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Review frequency: Every four years
Last reviewed: November 2022
Next Review: November 2026

Legal Duties

The Equality Act 2010 ("the Act") provides a modern, single legal framework with three broad duties:

- Eliminate discrimination;
- Advance equality of opportunity; and
- Foster good relations.

St Agnes School fully understands the principle of the Act and the work needed to ensure that those with protected characteristics are not discriminated against and are given equality of opportunity.

A protected characteristic under the act covers the groups listed below:

- Age;
- Disability;
- Race including colour, nationality, ethnic or national origin;
- Gender reassignment;
- Maternity and pregnancy;
- Religion and belief;
- Sex;
- Marriage and civil partnership (for employees).

In order to meet our general duties, listed above, the law requires us to do some specific duties to demonstrate how we meet the general duties.

These are to:

- Publish equality information – to demonstrate compliance with the general duty across its functions.
- Prepare and publish equality objectives - to do this we will collect data related to the protected characteristics above and analyse this data to determine our focus for our equality objectives.

The data will be assessed across our core provisions as a school. This will include the following functions:

- Admissions;
- Attendance;
- Attainment;
- Exclusions; and
- Prejudice related incidents.

NB: We will not publish any information that can specifically identify any child.

Our objectives will detail how we will ensure equality is applied to the services listed above. However; where we find evidence that other functions have a significant impact on any particular group we will include work in this area. We also welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.

We recognise that these duties reflect international human rights standards as expressed in the UN Convention on the Rights of the

Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

Our Policy:

St Agnes School's Equality Information and Objectives Policy draws together all previous equality legislation and details how the school is fulfilling the requirements of the Act.

In fulfilling our legal obligations we will be guided by seven core statements:

Statement 1: All learners are of equal value.

Statement 2: We recognise, welcome and respect diversity.

Statement 3: We foster positive attitudes and relationships, and a shared sense of belonging.

Statement 4: We observe good equalities practice, including staff recruitment, retention and development.

Statement 5: We aim to reduce and remove existing inequalities and barriers.

Statement 6: We consult and involve widely

Statement 7: We strive to ensure that society will benefit.

In adhering to our school ethos, we believe that ‘with Jesus beside us we will do our best’.

Addressing Prejudice Related Incidents:

St Agnes school is opposed to all forms of prejudice and we recognise that children and young people who experience any form of prejudice related discrimination may fare less well in the education system. We provide both our pupils and staff with an awareness of the impact of prejudice in order to prevent any incidents. If incidents still occur we address them immediately and report them to the Local Authority using their guidance material. The Local Authority may provide some support.

Responsibility

We believe that promoting Equality is the responsibility of everyone in the school community:

School Community	Responsibility
St Agnes School Governing Body	Involving and engaging the whole school community in identifying and understanding equality barriers and in the setting of objectives to address these. The Governing Body will also agree the Equality Statement and objectives.

School Community	Responsibility
Head teacher	<p>As above including: Promoting key messages to staff, parents and pupils about equality and what is expected of them and can be expected from the school in carrying out its day to day duties. Ensuring that the whole school community receives adequate training to meet the need of delivering equality, including pupil awareness. Ensure that all staff are aware of their responsibility to record and report prejudice related incidents.</p>
Senior Management Team	<p>To support the Head as above. Ensure fair treatment and access to services and opportunities. Ensure that all staff are aware of their responsibility to record and report prejudice related incidents.</p>
Teaching Staff	<p>Help in delivering the right outcomes for pupils. Uphold the commitment made to pupils and parents/carers on how they can be expected to be treated. Design and deliver an inclusive curriculum Ensure that you are aware of your responsibility to record and report prejudice related incidents.</p>

School Community	Responsibility
Non Teaching Staff	<p>Support the school and the governing body in delivering a fair and equitable service to all stakeholders</p> <p>Uphold the commitment made by the head teacher on how pupils and parents/carers can be expected to be treated</p> <p>Support colleagues within the school community.</p> <p>Ensure that you are aware of your responsibility to record and report prejudice related incidents</p>
Parents	<p>Take an active part in identifying barriers for the school community and in informing the governing body of actions that can be taken to eradicate these</p> <p>Take an active role in supporting and challenging the school to achieve the commitment given to the school community in tackling inequality and achieving equality of opportunity for all.</p>
Pupils	<p>Support the school to achieve the commitment made to tackling inequality.</p> <p>Uphold the commitment made by the head teacher on how pupils and parents/carers, staff and the wider school community can be expected to be treated.</p>

School Community	Responsibility
Local Community Members	Take an active part in identifying barriers for the school community and in informing the governing body of actions that can be taken to eradicate these Take an active role in supporting and challenging the school to achieve the commitment made to the school community in tackling inequality and achieving equality of opportunity for all.

We will ensure that the whole school community is aware of the Equality & Diversity Statement and our published equality information and objectives by publishing them on our school website – www.st-agnes.towerhamlets.sch.uk

Breaches

Breaches to this statement will be dealt with in the same ways that breaches of other school policies are dealt with, as determined by the head teacher and governing body.

Monitor and Review

Every three years, we will review our objectives in relation to any changes in our school profile. Our objectives will sit in our overall school improvement plan and therefore will be reviewed as part of this process.

Briefing for Governing Bodies and School Staff

What is the Equality Act 2010?

The Equality Act 2010 is a new law which protects people from discrimination. It replaces all previous, separate equality laws including the Disability Discrimination Act, Race Relations Act and many others.

Why change?

Having one law on Equality helps people to better understand their and other people's rights, and how they should expect to be treated.

Equality: does not mean treating everyone the same, it means treating people fairly, with respect, having regard for their rights and wishes. Sometimes this means giving people extra help so they have the same chances.

Public Sector Equality Duty

Previous equality duties involved schools producing separate policies and action plans for race, disability and gender. The new Equality Act introduces a single equality duty for all public sector organisations including schools, this is known as the 'public sector equality duty'.

The public sector duty requires all schools to show how they are meeting the aims of the Equality Act by giving ‘due regard’ to the need to:

- **Eliminate Unlawful Discrimination**, harassment, victimisation and any other conduct prohibited by the Act
- **Advance Equality of Opportunity**, between persons who share a relevant protected characteristic and persons who do not share it
- **Foster Good Relations** between persons who share a relevant protected characteristic and persons who do not share it

Specifically to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low

Protected Characteristics?

The Equality Act protects the same groups of people that were covered by previous equality legislation, but these groups are now referred to as ‘protected characteristics’. The following is a list of the protected characteristics that must be covered by schools:

- Disability
- Gender Reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (referred to previously as gender)
- Sexual Orientation

The protected characteristic of ‘Age’ and ‘Marriage/ Civil Partnerships’ applies to schools as employers, but not with regard to the treatment of pupils or prospective pupils.

What does this mean for school governing bodies?

The Act covers all aspects of school life which are to do with how a school treats its pupils and prospective pupils, and their parents and carers; how it treats its employees; and how it treats members of the local community.

The Act makes it unlawful to discriminate against an individual accessing education provision. A school must not discriminate against a pupil with regards to:

- Admissions
- Provision of education
- Access to any benefit, facility or service
- Exclusions

It is also unlawful for a school to harass or victimise a pupil in relation to any complaints of discrimination.

What do schools have to do?

Schools and other public sector organisations have two sets of specific duties which they must achieve to show that they are meeting their duty, they must:

- publish information which demonstrates their compliance with the duty to have due regard for the three aims of the general duty.
- prepare and publish specific and measurable objectives which they will pursue over the coming years to achieve the three aims

School governing bodies should work closely with the whole school community to:

- Evaluate how well the school is already achieving the three aims of the general duty across all of the protected characteristics;
- Identify where there are gaps and prioritise these for actions identifying at least 3 measurable ‘equality objectives’ to focus on over the next 3 years;
- Develop a ‘Single Equality’ Statement, detailing all protected characteristics, and making clear the schools responsibilities under the Act, it’s commitment and what it will do to achieve ‘equality of opportunity’ for the whole school community.

Direct Discrimination occurs when a person treats another person differently than they treat or would treat another person because of a ‘protected characteristic’.

Discrimination arising from disability can happen if a person is treated unfairly because of something that results from, or is connected with their disability.

Example: A pupil with cerebral palsy who is a wheelchair user is told she will be unable to attend a school trip to a local theatre which is showing a play that she is currently studying in English. This is because the building is not wheelchair accessible. The pupil and her parents are aware that the play is also on at a theatre in a nearby city which is accessible but the school does not look into this option. This is likely to be discrimination arising from a disability.

Unlike all other protected characteristics, treating a disabled person more favourably than a non-disabled person, because of their disability, is allowed under the act.

Example: A school provides extra lessons to a disabled pupil who has missed lessons because of attendance at medical appointments relating to their disability.

Further Examples of Direct discrimination

Example 1: A teacher at a school lets children know that there will be football trials for the school football team. The teacher states that the trials will only be open to male pupils. A female pupil wishes to take part in the trials but is told that she cannot. This is the only football team in the school.

The teachers' actions mean that the female pupil has been treated less favourably because of the protected characteristic 'sex', and as a result this is unlawful direct discrimination.

Example 2: A pupil is unsuccessful in gaining a place at a Catholic primary school because his parents are a gay couple. This is direct 'sexual orientation' discrimination by association because of the boy's association with his parents.

Indirect Discrimination

Indirect discrimination can occur when a school applies what is felt to be a general policy or practice which puts pupils sharing a protected characteristic at a particular disadvantage.

Example of Indirect Discrimination: A school instigates a policy that no jewellery should be worn. A young woman of the Sikh religion is asked to remove her Kara bangle in line with this policy, although the young woman explains that she is required by her religion to wear the bangle. This could be unlawful indirect discrimination on the grounds of religion and belief.

A school's attendance reward policy, awards for 100% attendance. On the surface this seems fair however a child with Cystic Fibrosis could never achieve 100%. Again if the reward is a trip to a theme park a child with Cystic Fibrosis could never achieve this reward.

Further information on the Equality Act can be found at:

<http://homeoffice.gov.uk/equalities/equality-act/>

<http://www.education.gov.uk/schools/leadership/governance/guide-tothelaw/b0065507/gttl/equal-opportunities-and-governors>

Equality Act 2010 Briefing – For Parents & Carers

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Why change?

Having one law on Equality helps people to better understand theirs and other people's rights, and how they should expect to be treated.

Equality: does not mean treating everyone the same, it means treating people fairly, with respect, having regard for their rights and wishes. Sometimes this means giving people extra help so they have the same chances.

Direct Discrimination occurs when a person treats another person differently than they treat or would treat another person because of a 'protected characteristic'.

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parents are aware that the play is also on at a theatre in a near by city which is accessible but the school does not look into this option. This is likely to be discrimination arising from a disability.

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¹ All Examples are taken and in some cases have been amended, from the Draft Code of Practice: Schools in England & Wales Consultation January 2011

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- Religion or belief
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What does this mean for schools?

The Act covers all aspects of school life which are to do with how a school treats its pupils and prospective pupils, and their parents and carers; how it treats its employees; and how it treats members of the local community.

A school must not discriminate against a pupil with regard to:

- Admissions

- Provision of education
- Access to any benefit, facility or service
- Exclusions
- It is also unlawful for a school to harass or victimise a pupil.

What do schools have to do?

All schools, across all ‘protected characteristics’, have to give due regard to the need to:

- Eliminate Unlawful Discrimination
- Advance Equality of Opportunity
- Foster Good Relations

Schools will have to demonstrate that they are doing this across all areas and should have a written statement of intent. This should include working with parents, carers, pupils and staff to understand issues/barriers in school, and how to resolve them.

How can parents and carers raise issues or concerns?

If a parent or carer feels that their child is being treated unfairly then they must follow the schools complaints process in the first instance.

Equality Briefings for School Councils and Pupils

What is the Equality Act 2010?

The Equality Act 2010 is a new law which protects people from discrimination. We used to have many different laws on equality, which often confused people, but we now have one. Having one law on equality helps people to better understand theirs and other people's rights, and how they should expect to be treated.

Equality: does not mean treating everyone the same, it means treating people fairly, with respect, having regard for their rights and wishes. Sometimes this means giving people extra help so they have the same chances.

Public Sector Equality Duty

All public sector organisations have a duty under the equality act called 'the public sector duty'.

Public Sector Organisations: These are organisations which provide a service to the public and include: local councils, schools and colleges, police, fire and rescue, hospitals and many more.

The public sector duty will require all schools to show how they are meeting the aims of the Equality Act which are to:

- Eliminate Unlawful Discrimination (**stop people being treated unfairly**)
- Advance Equality of Opportunity (**help to make society a fairer place for everyone**)
- Foster Good Relations (**learn about, share and celebrate other people's differences**)

All schools will be expected to show how they engage with different groups of people, in particular people from the following groups who are known in law as those with ‘protected characteristics’:

- **Disability** (A person who has a physical or mental impairment which affects their ability to carry out normal day-to-day activities.)
- **Gender Reassignment** (The process of changing from one gender to another)
- **Pregnancy and maternity** (Being pregnant or expecting a baby; maternity refers to the period after the birth)
- **Race** (a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins)
- **Religion or belief** (Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism))

- **Sex** (male or female)
- **Sexual Orientation** (Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes)

Protected Characteristics: People from the groups listed above are known to experience discrimination more often than other people in society. We now use the words 'protected characteristics' to make it clear that people from these groups are protected in law from being treated unfairly.

As a school council you can take an active part in supporting the school in meeting their public sector duty and ensuring that your school benefits all pupils and the school community fairly and equally.

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