



LINSLADE LOWER SCHOOL

Equality Policy

Governor Approval:	January 2024
Review Cycle:	Triennial

Policy review chronology:

January 2015	Reviewed.	Approved
March 2018	Review. No additions	Approved
January 2021	Review. No additions	Approved
January 2024	No changes	Approved

LINSLADE LOWER SCHOOL

EQUALITY POLICY

1.0 Background

On 1st October 2010 the Equality Act replaced all existing equality legislation. It provides a single, consolidated source of discrimination law covering all the types of discrimination that are unlawful. The single Equality Duty has replaced the three separate duties on race, disability and gender. The Act applies to all maintained schools.

This policy reflects the Equality Act and replaces all previous equality policies.

2.0 References

Equality Act 2010

Equality Act 2010 – Advice for school leaders, school staff and governing bodies and local authorities.

3.0 Responsible Body

At Linslade Lower School the responsible body is the Governing Body.

3.1 It is unlawful for the responsible body of the school to discriminate against, harass or victimize a pupil or potential pupil

- in relation to admissions
- the way it provides education for pupils
- in the way it provides pupils access to any benefit, facilities or service

3.2 In addition; the general provisions on employment apply to schools in their role as employers (see section 7 of this policy).

Every employee is required to assist the governing body to meet its commitment to provide equal opportunities and avoid unlawful discrimination. All staff are required to act in a non-discriminating manner.

4.0 Provisions in the Act

4.1 Protected Characteristics

The term protected characteristics is used to refer to the categories to which the law applies. It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of the following protected characteristics:

- sex
- race
- disability

- religion or belief
- sexual orientation
- gender reassignment
- pregnancy or maternity

4.2 It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation, gender reassignment of another person with whom the pupil is associated (e.g. a parent or carer).

4.3 It is unlawful to discriminate because of a characteristic a person is believed to have, even if this belief is mistaken.

4.4 A person's age is a protected characteristic in relation to employment and the provision of goods and services but does not apply to pupils in school.

4.5 General Exceptions

The following exceptions apply to all schools:

- **Curriculum** - the Act explicitly states that the content of the school curriculum is excluded but the delivery of the curriculum is explicitly included. This means schools are free to explore a range of issues, ideas and materials in the syllabus and to expose pupils to thoughts and ideas of all kinds but the way in which the issues are taught must not subject an individual to discrimination.
- **Acts of worship** – the daily act of collective worship, which for maintained schools is mandatory and should be of a broadly Christian nature is not covered by the religion or belief provisions; therefore schools will not be acting unlawfully if they do not provide an equivalent act of worship for other faiths.
- **Religious festivals** – schools are free to celebrate religious festivals and could not be claimed to be discriminating against children of other faiths if, for example, they put on a nativity play at Christmas or hold a celebration to mark other religious festivals such as Diwali or Eid.
- **School uniform** – the Act does not deal specifically with school uniform. It is for the governing body of the school to decide whether there should be a school uniform. The school should be sensitive to the needs of different cultures, races and religions and act reasonably to accommodate such needs.
- **Bullying** – the relationship between one pupil and another is not within the scope of the Act but schools need to ensure all forms of prejudice related bullying are taken seriously.

5.0 Unlawful Behaviour

The Act defines four kinds of unlawful behaviour – direct discrimination; indirect discrimination; harassment and victimisation.

5.1 Definitions

- **Direct discrimination** – occurs when one person treats another less favourably, because of a protected characteristic, than they treat or would treat other people.
- **Indirect discrimination** – occurs when a ‘provision, criterion or practice’ is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic.
- **Harassment** – is specifically defined in the Act as ‘unwanted conduct related to a relevant protected characteristic, which has the purpose 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, but potentially extends to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.¹
- **Victimisation** – occurs when a person is treated less favourably than they otherwise would have been because of something they have done in connection with the Act. This is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.
- **Microaggressions**- A microaggression is ‘an act or a remark that discriminates against one or more members of a minority group, either deliberately or by mistake’. Research has found that experiencing microaggressions can have a significant impact on mental health.

5.2 Special provisions for disability

The law on disability discrimination is different from the rest of the Act as it protects disabled people but not people who are not disabled. Schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so.

6.0 Requirements

The single Public Sector Equality Duty (PSED, also known as the ‘general duty’) introduced in the Equality Act 2010 applies to maintained schools.

In carrying out our functions the school is required to have *due regard*¹ 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.

¹*Due regard means giving relevant and proportionate consideration to the duty.*

The school cannot delegate responsibility for carrying out the duty to anyone else.

At Linslade Lower School this means that:

- when making decisions or taking an action we will assess whether it may have implications for people with particular protected characteristics
- we will consider equality implications before and at the time policies are developed and decisions are taken
- we will integrate the PSED into the carrying out of the school functions
- the analysis necessary to comply with the duty will be carried out seriously, rigorously and with an open mind.

6.1 Specific duties

The specific duty regulation requires the school to:

- a. publish information to demonstrate how they are complying with the PSED
- b. to prepare and publish equality objectives.

6.2 Publishing Information

- this policy is made available on the school website, if a hard copy is required it should be requested from the school office.
- we will demonstrate how we are complying with the PSED by:
 - keeping a record of training that relates to the Equality Act
 - keeping a record of when staff and governors have been reminded of their responsibilities under the act
 - recording how the needs of disabled pupils and those with additional needs are being met in the reports to the governing body
 - analysing attainment data to show how pupils with different characteristics are performing and report this to the governing body
 - monitor the curriculum to ensure it promotes tolerance, friendship and respect.

The published information will be reviewed annually.

There is no requirement to have an equality action plan.

6.4 Equality Objectives

Equality objectives should be prepared and updated at least once every four years.

In selecting objectives the school will be mindful to choose those that best suit its individual circumstances and contribute to the welfare of the pupils in the school and the school community.

The equality objectives will be published in the school on the school website. They are attached to this policy in appendix 1.

7.0 Specific Employment Provisions

The general provisions on employment apply to schools in their role as employers. In brief:

- All of the protected characteristics, including age, are covered by the employment provisions.
- The school must not discriminate against a potential employee in respect of whether to offer a job or the terms on which it offers a job.
- The school must not discriminate against an existing employee in respect of the benefits and services it offers to employees.
- Reasonable adjustment in relation to disability must be made.
- Schools must not enquire into the health of an applicant for a job until after an offer has been made unless the questions are specifically related to the intrinsic nature of the work.
- Job applicants should not be required to complete generic health questionnaires as part of the application process.
- Past sickness records should not be sought until after a conditional job offer has been made.

In order to ensure we comply with the employment provisions within the Equality Act expert advice on employment procedures will be sought from the schools Human Resources provider.

8.0 Grievances

If it is considered that unlawful discrimination has occurred in the services we provide to the public or to employees the matter should be brought to the attention of the governing body using the complaints procedure or, in the case of school's employees, via the grievance procedure.

The complaints policy is available on the website.

The grievance procedure can be found in the personnel handbook.

9.0 Dissemination

This policy will be made available to staff as part of their induction to school. All staff will be advised of the content of new or revised policies. It will be included in the policy file and made available on the school virtual learning environment.

Other people may request a paper copy from the school office. A copy will also be available on the school website.

10.0 Monitoring

To ensure the requirements of the act are being met the governing body will monitor its implementation via reports to the governing body and annual evaluation of the objectives.

11.0 Review

This policy is reviewed triennially.

Appendix 1

To continue to:

- record how the needs of disabled pupils and those with additional needs are being met in the reports to the governing body
- analyse attainment data to show how pupils with different characteristics are performing and report this to the governing body
- monitor the curriculum to ensure it promotes tolerance, friendship and respect
- keep abreast of new training and legislation.