



Barkisland CE (VA) Primary School
WE BELIEVE, WE NURTURE, WE SUCCEED!

Barkisland CE VA Primary School

EQUALITY AND DIVERSITY POLICY



Overview:

It is the policy of Barkisland CE VA Primary School to promote equality and diversity in all areas of our life and work. We will not tolerate discrimination on unlawful or unfair grounds. All will be treated with equity and given equal access to the curriculum and life of the school. All will have equal opportunity to benefit from all that we offer. Our intention is to develop an ethos in which all will thrive. Diversity and differences will be valued and respected by all and they will contribute to the richness of our school life and learning.

Our aim is to ensure that every child becomes an effective contributing member of the local community. To enable every child to gain maximum benefit from their education, the school will ensure that all are treated equally and given equal opportunity regardless of gender, disability, social class, racial origins, religious beliefs or cultural background.

Barkisland CE VA Primary School will work hard to meet the individual needs of all. We will endeavour to anticipate the needs of our pupils and staff and make reasonable adjustments to ensure that their needs are met to give them access to all aspects of the school's life.

Barkisland CE VA Primary School recognises it has to make special efforts to ensure that all groups prosper including:

- **All genders**

- Pupil premium children
- All minority ethnic groups
- Pupils with different religions or beliefs
- Pupils with special educational needs
- Looked after children

Barkisland CE VA Primary School has identified the following issues that may be barriers to effective learning and successful working at the school:

- Special Educational Needs
- Low income leading to difficulty in participating in some aspects of school life
- Low parental support or different parental expectations

Objectives:

1. To ensure that all learners have equal access to a rich, broad, balanced and relevant curriculum.
2. To ensure that provision for learners' needs is central to curriculum planning, teaching and learning.
3. To enable all to succeed and to overcome the barriers that get in the way.
4. To recognise and value all pupils' achievements and encourage self-confidence and self-esteem in all pupils.
5. To ensure that all learners value and respect each other.
6. To ensure that teaching and learning promotes equality, celebrates diversity and promotes community cohesion.
7. To encourage all to see themselves and others as equal members of the British Nation and its society.
8. To ensure that no-one is unfairly or illegally disadvantaged as a consequence of their gender (including

transgender pupils, parents or staff), colour, race, age, ethnic or national origin, disability, marital status, sexual orientation, social class or religious or political beliefs.

9. To recognise, celebrate diversity within our community whilst promoting community cohesion.
10. To ensure that those with management responsibility and individual staff accept responsibility for planning, organisation and delivery of appropriate educational material to ensure that this policy for equality and diversity is woven into all we do.
11. To ensure that the school has an ethos where there is no discrimination, prejudice or harassment.
12. To ensure that learners and parents are fully involved in the provision made by the school.
13. To establish, when necessary, a funded Accessibility Action Plan to increase the extent to which those with disability can participate fully in the life, curriculum and extended schooling curricular activities.
14. To improve the access and delivery of information to those with disadvantage that would normally be provided in writing, electronically or online to other members of the school community.
15. To ensure that within the school budget, appropriate funding is provided to underpin this policy.

Strategies:

1. Monitoring, evaluation and review carried out by the Leadership Team will ensure that procedures and practices within the school reflect the objectives of this policy so that all pupils can access the curriculum and staff are treated equally.
2. The school aims, publications, assemblies, worship, curriculum and pastoral structure will promote an ethos that values and respects all learners. All learners will be encouraged and supported to take a full and active role in school life underpinned by the school's core values.
3. The diversity within our school and the wider community will be viewed positively by all and this diversity will be recognised as a rich resource for teaching, learning and the curriculum.
4. Teachers will ensure that their planning, teaching and learning takes account of this policy and ensures that equality underpins all their work.
5. A flexible approach will be used, involving a variety of forms of intervention such as in-class support, short-term individual withdrawal, monitoring and production of materials in subject areas and specific advice to subject staff.
6. INSET opportunities will be provided for staff, to raise awareness and provide practical examples of suitable curricular materials. Teaching and learning materials will be regularly monitored to ensure that they reflect our rich British culture, its history and its heritage and our rich cultural diversity.
7. Active contributions will be sought from parents and others to enrich teaching, learning and the curriculum.
8. The **Inclusion Manager** will be responsible for the identification and assessment of the specific educational needs and a procedure will be put into place to ensure effective liaison with appropriate support agencies and outside agencies.
9. The positive achievements of all pupils will be celebrated and recognised.
10. The school will demonstrate equity and fairness in all aspects of its work. The duty applies to all of the school's functions:
 - Policy-making
 - Service provision
 - Employment matters
 - Goods and services which are contracted out, and to private and voluntary bodies which are carrying out public functions

Discipline and behaviour:

With respect to their conduct, staff and pupils are expected to behave courteously, and not to engage in behaviour that is, or is likely to be, prejudicial to the good order or to the reputation of the school and its rules. Analysis of incidents and any patterns that might be related to discrimination will be identified and included in the Head teacher's report to Governors. All staff are responsible for ensuring that incidents of discriminatory behaviour are dealt with, recorded and referred to the relevant member of SLT.

Practice guidelines:

The following section details the steps the school adopts to develop and implement fair policies in relation to staff and pupils. This complies with its commitment to promote and manage equality and diversity.

EMPLOYMENT

Recruitment and Selection:

Good practice is pursued in the area of staff recruitment and selection to ensure equality of opportunity for all applicants. Job vacancies are advertised in line with Calderdale and National Policies.

In the event of a complaint of discrimination from either internal or external applicants for vacancies, the Governor or Headteacher leading the selection is expected to detail the criteria on which the selection decision was founded and demonstrate that the successful applicant was the one who most closely met the criteria.

Training, Development, Promotion and Career Progression:

It is the policy of the school to provide appropriate training and development for all its employees in line with the school's developmental needs and the performance management of its employees.

The needs of the job, individual ability and performance are the only appropriate criteria considered in an employee's annual Performance Management cycle. In addition, those responsible for undertaking PM interviews ensure that no employee has any reason to believe that unlawful discrimination has been an element in any decision. Similarly those on part-time, temporary and fixed term contracts receive equal consideration, subject to appropriate opportunities arising.

Probation:

Where probationary requirements are applicable to an appointment, their implementation, including orientation, training, monitoring, guidance and recommendation for permanent appointment is managed fairly and without discrimination.

Discipline:

Failure to comply with or conform to this policy is treated as a serious disciplinary matter.

Dismissal and Redundancies:

School employees who have been delegated responsibility for identifying members of staff for dismissal on the grounds of redundancy do not unlawfully discriminate.

Grievance:

The school ensures that any grievance relating to discrimination is treated seriously and promptly. A member of staff who believes that they have been discriminated against can pursue the matter by raising a complaint, in accordance with the grievance procedure.

PUPILS

Selection and Admission of Pupils:

The school's admissions policy does not discriminate on the grounds of gender, race, social background or SEND.

Pupil progress:

The school will expect all children to make good progress in all areas of the curriculum. Bespoke provision will be catered for where necessary.

Monitoring the policy:

The school monitors information relating to:

- all groups of pupils
- attainment, achievements and progress
- incidents relating to pupils in school
- all activities that relate to staff recruitment and selection, and to career development and opportunities for promotion
- all engagements with the school by members of the community
- pupil participation, exclusions, rewards, sanctions, bullying and discriminatory behaviour, admissions and attendance etc.
- the content of the curriculum
- pupils' personal and social development and pastoral care
- staff recruitment, training and promotion
- any other useful data.

The Headteacher reports on the results of this assessment and monitoring on an ongoing basis in the Headteacher's reports. The Policy, along with any associated codes of practice and procedures, will be subject to regular review to ensure that the school's commitment to promoting and managing equality and diversity is actively pursued.

Outcomes:

This policy will make a key contribution to the school's positive ethos. This policy will play an important part in the educational development of individual pupils. It will ensure that all pupils are treated as favourably as others and that the school will make all the reasonable adjustments necessary to promote equity and community cohesion. Learners from all backgrounds will be treated as equal and valued members of the school community. The headteacher and Governing Body will assess the impact of this policy and monitor its operation. It is to be viewed in conjunction with the school's other policies.



Responsibility for the policy:

Responsibility for promoting and managing equality and diversity within the school rests with the Governing Body. The Headteacher is responsible for day-to-day management issues.

All members of the school community will have responsibility for following and promoting the policy.

The school will also work in partnership with others, for example, the Local Authority and HR advisors for personnel related issues.

Any intentional infringement of the policy is treated as a serious matter. Action may be taken by the school against any member of staff, using the most appropriate procedures, where there is sufficient evidence to support it. Such action may include the use of conciliation, mediation, competency or disciplinary procedures.

The policy will apply to all staff and pupils. Parents/carers, visitors, contractors and any other persons connected to the school are expected to comply with the Equality and Diversity policy.

Additional information:

The Equality Act 2010 replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act, and provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. It simplifies the law by removing anomalies and inconsistencies that had developed over time in the existing legislation, and it extends the protection from discrimination in certain areas.

This Equality Policy and Plan sets out the school's approach to promoting equality and diversity in line with legislative requirements of the 2010 Equality Act. The Single Equality Act reflects the Government's commitment, 'to narrowing gaps, and to tackling the barriers to equal opportunities and social mobility which hold individuals back, and bring heavy social and economic costs. Equality is central to building a strong economy and fairer society'.

It is against the law to discriminate against anyone because of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

These are called 'protected characteristics'. People are protected from discrimination:

- at work
- in education
- as a consumer
- when using public services

- when buying or renting property
- as a member or guest of a private club or association

People are also protected from discrimination if:

- they are associated with someone who has a protected characteristic, e.g. a family member or friend
- they have complained about discrimination or supported someone else's claim

Race Equality: The definition of race includes colour, nationality and ethnic or national origins. The 2010 Act states that, 'Schools need to make sure that pupils of all races are not singled out for different and less favourable treatment from that given to other pupils. Schools should check that there are no practices which could result in unfair, less favourable treatment of such pupils. For example, it would be unlawful for a selective school to impose a higher standard for admission to applicants from an ethnic minority background, or for a school to impose stricter disciplinary penalties on African Caribbean boys than they do in similar circumstances to children from other backgrounds.'

Segregation of pupils by race is always direct discrimination. It would thus be unlawful for a school to put children into sets, or into different sports in PE classes, according to their ethnicity. This stipulation in the Act is to make it clear that claims that segregated treatment is "separate but equal" cannot be sustained where race is concerned. It does not mean that schools cannot take positive action to deal with particular disadvantages affecting children of one racial or ethnic group, where this can be shown to be a proportionate way of dealing with such issues.'

- **Disability:** The Equality Act 2010 states, 'The overriding principle of equality legislation is generally one of equal treatment - i.e. that you must treat a black person no less well than a white person, or a man as favourably as a woman. However, the provisions relating to disability discrimination are different in that you may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to your practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what you offer to the same extent that a person without that disability can. So in a school setting the general principle is that you have to treat all genders, all races including colour, nationality, ethnic or national origin and pupils' sexual orientation equally - but you may be required to treat disabled pupils differently. Discrimination is also defined rather differently in relation to disability

New Provisions Relating to Disability: The disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA). There are some minor differences:

- Unlike the DDA the Equality Act does not list the types of day to day activities which a disabled person must demonstrate that they cannot carry out, thus making the definition of disability less restrictive for disabled people to meet.
- Failure to make a reasonable adjustment can no longer be defended as justified. The fact that it must be reasonable provides the necessary test.
- Direct discrimination against a disabled person can no longer be defended as justified – bringing it into line with the definition of direct discrimination generally.
- Schools and local authorities will (when provisions are implemented) be under a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through Special Educational Needs (SEN) Statements.

Definition of Disability: The Act defines disability as when a person 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.' Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

The Act sets out details of matters that may be relevant when determining whether a person meets the definition of disability. Long term is defined as lasting, or likely to last, for at least 12 months.

Unlawful Behaviour with Regard to Disabled Pupils

- **Direct Discrimination:** A school must not treat a disabled pupil less favourably simply because that pupil is disabled – for example by having an admission bar on disabled applicants.
A change for schools in this Act is that there can no longer be justification for direct discrimination in any circumstances. Under the DDA schools could justify some direct discrimination – if was a proportionate means of meeting a legitimate aim. What the change means is that if a school discriminates against a person purely because of his or her disability (even if they are trying to achieve a legitimate aim) then it would be unlawful discrimination as there can be no justification for their actions.
- **Indirect Discrimination:** A school must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only – for example having a rule that all pupils must demonstrate physical fitness levels before being admitted to the school – unless they can show that it is done for a legitimate reason, and is a proportionate way of achieving that legitimate aim.
- **Discrimination arising from disability:** A school must not discriminate against a disabled pupil because of something that is a consequence of their disability – for example by not allowing a disabled pupil on crutches outside at break time because it would take too long for her to get out and back. Like indirect discrimination, discrimination arising from disability can potentially be justified.
- **Harassment:** A school must not harass a pupil because of his disability – for example, a teacher shouting at the pupil because the disability means that he is constantly struggling with class-work or unable to concentrate.

Reasonable adjustments and when they have to be made:

The duty to make reasonable adjustments applies only to disabled people. For schools the duty is summarised as follows:

- Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.
- Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.
- Schools are not subject to the other reasonable adjustment duty to make alterations to physical features because this is already considered as part of their planning duties.
- The duty to provide auxiliary aids is new to schools and will not be introduced until a later date to allow time for planning and informed implementation.

A minor change for schools is that a failure to make a reasonable adjustment cannot now be justified, whereas under the DDA it could be. However this change should not have any practical effect due to the application of the

reasonableness test – i.e. if an adjustment is reasonable then it should be made and there can be no justification for why it is not made. Schools will not be expected to make adjustments that are not reasonable.

In addition to having a duty to consider reasonable adjustments for particular individual disabled pupils, schools will also have to consider potential adjustments which may be needed for disabled pupils generally as it is likely that any school will have a disabled pupil at some point. However, schools are not obliged to anticipate and make adjustments for every imaginable disability and need only consider general reasonable adjustments - e.g. being prepared to produce large font papers for pupils with a visual impairment even though there are no such pupils currently admitted to the school. Such a strategic and wider view of the school's approach to planning for disabled pupils will also link closely with its planning duties.

The Act does not set out what would be a reasonable adjustment or a list of factors to consider in determining what is reasonable although a code of practice produced by the Equality and Human Rights Commission (EHRC) will include factors that should be taken into account. It will be for schools to consider the reasonableness of adjustments based on the circumstances of each case. However, factors a school may consider when assessing the reasonableness of an adjustment may include the financial or other resources required for the adjustment, its effectiveness, its effect on other pupils, health and safety requirements and whether aids have been made available through the Special Educational Needs route.

Cost will inevitably play a major part in determining what is reasonable and it is more likely to be reasonable for a school with substantial financial resources to have to make an adjustment with a significant cost, than for a school with fewer resources. The Act gives the example, 'a small rural primary school may not be able to provide specialised IT equipment for any disabled pupils who may need it and it may not be reasonable for the school to provide that equipment. On the other hand, a much larger school might reasonably be expected to provide it. Often, though, effective and practicable adjustments for disabled pupils will involve little or no cost or disruption and are therefore very likely to be reasonable for a school to have to make'.

Schools generally will try to ensure that disabled pupils can play as full a part as possible in school life and the reasonable adjustments duty will help support that. However, there will be times when adjustments cannot be made because to do so would have a detrimental effect on other pupils and would therefore not be reasonable – for example, if a school put on a geology field trip which necessarily involved climbing and walking over rough ground and after fully considering alternatives to accommodate a disabled pupil in a wheelchair who could not take part it determined that there was no viable alternative or way of enabling the disabled pupil to participate or be involved, it would not have to cancel the trip as originally planned. This is unlikely to constitute direct discrimination or failure to make a reasonable adjustment.

The reasonable adjustments duties on schools are intended to complement the accessibility planning duties and the existing SEND Statement provisions which are part of education legislation, under which Local Authorities have to provide auxiliary aids to pupils with a Statement of special educational need.

The duty applies in respect of all disabled pupils but many will have an SEND Statement and auxiliary aids provided by the LA and so may not require anything further. However, if the disabled pupil does not have a statement (or the

statement doesn't provide the necessary aid) then the duty to consider reasonable adjustments and provide such auxiliary aids will fall to the school.

Schools' Duties Around Accessibility For Disabled Pupils: The Equality Act states that, 'Schools and LAs need to carry out accessibility planning for disabled pupils. These are the same duties as previously existed under the DDA and have been replicated in the Equality Act 2010. Schools must implement accessibility plans which are aimed at:

- Increasing the extent to which disabled pupils can participate in the curriculum.
- Improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided.
- Improving the availability of accessible information to disabled pupils.

Schools will also need to have regard to the need to provide adequate resources for implementing plans and must regularly review them. An accessibility plan may be a freestanding document but may also be published as part of another document such as the School Development Plan.

OFSTED inspections may include a school's accessibility plan as part of their review.

Religion or Belief: The Equality Act defines, 'religion' as being any religion, and 'belief' as any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics. These definitions are fairly broad and the concepts of religion and belief therefore must be construed in accordance with Article 9 of the European Convention on Human Rights and with existing case law. This means that to benefit from protection under the Act, a religion or belief must have a clear structure and belief system, and should have a certain level of cogency, seriousness and cohesion, and not be incompatible with human dignity.

Religion will include for example all the major faith groups and 'belief' will include non-religious worldviews such as humanism. Religion will also include denominations or sects within a religion, such as Catholicism or Protestantism within Christianity. It is not however intended to include political beliefs such as Communism or support for any particular political party.

Lack of religion or belief is also included in the definition of 'religion or belief'. This means it will be unlawful to discriminate against someone on the grounds that they do not adhere, or sufficiently adhere, to a particular religion or belief (even one shared by the discriminator), or indeed any religion or belief at all – such as, for example, an atheist.

Discrimination because of religion or belief means treating a person less favourably than another person is or would be treated, because of their religion or belief, or the religion or belief they are perceived to have, their lack of religion or belief, or the religion or belief, or lack of it, of someone else with whom they are associated.

The Equality Act makes it clear that, 'unlawful religious discrimination can include discrimination against another person of the same religion or belief as the discriminator. This is to ensure that any potential discrimination between, e.g. Orthodox and Reform Jews, or Shia and Sunni Muslims, would also be unlawful. So if a Muslim pupil is not chosen for a part in a school play because it is thought to be inappropriate for a girl of that faith; that will be

discrimination even if the decision was taken by a Muslim teacher. Nor could a Muslim teacher choose one Muslim pupil over another for a part in the play because he thinks the chosen pupil is a more observant member of his faith and should be rewarded’.

The definition of discrimination on grounds of religion or belief does not address discrimination on any other ground (such as race, sex or sexual orientation). The Act does not allow a teacher to discriminate against a pupil because of his own personal religious views about homosexuality or the role of women for example.

Sex/Gender: The 2010 Act states that, ‘Schools need to make sure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of boys or girls. For example, it would be unlawful for a school to require girls to learn needlework while giving boys the choice between needlework and woodwork classes’.

Although the Equality Act forbids discrimination in access to benefits, facilities and services; the Act does contain an exception which permits single-sex sports. It applies to participation in any sport or game, or other activity of a competitive nature, where the physical strength, stamina or physique of the average girl would put her at a disadvantage in competition with the average boy. But while this exception might permit a mixed school to have a boys’ only football team, the school would still have to allow girls equal opportunities to participate in comparable sporting activities. The judgment on whether girls would be at a physical disadvantage needs to take into account the particular group in question, so it is much less likely to justify segregated sports for younger children. Where separate teams exist, it would be unlawful discrimination for a school to treat one group less favourably – for example by providing the boys’ hockey or cricket team with much better resources than the girls’.

Sexual Orientation: The Equality Act places a requirement on schools,’ to make sure that all gay, lesbian or bi-sexual pupils, or the children of gay, lesbian or bi-sexual parents, are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of such pupils. For example, it would be unlawful for a school to refuse to let a gay pupil become a prefect because of his sexual orientation’.

This policy should be read alongside other policies such as: Behaviour, Gender, SEND, British Values, Safer Recruitment, Disciplinary, Pupil Premium, Admissions, Anti-Bullying, Allegations,

This policy was approved by the Governing Body – November 2016; March 2021