



CASTLEFORD
PARK JUNIOR ACADEMY

Equality and Diversity Policy

Date: November 2020

Version 2

Next Review: November 2022

Introduction: The policy sets out Castleford Park Junior's School's approach to promoting equality, as defined within the Equality Act 2010. This Act replaces all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It consolidates this legislation and also provides some changes for schools. It covers sex, race, disability, religion or belief, sexual orientation, persons who are undergoing or who have undergone gender reassignment and the school statutory duty to produce a Single Equality Scheme from April 2011.

'Equality Act 2010 and Schools' Guidance - Key Points

The Equality Act 2010 provides a single, consolidated source of discrimination law. It simplifies the law and it extends protection from discrimination in some areas.

As far as schools are concerned, for the most part, the effect of the current law is the same as it has been in the past - meaning that schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief or sexual orientation.

Our Policy includes this guidance relevant to schools. The Act makes it unlawful for the responsible body of a school 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.

The "responsible body" is the governing body or the local authority for maintained schools in England and Wales.

Protected Characteristics

It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their:

- sex
- race
- disability
- religion or belief
- sexual orientation
- gender reassignment
- pregnancy or maternity

Association

It is 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.

Perception

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

Protection for transgender pupils against gender reassignment discrimination is also included in this Act.

The term "protected characteristics" is used as a convenient way to refer to the personal characteristics to which the law applies.

A person's age is also a protected characteristic in relation to employment and the Act extends this (except for children) to the provision of goods and services, but age as a protected characteristic 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, even in the case of pupils over the age of 18.

Unlawful behaviour

The Act defines four kinds of unlawful behaviour - direct discrimination; indirect discrimination; harassment and victimisation.

1. **Direct discrimination** occurs when one person treats another less favourably, because of a protected characteristic, than they treat - or would treat - other people. This describes the most clear-cut and obvious examples of discrimination.
2. **Indirect discrimination** occurs when a "provision, criterion or practice" is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic.
3. **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. Where schools are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of

disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does not mean that schools are free to bully or harass pupils on these other grounds - to do so would still be unlawful as well as unacceptable. Any case against the school would be on grounds of direct discrimination rather than harassment.

4. **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 carries out 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.

Special provisions for disability

The law on disability discrimination is different from the rest of the Act in a number of ways. In particular, it works in only one direction - that is to say, it protects disabled people but not people who are not disabled. This means that schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with pupils without disabilities. The definition of what constitutes discrimination is more complex. Provision for disabled pupils is closely connected with the regime for children with special educational needs.

At Castleford Park Junior Academy, we aim to:

- Offer equal opportunities regardless of race, culture, gender, academic ability, physical ability or class.
- Provide an environment free from social, sexual or cultural prejudice for all members of our school community.
- Achieve an environment in which members of the school community can be respected as individuals and in which the varied experiences of the community can enrich the life of the school.

- Equal Opportunities is the responsibility of the whole school community and must be reflected throughout the organisation and be addressed in the taught and hidden curriculum.
- All staff, governors, parents/guardians and pupils will be involved in developing, implementing and monitoring the equal opportunities policy and practice.
- All staff, governors, parents/guardians and pupils regardless of race, ethnicity, disability, gender and socio-economic background, are welcome and will be encouraged to participate in the life of the school.
- The school recognises its responsibilities under the Race Relations Act, Sex Discrimination Act and Disability Discrimination Act to eliminate discrimination and to promote good race relations.

1) Actions that we take to ensure equal opportunities:

- Statements of equality dimensions and opportunity will be printed in all relevant school documentation e.g. school prospectus, vision statement, policies and in the staff handbook.
- All governors, staff and pupils will receive training in relevant aspects of equal opportunities to ensure their ability to actively support this policy.
- On acceptance to the school all parents will receive information detailing the school's Behaviour Policy.
- The school will make all reasonable effort to ensure that meetings are accessible and convenient for all and take into account particular needs and requirements, e.g. physical access, child care and interpreter support.
- Parents and members of the local community are invited to help in the delivery of the curriculum.
- The school will include in its annual report to parents, information concerning the arrangements made for the admission of disabled pupils; the steps taken to prevent disabled pupils from being treated less favourably than other pupils; the facilities provided to assist access to the school by disabled pupils. Progress in these areas are documented in the School's Accessibility Plan.

2) Ensuring Inclusion

The school recognises its need to celebrate the diversity that exists within its community and to ensure that all have the opportunity to respond to the expectations and challenges of the curriculum.

What follows are the different areas in which the school will pay particular attention to ensuring that there is Equal Opportunity for all as defined within the **Equality Act 2010**.

Equality Objectives

We aim to provide the best education for all at Castleford Park Junior Academy Primary School. The ethos of our school clearly reflects our commitment to fully including, respecting and supporting all members of our school community whatever their cultural background, belief, gender, race or disability. Having referred to and analysed our equality information we have set ourselves the following objectives:-

Objective 1 To ensure that the curriculum effectively supports the needs of all children, with particular reference to vulnerable groups. Every effort is made to remove barriers to full pupil participation. We ensure that the way in which issues are taught do not subject individuals to discrimination.

Objective 2 To ensure that there are no differences in progress or confidence due to cultural background, belief, gender, race or disability.

Objective 3 To provide a balance of gender role models for all children.

Objective 4 To ensure that in all staff appointments, the best candidate will be appointed, based upon strict professional criteria.

Gender reassignment

Protection from discrimination because of gender reassignment in schools is new for pupils in the Equality Act, although school staff are already protected. It is unlawful for schools to treat pupils less favourably because of their gender reassignment. Gender reassignment is defined in the Equality Act as applying to anyone who is undergoing, has undergone or is proposing to undergo a process (or part of a process) of reassigning their sex by changing physiological or other attributes. This definition means that in order to be protected under the Act, a pupil 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. The protection against discrimination because of gender reassignment now matches the protection because of sexual orientation in schools. That is protection from direct and indirect discrimination and victimisation, which includes discrimination based on perception and on association. We will ensure 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.

Segregating pupils by race or ethnicity

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.

Race Equality Duty

Schools previously had a statutory duty which required them to take proactive steps to tackle racial discrimination, and promote equality of opportunity and good race relations. Under the Equality Act, this has been replaced by the general equality duty and the specific duties - covered in chapter 5 of the guidance.

"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 would 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

At Castleford Park Junior Academy we will ensure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils. We will check that there are no practices which could result in unfair, less favourable treatment of boys or girls.

Sexual orientation and marriage and civil partnership

At Castleford Park Junior Academy we will ensure 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. We will check that there are no practices which could result in unfair, less favourable treatment of such pupils.

Teaching about marriage must be done in a sensitive, reasonable, respectful and balanced way. Teachers are subject to professional requirements, the school curriculum, school policies, and anti-discrimination duties towards colleagues and pupils.

Teaching should be based on facts and should enable pupils to develop an understanding of how the law applies to different relationships. Teachers must have regard to statutory guidance on sex and relationship education, and to meet duties under equality and human rights law.

Disability

The disability provisions in this Act are different from those for other protected characteristics in a number of ways.

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 male and female, black and white, gay and straight pupils equally - but you may be required to treat disabled pupils differently. Discrimination is also defined rather differently in relation to disability 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 as follows:

- 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.
- From September 2012 schools and local authorities have a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through Special Educational Needs and/or Disabilities (SEND) EHCs or from other sources. In practice this will already be being done in many cases.

Roles and Responsibilities

School governors are responsible for:

- making sure the school complies with current equality legislation
- making sure this policy and its procedures are followed

The Headteacher is responsible for:

- making sure the policy is readily available and that the governors, staff, pupils and their parents/carers know about it
- making sure its procedures are followed
- producing regular information for staff and governors about the policy and how it is working and providing training for them on the policy, if necessary
- making sure all staff know their responsibilities and receive training and support in carrying these out
- taking appropriate action in cases of harassment and discrimination

All school staff are responsible for:

Equality Policy Castleford Park Junior Academy

- modelling good practice, dealing with discriminatory incidents and being able to recognise and tackle bias and stereotyping
- promoting equality and avoiding discrimination against anyone
- keeping up to date with the law on discrimination and taking training and learning opportunities

Pupils are responsible for:

- Keeping equality and diversity issues on the School Council agenda, through a shared input with staff on developing policies relating to this area.

This may include: – the anti-bullying policy and specifically racist and homophobic bullying – developing school/class rules which challenge discriminatory behaviour

Parents/Carers are responsible for:

- Encouraging equality and diversity with their own children, to share input with staff on developing policies relating to this area.

Visitors and contractors are responsible for:

- Knowing and following our equality policy

Responsibility for overseeing equality practices in the school lies with the Headteacher and Chair of Governors:

Responsibilities include:

- Coordinating and monitoring work on equality issues
- Dealing with and monitoring reports of harassment (including racist and homophobic incidents)
- Monitoring the progress and attainment of potentially vulnerable groups of pupils (e.g. children and young people in care, children from minority ethnic/language or Traveller communities, disabled pupils etc.)
- Monitoring exclusions Monitoring, Reviewing and Assessing Impact The school's Equality Policy.

Monitoring of the policy:

We acknowledge that groups of people have often suffered disadvantage due to prejudice or ignorance. We recognise it is all too easy for the structure of institutions to result in 'inequality by default'. We therefore commit ourselves to take positive steps to examine our policies and practice and to change them where necessary. The effectiveness of the above policy and our practice will therefore be evaluated every two years. This will be done every two years by the Senior Leadership Team in consultation with the whole school community.

Related documents:

- Accessibility Action Plan
- SEND Policy
 - Behaviour Policy
- Safeguarding Policy
- Anti-Bullying Policy

Monitoring and Review:

For Review: Nov 2022

Signed



Date: Nov 2020

Miss K. Law Headteacher



Signed

Date: Nov 2020

Mrs L. Simpson Chair of Governors

Signed



Date: Nov 2020

Mrs J Roberts DHT/SEND CO