

Stoneygate Single Equalities Policy and Action Plan

Statement of Principles

We believe that all pupils and members of staff should have the opportunity to fulfil their potential whatever their background, identity and circumstance. We are committed to creating a community that recognises and celebrates difference within a culture of respect and cooperation. We appreciate that a culture which promotes equality will create a positive environment and a shared sense of belonging for all who work, learn and use the services of our school. For our centre this means not simply treating everybody the same but understanding and tackling the different barriers which could lead to unequal outcomes for different groups, whilst celebrating and valuing the achievements and strengths of all. We believe that equality of opportunity should permeate all aspects of our provision and every member of the centre community should feel safe, secure, valued and of equal worth.

We recognise that equality will only be achieved by the whole school community working together – our learners, staff, governors and parents in particular. Throughout this Scheme, 'parents' can be taken to mean mothers, fathers, carers and other adults responsible for caring for a child.

This Single Equality Scheme provides a framework for our centre to promote equality, inclusion and good community relations, and to tackle prejudice, discrimination and their causes in a holistic and proactive way.

At Stoneygate equality is a key principle for treating all people fairly and creating a society in which everyone has the opportunity to fulfil their potential - irrespective of their gender, ethnicity, disability, religion or belief, sexual orientation, age or any other recognised area of discrimination.

We strive to create a welcoming and inclusive environment so all families, including those from target groups and those that are disadvantaged, feel that they are treated with respect.

"All children are fully integrated within an inclusive and racially harmonious environment.....Children who are vulnerable because of their circumstances are cared for extremely sensitively so that they learn to trust the adults around them. The additional expertise of staff from the children's centre is used to ensure that children's needs are met exceptionally well. Additional support from bi-lingual assistants benefits greatly the children who need it." Ofsted 2011

Our mission is "Working with children and their families achieve a better future".

Context

Stoneygate provides pre-school education in Central Preston. The local area covers areas of significant disadvantage. Preston has the third highest percentage in Lancashire of children living in households dependant on workless benefits. The area is culturally diverse with significant communities of Indian, Pakistani and Afro/Caribbean people. There are fluctuating numbers of Eastern European migrant workers and small numbers of other ethnicities such as Bengali and Chinese. A high percentage of children enter the school speaking little or no English.

The School is physically accessible. An accessibility plan detailing proposals to ensure access to services in the areas required by the planning duties in the Disability Discrimination Act 1995 is written and reviewed in consultation with service users.

Information concerning the gender, ethnicity, languages and disabilities of pupils and staff is collected and recorded on the SIMS data bases, and regularly updated. This information is used to map performance and demographic trends and to ensure provision is continually developed to meet the needs of all. The governing body is representative of the local community.

Designated teachers with responsibility for co-ordinating provision for children with additional needs and children in care maintain confidential records and ensure that the needs of individuals are appropriately met.

Children's skills on entry to pre-school provision are generally well below those expected for their age in communication, language and literacy and in their social development. The key issue which faces the school is the challenge of narrowing the gap between the most disadvantaged and the others.

Ethos and Atmosphere

- At Stoneygate the leadership team promote an ethos of mutual respect between all members of the community
- There is an openness of atmosphere which welcomes everyone to the centre
- All within the centre community challenge any type of discriminatory and/or bullying behaviour, eg through unwanted attentions (verbal or physical) and unwelcome or offensive remarks or suggestions
- All staff and pupils are encouraged to greet visitors to the school with friendliness and respect
- Displays are of a high quality and reflect diversity across all aspects of equality of opportunity and are frequently monitored
- Provision is made to cater for the personal, social and emotional development of all children through planning and delivery of culturally appropriate activities

Equality Impact Analysis and Policy Development

This policy applies to the whole centre community. It has been drawn up in response to the outcomes of a transparent audit process produced by Lancashire County Council, with reference to LCC's *Single equalities policy: Guidance for Schools* and through consultation with the Senior management team and governing body. The school and centre has procedures for consulting and involving parents and carers, and for engaging with local schools and community organisations, and has regard for the requirements of the Equality Act.

Monitoring and Review

The effectiveness of this policy will be determined by active involvement with key stakeholders, not just in developing this scheme but also in its review and implementation; proactive leadership; prioritising activities that produce specific, tangible improved outcomes and the removal of attitudinal and cultural barriers. We have incorporated our individual policy for race equality, and our disability and gender equality schemes into one overarching Single Equality Scheme to create a coherent framework for promoting equality and diversity within our school. We have identified a set of priorities to promote equality, inclusion and community cohesion. Our Scheme includes a plan of action to address these priorities over the next three years.

Stoneygate is an inclusive establishment, working towards greater equality in the community. We use the principles of the Early Years Foundation Stage and Every Child Matters

Frameworks to enhance the self-esteem of all and to provide an environment in which each individual is encouraged to fulfil her or his potential.

We make regular assessments of pupils' learning and development and use this information to track pupils' progress, as they move on to primary school. As part of this process, we regularly monitor the performance of different groups, to ensure that all groups of pupils are making the best possible progress. We use this information to adjust future teaching and learning as necessary.

Resources are made available to support groups of pupils where the information suggests that progress is not as good as it should be. The governing body receives regular updates on pupil performance information.

School performance information is compared to local authority and national data, to ensure that pupils are making appropriate progress. As well as monitoring pupil performance, we also monitor attendance, behaviour and incidents of racism or discrimination. Monitoring enables us to identify any differences in performance and provide specific support as required, including pastoral support. This allows us to take appropriate action to meet the needs of specific groups in order to make necessary improvements.

Stoneygate is also committed to providing a working environment free from discrimination, bullying, harassment and victimisation. We aim to recruit an appropriately qualified workforce and establish a governing body that is representative of all sections of the community in order to respect and respond to the diverse needs of our population.

In line with Employment Duties within the legislation, Information concerning the gender, ethnicity, and disabilities of staff in post is recorded on the SIMS data base and regularly updated.

Information concerning applicants for employment is sought. This is deemed to be best practice in order to identify potentially discriminatory practice.

All information is stored securely and staff adhere to the centres robust confidentiality policy.

Sources of equality information

Information is stored on a secure server and uses SIMS for Pupil and Staff data .

School: - application form; postcode data; SIMS data base; LSI; annual parent consultation; on entry consultations (induction); annual staff consultation; supervision meetings; performance management meetings; team and staff meetings; pupil analysis data

Consultation

There are a range of techniques to involve people in developing, changing and running all aspects of school life. They include:

- Annual parents questionnaires (school)
- Bi-annual service consultation welcome record
- Satisfaction surveys (School and Children's Centre)
- Parents views are sought through parent meetings
- Staff and Team meetings
- Complaints, compliments, and comments
- Staff Wellbeing scheme
- Partnerships – Primary schools, Community Organisations such as Foxtan Centre and Pukka Centre

We value the ideas and viewpoints of all adults and children who are involved in The Nursery School. As such, all service users are consulted.

Data collection and storage

Information is collected and collated and an evaluation report used to ensure core offer and EYFS provision and services are developed to meet the needs of all families accessing provision. Information is used to ensure that services reflect the needs of the community and families who access the Nursery School. Information is stored on a secure data base on a central server in compliance with legislation for data protection. Paper copies are stored in a secure locked cabinet in the office. Access to information is only to staff employed by Stoneygate Nursery School. Some information is restricted to Headteacher, Deputy Head teacher and School Business Manager: this is secured in the SBMs office. All staff adhere to safeguarding policies and procedures and hold current Enhanced DBS clearance.

Due regard is given to the promotion of equality in the Annual School Improvement Planning and review processes. The person responsible for the monitoring and evaluation of the policy and action plan is the Headteacher Christine Branscombe. Her role is to:

- Lead discussions, organise training, update staff in staff meetings, support discussions
- Work with the governing body on matters relating to equality
- Support evaluation activities that moderate the impact and success of this policy

Developing Best Practise

Teaching and Learning

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

- Provide equality of access for all pupils and prepare them for life in a diverse society
- Use materials that reflect a range of cultural backgrounds, without stereotyping
- Use materials to promote a positive image of and attitude towards disability and disabled people
- Promote attitudes and values that will challenge discriminatory behaviour
- Provide opportunities for pupils to appreciate their own culture and celebrate the diversity of other cultures
- Use a range of sensitive strategies when teaching about different cultural and religious traditions
- Seek to involve all parents in supporting their child's learning and development
- Provide learning opportunities that involve all pupil groups
- Take account of the performance of all pupils when planning for future learning and setting challenging targets
- Make best use of all available resources to support the learning of all groups of pupils
- Identify resources and training that support staff development

Learning Environment

There is a consistently high expectation of all pupils regardless of their gender, ethnicity, disability, religion or any other recognised area of discrimination. All pupils are encouraged to improve on their own achievements and not to measure themselves against others. Parents are also encouraged to view their own children's achievements in this light.

- Enthusiasm is a vital factor in achieving a high level of motivation and good

- results from all pupils
- Adults in the school provide good, positive role models in their approach to issues relating to equality of opportunity
- We place a very high priority on appropriate provision for special educational needs and disability.
- We meet all pupils' learning needs including the more able by carefully assessed and administered personal learning plans
- We provide an environment in which all pupils have equal access to facilities and resources
- All pupils are encouraged to be actively involved in their own learning
- A range of teaching methods are used to ensure that effective learning takes place at all stages for all pupils
- Consideration is given to the physical learning environment – both internal and external, including displays and signage

Programmes of learning

At Stoneygate we aim to ensure that:

- Planning reflects our commitment to equality in all areas of learning and development and cross curricular themes promote positive attitudes to equality and diversity
- Pupils are provided with appropriate opportunities to explore concepts and issues relating to identity and equality
- Steps are taken to ensure that all pupils have access to the EYFS framework by taking into account their cultural, backgrounds, linguistic needs and learning styles
- Adult learners have access to qualifications which recognise attainment and achievement and promote progression

Resources and Materials

The provision of good quality resources and materials within our provision is a high priority. Resources should:

- Reflect the reality of an ethnically, culturally and sexually diverse society
- Reflect a variety of viewpoints
- Show positive images of males and females in society
- Include non-stereotypical images of all groups
- Be accessible to all members of the children's centre community

Language

We recognise that it is important that all members of the school and centre community use appropriate language which:

- Does not transmit or confirm stereotypes
- Does not offend
- Creates and enhances positive images of particular groups identified at the beginning of this document
- Creates conditions in which all people develop self esteem
- Is accurate in referring to particular groups or individuals and challenges in instances where this is not the case

Provision for Bi-lingual Pupils

We undertake to make appropriate provision for EAL/bi-lingual families/groups to ensure access to appropriate services. These groups may include:

- Those for whom English is an additional language

- Those who are new to the United Kingdom
- Gypsy, Roma and Traveller families
- Those using their first language effectively for learning

It is not always possible to speak to or support children and parents in their home language although every attempt is made to do so through the employment of bi-lingual support assistants.

Personal Development and Pastoral Guidance

- Staff take account of gender, ethnicity, disability, religion or belief, sexual orientation, age or any other recognised area of discrimination and the experience and needs of particular groups
- All pupils/staff/parents/carers are given support, as appropriate, when they experience discrimination
- We recognise that perpetrators may also be victims and require support.
- Positive role models are used to ensure that individuals and groups can see themselves reflected in the school and centre community
- Emphasis is placed on the value that diversity brings to the local community rather than the challenges.

Staffing and Staff Development

We recognise the need for positive role models and distribution of responsibility among staff. This includes access to both male and female practitioners where possible. We encourage career development and aspirations of all staff. It is our policy to provide staff with training and development, which will increase awareness of the needs of different groups.

Staff Recruitment

- All those involved in recruitment and selection are trained and aware of what they should do to avoid discrimination and ensure equality good practice through the recruitment and selection process
- Equalities policies and practices are covered in all staff and volunteer inductions
- Employment policy and procedures are reviewed regularly to check conformity with legislation and impact

Note: Under the Equality Act 2010, in very limited circumstances, an employer can claim that a job will qualify for a genuine occupational requirement on the grounds of gender. However, only in very few instances would this be permissible, for example, where the job is likely to involve physical contact with members of the opposite sex, where matters of decency or privacy are involved.

Partnerships with Parents/Carers/Families and the Wider Community

We work with parents/carers to support all children in achieving their potential.

- All parents/carers are encouraged to participate in centre activities.
- Members of the local community are encouraged to join in school and centre activities

Roles and responsibilities

The governing body will ensure that the school complies with statutory requirements in respect of this policy and action plan.

The headteacher is responsible for the implementation of this policy, and will ensure that staff are aware of their responsibilities, that they are given necessary training and support and report progress to the governing body

The headteacher has day-to-day responsibility for co-ordinating the implementation of this policy.

Our staff will promote an inclusive and collaborative ethos in the school, challenge inappropriate language and behaviour, respond appropriately to incidents of discrimination and harassment, ensure appropriate support for children with additional needs and maintain a good level of awareness of equalities issues

All members of the school and centre community have a responsibility to treat each other with respect, to feel valued, and to speak out if they witness or are subject to any inappropriate language or behaviour

We will take steps to ensure all visitors to the school adhere to our commitment to equality

Commissioning and Procurement

Where contractors and other service providers are other than those approved by LCC, information concerning Stoneygate's commitments and expectations to equality will be explained should it be deemed appropriate.

Ensuring that services are commissioned or procured from organisations that comply with equality legislation will be a factor in any tendering process.

What we do to ensure equality

- Implementation of the Equality Policy
- Anonymous nature of the staff and parent consultations
- Professional Development in supervision meetings allow staff to express their views confidentially and identify their concerns and needs
- Consultation of staff well-being
- Regular parent meetings and consultations
- Whistle blowing policy
- Feedback from parents state that they feel fully involved in consultations about services
- Staff induction and training ensure that staff is proactive and confident to deal with difficult situations and know where to access support from external and internal sources.
- Pupil performance data shows that the achievements of targeted groups have been raised and that the gaps in PSED and Communication and Language are closing.
- Provision of appropriate support and differentiation in SEN and EAL
- Monitor and plan to close the gap for boys and girls between the more/ less disadvantaged groups
- Resources for parent information are provided in different formats

- Charges are sensitively applied
- Informal groups are open to all families
- Actively encouraging all families to take part in parenting courses and universal activities
- We support the county council's role as a corporate parent and have a designated staff member for children looked after
- We provide supervised contact for looked after children and their families

Specific Equality Areas

This section of our scheme highlights what we have already achieved for specific aspects of equality, and further action that we intend to take

Race Equality: What we have already achieved:

- The school complies with the County procedures regarding the reporting of racist incidents. The school is pleased to report that in the last three years there has been a nil return in respect of this.
- The school complies with the County Equal Opportunities Policy when recruiting new staff.

Community Cohesion: What we have already achieved:

- **Promoting understanding of the school's context** through a programme of home visits for children as they start school and parent meetings
- **Plans to promote community cohesion** by celebrating diverse cultures and religions through curriculum planning such as Diwali, Eid and Chinese New Year; supporting international and local charities such as Children in Need, Headway having respect for different viewpoints

We want to do more by reviewing our practice in order maintain and further improve our assessment against the racial equality mark standards.

Disability Equality: our building is fully accessible

Gender Equality: what we have already achieved:

- The school is successfully closing the gap between the attainment of girls and boys as shown in end of Foundation Stage Assessments
- The school is very successful at ensuring that male parents and carers access services
- The school complies with the County Equal Opportunities Policy when recruiting new staff

Examples of recent achievement where the school used equality information to develop and/or change an aspect of school life or centre activity:

- We have used the information collected about disadvantaged families to target two year old funding and Best Start and improving learning.
- Pupil progress data now includes a sub group for low socio- economic group to identify and address needs of these children within school.

- FEYE 2 places are allocated to targeted families and from September 2012 those identified as eligible for free school meals.
- We are implementing a training session to address gaps in staff knowledge with regard to multi-cultural Awareness
- Gaps in staff knowledge are addressed by access to a range of CPD training programmes eg. Breastfeeding Awareness Course, Safeguarding for Children with Disabilities, Visual Impairment Awareness, Sign Language Training

The Measurement of Impact of the Policy

This policy will be evaluated and monitored for its impact on pupils, staff, parents and carers from the different groups. An annual development plan will be published to enable an impact assessment to be undertaken at the appropriate time within a given timescale.

Publicising the Policy and Plan

The policy and development plan is a public document and made available on the Stoneygate Nursery School website, contained in staff and parent newsletters and nursery school induction packs.

At Stoneygate equality objectives are aligned with the school improvement plan.

Annual Review of Progress

In response to the legal requirement to report annually on progress and performance in respect of this policy and to report annually on progress to improve access for disabled pupils, including access to the curriculum, physical access and access to information, we will incorporate all requirements into one annual report which meets the requirements of the new legislation and which will formulate the basis for the annual action plan which contains at least one equality objective.

Appendix 1: Specific duties - Information and objectives

Summary:

There are specific duties which schools have to undertake in relation to the Equality Act 2010:

- a) to publish information which shows they have due regard for equalities, as defined by the Act;
- b) to publish at least one equality objective.

In later years the **information** has to be **updated annually** and this annual updating is expected to include an indication of progress on achieving the objectives. **Objectives have to be prepared and published every four years.**

Two guiding principles:

An important principle underlying how schools respond to the specific duties is **proportionality**. This means that, for example, more information may be expected from a large secondary school than from a small primary, and more than one equality objective may be expected.

A second important principle is **flexibility**. This means that each individual school is permitted, and indeed expected, to interpret the legislation in ways which are appropriate to its own context, neighbourhood, history and circumstances.

Information showing the school has due regard for equalities:

What is the purpose of publishing equality information?

Each school has to publish information showing it is complying with the requirement (section 149 of the Equality Act 2010) to have due regard for equalities. On the basis of this information each school also has to set itself at least one equality objective.

It is also on the basis of the information which a school publishes that parents, carers, local communities, trade unions and equality organisations will hold the governing body to account.

How and where should the information be published?

The information which a school publishes must be accessible, in both senses: a) easy to find and b) easy for a non-specialist to understand.

It is up to each school to decide this for itself. A school should probably use the same means of publishing that it uses for other important information. For many schools this means the document will be on the school website and that a brief summary of it will be posted on notice-boards, and included in newsletters to parents and in the staff handbook.

Other things being equal, it would be appropriate and valuable to publish equality information within, or alongside, the school's self-evaluation documentation.

What about confidentiality?

Is it necessary to publish *all* relevant information, regardless of how sensitive it is or may be? The answer is that the requirements of the Data Protection Act 1998 will apply, and that normal conventions and rules relating to confidentiality will need to be observed. It follows that not all the relevant information that a school gathers has to be placed in the public domain.

For example, it would not be appropriate to publish information which enables individual pupils or members of staff to be identified. Nor, as a general rule, would it be appropriate to publish information that could be maliciously used to harm a school's reputation.

What sort of information?

What sort of information will count as showing that a school has due regard for equalities, and that it is willing for others to hold it to account?

By and large, each school is permitted and encouraged to answer this question in its own way, according to its own circumstances. However, the government has indicated that minimally every public body must provide demographic information about its service users, and must show that it is aware of different outcomes and inequalities amongst them.

In the case of schools, therefore, information needs to be given about the pupil population broken down by ethnicity and gender, and about significant differences in attainment between girls and boys, and between pupils of different ethnic backgrounds.

It is reasonable to assume that demonstrating due regard will involve schools making statements such as those listed below, and illustrating them with examples and further information. The first four, as mentioned above, are essential.

Data about the school population and differences of outcome

1. The school has data on its composition broken down by year group, ethnicity and gender, and by proficiency in English.
2. The school has data on its composition broken down by types of impairment and special educational need.
The school has data on inequalities of outcome and participation connected with ethnicity, gender and disability, and with proficiency in English.
The school uses data on inequalities of outcome and involvement when setting itself objectives for achievable and measurable improvements.

Documentation and record-keeping

3. There are statements of the school's responsibilities under the Equality Act in various school documents. For example, there is a statement of overarching policy, and there may be significant references in the school improvement plan, self-evaluation papers, the prospectus, routine bulletins and newsletters, and occasional letters to parents.
4. There are references to the school's responsibilities under the Equality Act in the minutes of governors' meetings, staff meetings and senior leadership team meetings, and in the minutes of the School Council.
5. Before introducing important new policies or measures, the school carefully assesses their potential impact on equalities, positive or negative, and keeps a record of the analysis and judgements which it makes.

Responsibilities

6. A senior member of staff has special responsibility for equalities matters.
7. A member of the governing body has a watching brief for equalities matters.

Staffing

8. The school's programme for continuing professional development (CPD) includes reference to equalities matters, both directly and incidentally.

9. There is good equal opportunities practice in the recruitment and promotion of staff, both teaching and administrative.

Behaviour and safety

10. There are clear procedures for dealing with prejudice-related bullying and incidents.
11. Surveys and focus groups show that most pupils feel safe from all kinds of bullying.

Curriculum

12. Focused attention is paid to the needs of specific groups of pupils, for example those who are learning English as an additional language, and there is extra or special provision for certain groups, as appropriate
13. There is coverage in the delivery of the EYFS framework for equalities issues, particularly with regard to tackling prejudice and promoting community cohesion and mutual understanding
14. There are activities across provision that promote pupils' spiritual, moral, social and cultural development.
15. The school takes part in certain national projects and award schemes, for example the Lancashire Race Equality Mark; Accord Coalition Inclusivity Award; Black History Month; Disability History Month; Equalities Award; Gypsy, Roma and Traveller History Month; LGBT History Month; Refugee Week; Rights Respecting Schools Award; and Stonewall School Champions.
16. Resources include positive images of disabled people; of both women and men in non-stereotypical gender roles; and of people from a wide range of ethnic, religious and cultural backgrounds.

Consultation and involvement

17. The school has procedures for consulting and involving parents and carers, and for engaging with local groups and organisations, and has regard in these for the concerns and requirements of the Equality Act.
18. The school has procedures for finding out how pupils think and feel about the school, and has regard in these for the concerns of the Equality Act.

Setting objectives:

Introductory notes

Equality objectives have to be specific and measurable, and to be outcome-focused, as distinct from being focused primarily on making improvements in provision, crucially important though such improvements are.

This means the vast majority of equality objectives are likely to be about the closing and narrowing of gaps in attainment and take-up, or else about fostering good relations. Some examples of such objectives are cited below.

Further, equality objectives have to be related to matters highlighted in the information which a school publishes to demonstrate compliance with the public sector equality duty (PSED).

The legal requirement is to publish at least one objective. A single objective might well be sufficient in a very small rural primary school. It would probably be difficult or impossible for an urban primary school, or for a secondary school, to claim that a single objective shows it is taking the public sector equality duty (PSED) seriously.

The actual number of objectives which a school adopts is probably less important than the seriousness and rigour with which it undertakes them.

Other things being equal, equality objectives should be part of, or aligned with, the school improvement plan.

Narrowing the gaps

- To narrow the gaps between girls and boys, and between pupils for whom English is an additional language and pupils for whom English is the first language.
- To narrow the gap in attendance rates between Gypsy Roma Traveller children and other children throughout the school.
- To narrow the gaps in achievement between children of certain specific minority ethnic backgrounds and other children.
- To narrow the gap in participation in the public life of the school between disabled pupils (including learning-disabled pupils) and other pupils.
- To narrow the gap in mathematics between boys and girls at the end of Key Stage 1.

Fostering good relations

- To reduce the incidence of prejudice-related bullying, hostility and suspicion, particularly in relation to homophobia and sexism, and hostile attitudes and behaviour towards people who are disabled.
- To promote and enhance community cohesion and a sense of shared belonging in the school, and in the school's neighbourhood.
- To promote spiritual, moral, social and cultural development through the teaching of English and literacy, with particular reference to issues of equality and diversity.

Questions about each objective which a school adopts

With regard to each objective which a school selects, it will need to consider questions such as those listed below:

- 1. Background evidence:** Why have we chosen this objective? For example, and particularly, what relevant data do we have? Is the rationale for the objective clearly indicated in the published information.
- 2. Procedure:** What in practice are we actually going to do?
- 3. Responsibility:** Who will be responsible for ensuring the objective is pursued and achieved?
- 4. Measurable success indicators:** What will count as relevant and measurable evidence that we are succeeding, or have succeeded?
- 5. Timings:** By when do we expect to see signs of progress or success?
- 6. Expense:** How much are we budgeting, and on what items of expenditure in particular?
- 7. Resistance:** Who may be opposed or lukewarm? How shall we respond to them?
- 8. Problems:** What problems or difficulties may arise, and how shall we deal with them?
- 9. Learning from others:** What plans do we have for finding out what has worked well elsewhere? Do some, or all, staff need extra training?
- 10. Engagement:** Who have we consulted when deciding on this objective?

Note: The information in Appendix 1 is adapted from INSTED - Equalities in Education Resource Folder 2009-11 <http://www.insted.co.uk/equalities.html>

Appendix 2: the legal requirements in more detail

The duty to promote race equality

The Race Relations Act 1976 has been amended by the Race Relations

(Amendment) Act 2000 (the RRAA). This Act was introduced as a result of the MacPherson Report, which followed the Stephen Lawrence inquiry. This report highlighted the issue of institutional discrimination.

As a response, the government introduced a duty to promote race equality for listed public bodies, including Local Authorities and schools. The duty is designed to assist institutions to tackle discrimination, promote equality of opportunity and promote good race relations. Its aim is to make promotion of race equality central to the way that public bodies work, and to all areas of their work, including policy making, service delivery, (including teaching and learning), regulation and enforcement and employment practice.

The Race Equality Duty has a general duty with three inter-related parts. It means that schools, in carrying out their functions, must give due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups.

Although these different elements often interlink, they need to be given 'due regard' in their own right.

To support progress in delivering the general duty, there are a series of 'specific duties' for schools, to:

- assess the impact of policies, including the Race Equality Policy, on students and staff of different racial groups;
- monitor policies for adverse impact on race equality, by gathering and using information on the admission and progress of students and the recruitment and career progress of staff (including training for staff);
- include in the written Race Equality Policy a statement indicating the arrangements for publishing the policy, and the results of assessment and monitoring;
- publish annually the results of monitoring data, and actions taken towards achievement of overall objectives and priorities;
- fully review the race equality policy every three years.

The duty to promote community cohesion

The Commission for Integration and Cohesion, set up by the Government in the wake of the London 2005 terrorist attacks, identified an integrated and cohesive community as one in which:

- everyone knows their rights and responsibilities
- people of different backgrounds have similar opportunities
- there is trust in local institutions such as the local council, the police and the courts, to act fairly
- everyone recognises the contribution of both new arrivals and those already settled, and are not threatened by change
- there are positive relationships between people from different backgrounds, at work, at school and at college.

From September 2007, schools have a duty to promote community cohesion.

DCSF guidance states that 'By community cohesion, we mean working towards a society in which:

- there is a common vision and sense of belonging by all communities
- the diversity of people's backgrounds and circumstances is appreciated and valued
- similar life opportunities are available to all
- strong positive relationships exist and to continue to be developed in the workplace, in schools and in the wider community

Community cohesion does not just apply to differences in faith or ethnicity, but includes any difference, for example in gender, disability or sexual orientation. However, the main focus of the duty is to promote good community relations across different cultures, ethnic, religious and non religious and socio-economic groups.

Unlike the promotional duties for race, disability and gender equality, there are no statutory requirements to produce a policy or scheme or action plan. Schools must decide the best approach to implement the duty effectively, for example through a policy, action plan or working party. However, embedding the school's response in a Single Equality Scheme and Action Plan will make it easier for schools to monitor their progress and performance in meeting the requirements of this duty

Further information can be found in DCSF guidance;

'Guidance on the duty to promote community cohesion' which may be downloaded from http://www.teachernet.gov.uk/wholeschool/Communitycohesion/Community_Cohesion_Guidance/

Disability equality legislation

There are several pieces of disability equality legislation that schools must respond to, including:

- SEN duties
- duties under the SEN and Disability Act 2001 (SENDA)
- the Planning Duties of DDA 1995 Part 4
- Disability Equality Duty (DDA 2005)

Each of these are now considered in turn.

SEN duties provide auxiliary aids and services for schools to make adjustments for individual disabled learners to support inclusion.

SENDA protects current and prospective disabled learners from discrimination. Schools are required to make reasonable adjustments so that disabled learners do not experience less favourable treatment or substantial disadvantage. The reasonable adjustment duties for schools under SENDA do not include the provision of auxiliary aids and services as these are provided by the SEN framework (see above), and over time through the planning duties (see below).

The planning duties of DDA Part 4 aims to ensure schools increase over time their accessibility to disabled people. Three year Accessibility Plans should have been in place by April 2003, and updated for 2006-2009. Accessibility Plans should demonstrate how the school will

- increase access to disabled pupils in the school curriculum, for example changes to teaching and learning, classroom organisation, deployment of learning support, staff training, curriculum delivery
- improve access to the physical environment, for example improved signage, floorings and room layouts
- improve accessibility of written material, for example ensuring handouts, timetables and information on school events are available in alternative formats such as large print or easy read

These three sets of duties work together to ensure disabled learners access and enjoy education in its broadest sense with the same degree of dignity and choice as their non-disabled peers.

The Disability Equality Duty has a general duty with six inter-related parts. It means that schools, in carrying out their functions, must give due regard to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate unlawful discrimination
- eliminate disability- related harassment
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to take account of disabled peoples' disabilities, even where that involves treating disabled people more favourably than other people.

Although these different elements often interlink, they need to be given 'due regard' in their own right.

The general duty reinforces the reasonable adjustment duties of the Disability Discrimination Act (DDA). In particular, it complements, and in some cases overlaps with, the anticipatory

duty to make adjustments. An anticipatory approach requires adjustments to be made in advance of individual disabled people attempting to use a service or access education or employment.

To support progress in delivering the general duty, there are a series of 'specific duties' for schools, to:

- produce and publish a Disability Equality Scheme and equality action plan;
- involve disabled people in the development of the DES and equality action plan;
- explain the method of assessing the impact of policies and practice upon disabled people;
- monitor the impact of policy and practice on disabled people by gathering and using information on staff recruitment, development and retention and the educational opportunities available to, and the achievements of disabled pupils. (This should be interpreted broadly)
- explain how the results of steps taken to achieve the Action Plan will be published on an annual basis;
- fully review the Disability Equality Scheme every three years.

Definition of a disabled person

Under the DDA a person has a disability if s/he has a 'physical or mental impairment which has a substantial or long-term, adverse effect on her / his ability to carry out day-to-day activities'. 'Substantial' does not mean significant – it simply means more than 'minor' or 'trivial'. 'Day to day' activities often include activities that pupils are asked to carry out in the classroom. 'Long term' generally means more than one year.

This is a broad definition that is likely to cover people with:

- physical or sensory impairments
- learning difficulties, including specific learning difficulties such as dyslexia
- mental health difficulties
- medical conditions such as epilepsy, diabetes, HIV, cancer, multiple sclerosis

7 – 8% of learners will be covered by the definition of a disabled person, rising to 10% of 16-24 year olds and 15 - 20% for people of working age. One in three people between 50 and 65 will be covered by the definition.

While there is an overlap between the definition of disabled pupils and pupils with special educational needs, not all disabled pupils will have SEN, and not all pupils with SEN will be disabled. For example, a learner with diabetes may not have SEN but have rights under DDA. A learner with emotional and behavioural difficulties because of difficult personal and social circumstances may have SEN but not be covered under DDA.

It is important to note that many impairments are 'unseen', and also that over 50% of people who are covered by the DDA definition of a disabled person are unlikely to consider themselves as disabled.

Involvement of disabled people

At the heart of the Disability Equality Duty is the need to involve disabled people. The Code of Practice for the duty makes clear that consultation by itself is not sufficient to meet this legal requirement. Consultation may allow choice between limited, often predetermined options, or canvas opinion, but participants have few or no opportunities to propose alternatives, or to take part in putting plans into action. Participants have a voice, but no power to ensure their voice has influence.

Providers must move beyond consultation to achieve active and genuine involvement with disabled people. This empowers and enables participants to create a vision of their own future and to become actively involved in making it happen. Participants establish a partnership to share decision-making, are given genuine opportunities and are actively engaged in exploring options, and shaping action and outcomes.

Approaches to disability equality

The Disability Rights Commission highlighted the social model of disability as being essential to the successful implementation of the DDA duties. The social model identifies that;

'The disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal and environmental barriers.'

This premise provides the basis for the school's commitment to implement the Disability Equality Duty by examining its policies, procedures and practices and making every effort to remove attitudinal, cultural, social and physical barriers. The Disability Equality Duty shifts the focus away from the individual, placing responsibility firmly on the shoulders of the institution to dismantle barriers before these have an impact on the individual

Further information can be found in DCSF guidance 'Implementing the Disability Discrimination Act in schools and early years settings' which may be downloaded from <http://www.teachernet.gov.uk/wholeschool/disability/disabilityandthedda/>

The duty to promote gender equality

The Sex Discrimination Act (1975) has been amended by the Equality Act 2006 to place a duty on all public authorities to promote gender equality.

The Gender Equality Duty has a general duty with two inter-related parts. It means that schools, in carrying out their functions, must give due regard to the need to:

- eliminate unlawful discrimination and harassment and
- promote equality of opportunity between men and women.

The duty has been introduced in recognition of the need for a radical new approach to gender equality – one which places more responsibility with public bodies to think strategically about gender equality, rather than leaving it to individuals to challenge poor practice. As with race and disability equality, the gender equality duty applies in respect of all the school's functions including policy-making, teaching and learning, and employment. It also applies to people who use the services of the school who are not staff and learners, such as people who participate in family learning evening courses provided by the school

To support progress in delivering the general duty, there are a series of 'specific duties' for schools, to:

- prepare and publish a Gender Equality Scheme, showing how the school will meet the general and specific duties and setting out gender equality objectives.
- in formulating overall objectives, to consider the need to include objectives to address the causes of any gender pay gap in support of the Equal Pay Act (1970).
- gather and use information on how policies and practices affect gender equality in the workforce and in the delivery of services, including teaching and learning

- consult stakeholders (i.e. employees, students and others, including trade unions) and take account of relevant information in order to determine gender equality objectives.
- assess the impact of current and proposed policies and practices on gender equality.
- explain how the results of steps taken to achieve the Action Plan will be published on an annual basis;
- fully review the Gender Equality Scheme every three years.

Transsexual / Transgender Staff and Parents

As part of the Gender Equality Duty, public authorities are also required to have due regard to the need to eliminate unlawful discrimination and harassment in employment and vocational training for people who intend to undergo, are undergoing or have undergone gender reassignment.

Transsexual people are people who identify their gender to be different from the gender assigned to them at birth. Sometimes known as gender dysphoria, this is a recognised medical condition. It is accompanied by a sense of discomfort with one's physical body and a wish to go through a process known as gender reassignment or transition. The term transsexual is usually used to describe a person who intends to undergo, is undergoing or has undergone gender reassignment

Other Equality Legislation

In addition to the duties to promote race, disability and gender equality, and the duty to promote community cohesion, schools are also covered by duties not to discriminate on the grounds of sexual orientation, age or religion and belief. These laws do not have positive duties to *promote* equality associated with them, but schools must ensure that through their policies and practices, they are not discriminating on any of these grounds. The regulations, for example, make it unlawful to

- discriminate directly or indirectly because of a person's actual or perceived sexual orientation, religion or belief, or because they associate with someone of a particular sexual orientation or religion or belief, including friends and parents / carers / responsible adults
- subject someone to harassment because of a person's actual or perceived sexual orientation, religion or belief, or because they associate with someone of a particular sexual orientation or religion or belief, including friends and parents / carers / responsible adults
- victimise someone because they have or intend to make an allegation of discrimination or harassment, or they have or intend to give evidence in relation to an allegation of discrimination or harassment

In relation to religion and belief regulations, there are certain and limited exceptions such as admissions, curriculum, collective worship and faith schools. For example, faith schools may give preference to young people who follow that particular faith. No school is allowed to deny someone education on the grounds of their race, sexual orientation, religion or belief or because they have a disability. However, schools are allowed to reject prospective students based on their age. Once they are above the national school leaving age, students are expected to go to college or other learning providers. Single sex schools are allowed to select pupils on the grounds of their gender.

Further information on the requirements of equality legislation for schools can be found at <http://www.teachernet.gov.uk>

<http://www.governor.net.co.uk>

www.equalityhumanrights.com

Action plan

- Narrow the gap
- Raising staff awareness of racial equality through joint training with Stoneygate Children's centre
- Increasing consultation with service users in order to audit and plan to ensure equality of opportunity for all