

# Equality Policy



**This Equality Policy replaces the;**

- Race Equality Policy
- Disability Equality Scheme
- Gender Equality Scheme
- Equal Opportunity Policy

## **Purpose**

The purpose of this policy is to set out Bilston Nursery School's commitment to equality and inclusion and how it intends to comply with the Equality Act 2010.

### **1. Mission Statement**

At Bilston Nursery School we are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of **race, disability, sex, sexual orientation, gender reassignment, religion or belief, pregnancy and maternity, and age** for staff. We will adhere to the legal definitions of these protected characteristics as set out by the Equality and Human Rights Commission (EHRC) code of practice.

We aim to develop a culture of inclusion and diversity, in which all those connected to the school feel proud of their identity and able to participate fully in school life.

The achievement of pupils will be monitored by race, sex, age and disability and we will use this data to support pupils, raise standards and ensure inclusive teaching. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all. We believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

### **2. Mainstreaming Equality into Policy and Practice**

Whilst the school operates equality of opportunity in its day to day practice which is highlighted throughout this policy, specific actions are set out in the equality action plan.

## **Teaching and learning**

We aim to provide all our pupils with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, we will:

- Use contextual data to improve the ways in which we provide support to individuals and groups of pupils;
- Monitor achievement data by ethnicity, gender and disability and action any gaps, including providing targeted support where appropriate;
- Take account of the achievement of all pupils when planning for future learning and setting challenging targets;
- Ensure equality of access for all pupils and prepare them for life in a diverse society;
- Use materials that reflect the diversity of the school population and local community without stereotyping and expose pupils to a range of thoughts and ideas;
- Promote attitudes and values that will challenge racist and other discriminatory behaviour or prejudice.
- Provide opportunities for pupils to appreciate their own culture and celebrate the diversity of other cultures;
- Seek to involve all parents in supporting their child's education;
- Encourage classroom and staffroom discussion of equality issues which reflect on social stereotypes, expectations and the impact on learning;
- Include teaching and classroom-based approaches appropriate for the whole school population, which are inclusive and reflective of our pupils.
- Seek to involve the community around the school in the celebration and raising awareness of cultural issues.

## **Admissions and exclusions**

Our admissions arrangements are fair and transparent, and do not discriminate on the protected characteristics or socio-economic factors.

Exclusions will always be based on the school's Behaviour Procedures. We will closely monitor exclusions to avoid any potential adverse impact and ensure any disproportionality is identified and dealt with.

### **3. Equal Opportunities for Staff**

This section deals with aspects of equal opportunities relating to staff at Bilston Nursery School.

We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment.

All staff appointments and promotions are made on the basis of merit and ability and in compliance with the law. However we are concerned to ensure wherever possible that the staffing of the school reflects the diversity of our community.

### **Employer Duties**

As an employer we need to ensure that we eliminate discrimination, victimisation and harassment in our employment practice and advance equality across all groups within our workforce.

Equality aspects such as age, sex, race, disability, sexual orientation, gender re-assignment, pregnancy and maternity and religion and belief are considered when appointing staff and particularly when allocating Teaching and Learning Responsibilities (TLR) or re-evaluating staff structures, to ensure decisions are free of discrimination.

Actions to ensure this commitment is met include:

- Monitoring recruitment and retention including bullying and harassment of staff;
- Continued professional development opportunities for all staff, which are monitored
- as part of the performance management process;
- Senior Leadership Team support to ensure equality of opportunity for all.

### **4. Equality and the Law**

**Bilston Nursery School will ensure it does not unlawfully discriminate against its pupils, prospective pupils, staff, job applicants, or parents / carers in the performance of its duties, policies and practices.**

Discrimination means treating someone less (or more) favourably than a “comparator”. Harassment (which is one form of discrimination) means violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Victimisation means discrimination because of a previous complaint. We recognise that discrimination can occur in the following ways and will actively work to alleviate it;

- Direct discrimination

- Indirect discrimination
- Discrimination arising from disability including failure to make reasonable adjustments and provide auxiliary aids and services.
- Harassment
- Victimisation

## **Accessibility**

Bilston Nursery School will comply with the Building Regulations and the Education (School Premises) Regulations 1999 and should be physically accessible to disabled pupils. We will plan to

- Increase the extent to which disabled pupils can access the school curriculum;
- Improve the physical environment of the school to increase the extent to which disabled pupils can access education and associated services; and
- Improve access to written information which is provided to disabled pupils.
- This will be done within a reasonable period of time and in formats which take account of the views expressed by the pupils and parents/carers about their preferred means of communication.

We will review our accessibility targets at least every three years.

We will work actively to anticipate the needs of disabled staff and pupils and will ensure the inclusion of disabled people by making reasonable adjustments. We will consider the following in deciding when a reasonable adjustment request can be met;

- How effective the change will be in assisting the disabled person
- Its practicality
- The cost
- The resources and size of school
- The availability of any financial support and
- Any safety issues

## **5. The General Equality Duty and Public Sector Equality Duty**

The Equality Act 2010 introduced a single equality duty on all public bodies, including schools, which is extended to all protected strands – age, sex, sexual orientation, gender reassignment, race, disability, pregnancy and maternity, religion or belief. This combined equality duty, which replaces the three previous public sector equality duties, has three main elements. In the discharge of our functions, we will have due regard for the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

Bilston Nursery School will tackle discrimination by:

- (a) recording and reporting all racist incidents and prejudice related bullying incidents

Bilston Nursery School is committed to advancing equality of opportunity by:

- (a) removing or minimising disadvantages
- (b) taking steps to meet the needs of pupils, parents / carers and staff
- (c) encourage participation in any activity in which participation of protected groups is disproportionately low

Bilston Nursery School will foster good relations by:

- (a) tackling prejudice and harassment including bullying, and
- (b) promoting understanding between pupils from different backgrounds
- (c) [Insert any other action the school will be undertaking]

In order to comply with the requirements of the public sector equality duty (PSED) we will;

### **Collect and publish school equality information annually**

Bilston Nursery School undertake equality monitoring of our pupils by race, gender, age and disability across a number of areas including admissions, exclusions, progress and attainment.

Bilston Nursery School also undertakes routine equality monitoring of our staff. We will collect the following workforce information;

- The number of part-time / full-time staff and the race, gender, disability, and age distribution
- An indication of likely representation on sexual orientation, religion and belief, providing that individuals cannot be identified
- An indication of any issues for transsexual staff, based on our engagement with transsexual staff, providing that individuals cannot be identified, and voluntary groups
- Gender pay gap information

- Grievances and dismissals

We will publish school equality information annually.

## **6. Roles and Responsibilities**

### **The Role of Governors**

The governing board has set out its commitment to equal opportunities in this policy and it will continue to do all it can to ensure that the school is fully inclusive to pupils, and prospective pupils, and responsive to their needs.

The governing board seeks to ensure that people are not discriminated against when applying for jobs at our school on grounds of the protected characteristics and will take all reasonable steps to ensure that the school environment gives access to people with disabilities, and strive to make school communications as inclusive as possible for parents, carers and pupils.

The governors welcome all applications to join the school, whatever a child's socio-economic background, race, sex, disability, sexual orientation, religion or belief, gender reassignment, or pregnancy.

The governing board ensures that no child is discriminated against whilst in our school on account of any of the protected characteristics, and ensures that all reasonable adjustments are made for disabled pupils.

The governing board is liable for any breaches of the legislation. It is also liable for the actions of its employees and agents of the school, unless it can show that it took all reasonable steps to prevent discrimination, harassment or victimisation taking place.

### **The Role of the Head teacher**

It is the head teacher's role to implement the school's Equality Policy and is supported by the governing body in doing so.

It is the head teacher's role to ensure that all staff are aware of the Equality Policy and their responsibilities within it, and that teaching and non teaching staff are given appropriate training and support to apply this Policy fairly in all situations.

The head teacher ensures that all appointment panels give due regard to this Policy, so that no-one is discriminated against when it comes to employment or training opportunities.

The head teacher promotes the principle of equal opportunity when developing the curriculum, and promotes respect for other people and equal opportunities to participate in all aspects of school life.

The head teacher treats all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents, with due seriousness.

### **The role of all staff: teaching and non-teaching**

All staff will ensure that all pupils and members of staff are treated fairly, equally and with respect, and will maintain awareness of the school's Equality Policy.

All staff will strive to provide curriculum material that gives positive images and challenges stereotypical images.

All staff will challenge any incidents of bullying, prejudice, racism or homophobia, and record any serious incidents, drawing them to the attention of the head teacher.

Staff are personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is liable. However, an employee is not liable in relation to disability discrimination in schools.

We have a rolling programme for reviewing our school policies and their impact. In line with legislative requirements, we will review progress against our Equality Policy annually.

We make regular assessments of pupils' learning and use this information to track pupil progress. As part of this process, we regularly monitor achievement by ethnicity, gender and disability, to ensure that all groups of pupils are making the best possible progress, and take appropriate action to address any gaps.

## **Appendix A: Protected characteristics**

The protected characteristics for the schools provisions are:

Disability.

Gender reassignment.

Pregnancy and maternity.

Race.

Religion or belief.

Sex.

Sexual orientation.

Age and marriage and civil partnership are NOT protected characteristics for the schools provisions, but do apply to staff.

### **Disability**

A person is a disabled person (someone who has the protected characteristic of disability) if they have a physical and/or mental impairment which has what the law calls 'a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. There is no need for a person to have a medically diagnosed cause for their impairment; what matters is the effect of the impairment not the cause. In relation to physical impairment:

- Conditions that affect the body such as arthritis, hearing or sight impairment (unless this is correctable by glasses or contact lenses), diabetes, asthma, epilepsy, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs are covered.
- HIV infection, cancer and multiple sclerosis are covered from the point of diagnosis.
- Severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met (see below).
- People who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated as disabled under the Act.



Mental impairment includes conditions such as dyslexia and autism as well as learning disabilities such as Down's syndrome and mental health conditions such as depression and schizophrenia. The other tests to apply to decide if someone has the protected characteristic of disability are:

- The length the effect of the condition has lasted or will continue: it must be long term. 'Long term' means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months or where the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition but it is likely to recur or if the person no longer has the condition, they will be considered to be a disabled person.
- Whether the effect of the impairment is to make it more difficult and/or time-consuming for a person to carry out an activity compared to someone who does not have the impairment, and this causes more than minor or trivial inconvenience.
- If the activities that are made more difficult are 'normal day-to-day activities' at work or at home.
- Whether the condition has this impact without taking into account the effect of any medication the person is taking or any aids or assistance or adaptations they have, like a wheelchair, walking stick, assistance dog or special software on their computer. The exception to this is the wearing of glasses or contact lenses where it is the effect while the person is wearing the glasses or contact lenses, which is taken into account.

For example:

Someone who has ADHD might be considered to have a disability even if their medication controls their condition so well that they rarely experience any symptoms, if without the medication the ADHD would have long-term adverse effects.

Progressive conditions and those with fluctuating or recurring effects are included, such as depression, provided they meet the test of having a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

### **Gender Re-assignment**

Gender reassignment is a personal process (rather than a medical process) which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with.

This personal process may include undergoing medical procedures or, as is more likely for school pupils, it may simply include choosing to dress in a different way as part of the personal process of change.

A person will be protected because of gender reassignment where they:

- make their intention known to someone – it does not matter who this is, whether it is someone at school or at home or someone like a doctor:
- once they have proposed to undergo gender reassignment they are protected, even if they take no further steps or they decide to stop later on
- they do not have to have reached an irrevocable decision that they will undergo gender reassignment, but as soon as there is a manifestation of this intention they are protected
- start or continue to dress, behave or live (full-time or part-time) according to the gender they identify with as a person
- undergo treatment related to gender reassignment, such as surgery or hormone therapy, or
- have received gender recognition under the Gender Recognition Act 2004.

It does not matter which of these applies to a person for them to be protected because of the characteristic of gender reassignment.

This guidance uses the term ‘transsexual person’ to refer to someone who has the protected characteristic of gender reassignment.

### **Pregnancy and Maternity**

The Act lists pregnancy and maternity as a protected characteristic. Pregnancy and maternity discrimination is covered in Section 2.

### **Race**

Race means a person’s:

- colour, and/or
- nationality (including citizenship), and/or
- ethnic or national origin

and a racial group is composed of people who have or share a colour, nationality or ethnic or national origins.

A person has the protected characteristic of race if they belong to a particular racial group, such as 'British people'.

Racial groups can comprise two or more racial groups such as 'British Asians'.

### **Religion or Belief**

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. It also includes a lack of any such religion or belief.

A religion need not be mainstream or well known to gain protection as a religion. It must, though, be identifiable and have a clear structure and belief system. Denominations or sects within religions may be considered a religion. Cults and new religious movements may also be considered religions or beliefs.

Belief means any religious or philosophical belief and includes a lack of belief.

'Religious belief' goes beyond beliefs about and adherence to a religion or its central articles of faith and may vary from person to person within the same religion.

A belief which is not a religious belief may be a philosophical belief, such as humanism or atheism.

A belief need not include faith or worship of a god or gods, but must affect how a person lives their life or perceives the world.

For a belief to be protected by the Equality Act:

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

of others.

## **Gender**

A person's sex refers to the fact that they are male or female. In relation to a group of people, it refers to either men or women or to either boys or girls.

## **Sexual Orientation**

Sexual orientation means the attraction a person feels towards one sex or another (or both), which determines who they form intimate relationships with or are attracted to.

- Some people are only attracted to those of the same sex (lesbian women and gay men).
- Some people are attracted to people of both sexes (bisexual people).
- Some people are only attracted to the opposite sex (heterosexual people).

Everyone is protected from being treated worse because of sexual orientation, whether they are bisexual, gay, lesbian or heterosexual.

Sexual orientation discrimination also covers discrimination connected with manifestations of that sexual orientation.

**Date:** February 2016

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**Responsible member of staff:** Head Teacher

Approved at a Full Governing Body Meeting on 2<sup>nd</sup> February 2016