

Temple Sowerby C/E School

Equality Policy

Equality statement

The Governors of Temple Sowerby C/E School are committed to carrying out their duties under section 149 of the Equality Act 2010. In order to do so, they will :

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- **advance equality of opportunity** between persons who share a relevant protected characteristic and persons who do not share it, in particular, the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - encourage persons who share a relevant protected characteristic to participate in any other activity in which participation by such persons is disproportionately low;
 - take steps to meet the needs of disabled persons if different from the needs of persons who are not disabled, including steps which take account of such disabilities;
- **foster good relations** between persons who share a relevant protected characteristic and persons who do not share it, in particular, to tackle prejudice and promote understanding.

Socio-economic inequality

Temple Sowerby C/E School also recognises that it has a duty under the Act, when setting objectives and organising activities, including extended activities, to consider how it might help to reduce the inequalities associated with socio-economic disadvantage.

Other provisions and exemptions relating to schools

Please see Appendix A for clarification and guidance for schools taken from the Explanatory Notes published alongside the Equality Act.

Protected characteristics

The Equality Act 2010 identifies nine protected characteristics, which cannot be used as a reason to treat people unfairly. They are:

- age;
- disability – physical or mental impairment, and the impairment has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities;
- gender reassignment – including absences whilst undergoing reassignment;
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination);
- pregnancy and maternity;
- race – this includes ethnic or national origins, colour or nationality;
- religion or belief – this includes lack of belief;
- sex;
- sexual orientation.

Please see Appendix B for the full definition of protected characteristic taken from the Equality Act.

Forms of discrimination

The Act prohibits unfair treatment in the workplace, and when providing goods, facilities and services, including in schools. There are seven different types of discrimination:

- **Direct discrimination:** discrimination because of a protected characteristic.
- **Associative discrimination:** direct discrimination against someone because they are associated with another person with a protected characteristic. (This includes carers if they were treated unfairly because of duties that had to carry out relating to their care work.) It also covers discrimination against someone because, for example, a family member is subject of a protected characteristic.
- **Indirect discrimination:** where a rule or policy that applies to everyone but disadvantages a person with a protected characteristic – such as failing to make a reasonable adjustment for a disabled person.
- **Harassment:** behaviour deemed offensive by the recipient - even when it is not directed at them.
- **Harassment by a third party:** the school would be potentially liable for the harassment by people they don't directly employ, such as volunteers or contractors.
- **Victimisation:** discrimination against someone because they made or supported a complaint under Equality Act legislation.
- **Discrimination by perception:** direct discrimination against someone because others think they have a protected characteristic (even if they don't).

Achieving equality objectives

In order to achieve its equality objectives, Temple Sowerby C/E School:

- ensures equality issues are considered when formulating policies, procedures and the School Improvement Plan;
- takes into account equality issues through the curriculum, and other activities, including extended activities;
- has regard to equality in respect of its dealings with staff, volunteers, and pupils, their parents, carers, and extended family;
- conducts an annual equality assessment.

The school will also:

- sets and publishes equality objectives every four years;

In addition, the school publishes information annually about its compliance with the Equality Act. This information is accessible via the school's website and prospectus, and circulated to parents via the school newsletter published during the relevant month.

Where applicable, the information published will include:

- the number of people with different protected characteristics who use the school and its extended provisions;
- satisfaction levels and informal feedback from people with different protected characteristics, and results of consultation;
- complaints about discrimination and complaints from people with different protected characteristics;
- outcomes for people with different protected characteristics.

If relevant at the time of publication, it will also include:

- details of policies activities and objectives impacting upon equality.

Monitoring of equality issues

The Safeguarding Sub-Committee have responsibility for monitoring and promotion of equality issues within Temple Sowerby C/E School, and will report to the governing body on an annual basis and when necessary.

Other policies impacting upon equality

Please also see:

The Race Equality & Community Cohesion policy.

Equal Opportunities policy

Admissions policy.

Appendices

Appendix A – Guidance for schools taken from Explanatory Notes published alongside the Equality Act

Appendix B - Full definition of protected characteristics taken from the Equality Act

Policy adopted Spring 2016

Due for review Spring 2018

Guidance for schools - taken from Explanatory Notes published alongside the Equality Act

Section 84:

Effect

290. This section provides that this Chapter of the Act, which prohibits discrimination, harassment and victimisation in the field of education in schools, does not apply to discrimination or harassment of people in those circumstances because of age or marriage and civil partnership.

Background

291. This replicates the position in previous legislation and in, addition, extends protection because of gender reassignment and pregnancy and maternity to pupils in schools.

Examples

- It is not unlawful discrimination for a school to organise a trip for pupils in one year group, but not for pupils in other years.
- It is not unlawful discrimination for a school to allow older pupils to have privileges for which younger pupils are not eligible, such as more choice of uniform or the right to leave school during the lunch period.

Section 85: Pupils: admission and treatment, etc.

Effect

292. This section makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or prospective pupil in relation to the terms on which it offers him or her admission, by not admitting him or her, or in the way it treats the pupil once admitted. The responsible body for a maintained school is the local authority or the governing body.

293. It also imposes on the responsible body of a school the duty to make reasonable adjustments for disabled pupils and prospective disabled pupils.

294. However, the prohibition on harassment of pupils or prospective pupils does not cover gender reassignment, sexual orientation or religion or belief.

Background

295. This section is primarily designed to replicate the effect of provisions in current legislation applying to schools. In addition, it extends protection from discrimination to transsexual pupils and pupils who become pregnant.

Examples

- A selective school imposes a higher standard for admission to applicants from an ethnic minority background, or to girls. This would be direct discrimination.
- A pupil alleges, in good faith, that his school has discriminated against him because of his religion (for example claiming that he is given worse marks than other pupils because he is Jewish), so the school punishes him by making him do a detention. This would be victimisation.
- A teacher ridicules a particular pupil in class because of their disability, or makes comments which have the result of making the girls/boys in the class feel embarrassed and humiliated. This would be harassment.

Section 86: Victimisation of pupils, etc. for conduct of parents, etc.

Effect

296. This section protects children in schools from being victimised as a result of a protected act (such as making or supporting a complaint of discrimination) done by their parent or sibling. The aim is to prevent parents being discouraged from raising an issue of discrimination with a school because of worry that their child may suffer retaliation as a result.

297. Where a parent or sibling maliciously makes or supports an untrue complaint, the child is still protected from victimisation, as long as the child has acted in good faith. But, in common with the general approach to victimisation, where a child has acted in bad faith, he or she is not protected, even where a parent or sibling makes or supports an untrue complaint in good faith.

Background

298. This section is designed to replicate the effect of provisions in the Disability Discrimination Act 1995 and extend the protection to cover all characteristics protected under this Chapter.

Examples

- The parent of a pupil complains to the school that her daughter is suffering sex discrimination by not being allowed to participate in a metalwork class. The daughter is protected from being treated less favourably by the school in any way because of this complaint.
- A pupil brings a case against his school claiming that he has suffered discrimination by a member of staff because of his sexual orientation. The pupil's younger brother, at the same school, is protected against any less favourable treatment by the school because of this case, even if it is later found that the older brother was not acting in good faith.

Section 87: Application of certain powers under Education Act 1996

Effect

299. This section enables the Secretary of State to give directions, using powers under the Education Act 1996, to require a maintained school or a non-maintained special school to comply with its duties under section 85. It enables the Secretary of State to require a school to stop a discriminatory practice or policy even if no complaint has been brought by an individual pupil or prospective pupil.

Background

300. Sections 496 and 497 of the Education Act 1996 empower the Secretary of State to give directions to local education authorities and to governing bodies of maintained schools to prevent them exercising their functions under the Education Acts unreasonably, or to require them to perform statutory duties where they are not doing so. This power has already been extended to require compliance with the law on sex discrimination, and this section extends those powers to all the protected characteristics covered by section 85.

Example

- The governing body of a school refuses as a matter of policy to let disabled pupils participate in school trips because of the extra risk management required. The Secretary of State could direct the governing body to change its policy so as to make reasonable adjustments to enable disabled pupils to participate.

Section 88: Disabled pupils: accessibility

Effect

301. This section introduces Schedule 10 which requires local authorities and schools to prepare and implement accessibility strategies and plans. These will increase disabled pupils' access to the curriculum and improve the physical environment and the provision of information. They are explained in more detail in the notes to that Schedule.

Section 89: Interpretation and exceptions

Effect

302. This section explains what is meant by terms used in this Chapter, such as “school” and “pupil”. It also makes it clear that the prohibitions in the Chapter do not apply to anything done in relation to the content of the school curriculum. This ensures that the Act does not inhibit the ability of schools to include a full range of issues, ideas and materials in their syllabus and to expose pupils to thoughts and ideas of all kinds. The way in which the curriculum is taught is, however, covered by the reference to education in section 85(2)(a), so as to ensure issues are taught in a way which does not subject pupils to discrimination. This section also gives effect to Schedule 11 which provides some exceptions to the provisions in this Chapter.

Background

303. This section is designed to replicate the effect of an exception relating to discrimination because of religion or belief in the Equality Act 2006, and extends it to other protected characteristics.

Examples

- A school curriculum includes teaching of evolution in science lessons. This would not be religious discrimination against a pupil whose religious beliefs include creationism.
- A school curriculum includes *The Taming of the Shrew* on the syllabus. This would not be discrimination against a girl.

Full definition of protected characteristics taken from the Equality Act

Age

(1) In relation to the protected characteristic of age—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

(2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

Disability

(1) A person (P) has a disability if—

(a) P has a physical or mental impairment, and

(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

(2) A reference to a disabled person is a reference to a person who has a disability.

(3) In relation to the protected characteristic of disability—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;

(b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.

(4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—

(a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and

(b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.

(5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).

(6) Schedule 1 (disability: supplementary provision) has effect.

Gender reassignment

(1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

(2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

(3) In relation to the protected characteristic of gender reassignment—

(a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

(b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

8 Marriage and civil partnership

(1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.

(2) In relation to the protected characteristic of marriage and civil partnership—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;

(b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

9 Race

(1) Race includes—

(a) colour;

(b) nationality;

(c) ethnic or national origins.

(2) In relation to the protected characteristic of race—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.

(3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.

(4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.

(5) A Minister of the Crown may by order—

(a) amend this section so as to provide for caste to be an aspect of race;

(b) amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.

(6) The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act.

10 Religion or belief

(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.