



John Wilkinson Primary school and Nursery

Policy: Equality

Equality Information and Objectives including Accessibility Plan 2020 (Equality Scheme)

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Equality Policy LA

This Policy/Procedure has been agreed by the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

- National Union of Teachers
- National Association of School and nursery masters
- Union of Women Teachers
- Association of Teachers and Lecturers
- National Association of Headteachers
- Association of School and nursery and College Leaders
- Unison
- GMB

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Equality Policy: Workforce LA

1. Introduction

The school and nursery are committed to eliminating discrimination and encouraging diversity amongst the workforce. The Equality Act 2010, which consolidated and replaced much of the previous equality legislation forms the basis of this policy. As the employer, the Council (for maintained school and nurseries), the governing body, (for aided and foundation school and nurseries) and the trustees (of academy school and nurseries) has a legal duty to provide opportunities for both learning and employment in an environment which is fair and without discrimination.

The equality commitment individual school and nurseries and academies ensures that selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. Additionally, the disciplinary, grievance and harassment and bullying procedures and policies must all be free from discrimination. All employees with any of the 'protected characteristics' must be treated fairly and with dignity and respect.

The school and nursery aims to:

- Create an environment in which individual differences and the contributions of all staff are recognised and valued.
- Provide every employee with a working environment that promotes dignity and respect to all, where employees feel able to challenge behaviour and attitudes, which are contrary to the policy.
- Ensure that no form of intimidation, bullying or harassment will be tolerated and cases will be dealt with swiftly and fairly. The Bullying and Harassment Policy is available to complainants and the Disciplinary Policy may be instigated against perpetrators.
- Ensure training, development and progression opportunities are available to all staff.
- Review all its employment practices and procedures to ensure fairness.

2. Roles and Responsibilities

It is established in section 1 above that the 'employer' has a legal duty to provide opportunities for both learning and employment in an environment which is fair and without discrimination. However, all staff and volunteers in the school and nursery/ academy are responsible for discouraging examples of discrimination that they observe within the workplace. The Headteacher has overall responsibility for the daily implementation of equality practices and should have due regard to how the school and nursery's existing and proposed policies and decisions impact upon equality. Throughout this policy 'Headteacher' will also refer to 'Executive Headteacher' roles. Headteachers should also seek advice and support from HR.

3. Scope

This policy refers to all staff and volunteers within school and nursery. The school and nursery will also have an equality policy which relates to pupils and which is published on the external school and nursery website.

4. Public Sector Equality Duty

The Public Sector Equality Duty (PSED), introduced under the Equality Act 2010, applies to public sector bodies, including maintained school and nurseries and academies as well as to listed local authorities. The legislation states that a listed authority must comply with both a general duty and with specific duties as set out in the Equality Act 2010.

General Duty

The General Equality duty may be described as the duty on a listed public authority, when carrying out its functions, to have due regard to the three equality aims.

These aims are:

- **To eliminate discrimination, harassment, victimisation** and any other conduct that is prohibited. In relation to pupils, school, nurseries, and academies may seek to meet this aim by monitoring admissions, exclusions, attendance and prejudice related incidents. In respect of staff, school and nurseries and academies may seek to meet this by ensuring that there are appropriate employment policies in place,
- **To advance equality of opportunity** between groups/people who share a relevant protected characteristic and groups/people who do not share it, by considering the need to remove or minimise disadvantage, by taking steps to meet different needs, and by encouraging participation when it is disproportionately low.
- **To foster good relations** between groups/people who share a relevant protected characteristic and groups/people who do not share it.

Specific duties

The specific duties support the performance of the general duty, listed authorities are required to prepare and publish:

- information about workforce diversity and about service user diversity, to show they are complying with the PSED which must be updated annually and
- one or more equality objectives which an authority thinks it should achieve to advance any of the three general duty aims. This should be updated at least every four years with effect from April 2012.

School and nurseries with fewer than 150 employees do not need to publish information about employees, but should still collate information, for example statistics on the breakdown

and distribution of the workforce by age, gender, disability and race, to enable compliance with the general duty. However, information must be published relating to pupils. School and nurseries should nevertheless ensure that individuals can not be identified through the publication of this equality data.

Equality objectives must be specific and measurable. The school and nursery must publish one or more equality objectives as per the minimum of every four years. This information should be published on the school and nursery website.

The School and nursery as a public body should include the following nine **Protected Characteristics** groupings of people when considering the PSED obligations, Appendix A:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

The School and nursery should ensure due regard to the needs of all people in these groups when developing policy and strategy.

It is appropriate within a school and nursery setting that age and marriage and civil partnership information relating to pupils is not required. However, age and marital status and civil partnership information should be recorded in respect of employees.

Decision makers at school and nursery and academies must be aware of the duty to have 'due regard' when making decisions or taking action and must assess whether it has implications for people with a particular Protected Characteristic. Equality implications should be considered when policies or decisions are being made, and should be kept under review, for example through the use of standard Equality and Social Inclusion Impact Assessments (Appendix C).

Additionally, it is also unlawful to discriminate on the grounds of trade union membership or non-membership, part time or fixed term contract status and past unrelated convictions. Definitions of the Protected Characters and types of discrimination are shown at Appendix A.

5. How to Resolve Difficulties

The Headteacher is responsible for preventing employees from suffering discrimination in the workplace. Employers are ultimately responsible for any discrimination carried out by their employees, regardless of the employer's knowledge or approval. The Headteacher must also ensure that their staff are not harassed by a third party. It is important therefore that the Headteacher ensures that all staff and volunteers are aware of the policy.

- **Internal issue.**

If an employee complainant raises a grievance because either they are subject to discrimination by a member of staff, or because they have witnessed discrimination directed towards another person by a member of staff, they should be able to access, or request a copy of the school and nursery/academy's Bullying and Harassment Policy from the Headteacher. The complainant will have the option of pursuing either the informal or formal route.

In cases where an employee's conduct falls short of the required standard, the disciplinary procedure may be invoked. The disciplinary procedure is the means by which rules are observed and standards are maintained. In cases where the misconduct is minor, it may be dealt with through the informal route. However, in cases where the informal route has not had the desired effect or the misconduct is considered too serious, the formal route should be followed. Certain acts such as a serious breach of the school and nursery adopted Equality Policy, including any form of unlawful discrimination, victimisation, bullying or harassment of pupils or colleagues may constitute gross misconduct which may lead to dismissal.

- **External issue**

If an employee complainant raises a grievance because either they have been subject to discrimination by a third party, or because they have witnessed discrimination directed towards another person by a third party they should be able to access the Bullying and Harassment Policy.

Where a third party complainant raises a grievance because either they have been subject to discrimination by an employee, or because a third party has witnessed discrimination directed towards another person by an employee they should access the School and nurseries Complaint Procedure.

6. How to identify and act on Hate Crime

Hate crime is an offence committed against a person or property motivated by the perpetrator's hostility and prejudice towards people because they are seen as being different. By working together school and nurseries/academies should try to meet their equality and diversity obligations, particularly in seeking to eliminate discrimination, harassment and victimisation. In addition, working together aims to encourage social inclusion and promotes a resilient and caring society. The Hate Crime Reporting protocol with website links attached at Appendix B. The website links are also shown below.

<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>

<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

7. Recruiting and Employing People Fairly

The school and nursery will make sure that we provide equality of opportunity to all in pre-employment and employment.

The school and nursery/academy:

- Will demonstrate an open and transparent approach to recruitment

- Will ensure that recruitment decisions are made using pre-agreed objective criteria
- Will seek to appoint the most suitable applicant for the job based on merit
- Will ensure the recruitment and selection process conveys a positive image of the school and nursery and portrays the school and nursery as an employer of choice
- Will demonstrate its commitment to employ, retain and develop the abilities of disabled people, for example through achievement of the 'two ticks' aware by Job Centre Plus.
- Will ensure that the recruitment and selection of staff is conducted in a professional, timely and responsive manner and in compliance with current employment legislation
- Will provide appropriate training, development and support to those involved in recruitment and selection activities in order to ensure the recruitment of employing people is fair and legally compliant.
- Will treat all applicants fairly, equitably and efficiently, with respect and courtesy, aiming to ensuring that the applicant experience is positive, irrespective of the outcome
- Will ensure that if any member of staff involved in the recruitment process is related to, or has a close personal relationship with an applicant then they are not involved in the recruitment process at any point. Including, but not restricted to, restructures, ring-fencing, decisions about post-creation and job description content.
- Will ensure that all documentation relating to applicants will be treated confidentially and kept securely in accordance with the school and nursery/academy's Data Protection Policy.
- School and nurseries should not as a matter of course require job applicants to complete a medical questionnaire as part of the application procedure. Health related questions should only be asked if they are intrinsic to a function of their work, i.e.; ensuring applicants for a PE teaching post have the physical capability to carry out the duties. Additionally, candidates should not be asked about their sickness record until they have been made a conditional offer. Additional advice can be sought from your HR Officer/ Business Partner.

8. Training and Development

During training sessions identify good equality practice and include guidance around discrimination, harassment or victimisation as appropriate. When selecting candidates to attend training, ensure that selection is free from discrimination. School and nurseries and academies may also find it helpful to refer to Shropshire Council's equality objectives around training and development in relation to good equality and diversity practices.

<https://www.shropshire.gov.uk/equality,-diversity-and-social-inclusion/equality-objectives/>

9. Promotion and Determining Pay

All promotion and pay decisions must be open, transparent and fair. All decisions must be objectively justified. The governing body should follow the Department for Education advice regarding equalities consideration as part of the appraisal and pay determination process. Refer to the School and nursery Pay Policy.

<https://www.gov.uk/government/publications/school-and-nursery-teachers-pay-and-conditions-20165>

10. Monitoring and Review Arrangements

School, nurseries, and academies may wish to consider varying their complaints policy with recommendations that it contains a vexation complaints element.

School and nurseries and academies may consider Shropshire Council's equality objectives including monitoring and review, in order to seek to achieve joint outcomes.

The Governing Body will monitor the outcomes and impact of this policy on an annual/bi-annual basis in conjunction with school and nursery representatives at an appropriate committee.

This procedure will be reviewed no later than June 2018 by Human Resources in consultation with Trade Unions.

11. Linked Policies.

Harassment and Bullying Policy	Managing Attendance
Grievance Procedure	Appointment of Staff Code of Practice
Maternity Scheme for School and nursery Based Staff	Safeguarding guidance
Adoption Scheme for School and nursery Based Staff	Advertising Guidance Notes
Surrogacy Policy	Part Time Teachers Pay and Working time arrangements
Flexible Working Policy	KCSiE; DBS Guidance for school and nurserys
Disciplinary Procedure	Job Sharing Guidelines
Appraisal and Capability Procedures	KCSiE: Code of Conduct for staff in school and nurserys
Parental Leave Policy	Paternity Policy
Pay Policies – Leadership, Teachers or Support Staff	KCSiE: Safer Recruitment and Selection Code of Practice

Appendices

Appendix A: Definitions

Appendix B: Shropshire Council Hate Crime Reporting Protocol Documentation

Appendix C: Further Reference

Appendix A

DEFINITIONS

The Protected Characteristics are as follows:

AGE

Discrimination directed at either 'young' or 'old' is likely to be unfair.

It is important to emphasise that employers are highly vulnerable if they decide not to interview any job candidates who have reached an age which they regard as an appropriate age for retirement. Employers should therefore interview all suitable candidates irrespective of age focusing on their skills and ability to do the job rather than age alone.

Retiring from work

Dismissal

Unless it can be objectively justified it is not permissible to dismiss someone on the grounds of retirement. Older workers (age 55 plus) can voluntarily retire at a time they choose and draw any occupational pension they are entitled to. Older workers may also request flexible retirement from age 55. Employers cannot force employees to retire or set a retirement age. It is advisable for the employee to contact their pension provider for further information regarding pension benefits.

Teachers Pensions <https://www.teacherspensions.co.uk/public/home.aspx>

Local Government pension Scheme <https://www.shropshirecountypensionfund.co.uk/>

Work place discussions

Whatever the age of an employee, discussing their future aims and aspirations can help an employer to identify their training or development needs and provide an opportunity to discuss their future work requirements.

For all employees these discussions may involve the question of where they see themselves in the next few years and how they view their contribution to the organisation. A useful exercise is to ask open questions regarding an employee's aims and plans for the short, medium and long term. Employers may find it useful to hold these discussions as part of their formal appraisal processes.

The outcome of any workplace discussions should be recorded and held for as long as there is a business need for doing so. A copy of the discussion should be given to the employee.

Poor performance

If an employee is performing poorly the employer should discuss this with them to establish a cause. Failure to address any poor performance with an employee because there is an expectation they will retire soon may be discriminatory. Employers should establish a reason for poor performance, setting improvement periods and agreeing what training, development and support would help the employee meet the required expectation.

If levels are not improved and an employer has followed the company's performance procedure they then may decide to dismiss the employee on capability grounds, contact Human Resources for further information.

Is the increase in annual leave based on length of service discriminatory?

No, any increase in benefits during or before the 5th year of service is not discriminatory, the increase in the annual leave is based on loyalty, rather than age.

DISABILITY

It is unlawful to discriminate against workers because of a physical or mental disability or fail to make reasonable adjustments to accommodate a worker with a disability. Under the Equality Act 2010 a person is classified as disabled if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities. Day-to-day activities include things such as using a telephone, reading a book or using public transport.

If an employee has a disability that is making it difficult to work, employers should consider what reasonable adjustments they can make in the workplace to help or schedule an interview with the employee to discuss what can be done to support them. This could be as simple as supplying an adequate, ergonomic chair or power-assisted piece of equipment. Reasonable adjustments also include re-deployment to a different type of work if necessary. Further advice may be obtained from the Managing Attendance Policy and Occupational Health.

GENDER REASSIGNMENT

Gender reassignment is a personal, social, and sometimes medical process by which a person's gender presentation (the way they appear to others) is changed. Anyone who proposes to, starts or has completed a process to change his or her gender is protected from discrimination under the Equality Act. An individual does not need to be undergoing medical supervision to be protected. So, for example, a woman who decides to live as a man without undergoing any medical procedures would be covered.

It is discrimination to treat transgender or gender fluid people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured, or if they were absent for some other reason.

- **Support for individuals undergoing gender transitions** - Discuss with the transgender person how they would prefer information about their transition to be communicated to colleagues. Some transgender people may feel comfortable talking about their transition with colleagues, but others may prefer not to.

- **Confidentiality** - At a point agreed with the individual, all personal records should be changed to reflect the acquired name and gender. Access to personal records which indicate a person's previous gender should be retained only if necessary, and otherwise deleted or destroyed.

Employees should make sure that they consider the following.

- **Telling people about your situation** - Make a list of the people who need to be informed. You may wish to speak to them personally, or may prefer to ask HR or your line manager to communicate with them

- **Medical appointment and absences** - Make sure the employer knows when you will need to take time off work. It is discrimination for your employer to treat you less favourably if you are absent from work for a reason related to gender reassignment than you would be treated if you were absent because you are ill or injured, or if you were absent for some other reason

- **Changing everything into your new identity** - You will need to change your name on your email address, company directories, records and work pass. Speak to the Headteacher at an early stage about how this should be managed.

gires.org.uk

MARRIAGE AND CIVIL PARTNERSHIPS

Gay and lesbian couples are able to get married or register their civil partnership in England, Scotland and Wales, which gives many of the same rights as other married couples.

Same sex couples who marry or register as civil partners have the same rights as other married couples in respect of employment rights.

The Equality Act protects employees who are married or in a civil partnership or marriage against discrimination.

PREGNANCY AND MATERNITY

It is unlawful to discriminate, or treat employees unfavourably because of their pregnancy, or because they have given birth recently, are breastfeeding or on maternity leave.

Discrimination happens when a woman is treated unfavourably because of her pregnancy, pregnancy-related illness or she exercises the right to statutory maternity leave. Ensure that an employee absent from work is notified of any important information, such as restructures, changes to terms and conditions and organisational/management changes within the school and nursery.

RACE

It is unlawful for an employer to discriminate against employees because of race which includes colour, nationality, ethnic or national origin.

In very limited circumstances, there are some jobs which can require that the job-holder is of a particular racial group. This is known as an 'occupational requirement'. One example is where the job-holder provides personal welfare services to a limited number of people and those services can most effectively be provided by a person of a particular racial group because of cultural needs and sensitivities.

RELIGION OR BELIEF AND LACK OF RELIGION OR BELIEF

There is no specific list that sets out what religion or belief discrimination is. The law defines it as any religion, religious or philosophical belief. This includes all major religions, as well as less widely practised ones.

To be protected under the Equality Act, a philosophical belief must:

- be genuinely held
- be a belief and not an opinion or viewpoint, based on the present state of information available
- be a belief as to a weighty and substantial aspect of human life and behaviour
- attain a certain level of cogency, seriousness, cohesion and importance
- be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Humanism and atheism are examples of philosophical beliefs.

Workers are also protected against discrimination if they do not hold a particular (or any) religion or belief.

Employers do not have to give workers time off or facilities for religious observance, but they should try to accommodate them whenever possible. For example, if a worker needs a prayer room and there is a suitable room available then a worker could be allowed to use it, providing it does not disrupt others or affect their ability to carry out their work properly. Many employers find that being sensitive to the cultural and religious needs of their employees makes good business sense. This can mean making provisions for:

- flexible working
- religious holidays and time off to observe festivals and ceremonies
- prayer rooms with appropriate hygiene facilities
- dietary requirements in staff canteens and restaurants
- dress requirements.

At Voluntary Controlled (VC) and foundation school and nurserys, when appointing a Headteacher the governing body may take into account any candidate's suitability and ability to preserve and develop the religious character of the school and nursery. The head may also be a reserved teacher. VC and foundation school and nurserys must include reserved teachers where the number of teaching staff is more than two. Reserved teachers are selected according to their competence to teach RE according to the school and nursery's faith and are specifically appointed to do so. This may include the Headteacher. The number of reserved teachers must not exceed one-fifth of the teaching staff (including the Headteacher). Where there are 8 teachers, the maximum number of reserved teachers would be two. Reserved teachers must not be appointed unless the governors are satisfied that they are suitable and competent to give RE.

Voluntary Aided (VA), independent, academies and free school and nurserys with a religious character may apply religious criteria in recruitment, remuneration and promotion. Religious criteria may not be applied to other non-teaching posts in a VA school and nursery unless there is a genuine occupational requirement, e.g., a member of staff who gives pastoral care to pupils.

SEX

It is unlawful to discriminate against workers because of their sex, e.g. paying women less than men for carrying out the same role. In very limited circumstances, there are some jobs which can require that the job-holder is a man or a woman. This is known as an 'occupational requirement'. The list of occupational requirements is restricted and very rare.

SEXUAL ORIENTATION

An employer should protect employees from discrimination on grounds of the sexual orientation.

Sexual orientation is defined as:

- orientation towards people of the same sex
- orientation towards people of the opposite sex
- orientation towards people of the same sex and the opposite sex

ADDITIONAL PROTECTIONS APPLY TO THE FOLLOWING:

Equal Pay

An employer must give equal treatment in the terms and conditions of their employment contract if staff are employed on

Like work – which is the same or broadly similar

Work rated as equivalent under job evaluation
Work found to be of equal value

Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 aim to ensure employees on a fixed term contract are treated no less favourable than compared to permanent employees.

Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 should receive the same rate of pay as an equivalent full time member of staff, they should not be excluded from training and should receive holiday pay pro rata to an equivalent full time employee.

Rehabilitation of Offenders Act 1974, many ex-offenders are given certain employment rights if their convictions become 'spent'. The DBS Code of Practice and the Rehabilitation of Offenders Act states that employers are not allowed to discriminate against employees with a criminal background and must treat applicants fairly. Recruitment decisions should therefore be based on if the criminal information presented is relevant to the job the applicant will be carrying out.

Trade Union Membership. In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 protection from discrimination either because of membership or non-membership of a trade union.

TYPES OF DISCRIMINATION

Direct discrimination

Direct discrimination occurs if an employer treats a person less favourably on the grounds of a person's protected characteristic compared to a person who does not have that protected characteristic. There may be rare instances during recruitment where a genuine occupational requirement is acceptable, but this should be discussed with the HR Business Partner.

Direct discrimination - associative discrimination

Associative discrimination is direct discrimination against someone because of their association with another person who possesses a protected characteristic.

Direct discrimination - perceived discrimination

Perceived discrimination is direct discrimination against a person because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic but is perceived by others to do so.

Indirect discrimination

Indirect discrimination is where a criterion or practice is applied to everyone, but particularly disadvantages people who share a protected characteristic.

Harassment

Harassment is a behaviour deemed offensive by the recipient and occurs when, for a reason which relates to a protected characteristic another person engages in unwanted conduct which may be physical, verbal or non-verbal and which violates the person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It is the effect of the conduct rather than the perpetrators intentions that define whether it constitutes harassment. Employees can raise a complaint against behaviour that they find offensive even if it is not directed at them. Complainants need not possess the relevant

protected characteristics themselves. Employees are also protected from harassment because of perception and association.

Victimisation

Victimisation has a specific meaning in discrimination law. It does not just mean singling someone out. Victimisation makes it unlawful for one person to treat another less favourably than others because they made or supported a discrimination complaint or raised a discrimination grievance or because they are suspected of doing so.

An employee is not protected if they have maliciously made or supported an untrue complaint. However it is sufficient if the employee believes that the victim has done, or intends to do any of the things listed above.

Appendix B

SHROPSHIRE COUNCIL HATE CRIME REPORTING PROTOCOL.

The recommended protocol to follow when dealing with reports of racist or other hate crime incidents is as follows:

1. The procedure

In principle, the procedure for investigating accusations of racist or other hate crime incidents should be similar to the procedure which is used for dealing with complaints.

For example, all reports of incidents should be handled courteously, helpfully and promptly. Hate crime is an offence where the victim, or any other person, perceives it to be motivated by prejudice or hate” - borne out of the Stephen Lawrence enquiry.

2. Timescales

Timescales for responding to an incident are the same as those for complaints:

- an acknowledgement or final response is sent within 5 working days
- a reply is sent within 20 working days, or the person reporting the incident is given an explanation of the delay

However, whereas it might be appropriate for some complaints to be dealt with informally, all reports of racist or other hate crime incidents should be dealt with on a formal basis.

3. Responsibilities

The person who sees, or is first made aware of, the incident should record the details, including the name, telephone number and address of the person reporting the incident.

This person should report the incident at once to their Headteacher.

The Headteacher will have overall responsibility for the investigation of the incident and will decide who should lead this. It is also the responsibility of the Headteacher to inform the Police when necessary.

4. Referencing

In order to ensure that incidents are not double counted, the Headteacher should allocate a reference number to the incident - incorporating:

- an incremental reference number indicating total number of incidents within the school and nursery
- the month and year

For example: School and nursery Name, Ref no. 1, Feb 2016

5. Complainant is unsatisfied with response

If the complainant is not satisfied with the response then, as with complaints, this can be reviewed by the Governing Body to ensure that an appropriate investigation has been carried out.

6. Reports via the website

Incidents which are reported on the Shropshire Council website will be passed on to the Diversity Officer in the first instance, who will then forward them to the appropriate Headteacher.

If a report is received via the Shropshire Council Website from an employee regarding the behaviour of another employee, this will be treated within the **grievance procedure** guidelines.

<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>

<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

Appendix C

FURTHER REFERENCE.

Shropshire Council

<https://www.shropshire.gov.uk/equality,-diversity-and-social-inclusion/>

Gov.uk

<https://www.gov.uk/guidance/equality-act-2010-guidance>

Equality and Human Rights Commission EHRC

www.equalityhumanrights.com/

The Equality Act 2010 and School and nurserys

<https://www.gov.uk/government/.../equality-act-2010-advice-for-school-and-nurserys>

Equality and Social Inclusion Impact Assessments

<https://www.shropshire.gov.uk/media/1457869/Shropshire-guidance-and-evidence-template.pdf>

Hate Crime

<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>

<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

Contact Details

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John Wilkinson Primary School and Nursery

Equality Policy School and Nursery

At John Wilkinson School and Nursery we promote spiritual, moral, social and cultural development through all appropriate curricular and extra-curricular opportunities . We aim to meet this objective with particular reference to issues of equality and diversity.

- To reduce prejudice and increase understanding of equality through direct teaching across the curriculum.
 - To move beyond deterministic notions of fixed ability and to model teaching and learning behaviours that avoid labelling.
 - To narrow the gap between boys' and girls' attainment in writing in the primary phase (Y2 – Y6).
 - To promote cultural development and understanding through a rich range of experience, both in and beyond the school and nursery.
 - To eradicate prejudice related bullying in relation to the protected characteristics listed in the Equality Act 2010.
 - To tackle prejudice and promote understanding in relation to people with disabilities
- This is a working document, which will be monitored and reviewed annually.

Equality in the school

1. Policy statement

- a) In accordance with our *school and nursery values* we :
 - to respect the equal human rights of all our pupils;
 - to educate them about equality; and
 - to respect the equal rights of school and nursery community.
- b) We will assess our current school and nursery practices ("Equality Impact Assessment") and implement all necessary resulting actions in relation to:
 - ethnicity,
 - religion or belief,
 - socio-economic background,
 - gender and gender identity,
 - disability,
 - sexual orientation, and
 - age.
- c) We will promote community cohesion at school and nursery, local, national and global levels, comparing our school and nursery community to its local and national context and implementing all necessary actions in relation to:

- ethnicity,
- religion or belief, and
- socio-economic background.
- Radicalisation

We pay due regard to British values and the Prevent agenda.

2. Statutory requirements

The equality objectives in Section 10 below address our duties under current equality legislation, up to and including the Equality Act 2010. They also relate to the Shropshire Council procedure for recording incidents involving pupils in school and nurseries.

The access plan in Section 11 below addresses our duty under the Special Educational Needs and Disability Act (SENDA) Special educational needs and disability code of practice: 0 to 25 years-Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities January 2015.

This guidance refers to Part 3 of the Children and Families Act 2014 and associated regulations. The regulations associated with the Children and Families Act 2014 are:

- The Special Educational Needs and Disability Regulations 2014
- The Special Educational Needs (Personal Budgets) Regulations 2014
- The Special Educational Needs and Disability (Detained Persons) Regulations 2015
- The Children and Families Act 2014 (Transitional and Saving Provisions)(No 2) Order 2014

The community cohesion plan in Section 12 below addresses our duty under the Education and Inspections Act 2006.

Statutory requirements outlined in the EYFS Statutory Framework will be complied with and considered alongside the requirements for all of our children.

We will not discriminate on grounds of gender, gender identity, race, ethnicity, disability, sexual orientation, religion or belief, socio economic background or age. We will make such reasonable adjustments as are necessary to prevent person with a disability being at a substantial disadvantage in comparison with people who are not disabled.

The school and nursery will be vigilant of its practice in terms of:

Direct discrimination: Direct Discrimination is when a person is treated less favourably than others in comparable circumstances because of a special characteristic such as sex, race or a disability. In the case of direct age discrimination, this is unlawful only if it cannot be objectively justified.

Indirect Discrimination: In essence occurs when a provision, criterion or practice is applied equally to all but has a different impact on members of one or more protected groups, of which the complainant is one, and is placed at a disadvantage as a result. Indirect discrimination is unlawful unless it can be justified for reasons unrelated to the characteristic in question.

Victimisation – treating a person less favourably because they have taken action in respect of discrimination, e.g. by bringing a complaint or giving evidence for a colleague – is also unlawful.

Harassment – unwanted conduct which violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them, on grounds of one of the relevant characteristics such as sex or race – is also unlawful in many of the situations covered by discrimination law.

Equality for pupils

The school and nursery will not discriminate against children seeking admission or with regard to how pupils are treated, on grounds of sex, race, disability, religion or beliefs. This includes discrimination in provision of teaching or allocating the pupil to certain classes, applying different standards of behaviour, dress and appearance, excluding pupils or subjecting them to any other detriment, and conferring benefits, facilities or services

Pupil gender equality

Promoting gender equality is an important part of the school and nursery’s work and the school and nursery will ensure that not only are girls and boys basic needs met, but that they have the opportunity to realise their full potential.

To ensure gender equality for girls and boys means that girls and boys have equal opportunities to enter school and nursery, as well as to participate in and benefit from the range of subjects or other learning experiences that are offered in classrooms and school and nursery. Through gender-sensitive curricula, learning materials, and teaching-learning processes, girls and boys become equally equipped with the life skills and attitudes that they will need to achieve their fullest potential within and outside of the educational system regardless of their sex.

Achieving gender equality also means that we need to move away from looking at children collectively as “students” or “pupils” and to focus more on the specific situation of “girls” and “boys” within the classroom and school and nursery to ensure gender equality in learning for both – particularly by looking at patterns over time.

The school and nursery will formally monitor the performance of girls and boys using:

- a) the early years foundation stage assessment ;
- b) Year 2 assessment TA ;
- c) Year 6 SATs.

In addition the school and nursery will monitor:

- a) any exclusions by gender; race etc
- b) Bullying in relation to vulnerable groups e.g. sex, race, sexuality etc.

Raise online details the results of these tests and informs the school and nursery as to performance of groups.

The school and nursery will also monitor its extended curriculum to ensure that the needs of girls and boys are met.

We believe that personalised learning and teaching can play a central role in helping us realise these objectives. We also believe:

- boys' and girls' chances of success are not related to their socio-economic background, gender or ethnicity;
- our school and nursery should meet the needs of each boy or girl, with the expectation that all learners achieve high standards;
- all boys and girls should leave our school and nursery with functional skills in English and mathematics, understanding how to learn, think creatively, take risks and handle change, play a musical instrument, be engaged in sport and know how to develop a healthy lifestyle;
- Teachers should use their skills and knowledge to engage each boy and girl as partners in learning, acting quickly to adjust their teaching in response to boys' and girls' learning.

Our school and nursery will draw in parents as their son's and/or daughter's co-educators, engaging them and increasing their capacity to support.

The school and nursery's curriculum for Personal, Social and Health Education (PSHE) and SMSC and some aspects of RSE aims to teach pupils to understand and respect diversity and differences. Pupils learn to recognise the effects of bullying, stereotyping, prejudice and discrimination of any kind, and to develop the skills to challenge discrimination assertively.

The PSHE framework for teaching outlines which subjects should be taught at which Key Stage:

Disability

Under the Disability Discrimination Act 1995 (DDA) governing bodies, must not discriminate against disabled people applying for jobs, or against existing disabled staff. The Act also imposes a duty on governors to make reasonable adjustments if the premises or employment arrangements substantially disadvantage a disabled person compared with a non-disabled person. The school and nursery has thus produced a "Disability Access Plan"

This also applies to the provision of education. From September 2002, school and nursery governing bodies have been under a duty not to treat disabled pupils less favourably, without justification, than their non-disabled peers and to make reasonable adjustments to ensure that disabled pupils are not put at a substantial disadvantage compared to non-disabled pupils. The new duties cover:

- Admissions
- Exclusions
- Education and associated services

Under the reasonable adjustments school and nurseries will not be required to provide auxiliary aids and services, since these will be covered by the provisions in the Education Act 1996 for identifying, assessing and making provision for individual pupils' special educational needs. Nor will they be required to alter physical features of a school and nursery; instead they will be required to plan strategically to increase access to education

at school and nursery for disabled pupils. This planning duty applies to access to premises, the curriculum and to written information in alternative formats

It is unlawful for school and nursery governing bodies to discriminate unfairly against disabled people in the provision of non-educational services on school and nursery premises. Non-educational activities might include leisure time activities for children and adults without any element of educational development, school and nursery fundraising events or community use of school and nursery facilities.

Race Equality

The school and nursery recognises and values diversity. Governors recognise that the school and nursery serves a predominantly mono culture which does not reflect society in Britain in general. The school and nursery should therefore be pro active in developing an understanding and empathy of ethnic minorities in Britain today and other cultures from around the world. This will manifest itself by:

- a) the delivery of the National Curriculum exploiting opportunities to promote awareness particularly in such subjects as geography, PSHE and citizenship;
- b) by maintaining links with services dealing with resources for ethnic minorities.
- c) by using the teaching of Religious Education to explore faiths and cultures drawing on similarities and common beliefs;
- d) By having a regular programme of visitors, school and nursery visits and activities that promote awareness.
- e) Engage with the Prevent strategy and prevent radicalization
- f) Uphold British values

For example: over the past twelve months the school and nursery has had:

Embarked on fund raising for pupils abroad

Held Harvest celebration of services abroad

Held Arts/IT/Geography week to celebrate global contributions and how that is mirrored in British society

Developed Values through class based activities and integrated values into curriculum planning

We have a comprehensive recording system which details our engagement with these agendas.

Should the school and nursery receive children from ethnic minorities; their progress will be monitored to ensure that they realize their full potential. In some cases they may necessitate the provision of additional support, where for example the child's first language is not English.

Racist Incidents are recorded and reported to governors and the LA annually. Incidents are dealt with quickly and effectively.

In addition the school and nursery will monitor:

- c) any exclusions by race;
- d) any racist bullying.

This policy must be reviewed every three years.

3. Community cohesion

The following statement outlines both the data and current issues relating to ethnicity, religion/belief and socio-economic factors. It shows how the school and nursery community compares with the wider community, both locally and nationally. It therefore forms the basis for planning the actions in Section 12 below to promote community cohesion.

- Ethnicity/culture context of the school and nursery (local and national)
Raise online
- Religion/belief context of the school and nursery (local and national)
Most pupils are Christian in belief
- Socio-economic context of the school and nursery (local and national)
The deprivation index
- Current issues affecting cohesion at school and nursery, local and national level
- We are currently working with parents to further develop our response

4. Responsibilities

One named governor takes the lead, but the governors as a whole are responsible for:

- drawing up, publishing and implementing the school and nursery's equality objectives
- making sure the school and nursery complies with the relevant equality legislation; and
- making sure the school and nursery Equality Scheme and its procedures are followed
- monitoring progress towards the equality objectives and reporting annually
- British values – engagement

The head teacher is responsible for:

- making sure steps are taken to address the school and nursery's stated equality objectives;
- making sure the equality, access and community cohesion plans are readily available and that the governors, staff, pupils, and their parents and guardians know about them;
- producing regular information for staff and governors about the plans and how they are working;
- making sure all staff know their responsibilities and receive training and support in carrying these out; and
- taking appropriate action in cases of harassment and discrimination, including prejudice-related incidents.
- enabling reasonable adjustments to be made, in relation to disability, in regard to students, staff, parents / carers and visitors to the school and nursery.

All staff are responsible for:

- promoting equality and community cohesion in their work;
- avoiding unlawful discrimination against anyone;
- fostering good relations between groups; and

- dealing with prejudice-related incidents;
- being able to recognise and tackle bias and stereotyping;
- taking up training and learning opportunities.

The Head teacher is responsible overall for dealing with reports of prejudice-related incidents.

Visitors and contractors are responsible for following relevant school and nursery policy.

5. Staff development

This section outlines our process for training and development in relation to equality and cohesion in terms of professional responsibilities as well as statutory requirements. The HT will ensure staff have access to appropriate training and this is related to area of development which is identified through data analysis, observation or recording through the HT report to governors. Should incidents occur due to a lack of understanding of related issues then training will be provided to ensure any gaps in awareness are filled to ensure compliance occurs.

6. Publication and review

This Equality Scheme fulfils statutory requirements under the terms of legislation referred to above. As it is a public document, the school and nursery governors publish it by **making it available on request**.

The scheme will be kept under regular review for three years and then replaced in September 2019.

7. Reporting on progress and impact

A report on progress with the actions listed below will be published by the governors annually and be included in the prospectus. Evidence will also be kept of the impact of our actions to promote community cohesion, in respect of ethnicity, religion or belief and socio-economic background and radicalisation.

8. How we conduct equality impact assessment

This section outlines our process for monitoring the potential impact of school and nursery practice in terms of

- ethnicity,
 - religion or belief,
 - socio-economic background,
 - gender and gender identity,
 - disability,
 - sexual orientation, and
 - age.
- The school and nursery will have regard to the progress of pupils in groups identified above. Monitoring over time will inform the school and nursery as to actions which need to occur to close the gap in performance. Additional support will be provided

when necessary to personalise provision to improve outcomes. This will be recorded and monitored through the HT report to governors annually.

- Racist incidents will be reported at each governors meeting
- Exclusions will be reported at each governors meeting
- Any feedback from parents relating to any of the above will be reported to the Chair of Governors

Equality objectives identified by this process should be included in the three-year plan in Section 10 below.

9. How we chose our equality objectives

Our equality objective-setting process has involved gathering evidence as follows:

- i. from the equality impact assessments listed in Section 8 above,
- ii. ethnicity,
- iii. religion or belief,
- iv. socio-economic background,
- v. gender and gender identity,
- vi. disability,
- vii. sexual orientation, and
- viii. age.

- ix. from the following data

Autumn data annually and from end of year data audits , this informs at a strategic level– ongoing data is monitored by teachers and acted upon . Also from involving relevant people (including disabled people) from the start in the following way – consultation with relevant people through school and nursery questionnaires and informal discussions .

The evidence was then analysed in order to choose objectives that will:

- i. promote equality of opportunity for members of identified groups
- ii. Eliminate unlawful discrimination, harassment and victimisation, and
- iii. foster good relations between different groups in terms of ethnicity,
 - religion or belief,
 - socio-economic background,
 - gender and gender identity,
 - disability,
 - sexual orientation and
 - age.

Equality Objectives 2020-21

	Task	Key Objective	Timescale	Responsibility
<p>Socio economic background - offer additional learning support for pupils with challenging socio economic circumstance to enhance to accelerate attainment.</p> <p>Our school offers a broad and balanced, accessible curriculum for all pupils.</p> <p>We use resources tailored to the needs of pupils who require support to access the curriculum.</p> <p>Targets are set effectively and are appropriate for pupils with</p>	<p>Offer additional learning support for pupils with challenging socio economic circumstance to enhance learning to accelerate attainment.</p> <p>See Pupil premium plan, which is published and shows priorities for improvement.</p>	<p>Improve attainment</p>	<p>January 20 onwards</p>	<p>JC Funding</p>

additional needs. The curriculum is reviewed to ensure it meets the needs of all pupils.				
Continue to assess and meet the needs of pupils with ECHP	Provide additional targeted support to improve outcomes for this group	Improve attainment and access to ensure wellbeing and fulfilment are achieved.	Jan 2020	Key staff - CT , TA identified
Promote equality and access for all pupils	Improve pupil awareness disability and the needs the individuals	Ensure equal access for all children	September 2020	LF

Equality Objectives 2019-20

	Task	Key Objective	Timescale	Responsibility	Review
<p>Socio economic background - offer additional learning support for pupils with challenging socio economic circumstance to enhance to accelerate attainment.</p> <p>Our school offers a differentiated curriculum for all pupils.</p> <p>We use resources tailored to the</p>	<p>Offer additional learning support for pupils with challenging socio economic circumstance to enhance learning to accelerate attainment. See Pupil premium plan which is published and shows priorities for improvement.</p>	<p>Improve attainment</p>	<p>January 20 onwards</p>	<p>JC Funding</p>	<p>Provision for children with PPP continues to develop. Analysis of results show pupils 2019 have made good progress compared to non PPP.</p>

<p>needs of pupils who require support to access the curriculum.</p> <p>Curriculum progress is tracked for all pupils, including those with challenges.</p> <p>Targets are set effectively and are appropriate for pupils with additional needs.</p> <p>The curriculum is reviewed to ensure it meets the needs of all pupils.</p>					

Continue to assess and meet the needs of pupils with ECHP	Provide additional targeted support to improve outcomes for this group	Improve attainment and access to ensure wellbeing and fulfilment are achieved.	May 19 onwards	Key staff - CT , TA identified	Children with ECHP needs are well met.
Promote pupil awareness of appropriate relationships through SRE materials	Improve pupil awareness of appropriate relationships through a comprehensive SRE programme. Use advice from Local authority advisor	Implement RSE programme rigorously to ensure all children have a clear understanding	September 19 onwards	BK	Comprehensive development of SRE occurred - this included pupil and parent consultation.

11. Access Plan 2020 21

This can relate very closely to the disability elements of the equality objectives in Section 10 above, except that it covers pupils only whereas the equality plan includes all members of the school and nursery community.

JOHN WILKINSON PRIMARY SCHOOL AND NURSERY

19/20

	TARGETS	STRATEGIES	OUTCOME	TIMEFRAME	GOALS ACHIEVED
SHORT TERM	<p>ii. Physical improvements to increase access to education and associated services</p> <p>Improve external access to outdoor equipment for children with disabilities</p> <p>The environment is adapted to the needs of pupils as required.</p> <p>This includes:</p> <ul style="list-style-type: none"> • accessible outdoor toys • suitable surfaces • Large play equipment e.g 	Continue to adapt the environment for equal access	Access is improved as outdoor area have been designed to allow access to outdoor equipment for children with disabilities	Completion December 2019	

	slide , swing • Access to forest school - under cover area.				
MEDIUM TERM	Improvements in access to LEARNING Provide additional support for pupils' mental health so access to learning is improved and barriers removed.	Training for key staff. Designated time for intervention for key pupils.	Progress for pupils with wellbeing issues will be carefully considered and intervention will be provided for pupils identified.	First review January 20, continue to develop across the year and evaluate impact.	
LONG TERM	iii. Improvements in the provision for disabled pupils Consider how the needs of a pupils requiring wheelchair access can be met now, and in the future as this may require adaptations to the building.	Take advice from other professionals on long term developments and adaptations required and evolving needs	Full access occurs for pupils' with wheelchair access	September 2019 onward	

11. Access Plan 2019-20

This can relate very closely to the disability elements of the equality objectives in Section 10 above, except that it covers pupils only whereas the equality plan includes all members of the school and nursery community.

JOHN WILKINSON PRIMARY SCHOOL AND NURSERY

19/20

	TARGETS	STRATEGIES	OUTCOME	TIMEFRAME	GOALS ACHIEVED
SHORT TERM	<p>ii. Physical improvements to increase access to education and associated services</p> <p>Improve external access to outdoor equipment for children with disabilities</p> <p>The environment is adapted to the needs of pupils as required.</p> <p>This includes:</p> <ul style="list-style-type: none"> • accessible outdoor toys • suitable surfaces 	<p>Access advice from LA services to improve external environment.</p> <p>Implement improvements.</p>	<p>Access is improved as outdoor area have been designed to allow access to outdoor equipment for children with disabilities</p>	<p>Completion December 2019</p>	<p>Outdoor, and indoor facilities were well developed and allow access. This included large outdoor play equipment.</p>

	<ul style="list-style-type: none"> • Large play equipment e.g. slide , swing • Access to forest school - under cover area. 				
MEDIUM TERM	<p>Improvements in access to LEARNING</p> <p>Provide additional support for pupils' mental health so access to learning is improved and barriers removed.</p>	Training for key staff. Designated time for intervention for key pupils.	Progress for pupils with wellbeing issues will be carefully considered and intervention will be provided for pupils identified.	First review January 20, continue to develop across the year and evaluate impact.	We training a member of staff in emotional health and wellbeing to improve provision.
LONG TERM	<p>iii. Improvements in the provision of information in a range of formats for disabled pupils</p> <p>Consider how the needs of a pupils requiring wheelchair access can be met now , and in the future as this may require adaptations to the building.</p>	Take advice from other professionals on long term developments and adaptations required	Full access occurs for pupils' with wheelchair access	September 2019 onward	Needs met

Community cohesion 2020 21

Teaching, learning and the curriculum	Use PSHE AND SRE resources to expand the understanding of minority groups
Equity between groups in school, where appropriate	Continue to enhance opportunities for all children in school. Ensure children who are in minority groups progress well and provide opportunities that extend beyond the curriculum
Engagement with people from different backgrounds, Inc. extended services	Continue to widen the provision for disability awareness and acceptance.

Community cohesion
2019-20

	Actions (focused on outcomes rather than processes)
i. Teaching, learning and the curriculum	Develop a series of celebrations across the year that encourage celebration of cultural similarities and differences.
<p>Impact</p> <p>A range of activities were planned to ensure diversity was celebrated. This was particularly effective in music where workshops involved all children and we enjoyed a range of genres.</p>	
ii. Equity between groups in school, where appropriate	Continue to enhance opportunities for all children in school. Ensure children who are in minority groups progress well and provide opportunities that extend beyond the curriculum.
Festivals for a range of faiths were celebrated.	
iii. Engagement with people from different backgrounds, inc. extended services	<p>Make available opportunities for parents and children to socialise in an informal manner to develop acceptance: cultural acceptance.</p> <p>Continue to widen the provision for disability awareness and acceptance.</p>
	A range of formal and informal meetings occurred to develop cohesion in the community.

Updated September 2018
Updated September 2019
Reviewed Jan 2020