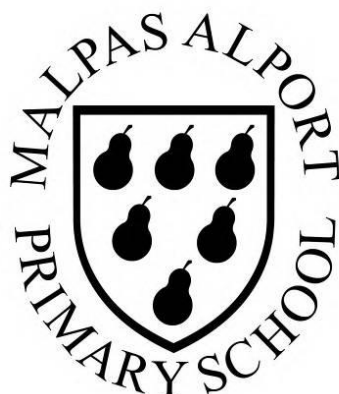


Malpas Alport Endowed Primary School

Equality Duty and Objectives



Approved by:	Full Governing Body
Date:	Spring 2023
Review Cycle:	Recommended every 4 years
Next Review:	Spring 2027

Head Teacher: *Mrs Nic Wetton*
Chairman of Governors: *Mr Arwyn Jones*

Aims

At Malpas Alport Primary School, we do not discriminate against anyone, be they staff or pupil, on the grounds of their age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This is in line with the Equality Act 2010 and covers both direct and indirect discrimination.

Our school aims to meet its obligations under the Public Sector Equality Duty (PSED) by having due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Equality Act 2010
- 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

We aim to provide a welcoming and inclusive environment where everyone feels happy, safe and secure and in which everyone feels valued and shows respect for each other and their surroundings. As a team, we are committed to high expectations and continuous improvement. We adopt a child centred approach to high quality teaching and learning, inspiring everyone to achieve their full potential.

2. Legislation and guidance

This document meets the requirements under the following legislation:

- [The Equality Act 2010](#), which introduced the Public Sector Equality Duty and protects people from discrimination
- [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#), which require schools to publish information to demonstrate how they are complying with the Public Sector Equality Duty and to publish equality objectives
- This document is also based on Department for Education (DfE) guidance: [The Equality Act 2010 and schools](#).

The role of governors

The governing body has set out its commitment to equal opportunities in this policy statement, and it will continue to do all it can to ensure that all members of the school community are treated fairly and with equity.

The governing body seeks to ensure that people with protected characteristics disabilities are not discriminated against when applying for jobs at our school. The governors take all reasonable steps to ensure that the school environment gives access to people with disabilities.

The governors welcome all applications to join the school, whatever background or disability a child may have.

The governing body ensures that no child is discriminated against whilst in our school on account of their protected characteristics (Equality Act 2010). So, for example, all children have access to the full range of the curriculum, and regulations regarding school uniform will be applied equally to boys and girls. If a child's religion affects the school uniform, then the school will deal with each case sensitively and with respect for the child's cultural traditions and those of the wider community.

The role of the Headteacher

It is the Headteacher's role to implement the school's equality policy and s/he is supported by the governing body in so doing.

It is the Headteacher's responsibility to ensure that all staff are aware of the school policy on equality, and that teachers apply these guidelines fairly in all situations.

The Headteacher ensures that all appointments panels give due regard to this policy, so that no- one is discriminated against when it comes to employment or training opportunities.

The Headeacher promotes the principle of equality when developing the curriculum and promotes respect for other people in all aspects of school life, for example, in collective worship/assemblies, where respect for other people is a regular theme, and in displays shown around the school.

The Headteacher treats all incidents of unfair treatment and any racist incidents with due seriousness and reports racist incidents to the LEA at the end of each school year.

The role of the class teacher

The class teacher ensures that all pupils are treated fairly, equally and with respect. We do not discriminate against any child.

When selecting classroom material, teachers pay due regard to the sensitivities of all members of the class and do not provide material that is racist or sexist in nature.

Teachers strive to provide material that gives positive images of ethnic minorities and that challenges stereotypical images of minority groups.

When designing schemes of work, we use this policy to guide us, both in our choice of topics to study, and in how to approach sensitive issues.

All our teachers challenge any incidents of prejudice or racism. We record any serious incidents on draw them to the attention of the Headteacher. Teachers support the work of support staff and encourage them to intervene in a positive way against any occurrence of discrimination.

Eliminating discrimination

The school is aware of its obligations under the Equality Act 2010 (see appendix 1) and complies with non-discrimination provisions.

Where relevant, our policies include reference to the importance of avoiding discrimination and other prohibited conduct.

Staff and governors are regularly reminded of their responsibilities under the Equality Act – for example, during meetings. Where this has been discussed during a meeting it is recorded in the meeting minutes.

Advancing equality of opportunity

As set out in the DfE guidance on the Equality Act, the school aims to advance equality of opportunity by:

- Removing or minimising disadvantages suffered by people that are connected to a particular characteristic they have (e.g. pupils with disabilities, or gay pupils who are being subjected to homophobic bullying)
- Taking steps to meet the particular needs of people who have a particular characteristic (e.g. enabling Muslim pupils to pray at prescribed times)
- Encouraging people who have a particular characteristic to participate fully in any activities (e.g. encouraging all pupils to be involved in the full range of school societies)

In fulfilling this aspect of the duty, the school will:

- Publish attainment data each academic year showing how pupils with different characteristics are performing
- Analyse the above data to determine strengths and areas for improvement, implement actions in response and publish this information

Fostering good relations

The school aims to foster good relations between those who share a protected characteristic and those who do not share it by:

- Promoting tolerance, friendship and understanding of a range of religions and cultures through different aspects of our curriculum. This includes teaching in RE, citizenship and personal, social, health and economic (PSHE) education, but also activities in other curriculum areas. For example, as part of teaching and learning in English/reading, pupils will be introduced to literature from a range of cultures
- Holding assemblies dealing with relevant issues. Pupils will be encouraged to take a lead in such assemblies and we will also invite external speakers to contribute
- Working with our local community. This includes inviting leaders of local faith groups to speak at assemblies, and organising school trips and activities based around the local community

- Encouraging and implementing initiatives to deal with tensions between different groups of pupils within the school. For example, our school council has representatives from different year groups and is formed of pupils from a range of backgrounds. All pupils are encouraged to participate in the school's activities, such as sports clubs.
- We have developed links with people and groups who have specialist knowledge about particular characteristics, which helps inform and develop our approach

Equality considerations in decision-making

The school ensures it has due regard to equality considerations whenever significant decisions are made.

The school always considers the impact of significant decisions on particular groups. For example, when a school trip or activity is being planned, the school considers whether the trip:

- Cuts across any religious holidays
- Is accessible to pupils with disabilities
- Has equivalent facilities for boys and girls

Malpas Alport Equality Objectives 2023-2027

1. We will ensure the school and classrooms are an inclusive environment in which pupils feel all contributions are valued. We take account of pupils' experiences and starting points and are responsive to pupils' different learning styles. We will provide relevant resources in order to meet the needs of different groups of children (i.e: dyslexia friendly reading books, multi-sensory resources, 'Calm spaces', specialist teaching, behaviour support, family support).
2. We will ensure all staff work together with a shared sense of purpose to meet the needs of every pupil and help children to fulfil their potential by supporting families and focusing support on improving the lives of the most vulnerable children; including those who experience bullying and exclusion.
3. We will ensure that pupils and staff contribute towards a happy and caring environment by showing respect for, and appreciation of, one another as individuals. We will also ensure that all children gain the knowledge to prepare them for the next stage of their learning and to leave school culturally sensitive, tolerant and respectful of difference.
4. We will ensure that our approach, policies and curriculum challenges discrimination in any form using a child- friendly, age appropriate book approach and tackles prejudice of diversity with respect to family backgrounds, sexual orientation and gender, race, religion as well as promoting an understanding between different groups of pupils and parents. Positive role models will be provided and promoted.

There are a number of statutory duties that must be met by every school in line with legislation from the Race Relations (Amendment) Act (2000), Disability Equality Duty (2005) and Equality Act (2010).

Public Sector Equality Duty Statement

We will have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not share it.

We will collect and use equality information to help us to:

- Identify key issues;
- Understand the impact of our policies, practices and decisions on people with different protected characteristics, and thereby plan them more effectively;
- Assess whether we are discriminating unlawfully when carrying out any of our functions;
- Identify what the key equality issues are for our organisation.
- Assess performance
- Benchmark our performance and processes against those of similar organisations, nationally or locally.
- Take action
- Consider taking steps to meet the needs of staff who share relevant protected characteristics;
- Identify if there are any actions we can take to avoid discrimination and harassment, advance equality of opportunity or foster good relations;
- Make informed decisions about policies and practices which are based on evidence about the impact of our activities on equality;
- Develop equality objectives to meet the specific duties;
- Have due regard to the aims of the general equality duty by ensuring that staff have appropriate information for decision-making.

We will work towards developing an equality profile of staff to help us to understand key equality issues in our workforce, including any evidence of pay gaps or 'occupational segregation' i.e. staff with certain protected characteristics being over-represented in particular roles, for example, women as cleaners, or at certain grades. In addition, we note that it is likely to be useful to collect and consider information, appropriately disaggregated, about:

- recruitment and promotion

- numbers of part-time and full-time staff
- pay and remuneration
- training
- return to work of women on maternity leave
- return to work of disabled employees following sick leave relating to their disability
- appraisals
- grievances (including about harassment)
- disciplinary action (including for harassment)
- dismissals and other reasons for leaving.

Publication of Equality Information

We will collect and use enough workforce information to effectively meet the general equality duty. Where relevant and proportionate we will publish on our website some information about the impact of our employment functions on people with the different protected characteristics in order to demonstrate compliance with the general equality duty.

Policy and planning

Equal opportunities implications, including race equality, will be considered and recorded whenever school policies are developed or reviewed. All policies will be regularly reviewed to provide a comprehensive and consistent process of monitoring and evaluation.

Links with other policies

This document links to the following policies:

- Accessibility plan
- Risk assessment
- Positive relationships and behaviour
- Exclusions
- Supporting pupils with medical needs
- SEN

Monitoring arrangements

Governors have a duty to ensure that policies are regularly monitored and reviewed.

The governing body will update the equality information we publish, at least every year.

This document will be reviewed by governing body at least every 4 years.

This document will be approved by [governing body].

Appendix 1

THE EQUALITY ACT 2010

The general thrust of The Equality Act 2010 is to make many activities illegal unless they fall within one or more of the statutory exceptions. Unlawful discrimination or 'prohibited conduct' under The Equality Act extends to discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, pregnancy or maternity, sex and sexual orientation. There is, however, very often a distinction to be made between what a provider of education does as an employer of staff and what that same provider does in relation to its pupils and students. The Law of Education concentrates on pupils and students in an educational environment rather than detailed information on discrimination in staff and employment. This needs to be covered under policies as they relate to employment; reference is made to this in the latter part of these guidelines.

Discrimination

Discrimination under The Equality Act 2010 can be direct or indirect and the Act also prohibits harassment and victimisation. But the ways in which discrimination, harassment and victimisation might become illegal depend quite often on the type of protected characteristic involved and on the exceptions elsewhere in the Act. The key sections are relevant to schools, as defined under the Education Act 1996, not to early years' settings which are not maintained nursery schools. It should also be noted that victimising a pupil by reason of protected characteristics amongst their parents or siblings is also generally unlawful.

The governing body of a school does not discriminate against:

- a child applying to be admitted to the school;
- existing pupils;
- job applicants;
- existing members of staff

Sex discrimination

Under The Equality Act 2010, direct sex discrimination is where A treats B less favourably than A treats others, or would treat others, if the reason for the less-favourable treatment is B's sex or because B is breast-feeding. Women are, however, entitled to special treatment in connection with pregnancy, maternity or breast-feeding. Sex discrimination is generally unlawful in schools. It covers recruitment policies, dismissals and redundancies, fringe benefits and other non-contractual matters and requires that women and men should be treated equally. The Sex Discrimination Act 1986 removes differential compulsory retirement ages for women and men.

Gender reassignment discrimination

The Equality 2010 Act reminds us that gender reassignment is a process and not an event. Discrimination in connection with the provision of education on grounds of past, present or proposed gender reassignment is generally unlawful.

Sexual orientation discrimination

Discrimination in connection with the provision of education on grounds of sexual orientation is generally unlawful under the provisions of The Equality Act 2010.

Race discrimination

Race as defined in The Equality Act 2010 includes colour, nationality and ethnic or national origins. Race is essentially a group characteristic, but one racial group can be part of a larger racial group.

Discrimination in connection with provision of education on grounds of race is generally unlawful under the Act.

Note: Race Relations Act 1976 The Act makes it illegal to discriminate in recruitment, promotion, training and transfer, terms and conditions of employment or dismissal on grounds of colour, race, nationality or ethnic or national origins. Discrimination may be direct or indirect (see below). Where persons of a particular racial group are under-represented, either generally or in a section of the workforce, the Act enables employers to advertise vacancies in such a way as to encourage applications from persons of that racial group.

Race equality

The amendments to the Act give schools a statutory general duty to promote race equality and eliminate unlawful racial discrimination. All schools are required to have a written race equality policy in place.

Religion or belief discrimination

Education is rife with discrimination on grounds of religion or belief and most of that discrimination is perfectly lawful. In The Equality Act 2010, religion means any religion and reference to religion includes a reference to a lack of religion. Similarly, belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief. The trigger sections in The Equality Act 2010 for unlawful discrimination on grounds of religion or belief in schools are admissions and victimisation of pupils and for conduct of parents. The most important exceptions to The Equality Act 2010 are:

- If the school has a religious character or a registered religious ethos;
- Acts of worship and religious observances at all schools are exempted from the general prohibition of discrimination on grounds of religion or belief if the worship or observance is organised by, or for, the school, whether or not part of the curriculum.

Age discrimination

Age discrimination would be a difficult area for local authorities and for all kinds of schools, which have long-arranged classes and phases by chronological age more than by ability or achievement. However, age discrimination in schools and in local authority provision of schools is not restricted by The Equality Act 2010.

Marriage and civil partnership discrimination

Discrimination relating to marriage or civil partnership is not restricted in the provision of education in schools by The Equality Act 2010. Note: further consideration should be given to this area as it relates to employment law.

Disability discrimination

There is a general requirement in The Equality Act 2010 to make reasonable adjustments for those with disabilities and a more specific requirement to do so in the field of education. Special educational needs are also relevant to this area of discrimination.

Accessibility for disabled pupils

The Equality Act 2010 requires local authorities in England and Wales to improve their schools and to improve the ways in which disabled pupils can access their school's pupil information and their school's curriculum. There must be a written accessibility strategy after due consultation and that strategy must be implemented within a reasonable time. Inspectors at independent schools will ask to see the accessibility plans and there is a further enforcement regime under which complaints may be made and directions given. Enforcement of The Equality Act 2010 relating to disability in schools is possible through: school admission appeals; school exclusion appeals; application to the First-tier Tribunal (in England) or the SEN Tribunal for Wales. Complaints about discrimination in maintained schools and academies may be made to the Secretary of State, seeking action by use of powers concerning unreasonable exercise of functions. A school governing body must publish information in their annual report about arrangements for disabled pupils.

Employment Equality Regulations

It is unlawful to discriminate on the grounds of sexual orientation as it relates to employment or vocational training of individuals. Sexual orientation is defined as sexual orientation towards persons of the same sex and/or towards persons of the opposite sex. The Employment Equality (Religion or Belief) Regulations 2003 make it unlawful to discriminate on the grounds of religion or similar belief in employment and vocational training. Religion or belief is defined as meaning any religion; religious belief or similar philosophical belief. The legislation gives protection against direct and indirect discrimination, harassment and victimisation and applies throughout the employment relationship, including recruitment and dismissal.

Direct and indirect discrimination

Direct discrimination is always unlawful (with the exception of genuine occupational requirements – see below). Direct discrimination occurs when a person is treated less favourably than others in the same circumstances because of their sex, sexual orientation, religion or belief, or on racial grounds. Indirect discrimination can occur when a condition or requirement is applied equally but is such that the proportion of members of one sex, racial group etc. who can meet it is considerably smaller than the proportion of members of the other sex or other racial groups. Indirect discrimination is unlawful unless the person imposing the condition can show that it is justified, irrespective of the sex or race of the person to whom it is applied.

Genuine occupational requirement

Discrimination is permitted in cases where a person's sex, race, religion or sexual orientation is a genuine occupational requirement for the job. Examples from the sex discrimination legislation are where a job had to be held by a man and not a woman or vice versa to preserve decency or privacy, such as where the job involved visiting changing rooms while they are in use. Further exemptions relate to single sex sport. In race discrimination law, provision of childcare or similar service promoting a particular racial group's welfare may be more effectively provided by someone of that race. It may then be permissible to specify that race as a genuine occupational requirement.

Equal pay

The Equal Pay Act 1970 requires that women are paid the same as men if they are employed to do the same work or work that is of equal value. Governing bodies should ensure that this requirement is complied with when making decisions about pay. The Equal Opportunities Commission has issued a code of practice on equal pay in order to provide practical guidance on how to ensure pay is determined without sex discrimination.

Part-time workers

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 give the right to part-time workers not to be discriminated against in comparison with comparable full-time workers, unless the employer has objective justification. Where appropriate the principle of 'pro rata' treatment should apply. An example of less favourable treatment would be the automatic selection of part-timers first in a redundancy selection exercise. The school would almost certainly find it impossible to justify this. These regulations apply both to women and men part-time workers. Additionally, as the large majority of part-time workers are women, detrimental treatment of part-timers is also likely to be indirect sex discrimination.

Complaints

In relation to complaints in the employment context, the local authority or the governing body (whichever is treated as the employer for the purposes of the Acts) may be legally responsible for the discriminatory acts against employees or applicants for jobs – including acts carried out by the head teacher or other members of staff. Such cases can be taken to an employment tribunal. Discrimination complaints involving issues such as the admission of, or equal opportunities for, pupils can be considered by the Secretary of State or by a county court.

Disability discrimination

Under The Disability Discrimination Act 1995 (DDA), employers, including local authorities and

governing bodies, must not discriminate against disabled people applying for jobs, or against existing disabled staff. For these purposes, a person has a disability if they have a physical or mental impairment which had a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition is wide. It is unlawful discrimination for an employer to treat a person less favourably than others for a reason relating to disability unless the treatment can be justified by the employer. The 1995 Act imposes a duty on employers to make reasonable adjustments if the premises or employment arrangements substantially disadvantage a disabled person compared with a non-disabled person. Examples might be installation of a ramp for an employee who uses a wheelchair, having staff notices in large print etc. Whether or not a particular adjustment is reasonable depends on a number of factors such as cost, practicability and effectiveness. Failure to discharge this duty will constitute discrimination unless the employer can justify their action. Complaints about disability discrimination can be heard by an employment tribunal (if related to an employment matter) or a county court (if they concern supply of goods, facilities or services).

The Rehabilitation of Offenders Act 1974

This Act provides that if a convicted person completes a specified period without being convicted of further offences then the conviction can be held to be 'spent'. Accordingly these sentences do not have to be revealed and should not be used as a means of excluding people from employment or promotion. The important feature of this legislation is that certain occupations are not within the scope of this Act, for example, a job which involved substantial access to children under 18 years of age. In the cases of these 'exempt employments', all convictions whether spent or not can be taken into account. The Criminal Records Bureau handles disclosures of this data prior to appointment being made.

Discrimination, victimisation and harassment (See Appendix A for further information and definitions of discrimination, victimisation and harassment.) Complaints relating to these matters must be dealt with promptly and investigated using the appropriate procedure, e.g. disciplinary procedure, anti-harassment policy and procedure. Who is the employer and who is responsible? Where the school is a community school the local education authority is the employer of all staff. However, while the governing body of a school have a delegated budget, they have powers over the appointment, suspension, discipline and dismissal of staff, even if the local authority are technically the employer of the school staff. Accordingly, where complaints are made about sex, race or disability discrimination concerning the exercise of these powers, it will normally be the governing body who are treated as the employer. It follows that the governing body of a school with a delegated budget will generally be the respondent in employment tribunal discrimination cases brought by members of staff (or job applicants), although any award of compensation or costs made by a tribunal would usually have to be paid by the local authority where they are the actual employer of the school staff and where appropriate advice had been taken, e.g. from human resources advisors. Governors should be aware that compensation payments in sex and race discrimination cases are potentially unlimited and also that tribunals have the power to require individuals, as well as employers, to pay compensation.

