



Katherine Warrington School

Single Equality Scheme

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Vision and values

Katherine Warrington School is committed to the highest ideals in pursuing equality, including:

- enabling every student to achieve to their full ability and equipping them for adult life as valued and valuable members of the community
- treating every student with respect and valuing their individual worth
- ensuring that each gender and every minority group and individual enjoys full and equal access to opportunities for advancement and fulfilment
- taking the opportunities that diversity affords to enrich the experience of both individuals and the whole school community
- identifying and addressing any evidence of inequality or negative attitudes.

Purpose and scope of this policy

The essential purpose of this policy is to help the school achieve its ideals in offering an excellent education to every student regardless of background and personal characteristics, actively minimising potential disadvantage to any individual or group and thereby ensuring that the school complies fully with the requirements of the law.

It first sets out the legal framework in some detail to ensure that governors and staff may be made properly aware of the school's obligations and duties under the law. While responsibility for compliance will fall largely on senior staff it is important that all staff and governors have an appreciation of the nature and extent of the school's obligations, even though some aspects are unlikely to be regularly encountered at Katherine Warrington School.

The policy then sets out procedures by which the school may ensure that it fulfils its lawful obligations and duties, to the benefit of the whole school community.

Legal framework

Equality Act 2010

The Equality Act 2010 replaced all preceding equality legislation, including the Race Relations Act, the Disability Discrimination Act (DDA) and the Sex Discrimination Act, providing a single, consolidated source of discrimination law. This policy has been drawn up with close reference to "**Equality Act 2010: Departmental advice for school leaders, school staff and governing bodies in maintained schools and academies**", published by the Department for Education in February 2013. This advice may be further referred to for precise definitions and more particularly for further illustrations on how the law might be applied in practice. Some of the points covered in the advice have limited current application to Katherine Warrington School but for the sake of completeness all key items are summarised.

Scope of the Act

Under the Act it is unlawful for a school directly or indirectly to discriminate against, harass or victimise or otherwise disadvantage a student or prospective student on account of any "**protected characteristic**", that is their:

- Gender
- Race
- Disability
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy or maternity

It is also unlawful to discriminate on account of any of these characteristics on the part of any person with whom the student is associated, for example parents. Age is a protected characteristic only in relation to employment and is thus not applicable to students in school. The Act does not bear directly on the relationship between students which is covered by other policies, particularly anti-bullying. Although not covered by the Act, Katherine Warrington School regards socio-economic circumstances as a further issue that might give rise to de facto discrimination, in particular in relation to students whose circumstances meet the criteria for payment of the pupil premium.

A school must not treat a student less favourably on account of any of the protected characteristics:

- In relation to admissions
- In the way it provides education
- In the way it provides access to any benefit, facility or service
- By excluding a pupil or subjecting them to any other detriment

This obligation can extend after a pupil has left school, for example in the provision of references. While the school has equality obligations in relation to staff the primary focus of this policy is on the advancement and well-being of students.

The Act does not specifically cover the following:

- The **content** of the school curriculum, which is explicitly excluded although the manner of its **delivery** is explicitly included
- Acts of worship
- Uniform
- Bullying.

Definition of unlawful behaviour

The Act defines four kinds of unlawful behaviour:

Direct discrimination occurs when a person treats another less favourably because of a protected characteristic than they treat, or would treat, another.

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a protected characteristic at a disadvantage.

Harassment has a specific legal definition in the Act – it is “unwanted conduct, relating 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”. Where schools are concerned the offence of harassment as defined in this way strictly applies only in respect of sex, race,

disability or pregnancy and maternity. Any offence in regard to religion or belief, sexual orientation or gender reassignment would be on the grounds of direct discrimination rather than harassment.

Victimisation occurs when a person is treated less favourably because of something they have done in connection with the Act (“a protected act”). This includes anything that is done under or in connection with the Act, for example making an allegation of discrimination or supporting another’s complaint. Unless they were acting in bad faith, a person would be protected against victimisation even if their protected act was misconceived, for example being based on a misunderstanding, the reason being to ensure that people are not reluctant to raise genuine concerns for fear of retaliation.

In school a student must not be victimised on account of a protected act on the part of a parent or sibling, for example the parent making a complaint of sex discrimination against the school; this would apply even if the parent or sibling was acting in bad faith. The student’s own good faith is a relevant consideration. For example if the parent’s complaint was based on information from the student and the student was lying, it would not be victimisation to punish the student in the same way as the school might do any other dishonest student. It would still be unlawful to victimise the parent in such a case unless they were also acting in bad faith, for example they knew the student was lying.

Special issues relating to the protected characteristics

Key points regarding application of the Act in relation to particular protected characteristics are summarised below. Disability provisions differ in some significant respects from the other protected characteristics and are considered under a separate heading following.

Gender:

Schools must ensure that one gender is not given different and less favourable treatment than the other.

However, it is not necessarily unlawful to have single sex lessons in a mixed school, provided that this does not unfairly place the students of one gender at an advantage or disadvantage relative to the other. Positive action, for example remedial classes, to help one gender or the other would not necessarily be unlawful provided that this was a proportionate response to a specific disadvantage connected to the gender of the students concerned.

Single sex sports are permitted where the physical strength, stamina or physique of the average girl would put her at a disadvantage or at unreasonable risk of injury in competition with the average boy.

Race:

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

Schools must ensure that no students of any race are given different and less favourable treatment than students of other races. Segregation by race is always

direct discrimination, however this does not mean that schools cannot take positive action to deal with particular disadvantages suffered by a particular group where this is a proportionate response.

Religion or belief:

The definitions of “religion” and “belief” in the Act are fairly broad and the concepts must be construed in accordance with the European Convention on Human Rights and case law. This means that to benefit from protection under the act a religion or belief must:

- Have a clear structure and belief system
- Have a sensible level of cogency, seriousness and cohesion
- Be compatible with human dignity.

In practice this covers:

- All the major faith groups
- Distinct denominations, sects or other strands within a religion
- Non-religious world views, such as humanism, although this does not extend to political beliefs.

It is also unlawful to discriminate against someone on the grounds that they do not adhere, or sufficiently adhere, to a particular religion or belief, or to any religion or belief at all.

Sexual orientation

Schools must ensure that gay, lesbian or bi-sexual students are not singled out for different and less favourable treatment, similarly the children of parents who are gay, lesbian or bi-sexual.

Gender reassignment

Protection against discrimination on account of gender reassignment now matches protection against discrimination on account of sexual orientation. The Act defines gender reassignment 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. In brief, in order to be protected under the Act a student will not have to be undertaking a medical procedure but must be taking steps to live in the opposite gender, or proposing to do so.

Pregnancy and maternity

Under the Act it will be unlawful for the first time to treat a student less favourably because she becomes pregnant, has recently had a baby or is breastfeeding. This is in addition to a school’s existing specific responsibilities to such students, for example as covered in government guidance issued in “Absence and attendance codes: guidance for schools and local authorities”, January 2009.

Disability

While the overriding principle of equality legislation is generally one of equal treatment, the provisions relating to disability differ. Schools may and often must

treat disabled students more favourably and may have to make changes to their practices to ensure that, as far as reasonably practical, a disabled student can benefit from what a school offers to the same extent as a student without that 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'.

Unlawful behaviour

Particular issues relating to the definition of unlawful behaviour in cases of disability include:

Direct discrimination: There can no longer be justification for direct discrimination in any circumstances – under the DDA schools could justify some direct discrimination if it was a proportionate means of achieving a legitimate aim

Indirect discrimination: Some indirect discrimination can potentially be justified if it is demonstrably done for a legitimate reason and is a proportionate way of achieving that legitimate aim.

Reasonable adjustments

Schools have a duty to make reasonable adjustments for disabled students which may be summarised as follows:

- Where something the school does places a disabled student at a disadvantage it must take reasonable steps to avoid that disadvantage
- Schools are expected to provide an 'auxiliary aid' or service when it would be reasonable to do so and it would alleviate any substantial disadvantage. These may be provided under the SEND route but if not must be considered as part of the reasonable adjustment duty. Detailed guidance on the auxiliary aids duty is published by the Equality and Human Rights Commission.

The reasonable adjustment duty to make alterations to physical features is considered as part of the school's accessibility planning duties (see below).

The Act does not suggest criteria for determining what is reasonable, this is for schools to consider in the circumstances of each case, although it is acknowledged that cost will inevitably play a major part.

Accessibility planning

Schools must implement accessibility plans aimed at:

- Increasing the extent to which disabled students can participate in the curriculum
- Improving the physical environment to enable disabled students to take better advantage of what the school offers
- Improving the availability of accessible information to disabled students.

Schools must also:

- Have regard to the need for resources to implement the plans
- Regularly review them.

The Public Sector Equality Duty (PSED)

The single PSED introduced by the Act is a general duty covering all the protected characteristics, replacing the three previous separate duties to promote disability, race and gender equality. It has three main elements, with public bodies being required to have 'due regard', that is, give relevant and proportionate consideration to the need to:

- Eliminate all forms of discrimination and other unlawful conduct
- Advance equality of opportunity between all
- Foster good relations between all.

For schools this means:

- Decision makers must observe this duty when making a decision or taking an action, and assess any implications for those with particular characteristics
- Equality implications should be considered at the time, if not before, policy is developed and decisions taken and then kept under continuing review
- The analysis necessary to comply with the duty must be undertaken seriously, rigorously and with an open mind – it is not a question of simply ticking boxes or unthinkingly following a process
- The PSED must be integrated into the carrying out of a school's functions – this responsibility cannot be delegated to anyone else.

While there is no legal requirement for schools to produce a formal equality impact assessment, actual practice should be challenged regularly and outcomes recorded to demonstrate that equality duties have been considered and relevant questions asked.

Specific duties

A number of specific duties are set out in the Equality Act 2010 (Specific Duties) Regulations 2011. These are intended to help public bodies fulfil their obligations under the PSED with an emphasis on transparency – making information available so that the local community can see how a school is advancing equality. In particular the regulations require schools to:

- Publish information to demonstrate how they are complying with the PSED
- Prepare and publish equality objectives.

DfE advice is that these duties should not be overly burdensome, in particular:

- Schools are not required to collect statistical data not already routinely collected
- Other types of information can also be used to demonstrate the school's commitment to equality, for example putting relevant policies or extracts from committee minutes on line

Publishing information

The DfE indicates as follows the type of information that might be published as a reflection of the school's commitment to complying with the PSED. The manner of publication is at the school's discretion, subject only to the requirement that information is accessible to all who wish to see it. The published information must be updated at least annually.

Discrimination generally

Published evidence might include:

- Relevant policies that include express reference to the importance of avoiding discrimination
- Notes of meetings where staff or governors were reminded of their responsibilities under the PSED
- Evidence of staff training
- A note of the school's approach to monitoring equality issues.

Advancing equality of opportunity

The school might describe:

- Analysis of attainment and other data and resulting actions
- Review of information from external sources that could give pointers to issues and areas more likely to need attention

Fostering good relations across all characteristics

This might be demonstrated by reference to:

- Aspects of the curriculum which promote understanding of a range of cultures and of religions and other world views
- The behaviour and anti-bullying policies
- Involvement with the local community
- Collaborative arrangements with other schools that allow students to mix with others from different backgrounds

Equality objectives

Schools are free to choose equality objectives that best suit their particular circumstances but they must be specific, practical, measurable and achievable. Objectives must be published at least every four years.

School context

Katherine Warington School draws its students primarily from Harpenden and the surrounding villages, an area of limited diversity and to a great extent comparatively favourable socio-economic circumstances. A majority of students are from a 'white British' background. The proportion of students who are eligible for free school meals is much lower than the national average. The proportion who have a 'Statement of special educational needs' or an 'Education, health and Care (EHC) Plan' is also lower than the national average who have learning difficulties and/or disabilities. The school intake is 2:1 boy dominant in Year 7. There are few social or cultural tensions in the communities from which the student body is drawn.

A detailed breakdown of the characteristics of the school is attached at Appendix 1.

Equality strategy

The standards of discipline and mutual respect that normally apply at Katherine Warrington School mean that visible instances of discrimination or other failures to achieve equality of opportunity are not a feature of school life. However the school recognises that vigilance is needed at all levels, with a considered strategy in place to maintain equality of opportunity in all its aspects and to ensure that discrimination has no place in the life of the school. The school's strategy is designed to be proportionate, neither imposing undue bureaucracy nor allowing an unthinking 'box-ticking' approach. Essentially it comprises securing 'buy in' to the Single Equality Scheme by the whole school community by:

- Maintaining an awareness within the whole school community of the importance of equality considerations, the school's legal obligations and the need to act in accordance with them
- Including due consideration of equality implications when taking key decisions and in reviewing school policies
- Undertaking 'light touch' monitoring and reporting
- Investigating apparent instances of discrimination or lack of equal opportunity or achievement and as necessary drawing up focused action plans to rectify the situation
- Having in place a clear framework of responsibilities.

Maintaining awareness

The school will ensure that all members of its community understand the school's obligations at a level appropriate to their role and act accordingly, not just as a matter of complying with the law but as good moral practice. Measures will include:

- Issuing a copy of the scheme to new staff in the course of their induction, affirming the importance of realising its objectives
- Reminding staff at the September staff meeting of their individual responsibility to seek to realise the objectives of the scheme
- Posting a copy of the scheme on the website and drawing it the attention of parents by a comment in Roundup at the beginning of the year
- Putting it on the agenda of a newly elected Student Parliament for information and question and answer
- Informing potential parents by a note in the Prospectus.

These measures will be coordinated with the school's obligation to publish information to demonstrate its compliance with the Public Sector Equality Duty, together with preparing and publishing equality objectives (see below).

Taking decisions

The school, with the governing body, is continually taking decisions on a very wide range of issues and not all will give rise to questions of equality. However, the school will ensure that equality is included in the decision making process in areas where disparity of opportunity is likely to arise. These might include:

- How the curriculum is delivered
- The content of the curriculum (while this is specifically not covered by equality legislation it provides an opportunity to foster good relations by promoting understanding of different cultures and lifestyles)

- School trips
- Sporting events
- Meeting pastoral needs
- Communication with parents
- 'Showcases' of achievement in music and drama and similar extra-curricular events
- House competitions.

Responsibility for ensuring that equality is taken into account when appropriate will lie with those responsible for taking the decision making process through to completion.

The key points of any discussions relating to equality and the outcomes must be recorded for potential inclusion, in appropriate terms, in the information published annually under the specific duties regulations (see below).

Monitoring and reporting

Monitoring and reporting the school's performance in achieving equality of opportunity and respect will be undertaken at two levels:

- Ad hoc observations and feedback
- Cyclical formal monitoring and reporting.

The school community has long had an ethos throughout the school of "watching out" for the welfare of students, particularly in relation to safeguarding and bullying. It is the school's policy to extend this to equality of opportunity and guarding against discrimination, with staff encouraged to be sensitive to potential problems and to report any that appear to be developing. In this connection a senior member of staff is nominated as responsible for equality issues and to whom approaches can be made, in confidence if necessary.

Statistical analysis will be undertaken for statistically meaningful groups when observation and feedback indicates a potential issue, in any event at least every four years for academic performance, behaviour and participation in extra-curricular activities. The senior member of staff responsible for equality issues will determine the need for and timing of such analysis in consultation with the SLT and arrange for it to be undertaken. Only data that is already available will normally be used, including relevant data from:

- In-school achievement monitoring reports
- Behaviour statistics
- Related whole-school self-evaluation documents
- Qualitative data from stakeholder surveys

Appropriate monitoring of issues relating to a single or a small number of students will similarly be arranged as necessary. Reference will be made to national statistics to provide benchmarks and indicators of the need for further investigation.

Reporting upwards to the governors will normally be through the cyclical SED reports, in particular "Equality of opportunity" to the SFC committee but also, when relevant, SEDs on "Punctuality and attendance", "Conduct of students", "Safe and bully free", to SFC, and "Standards" to S&C.

Action plans

Action plans will be drawn up individually to respond to specific situations but in each case the senior member of staff responsible for equality:

- Drafts the plan for approval by the SLT
- Nominates a staff member to implement the plan
- Monitors progress
- Keeps SLT and the governor's SFC committee informed
- Signs off on completion, noting requirements for any ongoing monitoring.

The plan itself will:

- Summarise the background and the need for action
- Set out clear objectives
- Include key programme milestones and target dates, subject to change as understanding of the situation improves.

Setting objectives, publishing information

The senior member of staff responsible for equality will ensure that:

- Information that will demonstrate to the community how the school is complying with its legal duties is drafted, approved by the governors SFC Committee and published annually at the beginning of the school year
- Similarly, equality objectives are drafted, approved and published, and reviewed and updated at least every four years.

Publication will be by posting the information on the school's website.

Summary of roles and responsibilities

In summary:

- Every member of staff is responsible for ensuring that they are informed on and sensitive to the school's legal obligations, recognising the moral imperatives involved, and acting accordingly
- A nominated member of the senior staff team has executive responsibility for implementing the scheme, reporting to the SLT
- The operation of the scheme is overseen by the governors SFC Committee, with a member of the committee nominated as point of contact on equality issues.

The current responsible persons are named in appendix 2, to be reissued when change occurs.

Related policies and procedures

This scheme should be read in conjunction with the following:

- *Special educational needs / disability (SEND) inclusion policy*, in relation to:
 - Valuing all pupils equally
 - Offering pupils with SEND the same experiences as their peers
 - Ensuring all pupils make adequate progress in reaching personal potential
 - Providing an inclusive education

- *Procedures for dealing with a racial incident*
- *Accessibility plan*, in relation to:
 - Improving access to the physical environment of the school
 - Increasing access to the curriculum for students with a disability, expanding the curriculum as necessary
 - Improving the delivery of written information to students with disabilities
- *Children looked after policy* in relation to promoting their educational achievement and welfare
- *Student discipline (Behaviour for learning) policy* in relation to:
 - Dealing with bullying and harassment
 - Monitoring the system of sanctions and rewards to ensure that it is not discriminating against or disadvantaging any group or student with protected characteristics
 - Reporting annually to governors in this regard.
- *Medical conditions in schools policy* in relation to providing students with a medical condition the same opportunities as others at school.