



EQUALITY POLICY

Charles Darwin Community Primary School is committed to ensuring equal opportunities for all.

The Public Sector Equality Duty (PSED), part of the Equality Act, came into force in April 2011. It requires organisations to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations.

The duty has a key role to play in making sure that fairness is at the heart of public bodies' work and that public services meet the needs of different groups. It covers a range of public bodies, including schools. The duty standardises previous requirements and also extends them to cover age, marriage and civil partnership, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.

Section 149(1) of the Equality Act 2010 puts various requirements on schools when exercising their functions. The general duty requires schools to have due regard to:

- eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having "due regard" means consciously thinking about the three aims of the PSED as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by schools, such as:

- how they act as employers
- how they develop, evaluate and review policy
- how they design, deliver and evaluate services

- how they commission and procure from others.

Charles Darwin Community Primary School is committed to adopting the aims of the PSED. The school will consult all stakeholders when making major policy decisions or significant changes to the learning environment. The views of those sharing a protected characteristic will be considered, particularly where the change has the potential to impact upon them specifically. Comments may be collected through individual conversations, parents' and carers' meetings, staff meetings, website surveys or pupil voice.

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Human Rights Act 1998
- Education and Inspections Act 2006
- Equality Act 2010
- Equality Act 2010 (Specific Duties) Regulations 2011
- The Special Educational Needs and Disability Regulations 2014
- The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017
- Public Sector Equality Duty (PSED)
- The UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018

This policy also has due regard for non-statutory guidance, including the following:

- DfE (2014) 'The Equality Act 2010 and schools'

Part One sets out the school's aims and the equality objectives to promote equality of opportunity and comply with the Act; Part Two sets out the legal duties which are referred to in Part One.

The primary aim of Charles Darwin Community Primary School is to enable all pupils to fully participate in every part of school life by developing each child's self-confidence, recognising their strengths and encouraging them to achieve their full potential.

At Charles Darwin Community Primary School, we take steps to advance equality of opportunity, foster good relations and eliminate discrimination or harassment across all of the protected characteristics (age, race, gender reassignment, disability, marriage and civil partnership, religion and belief, pregnancy and maternity, gender, sexual orientation) within the school community.

Part One

Aims

In line with the Public Sector Equality Duty, our aims are to:

1. Eliminate unlawful discrimination, harassment and victimisation
2. Advance equality of opportunity
3. Consult and involve those affected by inequality, in decisions to promote equality and eliminate discrimination

Equality Objectives

In order to further support pupils, raise standards and ensure inclusivity, we have set the following objectives:

Objective 1: To monitor and analyse pupil achievement by race, gender, special educational need, disability or socio-economic status and act on any trends or patterns in the data.

Objective 2: To raise levels of parental and pupil engagement, particularly in relation to protected characteristics and vulnerable pupils, in learning and school life.

Objective 3: Ensure equality of opportunity and representative engagement in enrichment and extracurricular activities.

Our Pledge

We will:

- Regularly consider the ways in which our teaching and the curriculum provision will support high standards of attainment, promote common values, and help students understand and value the diversity that surrounds them. They will be taught critical thinking skills in order to identify and challenge prejudice and stereotyping, especially relating to the 9 protected characteristics:
 - age
 - race
 - gender reassignment (*at Charles Darwin we include the spectrum of trans identities*)
 - disability
 - marriage and civil partnership
 - religion and belief
 - pregnancy and maternity
 - gender
 - sexual orientation .

We will do this by using the most recent and relevant research to inform our SMSC provision and practices within school.

- Ensure that all staff are aware of their legal duties under the Equality Act 2010, the different forms of discrimination and what 'reasonable adjustments' mean in practice.
- Actively encourage and model positive attitudes towards pupils and staff, and expect everyone to treat others with respect.
- Take reasonable and necessary steps to meet pupils' needs by using a variety of approaches and planning reasonable adjustments, enabling all of our pupils to take as full a part as possible in all the activities of the school.
- Make reasonable adjustments to ensure the school environment is accessible (see Accessibility Plan on school website)
- Regularly review the ways in which the taught and wider curricula will help to promote awareness of the rights of individuals and ensure society as a whole is represented.
- Ensure that all pupils are able to take part in extracurricular activities and residential visits
- Monitor the progress and achievement of all pupils and will identify any significant trends in relation to the protected characteristics. This information will help the school to ensure that individual pupils are achieving their potential and the school is being inclusive in practice.
- As part of the recruitment process, ensure that all staff have equality of opportunity in terms of recruitment, retention, training opportunities and promotions.
- Ensure that school procedures and rules do not prejudice or disadvantageously highlight any of the 9 protected characteristics.
- Seek the views of advisory staff and outside agencies and partnerships with other schools where this is needed.
- Carefully monitor bullying and discriminatory/prejudice incidents via the school CPOMS recording and reporting system and take appropriate action where required.
- When drawing up policies, critically evaluate the policy to ensure that it does not, even inadvertently, disadvantage people with protected characteristics.

Practice

At Charles Darwin, the above will be ensured and implemented in a number of ways as follows:

- A thorough and current SMSC provision which addresses the nine protected characteristics and equality explicitly.
- Assemblies linked with our SMSC themes and provision.
- A critical-thinking approach within the broader curriculum which links national curriculum objectives to current experience, equality objectives and the local and global community.
- Mindfulness of opportunities to interleave learning opportunities, and take advantage of incidental learning opportunities, relating to equality into all curriculum areas.
- An active approach to consistently review and improve provision in school
- Monitoring achievement and progress of all children, and being mindful of potential barriers to success when progress is not being made.
- Monitoring of exclusions of all children, and being mindful of potential barriers to success relating to the nine protected characteristics.

Monitoring and Review

- The headteacher implements the school's equality policy on a day-to-day basis and ensures that all staff are aware of the details of the policy.
- The headteacher reports to governors annually on matters relating to equality and discrimination.
- This policy will be reviewed every three years unless there are changes in law that need to be considered.

Responsibilities

All governors, staff, volunteers, pupils and families need to develop an appropriate understanding of, and act in accordance with, the school's equality plan.

In addition, the school governors are responsible for ensuring that the school prepares, implements, reports on and reviews the equality policy and associated action plans, and in particular the employment implications of meeting the duty.

The headteacher will work with the staff to ensure that:

- the policy is implemented
- staff recruitment, training opportunities and conditions promote equality
- all staff, pupils and their parents are consulted regarding, and are aware of the school's responsibility to meet the equality duty
- existing and planned policies are assessed for ways that they impact on equality
- curriculum planning, learning and teaching methods, classroom organisation and assessment procedures, behaviour management, school journey and extended school activities take account of the need to promote all aspects of equality
- incidents of bullying and harassment in relation to the nine protected characteristics are dealt with in accordance with the anti-bullying policy

- all staff take ownership of their responsibility to incorporate the above practices

Breaches of the equality policy

Where appropriate, breaches of the policy will be dealt with in a manner appropriate to the level of breach, and with the intention of bringing about the relevant changes.

More serious breaches of this policy will be dealt with in accordance with our school's anti-bullying procedures, and the disciplinary procedures of staff.

Where safeguarding issues come to the attention of the school, these will be dealt with according to our child protection procedures.

Approved by governors:

Date of review:

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Part Two

Our Legal Duties

Legislation relating to equality and discrimination is laid out in the Equality Act 2010.

This legislation covers employment (work), the provision of services and public functions, and education. Employers (schools) are liable for discriminatory acts of their employees if they did not take reasonable steps to prevent such acts.

Employees can be liable for acts (where an employer took reasonable steps to prevent such acts).

The 'Protected Characteristics' within equality law are:

Age - A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). Age discrimination does not apply to the provision of education, but it does apply to work.

Disability - A person has a disability if s/he has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. It includes discrimination arising from something connected with their disability such as use of aids or medical conditions. HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

Gender reassignment - A person (usually with 'gender dysphoria') who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male). 'Trans' is an umbrella term to describe people with this 'Gender Identity'. 'Intersex' or 'Third Sex' is not covered by the Act but the school will treat Intersex children with the same degree of equality as children with gender dysphoria. Children as young as five may begin to show signs of gender dysphoria and therefore it is relevant in any school environment. (The Proud Trust in Cheshire supports schools in supporting children with gender identity).

Marriage and civil partnership – Marriage and civil partnership discrimination does not directly apply to the provision of education, but it does apply to work. This should also be considered when working with families with parents in all or no partnerships.

Pregnancy and maternity - Maternity refers to the period of 26 weeks after the birth (including stillbirths), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.

Race - A person's colour, nationality, ethnic or national origin. It includes Travellers and Gypsies as well as White British people.

Religion and belief - Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Religion and belief discrimination does not prevent a

school from carrying out collective worship or other curriculum based activities, but pupils may withdraw from acts of collective worship. **Sex** - A man or a woman.

Sexual orientation - A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). Although children may not identify as gay or lesbian when very young, promotion of sexual orientation equality is as relevant in a primary school environment as it is in a secondary school. For example, a child may have an older sibling or parent who is gay. Children may experience friends 'questioning' or 'coming out' when they are in secondary school or college. Schools with a particular religious ethos cannot discriminate against lesbian, gay or bisexual pupils.

It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated.

'Prohibited Conduct' (acts that are unlawful):

- **Direct discrimination** - Less favourable treatment because of a protected characteristic.
- **Indirect discrimination** - A provision, criterion or practice that puts a person at a particular disadvantage and is not a proportionate means of achieving a legitimate aim.
- **Harassment** - Conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It includes harassment by a third party (e.g. customer or contractor) in the employment context.
- **Victimisation** - Subjecting a person to a detriment because of their involvement with proceedings (a complaint) brought in connection with this Act.
- **Discrimination arising from disability** - Treating someone unfavourably because of something connected with their disability (such as periods of absence from work or medical conditions) and failure to make reasonable adjustments.
- **Gender reassignment discrimination** - Not allowing reasonable absence from work for the purpose of gender-reassignment in line with normal provision such as sick leave).
- **Pregnancy/maternity related discrimination** - Unfavourable treatment because of pregnancy or maternity. It includes unfavourable treatment of a woman or girl because she is breastfeeding.
- **Discrimination by association or perception** - For example, discriminating against someone because they "look gay", or because they have a gay brother; discriminating against someone because they care for a disabled relative.

Schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with pupils without disabilities.

Public Sector Duties (applies to schools):

A school must, in the exercise of its functions, give due regard to the need to (in relation to protected characteristics above):

1. Eliminate discrimination, harassment, victimisation and any other prohibited conduct.
2. Advance equality of opportunity (remove or minimise disadvantage; meet people's needs; take account of disabilities; encourage participation in public life).
3. Foster good relations between people (tackle prejudice and promote understanding).

In practice, 'due regard' means giving relevant and proportionate consideration to the duty, so decision makers in schools must have due regard when making a decision, developing a policy or taking an action as to whether it may have implications for people because of their protected characteristics.

Reasonable Adjustments and Accessibility Plans (Relating to disability schedule of Equality Act 2010):

Schools are required to:

- Take reasonable steps to avoid disadvantage caused by a provision, criterion or practice or a physical feature that puts a disabled person at a substantial disadvantage compared to a non-disabled person. This involves removing or avoiding a physical feature, for example steps and lifts.
- Take reasonable steps to provide auxiliary aids/services.
- Provide information in an accessible format.
- Develop and implement (by allocating appropriate resources) Accessibility Plans which will
 - Increase disabled pupils' access to the school curriculum
 - Improve the physical environment
 - Improve provision of information.

The duty is an anticipatory and continuing one that schools owe to disabled pupils generally, regardless of whether the school knows that a particular pupil is disabled or whether the school currently has disabled pupils. The school will need to plan ahead for the reasonable adjustments that it may need to make, working with CWAC authority as appropriate.

For more information download guidance from the **DfE**:

<https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

and **Equality Human Rights website**:

<http://www.equalityhumanrights.com> which includes the guidance for education providers (schools)

or **Cheshire West and Chester Council** at

<https://www.cheshirewestandchester.gov.uk/your-council/policies-and-performance/equality-and-diversity/equality-and-diversity.aspx>

The Education and Inspections Act 2006 introduced a duty on all maintained schools in England to promote community cohesion.

Aspects of educational legislation have also promoted equal opportunities, for example the Education Act includes a duty for local authorities to educate children with special educational needs in mainstream schools wherever possible.

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Responsibilities

Governing Body

Ensure that the school complies with equality-related legislation.

Ensure that the policy and its procedures are implemented by the Headteacher.

Ensure all other school policies promote equality.

Give due regard to the Public Sector Equality Duty when making decisions.

Headteacher

Implement the policy and its related procedures.

Make all staff aware of their responsibilities and provide training as appropriate to enable them to effectively deliver this policy.

Take appropriate action in any case of actual or potential discrimination. Ensure that all staff understand their duties regarding recruitment and providing reasonable adjustments to staff. It is unlawful for an employer to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function of

the work - for example ensuring that applicants for a PE teaching post have the physical capability to carry out the duties. Schools should no longer require job applicants to complete a generic health questionnaire. Neither should a school seek out past sickness records until they have made a job offer.

Ensure that all staff and pupils are aware of the process for reporting and following up bullying and prejudice-related incidents.

All staff

Enact this policy, its commitments and procedures, and their responsibilities associated with this policy.

Deal with bullying and discriminatory incidents, and know how to identify and challenge prejudice and stereotyping.

Promote equality and good relations and not discriminate on any grounds. Attend such training and information opportunities as necessary to enact this policy and keep up to date with equality legislation.

To be models of equal opportunities through their words and actions.

SENCo

Enact this policy, its commitments and procedures, and their responsibilities associated with this policy.

Ensure quality provision for all SEN pupils based on need.

Pupils

Refrain from engaging in discriminatory behaviour or any other behaviour that contravenes this policy.

Visitors (e.g. parent helpers, contractors)

To be aware of, and comply with, the school's equality policy.

To refrain from engaging in discriminatory behaviour (for example, racist language) on school premises.

Definitions

Equality

This is more clearly defined as equality of opportunity and outcome, rather than equality of treatment. This means treating people fairly and according to their needs as some people may need to be treated differently in order to achieve an equal outcome.

Inclusive

Making sure everyone can participate, whatever their background or circumstances.

Diversity

Recognising that we are all different.

Cohesion

People from different backgrounds getting on well together (good community relations). There is a shared vision and sense of purpose or belonging. Diversity is valued. Relationships are strong, supportive and sustainable. Cohesion is an outcome of equality and inclusion.

Community

From the school's perspective, the term "community" has a number of meanings:
The school community – the students we serve, their families and the school's staff.

The community within which the school is located – in its geographical community, and the people who live and/or work in that area.

The community of Britain – all schools by definition are part of it.

The global community – formed by European and international links.

Gender Dysphoria

Gender dysphoria is a recognised condition in which a person feels that there is a mismatch between their biological sex and their gender identity.

Biological sex is assigned at birth, depending on the appearance of the infant.

Gender identity is the gender that a person "identifies" with, or feels themselves to be.