

# Single Equality Policy, Audit and Action Plan for St. Peter's C.E. Primary School



**Date: November 2016**  
**Review date: November 2017**

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**Title of Policy:** Single Equity Policy

**This document replaces:** Equal Opportunities Policy, Gender Policy,

**Author:** Mrs B. Flitcroft & St Helens Council

**Section:** St. Peter's C.E. Primary School

**Post Holder (will be responsible for keeping policy updated):**

**Related policies:** Health & Safety, Anti-bullying, Use of Physical Intervention, Medicines & First Aid, Drug & Substance Misuse, Educational Visits, Internet Safety, School

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Please contact Simon Cousins, the Council's Equality Officer on 01744 676593 or email [simoncousins@sthelens.gov.uk](mailto:simoncousins@sthelens.gov.uk) for further information.

## INTRODUCTION

St. Peter's C.E. Primary is guided by a clear set of objectives and values, one of which is equality. We are committed to eliminating unlawful discrimination, promoting equality of opportunity and community cohesion between people within the local community. We are determined to do everything we can to make sure that people are treated fairly and that everyone has access to good quality services.

Unlawful discrimination, which results in unfairness in any aspect of schools employment policies and practices, curriculum or service delivery, will not be acceptable under any circumstances.

In accordance with our Christian ethos and our adopted gospel values of love, joy, hope and faith we pledge to respect the equal human rights of our pupils, staff and other members of the school community, and to educate them about equality, diversity and cohesion.

## LEGISLATION AND DUTIES

The following table identifies the equality legislation that affects the school. For full definitions of the legislation, please see appendix 1.

Equality Area	Legislation
Gender	* Equal Pay Act 1970 * Sex Discrimination Act 1975 * Equality Act 2006
Gender reassignment	* Sex Discrimination (Gender Reassignment) regulations 1999
Race	* Race Relations Act 1976 * Race Relations (Amendment) Act 2000
Disability	* Disability Discrimination Act 1995 * Special Educational Needs and Disability Act 2001 * Disability Discrimination Act 2005
Sexual orientation	* Employment Equality (Sexual Orientation) Regulations 2003 * The Equality Act (Sexual Orientation) Regulations 2007
Religion or belief	* Employment Equality (Religion or Belief) Regulations 2003 * Equality Act 2006
Age	* Employment Equality (Age) Regulations 2006
Cohesion	* Education Act 2002 (section 78) * Education and Inspectors Act 2006 (section 21(5))

Under equality legislation the school has the following specific equality duties:

- \* **Produce a written race equality policy** identifying action to be taken to tackle racial discrimination and promote equality of opportunity and good race relations across school activity.

- \* **Publish a disability equality scheme** showing how the school is meeting its general duty to promote disability equality across all its areas of responsibility.
- \* **Publish a gender equality scheme** showing how the school intends to fulfil its general and specific duties, such as setting out gender equality objectives.
- \* **Consult stakeholders, (pupils, parents/carers/guardians and staff)** on their perceptions of equality within the school and build the results of consultation into the equality policy and schemes outlined above.
- \* **Assess and monitor** the impact of equality policies on pupils, staff, and parents/carers/guardians, in particular monitor pupil admissions, attainment levels and exclusions by disability, gender and different racial groups. Take such steps as are reasonably practical to improve any adverse outcomes for any group. Publish the results of this monitoring annually.
- \* **Record racist and other hate incidents** and report them to school governors and the local authority on a regular basis.
- \* **Audit and monitor** curriculum teaching and learning methods to ensure they are inclusive in the language and representation used, promote inclusion and physical activity for disabled pupils, and challenge stereotypes to promote community cohesion and a positive image of a diverse community.

## **RESPONSIBILITIES**

**Governors** are responsible for:

- \* Ensuring the school complies with the relevant equality legislation.
- \* Ensuring that the school functions (e.g. finance, curriculum, and health and safety) are assessed to improve staff and pupils' understanding of the values and principles of equality, diversity and cohesion.

**The Head Teacher** is responsible for:

- \* Producing, implementing and maintaining the school's
  - Race equality policy
  - SEN accessibility plan
  - Gender equality scheme
  - Disability equality scheme
- \* Ensuring all staff know their responsibilities under these documents and receive training and support in carrying these out
- \* Ensuring the school has an anti-discrimination policy for dealing with and reporting hate incidents. Ensuring arrangements are in place for
  - Equality impact assessment of policies
  - Equality monitoring of policies e.g. employment, admissions, pupil attainment, exclusion, hate incidents. Equality assessment of the curriculum
- \* Completing of the community cohesion audit and self-assessment
- \* Revising and reviewing the School's equality plans and schemes every three years and report on progress annually to Governors
- \* Making sure the school equality scheme and its procedures are followed

- \* Making sure the race, disability and gender equality plans are readily available and that the governors, staff, pupils, and their parents/carers and guardians know about them
- \* Producing regular information for staff and governors about the plans and how they are working
- \* Taking appropriate action in cases of harassment and discrimination, including racist bullying, homophobic bullying and bullying related to gender, disability and religion

**All staff** are responsible for:

1. Dealing with racist, homophobic and other hate-incidents
2. Promoting equal opportunities and good race relations
3. Behaving in a non discriminatory way and respecting the human rights of individuals regardless of ethnicity, disability, sexual orientation, religion and gender
4. Ensuring they follow equality policies and procedures and take up equality training and learning opportunities provided by the school

**Teaching Staff** are responsible for

- \* Undertaking an equality assessment of their curriculum, to ensure there is equality of opportunity to access the curriculum through teaching and learning.
- \* Being able to recognise and tackle bias and stereotyping in the school and wider community.
- \* Challenging discriminatory language and behaviour and providing appropriate alternatives and role models
- \* The Headteacher is responsible overall for dealing with reports of hate-incidents

**Visitors and contractors** are responsible for:

Behaving in a non discriminatory way and respecting the human rights of individuals regardless of ethnicity, disability, sexual orientation, religion and gender

### **DEFINITION OF DISCRIMINATION**

Under the law, there are different categories of discrimination, with differences in the legal framework surrounding them. These are:

**Direct Discrimination**, which occurs when a person is treated less favourably than another on grounds of a personal characteristic.

**Indirect Discrimination**, which occurs when a rule or condition which is applied equally to everyone:

- \* Can be met by considerably smaller proportion of people from a particular group
- \* Is to the disadvantage of that group
- \* Cannot be justified by the aims and importance of the rule condition

**Institutional Discrimination**, which when an organisation's processes, attitudes and behaviour amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping, which disadvantages identifiable groups of individual people (based on the definition of Institutional Racism within the Lawrence Inquiry Report, 1999).

**Victimisation**, which occurs when a person is treated less favourably because they have taken action in respect of discrimination, e.g. by bringing a complaint or giving evidence for a colleague.

**Harassment**, which occurs when unwanted conduct violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them, on grounds of one of the relevant characteristics such as sex or race.

### **DISCRIMINATION WITH REGARD TO PUPILS**

We will not discriminate unlawfully against how pupils are treated, on grounds of gender, race, disability, sexual orientation (of the pupil, or their parents or carers), religion or belief. This includes discrimination in provision of teaching or allocating the pupil to certain classes, applying different standards of behaviour, dress and appearance, excluding pupils or subjecting them to any other detriment, and conferring benefits, facilities or services. We will not discriminate unlawfully against the admission of pupils into our school. Points 2 and 4 of the oversubscription criteria for admissions does refer to faith and this is an allowed limited exception in law.

### **EMPLOYMENT**

We are committed to a fair and equal pay policy and a free from bias pay structure.

We will not discriminate in employment unlawfully on grounds of gender, gender reassignment, race, disability, sexual orientation, religion or belief or age. This includes discrimination in relation to recruitment, terms and conditions, promotions, transfers, dismissals, training and employment practices such as dress codes and disciplinary procedures.

With regard to disability, we will make such reasonable adjustments as are necessary to prevent a disabled person being at a substantial disadvantage in comparison with people who are not disabled.

The school will ensure that it sends employment equality monitoring data to the Human Resources Section of the Children and Young People's Service, in a format specified by that agency.

The school will monitor the information as set out below disaggregated by disability, gender and different ethnic group.

- \* The number of staff in post, and
- \* The number of applicants for employment, training and promotion,

### **Exceptions**

*St. Peter's C.E. Primary School has a religious character and may discriminate on grounds of sexual orientation, gender reassignment and religion, in some cases, in terms of employment of staff. These exemptions only apply where there is genuine religious reason, e.g. the appointment of a Head Teacher.*

## **CONSULTATION**

We will consult with pupils and staff, parents, carers, and guardians, hall user groups (church organisations, FOSPs, extended services providers, evening rental groups) including disabled people and members of different ethnic minority communities, to identify what their opinion is in terms of the schools equality and cohesion performance. The outcome of this consultation will be reported to the school governors and the stakeholders involved. Any identified improvements will be included in the School's Improvement Plan.

Currently Governors are planning to improve school's facilities for community groups, learning and the curriculum in the building project to update the hall, toilets (with the inclusion of a toilet for the disabled), kitchen, storage and adjoining learning space. Planning has been passed and the work should commence at the end of 2011/beginning of 2012.

## **MONITORING**

We will monitor the following policies to ensure that we are meeting equality duties.

Pupil Admission

Pupil Exclusion

Pupil Attainment

Governor Profile

Complaints

Racist and other Hate Incidents

Satisfaction Surveys

We will use the equality monitoring categories for ethnicity, gender and disability used by St.Helens Council's Children and Young Peoples Department. This will ensure consistency of data and enable us to set targets that are comparable with other agencies.

We will disaggregate the results of monitoring by the equality profile (gender, ethnicity, disability) to identify if there were any issues or outcomes particular to one specific group. Relevant actions will be taken to improve any adverse outcomes for any group. The results of equality monitoring will be reported to the school governors annually. Any identified improvements will be included in the School's Improvement Plan

## **EQUALITY AND COHESION CURRICULUM AUDIT CHECKLIST**

The School audits the curriculum to ensure that each member of teaching staff will use inclusive and positive images of a diverse community and examples that promote good community relations. They will challenge gender, racial, religious, disablist, ageist and homophobic stereotypes, e.g. prejudices about what people from particular groups should/ shouldn't or can/can not do.

*Schools with a religious character will be exempt from challenging the curriculum with regards to religion and sexual orientation.*

## **REPORTING PROGRESS**

School Governors will monitor the School's Single Equality Policy and Action Plan

The Single Equality Policy will be reviewed at least once in the next three years.

Signed: Chair of Governors

Date:

Signed: Headteacher

Date:

## **EQUALITY, DIVERSITY AND COMMUNITY COHESION AUDIT FOR (Insert name of school)**

### **Equality, Diversity and Community Cohesion Audit and Action Plan**

This audit will identify and set out how St. Peter's C.E. Primary will work to eliminate unlawful discrimination, promote equality of opportunity and community cohesion. The outcome of the Equality, Diversity and Community Cohesion Audit should be reported to the school governors and the tasks and priorities identified should be used to develop a Single Equality Policy Action Plan for the School. School Governors should monitor progress against the actions within the Single Equality Policy Action Plan at least quarterly.

### **How to use the audit toolkit**

To use the tool use the statements as prompts for questions or go through each question and tick the relevant box based on the evidence you gather. The boxes are coded as follows:

- A = we are confident about this; work has already been done in this area and is ongoing
- B = we haven't done much on this yet, but know what needs to be done and how to go about it
- C = we still need to do work on this area and to identify our initial priorities

Use the 'Evidence' column to identify or make cross-reference to your own examples of existing good practice (if you ticked box A) or the case for improvement (if you ticked boxes B or C).

The ultimate aim is to be able to tick the A box for every section, so use the 'Tasks and priorities' column to identify the next step towards this. Once you have identified your priorities, incorporate them into the relevant action plan (This toolkit should be used in conjunction with the action plan in the schools single equality scheme.). The action plan should spell out in more detail how you plan to achieve the task, who will be responsible and when it will be fully implemented.

**(Insert name of school) School Equality, Diversity and Community Cohesion Audit.**

Last updated: (insert date)

Audit Area and Questions	A ✓	B ✓	C ✓	Evidence	Tasks and priorities
The context of your school					
The governing body (GB), staff and other stakeholders have defined what “equality, diversity and community cohesion” means to them	✓				
Training is given to all members of GB and staff on the issues of equality, diversity and community cohesion		✓			Update training for newer members of governing body
The make up the GB and staff reflects the community served by the school	✓			Governor List: parents, staff, LA and foundation members	Run parent governor election Jan 2012 PCC to elect foundation governors in Dec 2011, Jan, Aug, Nov 2012
The SEF contains judgements about how well the school promotes equality, diversity and community cohesion, backed up by examples within the document or elsewhere	✓			No SEF, but school’s self evaluation does this	Regular update of school self evaluation
Legal compliance					
School governors understand their general and specific duties under equality legislation, and take a lead	✓			Admissions governors meet regularly to ensure oversubscription criteria is	Set dates for Admissions Committee

**EQUALITY, DIVERSITY AND COMMUNITY COHESION AUDIT FOR  
(Insert name of school)**

Audit Area and Questions	A ✓	B ✓	C ✓	Evidence	Tasks and priorities
in this area				rigorously applied and to review annually the admissions' criteria.	
Managers regularly use monitoring and assess the impact of policies to scrutinise pupil admissions, progress, attainment, exclusions and other key areas	✓			Termly monitoring of progress data; admissions committee – see above; exclusions & other key areas reviewed termly for PLASC.	Complete next PLASC in Jan 2012
The importance of logging, analysing and acting on complaints about racial discrimination from pupils, staff and parents is understood.	✓			All staff & governors are vigilant about this.	Review this policy in Nov 2012
Staff respond fairly and consistently to racially motivated incidents and keep a record of all reported incidents.	✓			Record kept and reported termly to LA and Governors	
Staff receive clear, consistent guidance and support to ensure compliance and delivery of equality objectives.	✓			Staff meeting minutes	
The school has an up-to-date, user-friendly equality policy that covers all equality strands and functions and is linked to an action plan.	✓				
The policy is publicly available, easy to access and can be made available in different formats or	✓				

**EQUALITY, DIVERSITY AND COMMUNITY COHESION AUDIT FOR  
(Insert name of school)**

Audit Area and Questions	A ✓	B ✓	C ✓	Evidence	Tasks and priorities
languages.					
The policy is understood and supported by governors, staff, pupils and parents	✓				
The policy is regularly reviewed in consultation with governors, staff, pupils, parents and groups representing the different equality strands.	✓				

**EQUALITY, DIVERSITY AND COMMUNITY COHESION AUDIT FOR  
(Insert name of school)**

Audit Area and Questions	A ✓	B ✓	C ✓	Evidence	Tasks and priorities
<b>Monitoring and impact assessment</b>					
The school has an accurate, up-to-date profile of its pupils, staff and governors by ethnicity, gender and disability (religion and sexual orientation are optional).	✓			Termly PLASC	
Monitored data is analysed to identify unjustifiable disparities and the possible causes.	✓			Staff meeting minutes, pupil progress meetings	
The results of monitoring and impact assessment are published and discussed and inform INSET priorities, curriculum reviews and school development planning.	✓			Staff meeting minutes	
<b>Sense of belonging</b>					
There is a strong sense of children's rights and responsibilities in the school regarding equality, diversity and community cohesion	✓			Collective worship records, Y6 curriculum topic 'Rights & Responsibilities – see planning and evaluations	
Staff and governors know what is expected from them and what they can expect in return as expressed in codes of conduct, staff handbooks and policies	✓				Training for new governors and staff as appropriate
GB meetings illustrate that the school has been made aware of	✓			Newsletters, comments book for governors	Review annual questionnaire format to bring in line with new OFSTED.

**EQUALITY, DIVERSITY AND COMMUNITY COHESION AUDIT FOR**  
**(Insert name of school)**

Audit Area and Questions	A ✓	B ✓	C ✓	Evidence	Tasks and priorities
and has responded to community views					
The school has considered its role in serving the needs of groups new to the community and has worked with others to meet these needs	✓				
<b>Teaching learning and curriculum</b>					
Governors and staff have evidence that curriculum activities promote shared values and build children's understanding of diversity	✓			Collective worship records, PSHE, SEAL, Circle time planning and evaluations	SLT to monitor half termly
The school has adapted schemes of work to meet the needs of its pupils in terms of cultural diversity	✓			e.g. RE scheme	RE Co-ordinator to monitor half termly
Children who are considered to be new arrivals are welcomed and inducted into the school so that they settle quickly	✓			Very positive feedback from new children and their parents/carers (see letters, report comments, parent questionnaires)	Discussions with new pupils, reflecting on their induction.
Funds devoted to the needs of children with EAL (English as an additional language) are monitored and evaluated for impact on the identified children	✓			EAL support (weekly) obtained for pupils who do not have English as their mother tongue	
The GB is aware of and has views on the way the locality shares resources for children with EAL	✓				

**EQUALITY, DIVERSITY AND COMMUNITY COHESION AUDIT FOR  
(Insert name of school)**

Audit Area and Questions	A ✓	B ✓	C ✓	Evidence	Tasks and priorities
Governors are aware of levels of pupil mobility and how the school addresses these	✓			HT's termly reports	
Governors and staff comment on the advantages of diversity within their community as well as tackling the challenges it presents	✓			Minutes of staff meeting & governors' meetings	
The governors are able to identify examples to show that individuals with a disability are not at a disadvantage against those with out a disability	✓			Discussions with governors	
The governors are able to identify examples where different cultures, religions and beliefs are respected and appreciated	✓			Discussions with governors	
The staff can provide examples where they have challenged assumptions and addressed sensitive and controversial issues around all of the equality strands e.g. disability, race, gender, sexual orientation etc.	✓			Discussions with staff	
<b>Equality, Diversity, Cohesion and Excellence</b>					
The GB knows how the school tracks relative underachievement by particular groups and how	✓			Governors' minutes	

**EQUALITY, DIVERSITY AND COMMUNITY COHESION AUDIT FOR  
(Insert name of school)**

Audit Area and Questions	A ✓	B ✓	C ✓	Evidence	Tasks and priorities
successful this has been					
Excluded or self excluded pupils are successfully re-integrated	✓			No exclusions in last 3 years but in the past, pupils have been successfully re-integrated	
Approaches are in place to deal with prejudice, discrimination, bullying or harassment and, if used, have been successful	✓			Teachers' curriculum plans for SEAL, PSHCE, Circle Time	
Staff have monitored discipline and exclusion patterns to highlight particular groups and have discussed these with the GB	✓			HT's reports to governors, minutes of GB meetings	
The GB, senior staff and admin staff have been made aware of the school admissions code and its role in promoting equality, diversity and community cohesion	✓			Minutes of Admissions Committee meetings	
<b>Equity and Extended Services</b>					
The SEF contains judgements on the contribution parents and other communities makes to pupils' learning and well being	✓			School self evaluation document	
The governors know of the impact of: * Partnership arrangements with other schools	✓			Discussions with governors	Further develop the links

**EQUALITY, DIVERSITY AND COMMUNITY COHESION AUDIT FOR  
(Insert name of school)**

Audit Area and Questions	A ✓	B ✓	C ✓	Evidence	Tasks and priorities
<ul style="list-style-type: none"> <li>* International links</li> <li>* Use of shared facilities</li> <li>* Opportunities for intercultural activities</li> </ul>					
The governors know how funds such as Extended Schools Sustainability Funding have benefited the children	✓			Finance Committee minutes, HT's termly reports	
The governors can provide examples of speaking up as a body about barriers to equality, diversity and cohesion in the community	✓			Discussion with governors	
The governors used the criteria in the Strengthening Community section of the Head Teachers National Standards when appointing a new head teacher and/or refer to these in setting objectives in performance management			✓	Not required at the time of the last head's appointment	Educate governors about this

## **Appendix 1**

### **AGE**

**The Employment Equality (Age) Regulations 2006** make it illegal to discriminate in employment by age.

The legislation applies to all “workers” of any age, including employees and job seekers, agency and contract workers, office holders and those undertaking employment-related vocational training and some self-employed – however unpaid volunteers are not covered.

Direct and indirect discrimination, harassment and victimisation are unlawful and employers can be held responsible for the actions of their employees

### **COMMUNITY COHESION**

**The Race Relations (Amendment) Act 2000** places a general duty on Local Authorities to promote good relations between people from different racial groups

**The Education Act 2002 (section 78)** states that the curriculum for all maintained schools should promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepare pupils at the school for opportunities, responsibilities and experiences of later life.

**The Education and Inspections Act 2006** places a duty on governing bodies of schools in England to promote community cohesion.

### **DISABILITY**

**The Disability Discrimination Act 1995** makes it illegal to discriminate against disabled people in employment, access to goods, facilities and services, and in the management, buying or renting of land or property.

Employers have a duty to take reasonable steps to reduce or remove any substantial disadvantage caused to a disabled employee or job applicant by any of the employment arrangements or any physical feature of the premises. This is the duty to make ‘reasonable adjustments’.

Service provider’s duties are: not to refuse service, not to provide a worse standard of service, and not to offer service on worse terms. Service providers have a duty to make reasonable adjustments to the way in which goods, facilities and services are provided in order to make them more accessible to disabled people.

**The Special Education Needs And Disability Act 2001** sets a duty on schools and local authorities to

- \* Plan to increase physical and curriculum access for disabled pupil
- \* Provide and advertise parent partnership services

- \* Provide mechanisms for resolving disputes over SEN between parents and schools, without diluting the parents' right of appeal to the SEN Tribunal

**The Disability Discrimination Amendment Act 2005** places a general duty on schools to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassment of disabled persons that is related to their disabilities
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life; and
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

Schools also have specific duties under the Disability Discrimination Act 2005 to

- \* Publish a Disability Equality Scheme demonstrating how they intend to fulfil its general and specific duties
- \* Involve disabled people in the development of the Scheme
- \* Ensure the Scheme includes a statement of:
  - The way in which disabled people have been involved in the development of the Scheme
  - The school's methods for impact assessment
  - Steps which the school will take towards fulfilling its general duty (the "action plan")
  - The school's arrangements for gathering information in relation to employment, and its delivery of education and its other functions
  - The school's arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes

Within three years of the Scheme being published, a school must take the steps set out in its action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of information

Schools must also publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

## **GENDER**

**The Equal Pay Act 1970** places a duty on employers to eliminate discrimination between women and men in the same employment in pay and other terms and conditions of their contracts of employment such as piecework, output and bonus payments, holidays and sick leave

**The Sex Discrimination Act 1975** makes it unlawful to discriminate by gender against any person, either directly or indirectly, in the areas of employment, training, education, in the provision of goods, facilities and services, and in the disposal and management of premises

The Sex Discrimination Act 1975 makes it unlawful to discriminate against a married person, either directly or indirectly, in the areas of employment and training.

**The Equality Act 2006** places a general duty on schools to:

- \* Promote equality of opportunity between men and women;
- \* Eliminate discrimination and harassment that is unlawful under the Acts

Schools also have specific duties under the Equality Act 2006 to:

- \* Prepare and publish a Gender Equality Scheme showing how the School intends to fulfil the general and specific duties and setting out its gender equality objectives
- \* Consult employees, service users and others (including trade unions) in Preparing the Scheme
- \* Take into account any information it has gathered or considers relevant as to how its policies and practices affect gender equality in the workplace and in the delivery of its services.
- \* In formulating its overall gender equality objectives, consider the need to have objectives to address the causes of any gender pay gap.
- \* Ensure that the scheme sets out the actions the school has taken or intends to take to:
  - Gather information on the effect of its policies and practices on men and women, in employment services and performance of its functions
  - Use the information to review the implementation of objectives
  - Assess the impact of its current and future policies and practices on gender equality.
  - Consult relevant employees, service users and others (including unions)
  - Implement the scheme objectives.

Implement the scheme and their actions for gathering and using information within three years of publication of the scheme, unless it is unreasonable or impracticable to do so.

Review and revise the scheme at least every three years and report on progress annually.

## **GENDER REASSIGNMENT**

All the Articles of the **Human Rights Act 1998** are relevant, but in particular articles:

- \* Article 8, the right to respect for private and family life
- \* Article 12, the right to marry
- \* Article 14, the prohibition of discrimination

**The Sex Discrimination (Gender Reassignment) Regulations 1999** extends the Sex Discrimination Act 1975 to cover discrimination on the grounds of gender reassignment in relation to pay, treatment in employment and vocational training.

**The Gender Recognition Act 2004** allows transsexual and intersex people to apply for full legal recognition in their acquired gender. Once a person has a full gender recognition certificate for their new gender they have the same legal rights as a person of that gender.

## **Exceptions**

Discrimination in employment on grounds of gender reassignment may occasionally be permitted where:

- \* A particular gender is a requirement for a job, e.g. women's domestic violence worker
- \* The job involves conducting intimate searches
- \* The job involves working in someone's home.

Temporary exceptions may apply during the transition process where:

- \* Individuals have to share accommodation
- \* Personal care services are provided to vulnerable individuals.

Religious Schools have certain exemptions from gender reassignment employment duties, including where an individual has a gender recognition certificate. The exemption only applies where there are genuine religious reasons to refuse to employ a transsexual or intersex person – for example, in relation to the appointment of Headteachers in some schools.

## **HATE CRIME**

**The Crime and Disorder Act 1998** created a number of new racially and religiously aggravated offences.

**The Criminal Justice Act 2003** introduced tougher sentences for offences motivated by hatred of the victim's sexual orientation (this must now be taken into account by the sentencing court as an aggravating factor, in addition to race or religious hate motivation).

**Section 146 of the Criminal Justice Act 2003**, imposes a duty upon courts to increase the sentence for any offence (for example, assault or criminal damage) aggravated by hostility based on the victim's disability (or presumed disability).

**The Racial and Religious Hatred Act 2006** makes it a criminal offence to use threatening words or behaviour with the intention of stirring up hatred against any group of people because of their race, religious beliefs or their lack of religious beliefs.

Any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate of a person's actual or perceived.

- \* Race, colour, ethnic origin, nationality or national origins
- \* Religion
- \* Gender or gender identity

- \* Sexual orientation
- \* Disability

## **HUMAN RIGHTS**

**The Human Rights Act 1998** makes it unlawful for a local authority to behave in a way that is not compatible with the provisions of the European Convention on Human Rights.

Human rights must be explicitly considered in policies and procedures, in decisions, in employment and in service delivery.

Human Rights protects under law

- \* Right to life
- \* No torture, inhuman or degrading treatment
- \* No slavery or forced labour
- \* Liberty and security of the person
- \* Fair trial or hearing within a reasonable time
- \* No punishment without law and no retrospective penalties
- \* Respect for family life home and correspondence
- \* Freedom of thought, religion and conscience
- \* Freedom of expression
- \* Freedom of assembly and association
- \* Right to marry and start a family
- \* Prohibition on discrimination
- \* Restriction on political activity of aliens
- \* Prohibition of abuse of rights
- \* Limitation on the use of restrictions on rights
- \* Protection of property
- \* Right to education
- \* Right to free elections

Any interference with an individual's rights must be proportionate to the intended aim and must not be arbitrary or unfair.

Even if a particular policy or action, which interferes with an individual's human rights, is aimed at achieving a legitimate aim (for example the prevention of crime), this will not be justified if the means used to achieve the aim are excessive in the circumstances.

## **RACE (ETHNICITY)**

**The Race Relations Act 1976** makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin, either directly or indirectly, in the areas of employment, training, housing, and education, in the provision of goods.

**The Race Relations (Amendment) Act 2000** places a general duty on schools to promote race equality by:

- \* Eliminating unlawful racial discrimination
- \* Promoting equality of opportunity, and
- \* Promoting good relations between people from different racial groups

**The Race Relations (Amendment) Act 2000** places *specific duties* upon schools to:

- \* Prepare a **Race Equality Policy**;
- \* Maintain the race equality policy;
- \* Fulfil the duties set out within the race equality policy;
- \* Assess the impact of its policies, including its race equality policy, on pupils, staff and parents/carers and guardians of different racial groups including, in particular, the impact on attainment levels of such pupils;
- \* Monitor, by reference to their impact on such pupils, staff and parents/carers and guardians, the operation of such policies including, in particular, their impact on the attainment levels of such pupils;
- \* Publish the monitoring results on an annual basis.

## **RELIGION, FAITH AND BELIEF**

**Article 9 of the Human Rights Act 1998:** Freedom Of Thought, Conscience And Religion states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change one's religion or belief and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief, in worship, teaching, practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others

**The Employment Equality (Religion) Regulations 2003** make it illegal to discriminate on grounds of faith, religion or belief (or the lack of) in employment.

**The Equality Act 2006** makes it illegal to discriminate on grounds of religion or belief (or lack of religion or belief) in the provision of goods, facilities and services, in education, in the use and disposal of premises, and in the exercise of public functions

Religious organisations, such as faith schools, have exemptions from certain religious equality duties. The exemptions only apply where there are genuine religious reasons – for example, in relation to the appointment of Headteachers in some schools

## **SEXUAL ORIENTATION**

**The Employment Equality (Sexual Orientation) Regulations 2003** make it illegal to discriminate on grounds of sexual orientation in employment.

**The Equality Act 2006** makes it illegal to discriminate on grounds of sexual orientation in the provision of goods, facilities and services, in education, in the use and disposal of premises, and in the exercise of public functions

Religious organisations, such as faith schools, have exemptions from certain sexual orientation equality duties. The exemptions only apply where there are genuine religious reasons – for example, in relation to the appointment of Headteachers in some schools

## Equality Impact Assessment Template for Schools Draft

### Appendix 2

**Title of Policy, Decision, Policy, Practice or Programme:**

**Department:**

**Responsible Officer:**

**Date Completed:**

**Date Review Required:**

1. **Aims:** Please identify the main aims of the policy, decision or function?

2. **Impact upon different sections of the School / Community / Staff Groups:** It is essential that policies, decisions, practices and programmes promote equality of opportunity and good relations within the community, and do not leave the School vulnerable to discrimination claims.

#### Checklist – Impact upon different sections of the School/Community/ Staff Groups

For the purpose of this assessment, the following equality strands are to be given consideration when completing the assessment;

Equality strand	People and aspects included
Age	Young, old and middle aged people.
Disability	Disabled people may have physical, mental, or sensory, visible or non-visible impairment.
Gender	Men, women, married people, lone parents, transsexual people; parenting, caring, flexible working and equal pay concerns.
Race	People from the various racial groups contained within the census. This could include, for example, British Chinese people; British Asians or Black Britons; Travellers, Gypsies, Roma; those who are of Caribbean origin; people of mixed heritage or parentage; White Irish communities; and people of nationalities outside of Britain who reside here.
Religion or belief	People who have a religious belief; people who are atheist or agnostic; people who have a philosophical belief that affects their view of the world.
Sexual orientation	Heterosexual and bisexual men and women, gay men and lesbians.

**Department for Children, Schools & Families seven principles:** These seven principles, derived from the duties set out in relevant equality legislation

## **Equality Impact Assessment Template for Schools Draft**

and the duty on schools to promote community cohesion, should be considered when conducting the EIA.

- a. *All learners are of equal value,*
  - \* All learners and potential learners are of equal value and should benefit from the Schools policies, practices and programmes.
- b. *Relevant differences should be recognised,*
  - \* Treating people equally can mean treating them differently. Policies, practices and programmes must not discriminate, but may be differentiated to take account of differences of life-experience, outlook and background, and in the kinds of barrier and disadvantage which people face.
- c. *Workforce development,*
  - \* Policies and programmes should benefit all members of the workforce, for example in recruitment and promotion, and in continuing professional development.
- d. *Positive attitudes and relationships should be fostered,*
  - \* Policies and programmes should promote positive attitudes, good relations and positive interaction between all members of the community
- e. *Society as a whole should benefit,*
  - \* Policies and programmes should benefit society as a whole, both locally and nationally, by fostering greater cohesion, and greater participation in public life.
- f. *Current inequalities and barriers should be addressed and reduced,*
  - \* In addition to avoiding or minimising possible negative impacts, policies and programmes should take opportunities to maximise positive impacts by addressing, reducing and removing inequalities and barriers that already exist.
- g. *Policy development should involve widespread consultation*
  - \* People affected by a policy or programme should be consulted and involved in the design of new policies, and the review of existing ones. Such consultation should be both direct and through representative organisations, and should be based on principles of transparency and accountability. Further, it should involve those who in the past have been excluded or disadvantaged, and who continue to face barriers. Examples of groups to consult with could be the School Council, Parents, Governors etc.

***Examples of possible impacts, please note this is not an exhaustive list;***

### **General Issues Include**

- a. Accessibility – Parking, signage, buildings, toilets, lifts, information, opening times etc.
- b. Hate crime – racism, homophobia, transphobia, disablism, and religious bigotry.
- c. Translation and Interpretation arrangements – e.g. British Sign Language users, people who have a low level of literacy, speakers / readers of foreign languages.

## **Equality Impact Assessment Template for Schools Draft**

- d. Elimination of harassment and discrimination – improving attitudes and values.
- e. Monitoring via consultation, complaints, satisfaction and service access or membership.
- f. Cohesion and good relations between different groups - locally and wider e.g. twin towns (this has its own section within the table).

**Staffing Proposals:** It is essential that decisions on staffing issues do not leave the Schools vulnerable to equal pay or discrimination claims. The Schools policy is to ensure equality across all departments within its pay and grading process. This means that decisions must promote consistency in structure, job description / qualifications and pay grading.

### **Children and Families, Carers and Lone Parents Issues Include**

- a. Flexibility in service delivery and employment for parents and people with caring responsibilities.
- b. Child friendly arrangements in service delivery and employment.
- c. Supporting children that are carers.

### **Sexual Orientation Issues Include**

- a. Civil Partners – having the same rules, benefits or requirements as married couples.
- b. Discrimination by association – children who have same sex parents, carers or relatives.

### **Disability Issues Include**

- a. Promote positive attitudes towards disabled people.
- b. Encourage participation by disabled people in public life.
- c. Meet the needs of disabled people, even if that means treating disabled people more favourably than non-disabled people.

***Please indicate in the table below how the needs of different community or staff groups were identified and taken into account in relation to the policy, decision or function.***

**Equality Impact Assessment Template for Schools  
Draft**

**'Issue' Column** for each Equality Group, consider the following issues and questions. Insert a new row for each new issue

**'How will this be taken into account?' Column** evidence of how each issue is taken into account.

**'Action' Column** for actions that address any issue that is relevant but you are unable to evidence how they are taken into account

<b>Equality Strand</b>	<b>Issue</b>	<b>How will this be taken into account?</b>	<b>Action</b>	<b>Date to be actioned by</b>
General Issues				
Age				
Disability				
Gender				
Race				
Carers				
Religion or Belief				
Sexual Orientation				
Community Cohesion				

### 3. Indirect discrimination

**Are there any rules or requirements in the policy / decision that:**

- a Can be met by a considerably smaller proportion of people from a particular section of the community?
- b Is to the disadvantage of that group?
- c Cannot be justified by the aims and importance of the policy?

If all three conditions apply then there may be evidence of indirect discrimination.

Yes / No

Please list the rules or requirements that apply

#### Checklist – Example for question 3

A policy requirement that 'only female staff clean female toilets' is a rule that excludes male staff and is to their disadvantage from an employment perspective, but this rule can be justified on the grounds of privacy or decency.

In contrast a change in policy that proposes a new regime that 'all staff must work the nightshift on a rotating basis' is the type of policy change that has been judged in case law to discriminate indirectly against women.

Statistics show that women are still the main carers within society. Because of this a considerably smaller number of women will be able to meet the nightshift requirement. The proposed change is to women's disadvantage from an employment perspective. Finally, this is unjustified, as the Sex Discrimination Act states that flexible working alternatives should be considered in all such proposals.

### 4. Publishing the results of the assessment:

**Decisions** This Equality Impact Assessment Report must be used to inform the Decision. Attach the Equality Impact Assessment Report as an appendix in the Decision documentation.

**Policy** This Equality Impact Assessment Report must be used to inform Policy development. Attach the Equality Impact Assessment Report as an appendix in the published Policy.

## **Equality Impact Assessment Template for Schools Draft**

**Practices and Programmes** The Equality Impact Assessment Report must be used to inform Practice and Programme development. Attach the Equality Impact Assessment Report as an appendix in the Practice or Programme documentation.

## Equality and Cohesion Curriculum Audit Checklist Template And Guidance

### Appendix 3

#### Equality and Cohesion Curriculum Audit Checklist for Schools

Schools have a duty under equality legislation to eliminate unlawful discrimination and promote equality of opportunity and promote good community relations within the teaching and learning curriculum. Each teacher should carry out an equality and cohesion assessment of their curriculum, to ensure:

- \* There is equality of opportunity to access the curriculum through teaching and learning
- \* That they are inclusive in the language and representation used
- \* Promote inclusion and physical activity for disabled pupils
- \* Challenge stereotypes, such as gender segregation of subjects (design and technology, home economics, sciences etc)
- \* Promote community cohesion and a positive image of a diverse community

This checklist prompts questions that can help teachers identify how they could build equalities into the curriculum. Teachers can simply consider the questions below before developing or reviewing their curriculum and lesson planning process. They can use the questions to think about ways quality and cohesion can be built into the teaching and learning programme.

*This is not an exhaustive list*

Enabling the learner to:	How is (or could) this taken into account	Actions
1. Appreciate of the needs of others, insight into the lives of people from different backgrounds.		

## Equality and Cohesion Curriculum Audit Checklist Template And Guidance

2. Respect different points of view, recognising and respecting different viewpoints.		
3. Experience and celebrate cultural diversity		
4. Recognise commonalities shared by people from diverse and different backgrounds		
5. Appreciate culture in St. Helens.		
6. Recognise and challenge abuses, discrimination and injustice.		

Using the teaching programme to promote	How is (or could) this taken into account	Actions
1. Accessible lessons: information, signage, class times, school trips, course work examples, etc		
2. The reporting of Hate Incidents; racism, disablism, homophobia, transphobia, religious bigotry		
3. The appropriate use of translation and interpretation.		
4. Positive images of a diverse community: locally, regionally, nationally and internationally.		
5. Can you promote opportunities for the interaction between groups that do not usually get to mix? For example, can you		

**Equality and Cohesion Curriculum Audit Checklist  
Template And Guidance**

Using the teaching programme to promote	How is (or could) this taken into account	Actions
promote activity between pupils and their equivalents with one of our twin towns? (Chalon, France and Stuttgart, Germany)		
6. The challenging of gender, racial, religious, disablist, ageist and homophobic stereotypes i.e. improving attitudes and values by challenging myths and prejudices about what people from particular groups should or shouldn't or can and can't do. <i>(Faith schools can omit examples that deal with sexual orientation and gender reassignment)</i>		
7. An awareness of the support needs for children that are carers		
8. A positive image of Civil Partners – having the same rules, benefits or requirements as married couples		
9. A recognition that people can suffer discrimination by association – e.g. children who have same sex parents, carers or relatives		
10. Positive images and a positive attitudes towards disabled people		