# Single Equality Scheme

**Introduction**
This Single Equality Scheme provides a format for addressing the statutory duties of the Equality Act 2010. This supersedes and brings together all previous statutory duties in relation to race, gender and disability and also addresses the duty to promote community cohesion, thus meeting the school's statutory duties in these areas.

The scheme also highlights how our school has worked with and listened to the staff, pupils, parents and carers to inform development of action plans and the need and commitment required to ensure the scheme is a success. This is underpinned by a commitment to promoting positive relationships and understanding between all groups within our school community.

This document sets out how pupils with the following protected characteristics (previously known as equality strands) will be protected in our school from harassment and discrimination:-

- disability.
- gender.
- race.
- religion and belief.
- sexual orientation.
- gender reassignment.
- maternity and pregnancy

This scheme extends to cover all aspects of vulnerability, including those associated with socio-economic factors (e.g. pupils from low income families).

As well as delivering high quality services to our pupils, the school is also committed to being a good employer and as such this scheme outlines how we meet our varied duties in terms of recruitment and employment practices. We are also committed to be fully inclusive of all community users, including parents and carers. As such, this scheme therefore also sets out how we will work to overcome any discrimination related to the other protected characteristics:-

- Age
- Being married or in a civil partnership

This Scheme sets out:

- information about our school and the local area;
- our plans to meet our general and specific duties;
- how we will promote community cohesion within the school;
- how we have involved people in the development of this scheme;
- what consultation has taken place;
- what our plans are to gather and use information;
- how we intend to ensure our policies are fair;
- how we will report on our progress;
- who is responsible for making our scheme a reality; and,
- an action plan addressing our equality priorities

This scheme is reviewed every three years and is reported on annually.

Signed _____ Date_____
Headteacher

Signed_____ Date_____
Chair of Governors

**Aims of the single equality scheme**

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

**Purpose of the Equality Scheme**

This equality scheme is the school's response to the specific and general duties in the current equality legislation, which has been brought together under the Equality Act 2010 (see appendix 1). It is an attempt to capture how the school is systematically establishing and implementing good practice in equality and diversity across all areas of school life. This includes a response to all aspects of social identity and diversity.

This Equality Scheme sets out how the school will:

- eliminate discrimination (see appendix 2);
- eliminate harassment or victimisation related to any aspect of social identity or diversity;
- promote equality of opportunity;
- promote positive attitudes to all aspects of social identity and diversity;
- encourage participation by disabled people and people representing different aspects of social identity in public life;
- take steps to take account of difference even where that involves treating some people more favourably than others;
- take proportionate action to address the disadvantage faced by particular groups of pupils.

**Planning to eliminate discrimination and promote equality of opportunity**

This scheme is underpinned by the core belief that all children and young people belong to their local community and share the same rights to membership of that community and a quality education. An action plan accompanies this Equality Scheme which identifies what we will be doing over the coming year to make our school more accessible to the whole community, irrespective of background or need (see appendix 3).

We will collect data related to the protected characteristics and analyse this data to determine our focus for our equality objectives. This data will be assessed across our core provisions as a school. This will include the following functions:

- admissions
- attendance
- attainment
- exclusions
- prejudice related incidents

**Addressing Prejudice Related Incidents**

This school is opposed to all forms of prejudice and we recognise that children and young people who experience any form of prejudice related discrimination may fair less well in the education system. We provide both our pupils and staff awareness of the impact of prejudice in order to prevent any incidents. If incidents still occur we address them immediately and report them to the Local Authority using their guidance material. The Local Authority may provide some support.

The scheme encompasses our **anticipatory duties to plan ahead for the reasonable adjustments** (reasonable and proportionate steps to overcome barriers that may impede some pupils) we need to ensure that we are best placed to help disabled pupils who come to our school.

This action plan replaces the school's Disability Accessibility Plan for the school (previously required under the planning duties in the Disability Discrimination Act) as it sets out how the school will increase access to education for disabled pupils, alongside other protected groups, in the three areas required:

- increasing the extent to which disabled pupils can participate in the school curriculum;
- improving the environment of the school to increase the extent to which disabled pupils can take advantage of education and associated services;
- improving the delivery to disabled pupils of information which is provided in writing for pupils who are not disabled.

**Monitor, review and reporting**

The action plan is renewed annually and progress towards the equality objectives within it is reported on regularly to governors. Equality objectives have been identified through consultation with key stakeholders. It is available in different formats and in different languages on request to the school office.

Every three years, we will review our objectives in relation to any changes in our school profile. Our objectives will sit in our overall school improvement plan and therefore will be reviewed as part of this process.

This Scheme will be reported on annually. Progress against the action plan will be evaluated and the impact of the action and activities assessed. This report will be available as a separate document and provided to all stakeholders upon request.

**Publication**

This action plan is understood and implemented by all staff and is available. We will ensure that the whole school community is aware of the Single Equality scheme and our published equality information and equality objectives by publishing them on the school website. Parents will be made aware of the document through newsletters and a copy will be included in the policy file in the school office.

**Breaches**

Breaches to this statement will be dealt with in the same way that breaches of other school policies are dealt with, as determined by the head teacher and governing body.

## School Aims

At Mount Nod School every child matters.
We aim to:

- Provide a secure, happy and stimulating learning environment in which effort and excellence are praised.
- Support our pupils to achieve their full potential enabling them to become active members of society.
- Encourage the values of tolerance, responsibility, honesty and respect.

We are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services for the school, irrespective of race, gender, disability, faith or religion or socio economic background., We aim to develop a culture of inclusion and diversity in which all of those connected to the school feel proud of their identity and are able to participate fully in school life.

The achievement of pupils will be monitored by race, gender and disability and we will use this data to support pupils, raise standards and ensure inclusive teaching. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all. We believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit our school.

### Equality Objectives

Our objectives will detail how we ensure equality is applied to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act
- Advance equality of opportunity between pupil who share a characteristic and those who don't
- Foster good relation between people who share a characteristic ands those who don't.

We will:

- Ensure that sensitivity is shown at all times to those who share a characteristic and those who don't
- Create a school with an atmosphere of trust and understanding in which individuals are valued and where pupils and adults show consideration, courtesy and respect for each other at all times
- Monitor the performance and participation level of different groups and take action to address issues as they arise
- Develop close partnerships and open lines pf communication between school, home and the wider community valuing the contributions made by all.

### Indicators of progress towards meeting objectives

- Incidents of bullying, racism and harassment decrease
- Children report that they feel safe and are happy to come to school
- All stakeholders feel confident to share their views and comments with the school
- Gaps in achievement between vulnerable groups is reduced
- Children from different groups are equally represented in extra curricular activities and roles and responsibilities within the school
- Diversity is reflected and celebrated in the school environment.

### What kind of a school are we?

### School Vision and Values

The school's vision and values statement reflects the school's ambitions for all its pupils and have been developed with the whole community. It refers to the key requirements set out in the National Curriculum Inclusion Statement for developing an inclusive curriculum: setting suitable learning challenges; responding to pupils' diverse learning needs; overcoming potential barriers to learning and assessment for individuals and groups of pupils.

**School context:**

Mount Nod School is situated in the South West of the city. The catchment area is economically prosperous with most residents being homeowners. However, over 62% of our pupils come from beyond the school's catchment area. 39% of our children live within the most deprived areas (based on the indices of deprivation).

- 8.1% FSM is below both the City and National average (this figure has doubled over the past 3 years)
- The percentage of pupils from ethnic minority groups is 15.7%
- 6.1% of children have a first language other than English.
- 13.4% of pupils are on the SEN register
- There are currently two children with Education and Health Care Plans

The school is a single storey building facilitating good access.

**The training taken to position the school well for the equality and diversity agenda**.

- Whole staff training on specific medical conditions and disabilities – asthma, epilepsy, autism, dyslexia, anaphylactic shock
- Ongoing staff development opportunities on provision for pupils with Special Educational Needs through staff meetings and locally organised training for individuals
- Inclusion Manager training and network opportunities
- Additional training on meeting the needs of pupils with English as an Additional Language and those from minority ethnic groups
- Training on the needs of various faith groups
- Whole staff training on safeguarding children and child protection.
- Whole staff training on Prevent, child sexual exploitation (cse) and female genital mutilation (fgm).

**School provision**

Examples of reasonable adjustments the school makes as a matter of course:

- Individual Education Plans written for learning or behaviour issues
- Ongoing differentiation in lessons
- Information available in different formats upon request
- Stakeholders are regularly consulted upon issues – questionnaires and on specific area
- Provision of specific resources to meet the needs of different children with various disabilities e.g. coloured overlays, visual timetables, wobble cushions, writing slopes, additional time in assessment, additional adult support and personalised hygiene arrangements
- Pupil progress meetings identify individuals facing barriers to their learning.

**Outcomes for pupils**

Outcomes for pupils are analysed against social identity issues, i.e. gender, ethnicity, disability, faith background, and aspects of vulnerability identified by the school.

This process determines the impact of our provision on improving outcomes for identified pupils. In line with statutory requirements all new policies as well as existing policies and functions are evaluated for the impact they have, in consultation with identified pupils and parents/carers.

Monitoring includes:

- pupils' attainment - analysis of end of key stage results for pupils of particular groups
- the quality of particular groups of pupils' learning and the progress they make throughout the school

- the extent to which different groups of pupils feel safe (e.g. Incidents of prejudiced based bullying recorded)
- the behaviour of particular groups of pupils (e.g. exclusion data for particular groups of pupils)
- the extent to which pupils from particular groups adopt healthy lifestyles
- the extent to which pupils from particular groups contribute to the school and the wider community (e.g. participation and achievement on extra-curricular/extended school activities, participation on school trips for particular groups of pupils)
- attendance data for all pupils and for particular groups (e.g. extended leave/mobility issues for particular groups of pupils)
- the effectiveness of the school's engagement with parents/carers of particular groups of pupils (e.g. attendance at parents' meetings, involvement in planning provision, consultation with, results of parental feedback)

**Roles and Responsibilities in Implementing the Single Equality Scheme**

**The Head Teacher will:**

- ensure that staff and parents are informed about the Single Equality Scheme;
- ensure that the scheme is implemented effectively;
- manage any day to day issues arising from the policy whether for pupils or for the school as an employer;
- ensure staff have access to training which helps to implement the scheme;
- liaise with external agencies regarding the policy so that the school's actions are in line with the best advice available;
- monitor the scheme and report to the Governing Body at least annually, on the effectiveness of the policy;
- ensure that the SLT are kept up to date with any development affecting the policy/action plan arising from the scheme;
- provide appropriate support and monitoring for all pupils and specific and targeted pupils to whom the scheme has direct relevance, with assistance from relevant agencies.

**The Governing Body will:**

- ensure that the school complies with all relevant equalities legislation;
- recommend all governors receive up to date training in all the equalities duties;
- designate a link governor with specific responsibility for the Single Equality Scheme;
- establish that the action plans arising from the scheme are part of the School Development Plan;
- support the Headteacher in implementing any actions necessary;
- inform and consult with parents about the scheme;
- evaluate and review the action every three years;
- evaluate the action plan yearly.

**Senior Leaders will:**

- have general responsibility for supporting other staff in implementing this scheme;
- provide a lead in the dissemination of information relating to the scheme;
- identify good quality resources and CPD opportunities to support the scheme;
- with the Headteacher, provide advice/support in dealing with any incidents/issues;
- assist in implementing reviews of this scheme as detailed in the School Development Plan.

**School Staff will:**

- accept that this is a whole school issue and support the Single Equality Scheme;
- be aware of the Single Equality Scheme and how it relates to them;

- make known any queries or training requirements
- know how to deal with incidents of concern, and how to identify and challenge bias and stereotyping;
- know procedures for reporting incidents of racism, harassment or other forms of discrimination;
- know procedures for dealing with and reporting prejudice related incidents
- ensure that those with protected characteristics are not discriminated against and are given equality of opportunity;
- keep themselves up to date with relevant legislation and attend training and information events organised by the school or LA;
- ensure that pupils from all groups are included in all activities and have full access to the curriculum;
- promote equality and diversity through teaching and through relations with pupils, staff, parents, and the wider community.

**Parents/Carers will:**

- have access to the scheme;
- be encouraged to support the scheme;
- have the opportunity to attend any relevant meetings/awareness raising sessions related to the scheme;
- have the right to be informed of any incident related to this scheme which could directly affect their child.

**Pupils will:**

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

Visitors and contractors are responsible for complying with the school's Equality Scheme – non-compliance will be dealt with by the Headteacher.

**Involvement Processes**

Policies are vital to identify and consolidate thinking regarding appropriate provision for pupils; however, they are often viewed as an end, when they should be seen as a process - always evolving in response to changes and evidence from impact assessments. When developing this Equality Scheme, the school is clear that this is a process which must be informed by the involvement of all participants such as pupils, parents, school staff, governors and external agencies. This will ensure that the school gleans insights into the barriers faced by people from different social identity backgrounds and learns the best ways to overcome such barriers. This Scheme will be informed, therefore, by:

- the views and aspirations of pupils themselves from different social identity backgrounds;
- the views and aspirations of parents/carers of pupils from different social identity backgrounds;
- the views and aspirations of staff from different social identity backgrounds;
- the views and aspirations of members of the community and other agencies, including voluntary organisations, representing different social identity backgrounds;
- the priorities in the Coventry Children and Young People's Plan.

**Mechanisms for involvement**

At this school the following mechanisms will ensure the views of **pupils** inform the Equality Scheme and action plan:

- School council;
- Individual interviews with pupils involved in incidents of a discriminatory nature;
- Individual interviews with pupils experiencing reasonable adjustments;
- Pupil involvement in IEP reviews and structured conversations

At this school the following mechanisms will ensure the views of **staff** inform the Equality Scheme and action plan:

- Regular staff meetings with specific agenda items
- Meetings with union representatives
- Individual discussions with staff as part of performance management

At this school the following mechanisms will ensure the views of **parents/carers and the community** inform the Equality Scheme and action plan:

- Text to be inserted into communication with parents: "your support for your child's education is crucial to their progress. Please tell us if there is any adjustments we need to make to help you support your child, for example: letters in large font; letters in different languages; wheelchair access; explaining things over the phone."
- Feedback through the Governing Body meetings;
- Feedback through parent group meetings / coffee morning:
- Feedback through the PTA meetings;
- Feedback from adults using the school beyond the school day;

The school's action plan will focus on developing the involvement of pupils, staff and parents from different social identity backgrounds over the three years of this Scheme. We will consider varying the times, methods and the venues for this involvement to ensure the best possible attendance and ensure views can be heard. This way the school will learn what works and the involvement of pupils, staff and parents will improve and deepen over time.

**Action Planning**

This scheme is supported by an action plan, the progress of which is monitored and evaluated by the Governing Body.

The action plan that identifies the equality objectives for the school arising from this scheme has:

- clear allocation of responsibility;
- clear allocation of resources, human and financial;
- clear timescales;
- expected outcomes and performance criteria;
- specified dates for review;

The effectiveness of this Scheme will be evaluated and reflected in:

- discussions with the Coventry Improvement Partner.

**Equality Legislation** **Appendix 1**

This equality scheme responds to the current equalities legislation.

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

  The act serves two main purposes:

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

  The act supersedes or strengthens the following acts and regulations:

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

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

- Race Relations Act (RRA) 1976/2000
  statutory positive duty to promote racial equality, promote good race relations and eliminate unlawful racial discrimination;

- Sex Discrimination Act (SDA) 1975 (and Regulations 1999), Gender Equality Duty 2007
  statutory positive duty to promote gender equality and eliminate unlawful gender discrimination;

- Employment Equality (religion or belief) (sexual orientation) Regulations 2003 extended to education, Equality Act (Part 2) 2007
  The Act sets out that is unlawful for schools to discriminate against a person:
  a) in the terms on which it offers to admit him/her as a pupil:
  b) by refusing to accept an application to admit him/her as a pupil, or
  c) where he/she is a pupil of the establishment:
  i) in the way in which it affords him/her access to any benefit, facility or service,
  ii) by refusing him/her access to a benefit, facility or service,
  iii) by excluding him/her from the establishment,
  iv) by subjecting him/her to any other detriment.

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

- Education and Inspections Act 2006, duty to promote community cohesion.
  By 'community cohesion' the school is endorsing and adopting the definition provided by Alan Johnson, 2006, as:
  "working towards a society in which there is a common vision and sense of belonging by all communities; a society in which the diversity of people's backgrounds and circumstances is appreciated and valued; a society in which similar life opportunities are available to all; and a society in which strong and positive relationships exist and continue to be developed in the workplace, in schools and in the wider community."

## What is discrimination?

The Equality Act 2010 consolidates existing law into a single legal framework and while many of the concepts of discrimination remain the same as in previous equality legislation there are some areas that were not previously covered. This appendix describes the various types of discrimination and how they apply to the schools provisions.

### Direct discrimination

Direct discrimination occurs when you treat a pupil less favourably than you treat (or would treat) another pupil because of a protected characteristic. So a very basic example would be refusing to admit a child to a school as a pupil because of their race, for example because they are Roma.
It is not possible to justify direct discrimination, so it will always be unlawful. There are however exceptions to the schools provisions that allow, for example, single-sex schools to only admit pupils of one sex without this being unlawful direct discrimination.
In order for someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected characteristic is receiving or would receive. So a gay pupil cannot claim that excluding them for fighting is direct discrimination on grounds of sexual orientation unless they can show that a heterosexual or bisexual pupil would not be excluded for fighting. A pupil does not need to find an actual person to compare their treatment with but can rely on a hypothetical person if they can show there is evidence that such a person would be treated differently.
There is no need for someone claiming direct discrimination because of racial segregation or pregnancy or maternity to find a person to compare themselves to:

- Racial segregation is deliberately separating people by race or colour or ethnic or national origin and will always be unlawful direct discrimination.

- To claim pregnancy or maternity discrimination a female pupil must show that she has been treated unfavourably because of her pregnancy or maternity and does not have to compare her treatment to the treatment of someone who was not pregnant or a new mother.

It is not direct discrimination against a male pupil to offer a female pupil special treatment in connection with her pregnancy or childbirth.
It is not direct discrimination against a non-disabled pupil to treat a disabled pupil more favourably. For example:

- *A female pupil is actively discouraged from undertaking a course in engineering by a teacher who tells her this is an unsuitable area of study for a female. This would be direct discrimination on the grounds of sex.*
- *A pupil with Asperger's Syndrome can sometimes act in a disruptive manner in class. The school does not take disciplinary action, but uses agreed strategies to manage his behaviour. A non-disabled pupil who is also disruptive in class is punished for his behaviour. This difference in treatment would not be direct discrimination against the non-disabled pupil.*

### Discrimination based on association

Direct discrimination also occurs when you treat a pupil less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).
This might occur when you treat a pupil less favourably because their sibling, parent, carer or friend has a protected characteristic.

**Discrimination based on perception**

Direct discrimination also occurs when you treat a pupil less favourably because you mistakenly think that they have a protected characteristic.

**Discrimination because of pregnancy and maternity**

It is discrimination to treat a woman (including a female pupil of any age) less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger.
It is direct sex discrimination to treat a woman (including a female pupil of any age) less favourably because she is breastfeeding a child who is more than 26 weeks old.

**Indirect discrimination**

Indirect discrimination occurs when you apply a provision, criterion or practice in the same way for all pupils or a particular pupil group, such as A-level physics students, but this has the effect of putting pupils sharing a protected characteristic within the general student group at a particular disadvantage. It doesn't matter that you did not intend to disadvantage the pupils with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such pupils compared with pupils who do not share that characteristic.
'Disadvantage' is not defined in the Act but a rule of thumb is that a reasonable person would consider that disadvantage has occurred. It can take many different forms, such as denial of an opportunity or choice, deterrence, rejection or exclusion.

'Provision', 'criterion' or 'practice' are not defined in the Act but can be interpreted widely and include:

- arrangements (for example, for deciding who to admit)
- the way that education, or access to any benefit, service or facility is offered or provided
- one-off decisions
- proposals or directions to do something in a particular way.

They may be written out formally or they may just have developed as the school worked out the best way of achieving what it wanted to do.
Indirect discrimination will occur if the following four conditions are met:

1. You apply (or would apply) the provision, criterion or practice equally to all relevant pupils, including a particular pupil with a protected characteristic, and
2. The provision, criterion or practice puts or would put pupils sharing a protected characteristic at a particular disadvantage compared to relevant pupils who do not share that characteristic, and
3. The provision, criteria, practice or rule puts or would put the particular pupil at that disadvantage, and
4. You cannot show that the provision, criteria of practice is justified as a 'proportionate means of achieving a legitimate aim'.

For example:

- *A school requires male pupils to wear a cap as part of the school uniform. Although this requirement is applied equally to all pupils, it has the effect of excluding Sikh boys whose religion requires them to wear a turban. This would be indirect discrimination based on religion and belief as it is unlikely that the school would be able to justify this action.*

**What is a 'proportionate means of achieving a legitimate aim'?**

To be legitimate the aim of the provision, criterion or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of school education, examples of legitimate aims might include:

- Maintaining academic and other standards.

- Ensuring the health and safety and welfare of pupils.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.
Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the school's justification, if there are other good reasons for adopting the chosen practice.
The more serious the disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be.
In a case involving disability, if you have not complied with your duty to make relevant reasonable adjustments it will be difficult for you to show that the treatment was proportionate.

**Discrimination arising from disability**

Discrimination arising from disability occurs when you treat a disabled pupil unfavourably because of something connected with their disability and cannot justify such treatment.
Discrimination arising from disability is different from direct discrimination. Direct discrimination occurs because of the protected characteristic of disability. For discrimination arising from disability, the motive for the treatment does not matter; the question is whether the disabled pupil has been treated unfavourably because of something connected with their disability.
Discrimination arising from disability is also different from indirect discrimination. There is no need to show that other people have been affected alongside the individual disabled pupil or for the disabled pupil to compare themselves with anyone else.

Discrimination arising from disability will occur if the following three conditions are met:

- you treat a disabled pupil unfavourably, that is putting them at a disadvantage, even if this was not your intention, and

- this treatment is because of something connected with the disabled pupil's disability (which could be the result, effect or outcome of that disability) such as an inability to walk unaided or disability-related behaviour, and

- you cannot justify the treatment by showing that it is 'a proportionate means of achieving a legitimate aim'. This is explained above.

For example:

- *A pupil with cerebral palsy who is a wheelchair user is told she will be unable to attend a school trip to a local theatre putting on a production of a play she is currently studying in English, because the building is not wheelchair accessible. The pupil and her parents are aware that the play is also on at a theatre in a neighbouring city which is accessible but the school does not investigate this option. This is likely to be discrimination arising from a disability.*

**Knowledge of disability**

If you can show that you

- did not know that the disabled pupil had the disability in question, and

- could not reasonably have been expected to know that the disabled pupil had the disability

then the unfavourable treatment would not amount to unlawful discrimination arising from disability.
If your agent (someone who undertakes tasks on your behalf) or employee knows of a pupil's disability, you will not usually be able to claim that you do not know of the disability.

For example:

- *A pupil tells the school secretary that she has diabetes and that she needs to carry biscuits to eat when her blood sugar levels fall. A teacher has no information about her disability and*

*refuses to allow pupils to bring food into the classroom. The pupil has a hypoglycaemic attack. In this case, the school is unlikely to be able to argue that it did not know about her condition.*

**Relevance of reasonable adjustments**

By acting quickly to identify and put in place reasonable adjustments for disabled pupils, you can often avoid discrimination arising from disability, although there may be cases where an adjustment is unrelated to the unfavourable treatment in question.
If you fail to make an appropriate reasonable adjustment, it is likely to be very difficult for you to argue that unfavourable treatment is justified.

**Reasonable adjustments**

You should be familiar with the reasonable adjustments duty as this was first introduced under the Disability Discrimination Act 1995. The reasonable adjustments duty under the Equality Act operates slightly differently and has been extended to cover the provision by a school of auxiliary aids and services; however this element of the duty will not come into force until a later date yet to be confirmed. The object of the duty is the same: to avoid as far as possible by reasonable means, the disadvantage which a disabled pupil experiences because of their disability.
This duty sits alongside your duties and those of local authorities under Part 4 of the Education Act 1996. In some cases the support a disabled pupil may receive under the special educational needs framework may mean that they do not suffer a substantial disadvantage (see below) and so there is no need for additional reasonable adjustments to be made for them. In other cases disabled pupils may require reasonable adjustments in addition to the special educational provision they are receiving. There are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a pupil is receiving under Part 4 of the Education Act 1996 is one of the factors to be taken into account when you consider what it would be reasonable for you to have to do.

**What is the reasonable adjustments duty?**

You are required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled pupils at a substantial disadvantage
You owe this duty to existing pupils, applicants and, in limited circumstances, to disabled former pupils in relation to the following areas:

- deciding who is offered admission as a pupil
- the provision of education
- access to any benefit, service or facility.

The duty does not require you to make reasonable adjustments to avoid the disadvantage caused by physical features as this is covered by the planning duties.
You cannot justify a failure to make a reasonable adjustment; where the duty arises, the issue will be whether or not to make the adjustment is ‘reasonable’ and this is an objective question for the tribunals to ultimately determine.
The duty is an anticipatory and continuing one that you owe to disabled pupils generally, regardless of whether you know that a particular pupil is disabled or whether you currently have any disabled pupils. You should not wait until an individual disabled pupil approaches you before you consider how to meet the duty. Instead you should plan ahead for the reasonable adjustments you may need to make, regardless of whether you currently have any disabled pupils. By anticipating the need for an adjustment you will be best placed to help disabled pupils who come to your school. You are not expected to anticipate the needs of every prospective pupil but you are required to think about and take reasonable and proportionate steps to overcome barriers that may impede pupils with different kinds of disabilities. For example, while it may be appropriate for you to provide large print for a pupil with a visual impairment, you would not be expected to have Braille devices standing ready.

**What is a substantial disadvantage?**

A disadvantage that is more than minor or trivial is called a ‘substantial disadvantage’. The level of disadvantage created by a lack of reasonable adjustments is measured in comparison with what the position would be if the disabled pupil in question did not have a disability.

You will need to take into account a number of factors when considering whether or not the disadvantage is substantial such as:

- the time and effort that might need to be expended by a disabled child
- the inconvenience, indignity or discomfort a disabled child might suffer
- the loss of opportunity, or the diminished progress a disabled child might make in comparison with his or her peers who are not disabled.

For example:

- *A deaf pupil is advised by the work experience coordinator that it would be better for her to remain at school rather than go on work experience as it might be 'too difficult' for her to manage. The school does not take any steps to help her find a placement and she misses the opportunity taken by the rest of her classmates. This would be a substantial disadvantage.*

**The duty to change a provision, criterion or practice**

These terms are not defined but in general they relate to how the education and other benefits, facilities and services are provided and cover all of your arrangements, policies, procedures and activities.

Where a provision, criterion or practice places disabled pupils at a substantial disadvantage in accessing education and any benefit, facility or service, you must take such steps as it is reasonable to take in all the circumstances to ensure the provision, criterion or practice no longer has such an effect. This might mean waiving a criterion or abandoning a practice altogether but often will involve just an extension of the flexibility and individual approach that most schools already show to their pupils.

For example:

- *A school has been allocated three places for students to represent the school at a national youth conference on the environment. The school decides to hold a debate on the topic to select the three pupils who will attend the conference. This places a pupil with a nervous system disorder at a significant disadvantage as he has trouble communicating verbally. The school modifies the criteria to enable that pupil to submit his views and ideas on the issue in writing. This is likely to be a reasonable adjustment to the school's practice.*

**When is it reasonable for a school to have to make adjustments?**

A useful starting point when determining what a reasonable adjustment might be is to consider how to ensure that disabled pupils can be involved in every aspect of school life. Often effective and practical adjustments involve little or no cost or disruption.
For example:

- *A teacher always addresses the class facing forward to ensure that a pupil with hearing difficulties is able to lip-read. This is an example of a simple reasonable adjustment.*
- *A primary school introduces a playground buddy system and a friendship bench which creates a supportive and friendly place for disabled pupils during breaks. This is an example of an effective but easy reasonable adjustment.*

Where disabled pupils are placed at a substantial disadvantage by a provision, criterion or practice or the absence of an auxiliary aid, you must consider whether any reasonable adjustment can be made to overcome that disadvantage.
You should not expect disabled pupils to suggest adjustments but if they do you should consider whether those adjustments would help to overcome the disadvantage and whether the suggestions are reasonable. It is good practice for schools to work with pupils and their parents in determining what reasonable adjustments can be made.

## 2.2 Harassment

There are three types of harassment which are unlawful under the Equality Act:

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of a pupil because they submit to or reject sexual harassment or harassment related to sex.

The relevant protected characteristics for the schools provisions are:

- Disability.
- Race.
- Sex.

Pregnancy and maternity are not protected directly under the harassment provisions; however, unwanted behaviour (as described below) will amount to harassment related to sex.

**Harassment related to a protected characteristic**

Harassment occurs when you engage in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- violating a pupil's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil.

The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for the pupil to say that they object to the behaviour for it to be unwanted.
In this context 'related to' has a broad meaning and includes situations where the pupil who is on the receiving end of the unwanted behaviour does not have the protected characteristic himself or herself, provided there is a connection between the behaviour and a protected characteristic.
This would also include situations where the pupil is associated with someone who has a protected characteristic, or is wrongly perceived as having a particular protected characteristic.
For example:

- *A pupil from an Irish Traveller background overhears a teacher making racial slurs about gypsy and traveller people stating their site should be shut down and they were 'trouble'. This would constitute harassment related to a protected characteristic (race).*

The definition of harassment as described above does not apply to the protected characteristics of gender reassignment, sexual orientation or religion or belief in relation to schools. However, where unwanted conduct related to any of these protected characteristics results in a pupil suffering disadvantage that would constitute direct discrimination.

For example:

- *During a PSHE (personal, social, health and economic education) lesson, a teacher describes homosexuality as 'unnatural' and 'depraved' and states he will only be covering heterosexual relationships in the lesson. A bisexual pupil in the class is upset and offended by these comments. This may be unlawful direct discrimination on the grounds of sexual orientation.*

**Sexual harassment**

Sexual harassment occurs when you engage in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- violating a pupil's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil.

'Of a sexual nature' can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

For example:

- *A sixth form female pupil is asked intimate questions about her personal life and subjected to sexual innuendos by her teacher. This would be sexual harassment.*

**Less favourable treatment of a pupil because they submit to or reject sexual harassment or harassment related to sex**

It is unlawful to treat a pupil less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

### 2.3 Victimisation

Victimisation is defined in the Act as:

> Treating someone badly because they have done a 'protected act' (or because the school believes that a person has done or is going to do a protected act).

There are additional victimisation provisions for schools which extend the protection to pupils who are victimised because their parent or sibling has carried out a protected act.
A 'protected act' is:

- Making a claim or complaint of discrimination (under the Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that the school or someone else has breached the Act.
- Doing anything else in connection with the Act.

If you do treat a pupil less favourably because they have taken such action then this will be unlawful victimisation. There must be a link between what the pupil (or parent or sibling) did and your treatment of them.
The less favourable treatment does not need to be linked to a protected characteristic.

For example:

- *A teacher shouts at a pupil because he thinks she intends to support another pupil's sexual harassment claim. This would amount to victimisation.*

**Who is not protected?**

A pupil who in bad faith gives false information or evidence (that is, that they knew was false) or makes an allegation that was false and given in bad faith would not be protected against victimisation. The original complaint/claim would not be affected providing it was not made in bad faith.

For example:

- *A pupil at an independent school with a grudge against his teacher knowingly gives false evidence in another pupil's discrimination claim against the school. He is subsequently excluded from the school for supporting the claim. This treatment could not amount to victimisation because his evidence was untrue and given in bad faith.*

**Victimisation for actions of parents or siblings**

You must not treat a pupil less favourably because of something their parent(s) or sibling has done in relation to the making of a complaint of discrimination.

A 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. If the daughter is treated less favourably as result of the complaint this would be unlawful victimisation.

This applies to a child in relation to whom the parent(s) were making a complaint in relation to and also to any other children who are pupils at the school. This also applies if a parent supports a teacher's complaint against the school under Part 5 of the Act.

If the information or evidence was false and given in bad faith (that is, the parent/sibling knew it was false) or the allegation was false and given in bad faith then this protection for the pupil will still apply, provided that the pupil did not act in bad faith.

For example:

- *A pupil makes a complaint 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 complaint, even if it is later found out that the older brother was not acting in good faith.*

There must be a link between what the parent(s) or their child has done and you treating the child/sibling badly.

The child who is being treated badly does not need to have any of the protected characteristics.

The fact that a complaint/claim is not upheld does not mean that it was made in bad faith.

## 2.4 Obligations to former pupils

Even after a person has left your school you must not discriminate against them or harass or victimise them. This only applies if the discrimination or harassment arises out of and is closely connected to their previous relationship with you and would have been unlawful if they were still a pupil. For example, if an ex-pupil asks for a reference from the school it would be unlawful for the reference to be unflattering because of a protected characteristic of the ex-pupil, or because they at one time brought or supported a discrimination complaint against the school.

This obligation to former pupils would include the duty to make reasonable adjustments for disabled former pupils if they continue to be at a substantial disadvantage in comparison to former pupils without a disability. This obligation only applies if the substantial disadvantage arises out of and is closely connected with them having been a pupil.

For example:

- *A school sends an annual newsletter to former pupils and one former pupil who has a visual impairment requests that it is sent to him by email rather than in hard copy. The school does not provide him with an electronic copy. This is likely to be an unlawful failure to make a reasonable adjustment.*

If someone believes that they are being discriminated against after they have stopped studying with you, they can take the same steps to have things put right as if they were still a pupil. These steps are explained in Section 6.

## 2.5 When are you responsible for what other people do?

**Liability for employees and agents**

As an employer you are legally responsible for acts of discrimination, harassment and victimisation carried out by your employees in the course of employment or by people who take action for you (agents).

It does not matter whether you knew about or approved of those acts.

However, if you can show that you took all reasonable steps to prevent your employees or agents from acting unlawfully, you will not be held legally responsible.

It is important that you take steps to make sure your employees and agents understand that they must not discriminate against pupils, or harass them or victimise them, and that they understand your duties in relation to making reasonable adjustments for disabled pupils.

**Personal liability of your employees and agents**

An employee (of a school) is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable. However, an employee is not personally liable in relation to disability discrimination in schools.

For example, a teaching assistant racially discriminated against a pupil. The school is able to show that it took all reasonable steps to prevent the harassment and therefore was not liable. The pupil can still make a claim of discrimination against the teaching assistant.
However, if this was a case of discrimination on the grounds of disability, the pupil would not be able to make a claim against the teaching assistant because the personal liability provisions do not cover disability discrimination in schools.

If the relationship is one of a person paying for someone else to take action for them and someone taking action for them (their 'agent') rather than employer and employee, the agent is personally responsible in the same circumstances.
Employees or agents will still be responsible for their acts of discrimination, harassment or victimisation even if they did not know their actions were against the law.
But there is an exception to this. An employee or agent will not be responsible if their employer or principal has told them that there is nothing wrong with what they are doing and he or she reasonably believes this to be true.
It is a criminal offence, punishable by a fine of up to £5,000, for an employer or principal to make a false statement in order to try to get an employee or agent to carry out an unlawful act.

**Instructing and causing discrimination**

As a school you must not instruct, cause or induce someone to discriminate against, harass or victimise another person, or to attempt to do so.
Both the person who receives the instruction and the intended victim will have a claim against whoever gave the instructions. This applies whether or not the instruction is carried out, provided the recipient or intended victim suffers loss or harm as a result.
It only applies where the person giving the instruction is in a legal relationship with the person receiving the instruction such as employer and employee or agent and principal.
Employment Tribunals will deal with complaints from an employee or agent who has received the instructions and the victim can make a claim in the same way as they would for any other claim under the act. So if you instruct a member of staff to discriminate against a pupil on grounds of their sex then the member of staff can make a claim to an Employment Tribunal and the pupil can make a claim to a county or sheriff court.
The Equality and Human Rights Commission can also take action for unlawful instructions to discriminate.

**Aiding contraventions**

It is unlawful for you to help someone else carry out an act which you know is unlawful under the Equality Act.
However, if the person giving assistance has been told by the person he or she assists that the act is lawful and he or she reasonably believes this to be true, he or she will not be legally responsible.
It is a criminal offence, punishable by a fine of (currently) up to £5,000, to make a false statement in order to get another person's help to carry out an unlawful act under the Equality Act.

For further information visit:-
http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/

## Equality Scheme Action Plan **Appendix 3**

Through its auditing process and the development of this scheme, taking account of the views of those consulted, the school governing body have identified a range of equality and cohesion priorities for action over the three years of the Scheme. These are detailed in the attached action plan

**Aim:**
**To ensure the scheme is reviewed by relevant stakeholders**

| ***Action*** | ***Who is responsible?*** | ***Timescale*** | ***Early success indicators*** |
|---|---|---|---|
| Publish and promote the equality plan through the school website, newsletter and staff meetings. (Including text from page 9 of SES) | Headteacher | Summer 2016 | Staff are familiar with the principles of the equality plan and parents are aware of the equality plan |
| Continue to monitor and analyse pupil achievement by race, gender and disability and act on any trends or patterns in the data that require additional support for pupils. | Headteacher<br>Leadership team<br>Governing Body | Annually in September | Analysis of teacher assessments/ annual data demonstrates the gap is narrowing for equality groups |
| All school policies should have due regard to the Equality Plan as they are reviewed | Headteacher<br>Governing Body | Over the period of the plan | Improved inclusivity |
| Continue to monitor incidents of bullying, racism and harassment to look for trends and take actions to rectify the position. | Headteacher | Termly | Incidents decrease |
| Arrange staff training on specific medical/ learning needs e.g. ASD, Dyslexia, Asthma, Diabetes, Prevent, CSE and FGM | Headteacher<br>School Nurse<br>CIASS etc | As required | Well briefed staff who understand the needs of all school children |
| Increase confidence of staff in differentiating the curriculum<br>a. Undertake an audit of staff training needs on curriculum access<br>b. Assign ongoing whole staff and individual training opportunities | Senior leadership team<br>Classteachers | ongoing | Curriculum planning and lessons reflect the needs of groups of pupils |
| Continue to ensure that displays in classrooms and corridors promote diversity in terms of race, gender and ethnicity. | Senior Leadership team<br>All staff | ongoing | More diversity reflected in school displays across year groups |

| ***Action*** | ***Who is responsible?*** | ***Timescale*** | ***Early success indicators*** |
|---|---|---|---|
| Ensure that the curriculum promotes role models and heroes that young people positively identify with, which reflects the school's diversity in terms of race, gender and disability. | Leadership team | Annually | Notable increase in engagement and confidence of targeted groups. |
| Continue to ensure all pupils are given the opportunity to make a positive contribution to the life of the school e.g. through involvement in the School Council (by election or co-option), class assemblies, fundraising etc. | Leadership team<br>All staff | annually | Increased diversity in school council membership and school responsibilities and events |
| Continue to ensure that extended school activities such as lunchtime and after school clubs take into account pupil needs and access issues and pupils attending reflect the diversity of the school population in terms of race, gender, disability and socio economic status. | Leadership team | ongoing | Increased access by pupils from identified groups |
| **Race Equality Duty:**<br>Maintain and build on the induction process for different groups, in particular newly arrived pupils<br>- pre-induction meetings with parents and relevant agencies (MGSS)<br>- review meetings after a period | Inclusion leader/ SENCO<br>MGSS<br>All staff | Annual review | Newly arrived pupils settle well into school life<br>All staff plan and organise activities appropriate to the child's needs. |
| **Gender Equality Duty:**<br>Continue to introduce initiative to encourage girls to take up activities outside the curriculum requirements, to make participation rates more reflective of the school population. | Leadership team | ongoing | Increased participation for girls |
| **Disability Equality Duty:**<br>Disabled children can take part in all aspects of the curriculum including educational visits, lunchtime activities, PE & dance and assemblies. | Inclusion leader/ SENCO<br>All staff | ongoing | Inclusive practice evidenced in curricular and non- curricular activities |

| *Action* | *Who is* | *Timescale* | *Early success indicators* |
|---|---|---|---|
| | | | |
| **Escape Routes:**<br>Ensure access to the main entrance and fire escape routes are suitable for all. | Headteacher & H&S Officer | ongoing | Health & Safety Committee |
| **Disability Equality Duty:**<br>Ensure all staff are aware of disabled children's (including ASD) curriculum access<br>- Set up system of individual access plans for disabled children<br>- Set up information sharing systems to ensure all staff are well briefed about any issues | Headteacher<br>Senior Leadership team<br>All staff | ongoing | Increased staff confidence leading to improved inclusive practice |
| **School Visits:**<br>Ensure that all visits are made accessible to all pupils | Techers<br>Headteacher | ongoing | Review risk assessments for visits by Headteacher and Business Manager |
| **Community Cohesion:**<br>Continue to celebrate cultural events throughout the year to increase pupil awareness and understanding of different communities e.g. Diwali, Eid, Christmas etc<br>Invite an increased range of visitor to the school to develop pupil knowledge, understanding, tolerance, empathy and respect. | Senior Leadership team<br>R.E leader | ongoing | Pupil voice activities show an increased understanding of cultural and religious diversity within Coventry and the wider world. |