



Sea View Community Primary
School



Equality Policy

UNCRC

We are a Rights Respecting School and pay due regard to the United Nations Convention on the Rights of the Child (UNCRC) in all our working practices. We consistently reference and remind our children of the articles and the importance of the convention. We use the convention to promote a positive behaviour ethos across the whole school community.

The articles linking to this policy are: A2, A3, A6, A7, A8, A12, A13, A14, A16, A19, A22, A23, A27, A28, A29, A30 & A34.

Equality Statement

At Sea View Community Primary School, we are committed to ensuring equality of opportunity for all pupils, staff, parents and carers irrespective of race and nationality, gender, gender identity, disability, religion or belief, sexual orientation, pregnancy, marriage, age or socio-economic background. We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and ability to participate fully in school life.

We tackle discrimination through the positive promotion of equality, by challenging bullying and stereotypes and by creating an environment which champions respect for all.

At Sea View Community Primary School, we believe that diversity is a strength which should be respected and celebrated by all those who learn, teach and visit us.

The school has a full and separate Equality Policy. Please consult this for further details.

Background

On 1 October 2010, the Equality Act 2010 replaced existing equality legislation such as the Race Relations Act, Disability Discrimination Act (DDA) and Sex Discrimination Act. The Equality Act 2010 is designed to simplify and strengthen the law, removing inconsistencies and making it easy for everyone to understand and comply with.

Within the Act, protection from discrimination has been extended through the identification of nine 'protected characteristics:'

- Age
- Disability
- Gender Reassignment
- Pregnancy and maternity
- Sex
- Sexual Orientation
- Race (including ethnic or national origin, colour or chosen nationality)
- Religion or belief – including the lack of belief
- Marriage and partnership

A 'Public Sector Equality Duty,' for all public sector organisations to follow, including schools, has replaced the three previous separate duties for promoting disability, gender and race equality. The 'Public Sector Equality Duty,' ensures public organisations, like Sea View Community Primary School, consider how they positively contribute to creating a fairer society, through 'due regard' to the protected characteristics.

The responsibility to have 'due regard' to equality means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications.

In order that we at Sea View carry out our 'general duty,' within the Public Sector Equality Duty, we must aim to:

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

In response to this new legislation, Sea View Community Primary have reviewed our policies and schemes relating to equality and brought all aspects, such as race and disability together within one Equality Policy.

The following **Key Principles** underpin our policy for equal opportunities:

- We do not discriminate against anyone, whether they are staff, pupils or parents, on the grounds of ethnicity, language, religion, non-belief, attainment, age, gender reassignment, disability, gender, sexual orientation, background or other characteristics.
- We promote fairness and justice for all through the education that we provide in our school.
- We constantly strive to remove any forms of indirect discrimination that may form barriers to learning for some groups.
- We ensure that all recruitment, employment, promotion and training systems are fair to all, and provide opportunities for everyone to participate.
- We challenge personal prejudice and stereotypical views whenever they occur.
- We value each person's worth and celebrate the individuality and cultural diversity of the school community.
- We are aware that prejudice and stereotyping are caused by ignorance. Through positive educational experiences, and support for each individual's legitimate point of view, we aim to promote positive social attitudes, and respect for all.

Statements relating to our general duty to eliminate inequalities, advance equality and foster good relationships between those who have protected characteristics and those that do not will be printed in all relevant school documentation e.g school prospectus and related policies.

The Public Sector Equality Duty or 'general duty' is set out in the Equality Act, 2010, while the specific duties are set out in secondary legislation (the Equality Act 2010 (Specific Duties) Regulations 2011).

The specific duties are meant to help public bodies fulfil their obligations under the general duty.

The specific duties regulations require schools:

(a) to publish information to demonstrate how they are complying with the Public Sector Equality Duty, and

(b) to prepare and publish equality objectives.

They will then need to update the published information at least annually and to publish objectives at least once every four years.

In compliance of the specific duties within the Public Sector Equality Duty, the school has produced a Strategic Equality Plan which outlines our equality objectives and identifies the steps we will take to achieve them.

Sea View Community Primary School will also publish this policy and related Strategic Equality Plan, as well as produce an annual review which illustrates the progress we are making in meeting our equality objectives. These documents will be available on line and in hard copies through the school.

Unlawful behaviour

The Equality Act, 2010, makes it unlawful for the school's governing body to discriminate against, harass or victimise a pupil or potential pupil:

- in relation to admissions,
- in the way it provides education for pupils,
- in the way it provides pupils access to any benefit, facility or service, or
- by excluding a pupil or subjecting them to any other detriment.

It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated.

It is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken.

The Act defines four kinds of unlawful behaviour:

- direct discrimination;
- indirect discrimination;
- harassment and
- victimisation

Each of these four kinds of unlawful behaviour are considered below:

- **Direct discrimination** occurs when one person treats another less favourably, because of a protected characteristic eg a pupil could not be a prefect because of their religion.
- **Indirect discrimination** occurs when a provision or activity is applied generally but has the effect of putting people with a protected characteristic at a disadvantage

eg holding a parents' meeting during Eid, which could make it difficult for Muslim parents to attend.

- **Harassment** has a specific legal definition in the Act - it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.
- **Victimisation** occurs when a person is treated less favourably than they otherwise would have been because of something they have done (“a protected act”) in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person’s complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation. As well as it being unlawful to victimise a person who has a protected act, a child must not be victimised because of something done by their parent or a sibling in relation to the Act. This means that a child must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the school.

General Exceptions

Within the Act, there are a few exceptions which are relevant to the life of Sea View Community Primary School:

Curriculum

The content of the school curriculum has never been included in discrimination law, and this Act now states explicitly that it is excluded.

Excluding the content of the curriculum ensures that schools are free to address a full range of issues, ideas and materials and expose pupils to thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic.

However, the way in which a school provides education – the delivery of the curriculum – is explicitly included. Schools will need to ensure that the way in which issues are taught does not subject individual pupils to discrimination.

Acts of worship

There is a general exception, which applies to all schools, regarding acts of worship or other forms of collective religious observance. This means the daily act of collective worship, which for maintained schools is mandatory and should be of a broadly Christian nature, is not covered by the religion or belief provisions. The exception means that schools will not be acting unlawfully if they do not provide an equivalent act of worship for other faiths.

Schools are also free to celebrate religious festivals and could not be claimed to be discriminating against children of other faiths if, for example, they put on a nativity play at Christmas or hold a celebration to mark other religious festivals such as Diwali or Eid.

Uniforms

The Equality Act does not deal specifically with school uniform or other aspects of appearance such as hair colour and style, and the wearing of jewellery and make-up, but the general requirement not to discriminate in the treatment of pupils applies here as in relation to other aspects of school policy. It is for the governing body of a school to decide rules relating to appearance, and if so what they should be. Our Uniform Policy sets out the school's views on this particular aspect.

Bullying

The issue of bullying motivated by prejudice is a particularly sensitive issue. Although schools cannot be held to account because of relationships between one pupil and another, they do need to ensure that all forms of prejudice-motivated bullying are taken seriously and dealt with equally and firmly. Our Anti-Bullying policy makes reference to this fact.

Sea View Community Primary School in relation to the Protected Characteristics

Sea View Community Primary has considered how each protected characteristic is relevant to the school:

Gender Reassignment

Anyone who is undergoing, has undergone or is proposing to undergo a process (or part of a process) of reassigning their sex is included in this protected characteristic.

Therefore individuals will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so, in order to be protected.

It is relatively rare for pupils – particularly very young pupils – to want to undergo gender reassignment although indications are that this number is increasing. Gender

Dysphoria (*or Gender Identity Disorder*) is a clinical condition that can present from as early as age 2.

Schools need to make sure that all gender variant pupils, or the children of transgender 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.

Sea View Community Primary extends this due regard to all individuals protected by gender reassignment who come into contact with the school.

We welcome individuals who wish to share with us information relating to gender reassignment and will act accordingly to their wishes. eg addressing them by a different name or altering the third person pronoun accordingly when referring to them in a conversation or written document.

We will support parents and guardians of pupils who believe their child may have a gender identity disorder and offer them access to specialist support, if they so wish.

We will support all gender variant pupils within school and act on any discrimination that may occur towards them.

Race

Following the principles of the Equality Act 2010, racial equality is now considered within this Equality Policy, rather than a separate policy.

The definition of race includes colour, nationality and ethnic or national origins.

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.

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. 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.

At Sea View Community Primary School we strive to eliminate all forms of racial discrimination by providing pupils with learning experiences which raise awareness of different races and cultures and encourage them to celebrate diversity. In a diverse community such as ours, all pupils have the right to develop a sense of personal and cultural identity, with a confidence and openness to diversity that allows them to be receptive and respectful to other people's identities.

We welcome pupils and their families willing to share information relating to their own cultures. Currently, around 25% of our pupils are identified as English as Additional Language learner.

As well as providing learning experiences which promote multi-culturalism, many of our learning materials in school are selected to reflect a range of cultural backgrounds. We ensure that racial and cultural stereotypes are not represented within them.

Dealing with racial discrimination

Any incident of racial discrimination is unacceptable in our school.

All racist incidents are reported to the head teacher and recorded on a Local Authority specified form in the presence of the pupil who has behaved inappropriately. The member of staff completing the form indicates what action has been taken and what may be done to prevent such incidents occurring in the future. A copy of the form is sent to the Local Authority.

Where appropriate, the parents of the offending child and the parents of the victim are informed of the incident.

Religion or Belief

All religions and beliefs are essentially covered in the Equality Act 2010, including the right to no religion or belief. Religious discrimination can also include discrimination against another person of the same religion or belief as the discriminator.

At Sea View Community Primary school we teach a broad curriculum which teaches pupils about a number of faiths and the need to have respect for each individual's faith, even if you share differing views.

As mentioned within the General Exceptions, acts of daily worship are mandatory and should be predominantly Christian.

However, we respect parents' views and will remove pupils from acts of collective worship and activities of a religious nature, if this is requested.

Sex

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.

The Equality Act 2010 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 woman (or girl) would put her at a disadvantage in competition with the average man (or 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 harder to justify segregated sports for younger children.

Pupils in Sea View Community Primary School have access to the same opportunities, including sporting opportunities, regardless of their sex. Pupils are encouraged to participate in mixed sex sporting events, in school and local tournaments.

Pregnancy and Maternity

Protection for pupils from discrimination because of pregnancy and maternity is new in the Equality Act. This means that for the first time it will be unlawful for schools to treat a pupil less favourably because she becomes pregnant or has recently had a baby, or because she is breastfeeding.

While it is unlikely that such an issue would develop, due to the age range of the pupils we teach, it is not impossible. Should an issue occur, the school would ensure that the pupil and family would be supported to deal with the pregnancy, how they saw fit.

With regards to other individuals in the school community who may be pregnant or nursing a baby, the school will do everything it can to ensure no discrimination takes place. For staff, pregnancy related risk assessments are carried out to ensure the safety of the expectant mum and the unborn baby. For parents or other users who are pregnant we will help in any way we can, e.g. organising parental consultation sessions at a convenient time to prevent the expectant mum having to wait for an undue length of time.

Sexual Orientation

Schools need to make sure that all pupils identifying as LGBT+ or the children of LGBT+ 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.

To ensure that no individual within the school community feels discriminated by their sexual orientation, the school encourages an acceptance of all relationships. We welcome parents who wish to share this information with us, if they so wish and respect those who prefer to keep such information private.

The school will not tolerate any form of discrimination relating to sexual orientation.

Disability

The provision for protecting individuals with a disability is more complex than other protected characteristics.

The Equality Act 2010 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.

Long term is defined as lasting, or likely to last, for at least 12 months.

A school must not treat a disabled pupil less favourably simply because that pupil is disabled – for example, not allowing a child in a wheelchair to participate in a Christmas concert.

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, providing a timed written exam without any auxiliary aids for those who need them.

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.

A school must not harass a pupil because of a disability – for example, a teacher cannot reprimand a pupil because the disability means that he is constantly struggling with class-work or unable to concentrate.

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, the school has a reasonable adjustment duty to take reasonable steps to remove that disadvantage by:

- changing provisions, criteria or practices,
- altering, removing or providing a reasonable alternative means of avoiding physical features, and
- providing auxiliary aids.

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.

Auxiliary aids and services

Some disabled children will have a Special Educational Need (SEN) and may need auxiliary aids which are necessary as part of their SEN provision; in some circumstances as part of a formal Statement of Special Education Needs / Individual Development Plan (IDP).

Schools will have to consider whether to provide auxiliary aids as a reasonable adjustment for disabled children. This will particularly be the case where a disabled child does not have a formal Statement of Special Education Needs / Individual Development Plan or where the statement/IDP does not provide the auxiliary aid or service.

Failure to make a reasonable adjustment cannot be justified.

The Act however, does not set out what would be a reasonable adjustment or a list of factors to consider in determining what is reasonable. 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 Additional Learning Needs routes.

In addition to having a duty to consider reasonable adjustments for individual disabled pupils, schools will also have to consider potential adjustments which may be needed for disabled pupils in general, 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.

Sea View Community Primary School aims to ensure that disabled pupils can play as full a part as possible in school life and will respond appropriately to the reasonable adjustments duty to make such involvement possible.

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.

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

Schools' duties around accessibility for disabled pupils

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 and
- improving the availability of accessible information to disabled pupils.

Age

A person's age is a protected characteristic in relation to employment and the Act extends this to the provision of goods and services. However, this is not the case for children and does **not** apply to pupils in schools. Schools therefore remain free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge.

At Sea View Community Primary School we do not discriminate against age and welcome people of all ages to participate in the life of the school. We also acknowledge the benefits that can be borne from intergenerational work and encourage such activities to take place so that various age ranges can learn from each other.

Equal Marriage & Civil Partnerships

While this protected characteristic would not refer to pupils, the school welcomes all parents and individuals, regardless as to whether they are single, co-habiting, married or legally recognised as civil partners.

Publishing Data

Data about employees does not need to be published where a public authority has fewer than 150 employees. This means that for the great majority of schools, Sea View Community Primary being one, only pupil-related data needs to be published.

However, schools must ensure that individuals cannot be identified through the publication of data and it is for the school to determine whether the data is suitable for publication. Furthermore, schools will not be required to collect any statistical data which they do not already collect routinely. Finally it is also important to note that the published information does not necessarily have to be statistical data.

Sea View will only publish pupil data if it is deemed necessary to do so.

Further guidance regarding to equal opportunities can be found at

<http://www.equalityhumanrights.com/>

Strategic Equality Plan

The school has developed a Strategic Equality Plan which outlines the school's equality objectives and identifies steps which we will take to fulfil these objectives, along with a proposed timescale.

Schools are free to choose the equality objectives that best suit their individual circumstances and contribute to the welfare of their pupils and the school community. Equality objectives may arise from analysis schools have carried out on their published data or other information, where they have identified an area for potential improvement on equalities, or they may – for example - be set in anticipation of a change in local circumstances.

The school evaluates the effectiveness of the Strategic Equality Plan annually.

See Strategic Equality Plan

Reviewed – Spring 2021

Next Review – Autumn 2022