



**Heather Garth
Primary Academy**
Stars Aiming High

Equality and Diversity Policy

Policy Review Details This review date is a guideline only and if circumstances or recommendations change then the policy will be reviewed and amended as appropriate.	
This policy will be reviewed by the Board of Governors on an annual basis	
Date of Issue: Summer 2021	
	
Chair of Governors Signature	Headteacher Signature
Date of next review: Summer 2022	

Monitor and Review

This Equality and Diversity Policy has been developed by the **Equality Working Group**. This team will undertake assessments to identify the impact or effect (either negative or positive) of our policies, procedures and functions particular regarding meeting the needs of minority groups. Where negative impacts are identified we will then take steps to deal with this and make sure equity of service to all. In line with legislative requirements, we will review progress against our Equality Plan annually and review the entire plan and accompanying action plan on a three year cycle. We will make regular assessments of pupils' learning and use this information to track pupil progress. As part of this process, we regularly monitor achievement by ethnicity, gender and disability, to ensure that all groups of pupils are making the best possible progress, and take appropriate action to address any gaps.

Impact

The Equality Act 2012 replaces nine major Acts of Parliament and almost a hundred sets of regulations which had been introduced over several decades.

It provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful.

Aims

The governors of Heather Garth Primary School are committed to advancing and achieving equality of opportunity for all students, parents / carers / associated persons, staff, governors and visitors. We believe that all people are of equal value and are entitled to equality of opportunity and that our diversity enriches our community. Enabling Heather Garth Primary School to rise in standards of achievement and raise the quality of teaching and learning.

Values, principles and standards

Equality of opportunity is fundamental to good practice in education, in which fairness of opportunity for all is a basic right. This policy is therefore underpinned by the following values, principles and standards:

- equality and social justice
- acknowledging and valuing diversity
- respect for others
- compliance with equality legislation
- elimination of all forms of prejudice and unfair discrimination
- active challenge to stereotypes, prejudiced attitudes and unfair discriminatory behaviour
- commitment to inclusive education which enables and supports all pupils to develop their full potential
- commitment to the positive development of all staff and governors
- accountability for compliance with this policy by all members of the school community and others

Objectives

The objectives of this Equality Policy is to:	Actions – How we will try to achieve the objectives	Measures –how we will know we have succeeded in achieving the objectives
Support an ethos which respects and values all people irrespective of their race, religion, values and beliefs	SEAL curriculum PSHE curriculum British Values Curriculum Behaviour Policy Code of Conduct Policy for Staff Whistleblowing Policy RE Curriculum Gender Equality Policy Home School Agreement Parent View Learning Records Parents Evenings Learning Journey/Parent	Complaints Policy Parent View Responses Parent Comment Book Verbal comments at Parents Evening Ofsted Report Lesson Observations Special Mentions Assembly Behaviour Policy Rewards/Sanctions Bullying log Racial harassment log Safeguarding log
Actively advance equality of opportunity	TAF meetings EHA Pupil Premium Funding SEND Pupils	SATS results Progress Measures EYFS Profile Results
Prepare pupils for life in a diverse society	SEAL Curriculum RE Days Transition School Visits Mentor Groups Y6 Building Futures	Smooth transition to Secondary School and at all transition points Professionals to visit school
Promote good relations amongst people within the School and the wider community	Behaviour System Working with Volunteers Policy Apprentices Students Secondary Schools Links with Children's Centre PCSO School Council	Positive comments from a wide range of community members
Strive to eliminate all forms of unfair indirect and direct discrimination, bullying, harassment, victimisation or other oppressive behaviour	Bullying Recording & Monitoring Racial Harassment Recording & Monitoring Homophobic Bullying Recording & Monitoring Admissions Policy Safeguarding Log	Monitoring Records
Deliver equality and diversity through our School procedures	Threaded through all policies and systems	Policies
Make reasonable adjustments and do our utmost, within available resources, to remove barriers which limit or discourage access to School provision and activities	SENDCo Equality Policy working party Adaptations to building & Curriculum Learning Mentor TAF Working with outside agencies School Nurses Health Visitors EWO's Occupational Health Physiotherapists Paediatricians Inclusion Services Behaviour Support Services Educational Psychologist Speech and Language Therapist	Health & Safety Audit Reports Curriculum Review EHA outcomes Outside agency reports SATS results EYFS Profile Results Oversubscribed due to Social Care recommendations for vulnerable pupils
Monitor the implementation of equality and diversity within the School.	See measures	
Set targets for improvement and evaluate the impact of equality and diversity action in achieving our goals.	See measures	

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Communication of Equality and Diversity Policy

In order to meet the statutory requirements to publish a Disability Equality and Gender Equality Policy, we will:

publish our policy on the school website; Raise awareness of the policy through staff meetings and Inset days and will be available on request.

Responsibilities and accountabilities

The Governors are responsible for:

- making sure the School follows all of its equality and diversity policies and codes, and meets its legal responsibilities with respect to equality

The Head Teacher is responsible for:

- giving a consistent and high-profile lead on equality and diversity
- advancing equality and diversity inside and outside the School
- ensuring policies and procedures are in place to comply with all equality legislation
- ensuring that the School implements its equality and diversity policies and codes of practice

All staff (teaching and non-teaching) are responsible for:

- promoting equality and diversity, and avoiding unfair discrimination
- actively responding to any incidents of unfair discrimination, related to protected characteristics perpetrated by pupils, other staff or visitors
- keeping up-to-date with equality law and participating in equal opportunities and diversity training

Pupils are responsible for:

- respecting others in their language and actions
- obeying all of the School's equality and diversity policies and codes

Equality Legislation and Law underpinning this Equality and Diversity Policy

The Equality Act 2012 makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil and underpin statutory duties that must be met:

- in relation to admissions, our admissions arrangements are fair and transparent, and do not discriminate on race, gender, disability or socio-economic factors.

We have a no exclusion policy (see Behaviour Policy.)

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- in the way it provides education for pupils, all pupils will be treated with respect and in a non judgemental way giving all pupils an equal right in accessing the same education with support given in order to meet individual needs.
- in the way it provides pupils access to any benefit, facility or service, or by excluding a pupil or subjecting them to any other detriment.

The “responsible body” for Heather Garth Primary School is The Governing Body .

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

Protected Characteristics

It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their

- ★ sex / gender
- ★ race,
- ★ religion or belief
- ★ sexual orientation
- ★ gender reassignment,
- ★ disability
- ★ pregnancy or maternity
- ★ socio-economic backgrounds

Association

It is also unlawful to discriminate because of the protected characteristic of another person with whom the pupil is associated. So, for example, a school must not discriminate by refusing to admit a pupil because of the sexuality of his/her parents.

Perception

It is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken for example someone who consistently differentiates against a pupil’s sexual orientation will be acting unlawfully.

Unlawful behaviour

The Act defines four kinds of unlawful behaviour:

- ★ **Direct discrimination** occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if a school were to refuse to let a pupil be a School Councillor because of their sexuality.
- ★ **Indirect discrimination** occurs when a “provision, criterion or practice” is applied

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generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. An example might be holding a parents' meeting on a Friday evening, which could make it difficult for observant Jewish parents to attend.

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

- ★ **Harassment** is "unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person". This covers unpleasant and bullying behaviour or offensive actions.

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

Exceptions and Specific Provisions for Schools

Schools should be aware of exceptions to the Act that may apply to them. These include:

- Curriculum content
- Single sex admissions policies
- Faith schools
- Collective acts of worship

Age

A person's age is also a protected characteristic but this does **not** apply to pupils in schools. Schools therefore remain free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge, even in the case of pupils over the age of 18.

Uniform

The Equality Act does not deal specifically with school uniform or other aspects of appearance such as hair colour and style, and the wearing of jewellery and make-up, but the general requirement not to discriminate in the treatment of pupils applies here as in relation to other aspects of school policy.

Differences in dress requirements for girls and boys are standard, and where they don't have significantly more detrimental effects on one sex or the other they are unlikely to be regarded as discriminatory. There are potential issues around school uniform policies and religion and belief. Schools should be

sensitive to the needs of different cultures, races and religions and act reasonably in accommodating these needs, without compromising important school policies, such as

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school safety or discipline. It is well established that it would be race discrimination to refuse to let a Sikh child wear a turban because of a school policy requiring that caps be worn, but legal judgments have not supported the absolute right of people of faith to wear garments or jewellery to indicate that faith.

Bullying

Schools need to ensure that all forms of prejudice-motivated bullying are taken seriously and dealt with equally, firmly and in a non judgemental way.

The Department for Education has published specific guidance on bullying including homophobic and transphobic bullying and bullying related to sexual orientation, transgender, disability, race and religion:

<http://webarchive.nationalarchives.gov.uk/20110218194057/http://www.teachernet.gov.uk/wholeschool/bullying/>

Racial Segregation

Segregation of pupils by race is always direct discrimination. It would thus be unlawful for a school to put children into sets, or into different sports in PE classes, according to their ethnicity. This stipulation in the Act is to make it clear that claims that segregated treatment is "separate but equal" cannot be sustained where race is concerned. It does not mean that schools cannot take positive action to deal with particular disadvantages affecting children of one racial or ethnic group, where this can be shown to be a proportionate way of dealing with such issues.

Single Sex Schools and Classes

Schools need to make sure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of boys or girls. Whilst there is no express exemption in the same way that there is for same-sex schools, it is not necessarily unlawful to have some single-sex classes in a mixed school, provided that this does not give children in such classes an unfair advantage or disadvantage when compared to children of the other sex in other classes. For example, it would be lawful to teach sex education to single-sex classes, as long as the classes were provided to both boys and girls, but unlawful to provide classes just for boys who needed help with reading without doing the same for girls in a similar position. A positive action initiative specifically to help boys in such a position would not necessarily be unlawful but the school would need to be able to show that this was a proportionate way of dealing with a specific disadvantage experienced by boys and connected to their gender. It would not be proportionate simply to refuse help to girls with reading difficulties in order to help boys as a group catch up with the higher average attainment of girls.

Pupils undergoing gender reassignment should be allowed to attend the single sex class that accords with the gender role in which they identify.

Reasonable adjustments and when they have to be made

The duty to make reasonable adjustments applies only to disabled people:

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- Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.
- Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.
- Schools are not subject to the other reasonable adjustment duty to make alterations to physical features because this is already considered as part of their planning duties.
- In addition to having a duty to consider reasonable adjustments for particular individual disabled pupils, schools will also have to consider potential adjustments which may be needed for disabled pupils generally as it is likely that any school will have a disabled pupil at some point. However, schools are not obliged to anticipate and make adjustments for every imaginable disability and need only consider general reasonable adjustments - e.g. being prepared to produce large font papers for pupils with a visual impairment even though there are no such pupils currently admitted to the school.

Schools must implement accessibility plans which are aimed at:

- increasing the extent to which disabled pupils can participate in the curriculum;
- improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided; and
- improving the availability of accessible information to disabled pupils.

The Public Sector Equality Duty

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED) that applies to public bodies, including maintained schools and Academies, and which extends to all protected characteristics - race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment. It has three main elements. In carrying out their functions, public bodies are required to **have due regard to the need to:**

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

With the new PSED (Public Sector Equality Duty), as with the previous general duties, schools are subject to the need to have **due regard** to the three elements outlined above. For schools this means:

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- 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 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 PSED 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 can’t delegate responsibility for carrying out the duty to anyone else.

- 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. For example, a decision to change the time of school assembly is unlikely to have a significant impact on any particular group. On the other hand, deciding when and where to have a school trip may raise a range of considerations: are the facilities for boys and girls equivalent; are they accessible to disabled pupils; does the date cut across any religious holidays and so exclude some pupils, and so on.

Heather Garth Primary School will endeavour to keep a written record to show that we have actively considered our equality duties and asked the relevant questions. There is no legal requirement to produce a formal equality impact assessment document; although for key decisions this will be a helpful tool. The duty will; be implemented in a light-touch way, proportionate to the issue being considered.

Specific Duties

The specific duties are meant to help public bodies fulfil their obligations under the general duty. They are designed to be flexible, light-touch and proportionate rather than being bureaucratic or a “tick-box” exercise. 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.

The specific duties regulations require schools:

- (a) to publish information to demonstrate how they are complying with the Public Sector Equality Duty, and
- (b) to prepare and publish equality objectives.

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 - RAISE online, which presents performance data for individual schools broken down by a number of relevant characteristics (sex, race, and also SEN 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.

Eliminating discrimination and other conduct that is prohibited by the Act

For example - copies of any of a range of policies (for example, the behaviour policy or anti-bullying policy, or the recruitment or pay policies) where the importance of avoiding discrimination and other prohibited conduct is expressly noted. If there has been a meeting of staff or of Governors where they are reminded of their responsibilities under the Act, 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.

Advancing equality of opportunity between people who share a protected characteristic and people who do not share it

Advancing equality of opportunity involves, in particular:-

- (a) removing or minimising disadvantages suffered by people which are connected to a particular characteristic they have (for example disabled pupils, or gay pupils who are being subjected to homophobic bullying);
- (b) taking steps to meet the particular needs of people who have a particular characteristic (for example enabling Muslim pupils to pray at prescribed times) and
- (c) encouraging people who have a particular characteristic to participate fully in any activities (for example encouraging both boys and girls, and pupils from different ethnic backgrounds, to be involved in the full range of school societies).

Fostering good relations across all characteristics - between people who share a protected characteristic and people who do not share it

For example - aspects of the curriculum which promote tolerance and friendship, or which share understanding of a range of religions or cultures, the behaviour and anti-bullying policies, assemblies dealing with relevant issues, involvement with the local communities, twinning arrangements with other schools which enable pupils to meet and exchange experiences with children from different backgrounds, or initiatives to deal with tensions between different groups of pupils within the school itself.

Engagement

When deciding what to do to tackle equality issues, schools may want to consult and engage both with people affected by their decisions - parents, pupils, staff, members of the local community – and with people who have special knowledge which can inform the school's approach, such as disability equality groups and other relevant special interest organisations. Evidence of this engagement can also usefully be included in the published material showing how the duty has been addressed.

Equality Objectives

Schools are free to choose the equality objectives that best suit their individual circumstances and contribute to the welfare of their pupils 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 pupils. 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. These may be found in action plans set linked to analysis of data and questionnaires

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Publication of information 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 itself.

How the Act is enforced

The enforcement mechanisms contained in this Act are similar to those under existing legislation. This chapter summarises very briefly how they work in relation to the education provisions of the Act.

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, although the county court has power to extend this period if it considers it just and equitable to do so.

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.

If the tribunal rules that there has been a contravention then it has the power to make an order of a remedy which it sees as appropriate. Such a remedy will be with a view to removing or reducing the adverse effect on the pupil concerned. However, the remedy in a disability case will not include payment of compensation. It is expected that an education remedy will be the most appropriate – for example, if the tribunal finds that a school has discriminated against a disabled pupil by failing to provide extra help needed to compensate for her disability it may order the school to put in place the necessary measures to meet her needs and help her to catch up with other pupils.

Burden of proof

A new provision for schools is the reversal of the burden of proof in cases of contravention of the Act's provisions in both court and tribunal cases. This brings education cases into 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 respondent (in this case the school) to show that the reason for what happened was something other than discrimination. However, such defensive reasoning will only be necessary if a case is brought and schools are not expected to develop a body of evidence to justify their everyday actions.