



EQUALITY AND DIVERSITY POLICY

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EQUALITY AND DIVERSITY POLICY

Summary Statement

This statement outlines the legislation affecting schools as employers and provides access to information on the law on equality.

Lindsworth is an inclusive school where we focus on the well-being and progress of every child and where all members of our community are of equal worth. We strongly believe that the Equality Act provides a framework to support our commitment to valuing diversity, tracking discrimination, promoting equality and fostering good relationships between people in our school. We welcome our duty under the Equality Act 2010 to eliminate discrimination, to advance equality of opportunity and to foster good relations. The ethos of the School supports the development of self-respect and self-esteem in all students, staff and the community it serves. We are proud of our School community, in which all members have a right to be treated and valued equally regardless of race, class, gender, sexual orientation, size, religion or the challenges of disability or disadvantage

Lindsworth aims to:

- promote positive approaches to difference, fostering respect for people and property. There are high expectations of all pupils with regards to behaviour.
- promote an understanding of how race, class, gender, sexual orientation, size, religion or the challenges of disability or disadvantage impact on learning.
- present people of both sexes and from differing cultural, social and ethnic groups as individuals whose existence as humans we cherish and respect
- encourage students having some physical or mental difficulty to fulfil their potential by taking advantage of the full range of teaching and learning resources and to foster an atmosphere of positive discrimination towards those thus disadvantaged
- encourage all students to fulfil their potential
- encourage students to see diversity in our community and society as positive
- eradicate stereotyping, which leads to an inhibition of individual student abilities, preferences and aspirations
- support pupils to become independent and take responsibility for their own behaviour
- acknowledge the effect external influences have on the development of equal opportunities in the School and to ensure that the policy is not undermined by these influences
- promote the involvement of parents/carers, Governors, students, teachers, other non-teaching colleagues and the whole school community in supporting equality.

All forms of discrimination, including racism, sexism and homophobia, are recorded, monitored and dealt with in line with the school's behaviour and anti-bullying policies.

Equality Act

The Equality Act 2010 brings together, and expands upon, previous legislation on various kinds of discrimination, so that there are no longer separate Acts and Regulations. The Act defines the grounds on which it is unlawful to discriminate.

Types of Discrimination

The types of discrimination have been extended by the Equality Act to include:

- Direct discrimination, which already applies but has now been extended to cover perceptive and associative discrimination.
- Indirect discrimination, which already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. It has now been extended to cover disability and gender reassignment.
- Associative discrimination, which already applies to race, religion or belief and sexual orientation. It has now been extended to cover; age, disability, gender reassignment and sex. Associated discrimination is direct discrimination against someone because they associate with another person.
- Perceptive discrimination, which already applies to age, race, religion or belief and sexual orientation. It has now been extended to cover disability, gender reassignment and sex. Perceptive discrimination is direct discrimination against someone because others think that they possess a protected characteristic and applies even when the person does not actually possess that characteristic.

Protected Characteristics

The Equality Act defines these as follows:

- **Age**
Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds). This is the only characteristic where direct discrimination is allowed if it is a proportionate means of achieving a legitimate aim.
- **Disability**
A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. It is unlawful to ask about health (which covers disability in this context) before offering a person work (other than for certain exceptions). An employer will not commit an act of disability discrimination if at the time the employer could not reasonably have been expected to know about the person's disability.
- **Gender reassignment**
The process of moving from one gender to another provided that the person intends to live permanently in the gender opposite to the birth sex. The person is no longer required to be under medical supervision.
- **Marriage and civil partnership**
Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
- **Pregnancy and maternity**
Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.
- **Race**
Refers to a group of people defined by their race, colour and nationality (including citizenship) ethnic or national origins.

- Religion and belief
Religion has the meaning usually given to it. Belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect life choices or the way people live for it to be included in the definition.
- Sex
A man or a woman.
- Sexual orientation
Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

When incidents of a discriminatory nature occur, it is our collective responsibility to challenge and intervene positively. Manifestations of discrimination may be:

- a student towards another student
- a student towards a member of staff
- a member of staff towards a student
- a member of staff towards another member of staff
- a parent or member of the public towards a student
- a parent or member of the public towards a member of staff

Actions which are clearly unacceptable and/or hurtful include:

- derogatory and discriminatory name-calling, insults, comments and jokes
- discriminatory graffiti or any other written insult including text messages, websites and social networking sites
- provocative behaviour such as wearing discriminatory badges or insignia
- bringing materials such as leaflets, comics or magazines into school which are judged to be discriminatory or designed to diminish, including pornography
- attempts to recruit others to organisations and groups practising discrimination
- making threats against a person or group
- offensive and/or hurtful actions against a person or group
- physical assault against a person or group
- unwelcome suggestions or physical contact including varying degrees of sexual assault
- any other instances of discriminatory behaviour.

Any or all of these actions will be seen as particularly serious when the perpetrator is in a position of power or authority over the victim.

Framework for staff dealing with discrimination

It is important to explain to the perpetrators why their actions are regarded as derogatory and discriminatory. The nature of the incident should be considered when deciding on a course of action. For example, it may require action relating to one individual, a larger group or even an entire year group. Staff will need to use their judgement as to the context of addressing the issue. If appropriate and possible, discussion with other colleagues is often helpful. Coherence and consistency of practice are essential for effective action. The following are practical suggestions for dealing with discriminatory incidents:

- challenge the perpetrator(s) in a non-confrontational manner
- remove the perpetrator(s) from the lesson/situation

- establish the nature of the incident by obtaining a statement from the perpetrator(s) and from those suffering the incident (the victim). Other witnesses may also be requested to provide statements
- explain in detail to the perpetrator(s) the wrong done
- take appropriate action as determined by the nature of the incident, e.g. whether punishment is appropriate and whether the member of staff feels it necessary to involve the Pastoral Manager or other senior colleagues.

Follow-up and resolution of incident

All discriminatory incidents will be recorded on Behaviour Watch and the Pastoral Manager and Pastoral Lead cc'd for monitoring purposes. Parents will be informed and, if appropriate, a meeting will be organised. In all serious incidents, the Headteacher should also be informed.

Criteria for monitoring and evaluating discriminatory practices

Discriminatory incidents within Linsworth School must be examined within the general context of the school's behavioural patterns. In order to evaluate discriminatory behaviour, the School will need to monitor:

- the frequency of such incidents
- evidence of change following action taken
- evaluating the information available to identify any evidence of trends
- assessing the information relative to our perceived view of the frequency and nature of discriminatory incidents

Teaching and learning

To support equality within the classroom at Linsworth School we aim for

- all students are encouraged to become responsible for their own learning
- teaching is responsive to students' different learning styles in order to engage all students
- the teacher ensures that the classroom is an inclusive environment in which students feel all contributions are valued. Where groups or individuals are marginalised, the teacher takes positive steps to include them
- varied teaching styles including collaborative learning so that students appreciate the value of working together. All students are encouraged to question, discuss and collaborate in problem solving tasks
- student grouping in the classroom is planned and varied
- teachers challenge stereotypes and foster students' critical awareness and concepts of fairness, enabling them to detect bias and challenge inequalities
- resources and displays reflect the experience and background of students, promote diversity and challenge stereotypes in all curriculum areas
- all resources are reviewed regularly to ensure they reflect the inclusive ethos of the School
- supporting and valuing students who are bilingual, or for whom English is not their first language
- using differentiated activities reflecting student abilities
- a focus on SMSC and fundamental British Values
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Curriculum

Each area of the curriculum is planned to incorporate the principles of equality and diversity in order to promote positive attitudes:

- all students have access to a broad and balanced curriculum
- the curriculum builds on students' starting points and is differentiated appropriately; the content of the curriculum reflects and values cultural diversity
- the curriculum encourages students to explore bias and to challenge prejudice and stereotypes
- all subjects contribute to the spiritual, moral, social and cultural development of all students
- extra-curricular activities and special events cater for the interests and capabilities of all students and take account of parental concerns related to religion and culture
- informal events are designed to include the whole-school community and at times will target minority or marginalised groups
- choice of literature and text should reflect the diversity of the school considerations
- regular discussion of equal opportunities as an agenda item during meetings
- the materials and programmes of work in each department should reflect and value the School Equalities Policy
- in-service training that will enhance and develop the Equalities Policy and its implementation

Staffing - recruitment, training and continuing professional development

The Equalities Policy emphasises that all staff, including non-teaching and part-time staff, are given status and support:

- the induction of new staff addresses issues of equality
- staff training, handbooks and policies include equal opportunities issues
- all members of staff have access to INSET, which will enable professional development
- recruitment and selection procedures are fair and equal
- staff reflects ethnic and gender diversity at all levels
- the skills of all staff members are recognised and valued and staff are encouraged to share their knowledge
- staff and visitors provide a wide range of role models and reflect the diversity of the local and wider community

Policy, leadership and management

Lindsworth School policies reflect a genuine commitment to equal opportunities throughout the school:

- the management of the school and the Governing Body set a clear ethos which reflects the school's commitment to all its students and staff and ensure that the equal opportunity ethos is both explicit and practised
- teaching and curriculum development are monitored to ensure high expectations of all students and appropriate breadth of content in relation to the school and wider community
- additional grants and resources (such as those provided for Looked After Pupil Premium) are appropriately targeted and monitored

The Headteacher is the named senior member of staff responsible for equal opportunities in the school recruitment and employment and the school follows local and national guidance on best practice for fair and safer recruitment.

Monitoring and review

All members of staff and the Governing Body have the responsibility of implementing this policy. This policy will be reviewed annually.

The information in the next section applies directly to staff and employment:

Harassment

Harassment applies to all protected characteristics except for pregnancy, maternity, marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even when not directed at them and the complainant need not possess the relevant characteristic themselves. Protection is also extended to cover perception and association. Third party harassment already applies to sex and has now been extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. Employers are liable when;

- harassment has occurred on at least two previous occasions;
- employers are aware that it has taken place;
- employers have not taken reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when an employee is treated badly because he or she has or is suspected of having made a complaint under the Equality Act. The Act removes the requirement of the complainant to demonstrate a comparator. Employees raising malicious or supporting untrue complaints are excluded from the protection.

Positive Action

As with the previous legislation the Equality Act allows for positive action in circumstances where protected characteristics suffer a disadvantage connected to that characteristic or if their participation in an activity is disproportionately low.

Equality Schemes

There is no longer a legal requirement to adopt an equality scheme or policy. However, the Statutory Code of Practice published by the Equality and Human Rights Commission recommends such a policy and this recommendation would be taken into account in any legal proceedings. Chapter 18 of the code gives guidance on equality policies and practice in the workplace

Appointing Staff Questions About Health

New provisions in the Equality Act 2010 affect the questions asked about health in references or at any stage of the selection process before making a conditional offer of employment.

Section 60(1) of the Act provides that “A person (A) to whom an application for work is made must not ask about the health of the applicant (B) before offering work to B or, where A is not in a position to offer work to B, before including B in a pool of applicants from whom A intends (when in a position to do so) to select a person to whom to offer work.”

Other parts of Section 60 of the Act make exceptions and allow questions

- where it is necessary to find out whether an applicant is able to participate in an assessment to test suitability for the role
- establish whether there is a duty to make reasonable adjustments to enable an applicant to take part in the recruitment process
- establish whether the applicant will be able to carry out a function intrinsic to the work
- monitor the diversity of applicants
- take positive action in supporting employment for disabled people
- where a disability is a genuine occupational requirement

So, for example, when sending out letters inviting people to attend for interview it is still permissible to ask them all whether they need any special arrangements to participate in the interview.

It is permissible to enquire about a person’s health once that person has been selected for the job, provided that the employer does not unfairly discriminate against the successful applicant once medical information is revealed and makes all the adjustments that are reasonable in the circumstances to accommodate any disability. Therefore schools should continue to ask successful applicants to complete a pre-employment medical questionnaire and the authority will continue to make offers of employment conditional on medical clearance.

The authority’s advice on reference requests has been revised in the light of legal advice. Questions about sickness absence have been replaced by a question as to whether the applicant’s attendance and/or absence has led to the initiation of any relevant school or company or organisation procedures.

Further Guidance

The Local Authority policies and procedures for appointing staff for Support Staff and Teachers have been prepared to comply with the Equality Act.

Guidance on other aspects of HR policies and procedures also reflects the law.

The Equality and Human Rights Commission has produced a series of detailed guides.

The Department for Education has also produced guidance specifically for schools.

Much of this deals with pupils, but chapter 8 covers employees.