none"> Full age range of staff and volunteers from 16 – 65+ 	<ul style="list-style-type: none"> Retired employees welcomed back Volunteers from all age groups welcomed in to school 	<ul style="list-style-type: none"> Support elderly within the community

Religion and Belief	<ul style="list-style-type: none"> • Different religious beliefs catered for in staff and children • RE policy followed 	<ul style="list-style-type: none"> • Visitors from a variety of Faiths invited in to school • Alternative menus offered • Withdrawal from RE and assembly if requested 	<ul style="list-style-type: none"> • School visits to other places of worship • Multi faith celebrations highlighted in assemblies
Sexual Orientation	<ul style="list-style-type: none"> • School rules set clear guidelines applicable to protected characteristics • All people treated as individuals PSHE policy 	<ul style="list-style-type: none"> • Variety of families represented • Assemblies tackle homophobia 	<ul style="list-style-type: none"> • Opportunity to share home environment • Non judgemental view points fostered • Governors, staff, parents and volunteers all treated as equals

THE SCHOOL'S EQUALITY OBJECTIVES

DfE guidance states that Schools are free to choose the equality objectives that best suit their individual circumstances and contribute to the welfare of their students and the school community. Objectives are not intended to be burdensome or a “tick box” exercise, but they do need to be specific and measurable. They should be used as a tool to help improve the school experience of a range of different students. A school should set as many objectives as it believes are appropriate to its size and circumstances. The objectives should fit the school’s needs and should be achievable.

Although it is no longer a requirement for schools to have an equality action plan, those schools which do already have one in place may find it helpful to continue with this approach and adapt it to take into account the extent of the duty.

Equality objectives may arise from analysis schools have carried out on their published data or other information, where they have identified an area where there is potential for improvement on equalities, or they may be set in anticipation of a change in local circumstances. Some examples might be:

Objective 1: *Undertake an analysis of recruitment data and trends with regard to race, gender and disability by July, and report on this to the staffing and pay sub-committee of the governing board.*

Objective 2: *Have in place a reasonable adjustment agreement for all staff with disabilities by July, to meet their needs better and ensure that any disadvantages they experience are addressed.*

Objective 3: *Increase the representation of teachers from minority ethnic communities over a 4-year period (from this July to July in 4 years' time), so that this group increases from by 5% of the teaching workforce.*

Objective 4: *To reduce homophobic language and incidents and raise awareness through assemblies and the ethos and values programme*

Objective 5: *To increase understanding between religious groups and of different faiths and cultures*

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

EQUALITIES OBJECTIVES AND ACTION PLAN

DATE OF PUBLICATION (September 2018)

Objective Please give an end date/timescale to each action (ie by)	Which protected group(s) will this most affect/influence	How will we know we have achieved the objective?	Lead and other key players	Actions Please give an end date/timescale to each action (ie by.....)	Annual Red/Amber/Green Rating End of academic year 2019
<i>Objective 1: Undertake an analysis of recruitment data and trends with regard to race, gender and disability by July, and report on this to the staffing and pay sub-committee of the governing board.</i>	All protected characteristics	Data trends improve	MG KBE	Analyse and collate data Annual return in relation to the work force census	
<i>Objective 2: Have in place a reasonable adjustment agreement for all staff/students with disabilities by July, to meet their needs better and ensure that any disadvantages they experience are addressed.</i>	All staff and students with disabilities	data risk assessments	MG DF	Annual review	
<i>Objective 3: Increase the representation of teachers from minority ethnic communities over a 4-year period (from this July to July in 4 years' time), so that this group increases from by 5% of the teaching workforce.</i>	Positive recruitment	% of teachers from ethnic minorities improves	MG TB	Ensure that data is analysed Collate data annually	
<i>Objective 4: To reduce homophobic language and incidents and raise awareness through</i>	LGBTQ groups	Reduction in homophobic language	JCB EBL	Behaviour data Reduction in homophobic incidents ERA day impact reports	

<i>assemblies and the ethos and values programme</i> <i>6 times annually and after each ERA day</i>		Tolerance and acceptance of protected characteristic			
Objective 5: <i>To increase understanding between religious groups and of different faiths and cultures – review annually</i>	Increase the awareness of different groups and religions that are represented in the school and in modern Britain	Data Tolerance	JCB EBL	EP schemes of work and curriculum plans Assembly rota Student voice	

PART 5 – ACCESSIBILITY PLAN

The school has prepared and will implement the following accessibility plan to increase the extent to which disabled students can participate in the curriculum, improve the physical environment of the school to increase the extent to which disabled students are able to take advantage of education and benefits, facilities or services provided or offered by the school, and improve the delivery to disabled students of information readily accessible to students who are not disabled, within a reasonable time and in ways which are determined after taking into account the students' disabilities and any preferences expressed by them or their parents.

The school will keep the Accessibility Plan under continual review and revise it as necessary.

THE SCHOOL'S ACCESSIBILITY PLAN

The school has prepared and will implement the following accessibility plan to increase the extent to which disabled students can participate in the curriculum, improve the physical environment of the school to increase the extent to which disabled students are able to take advantage of education and benefits, facilities or services provided or offered by the school, and improve the delivery to disabled students of information readily accessible to students who are not disabled, within a reasonable time and in ways which are determined after taking into account the students' disabilities and any preferences expressed by them or their parents.

The school will keep the Accessibility Plan under continual review and revise it as necessary.

<https://www.montsaye.northants.sch.uk/assets/Uploads/Accessibility-Policy-Jun-2018.pdf>