



Briary Primary School

Single Equality Scheme

Date Reviewed: April 2015

Date Adopted: April 2015

Date of Review: April 2018

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April 2015 – April 2018**

The Equality Act (2010) harmonises existing legislation and creates a new list of people who share a protected characteristic under the law. The Act includes secondary legislation setting out the Public Sector Equality Duty that consists of a General and a Specific Duty. Both the Act and the Public Sector Equality Duty apply to all aspects of employment, goods and services, partnerships and procurement. This includes schools and education.

There is no longer a requirement for an Equality Scheme, though the Duty sets out requirements for publication of information, as well as setting of Equality objectives. The Duty requires information published to include the effects of policies and practices on people who are protected by the act. The Equality and Human Rights Commission recommend that this should take the form of Equality Impact Assessments.

Definitions Relating to the Equality Act 2010

The following definitions are some of the more common terms relevant to schools or the particular provisions of the Act:

Discrimination:

Unlawful discrimination is defined in the Act as:

- Direct discrimination (including discrimination based on perception or association).
- Indirect discrimination.
- Discrimination arising from disability.
- Failure to make reasonable adjustments (for disabled people).

Direct discrimination occurs when you treat a pupil less favourably than you treat (or would treat) another pupil because of a protected characteristic. So a very basic example would be refusing to admit a child to a school as a pupil because of their race, for example because they are Roma. It is not possible to justify direct discrimination, so it will always be unlawful. There are however exceptions to the schools provisions that allow, for example, single-sex schools to only admit pupils of one sex without this being unlawful direct discrimination.

In order for someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected characteristic is receiving or would receive. So a gay pupil cannot claim that excluding them for fighting is direct discrimination on grounds of sexual orientation unless they can show that a heterosexual or bisexual pupil would not be excluded for fighting. A pupil does not need to find an actual person to compare their treatment with but can rely on a hypothetical person if they can show there is evidence that such a person would be treated differently.

There is no need for someone claiming direct discrimination because of racial segregation or pregnancy or maternity to find a person to compare themselves to:

- Racial segregation is deliberately separating people by race or colour or ethnic or national origin and will always be unlawful direct discrimination.
- To claim pregnancy or maternity discrimination a female pupil must show that she has been treated unfavourably because of her pregnancy or maternity and does not have to compare her treatment to the treatment of someone who was not pregnant or a new mother.

It is not direct discrimination against a male pupil to offer a female pupil special treatment in connection with her pregnancy or childbirth.

It is not direct discrimination against a non-disabled pupil to treat a disabled pupil more favourably.

Indirect discrimination occurs when you apply a provision, criterion or practice (PCP) in the same way for all pupils or a particular pupil group, but this has the effect of putting pupils sharing a protected characteristic within the general student group at a particular disadvantage. It doesn't matter that you did not intend to disadvantage the pupils with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such pupils compared with pupils who do not share that characteristic.

'Disadvantage' is not defined in the Act but a rule of thumb is that a reasonable person would consider that disadvantage has occurred. It can take many different forms, such as denial of an opportunity or choice, deterrence, rejection or exclusion.

Indirect discrimination will occur if the following four conditions are met:

1. You apply (or would apply) the provision, criterion or practice equally to all relevant pupils, including a particular pupil with a protected characteristic, and
2. The provision, criterion or practice puts or would put pupils sharing a protected characteristic at a particular disadvantage compared to relevant pupils who do not share that characteristic, and
3. The provision, criteria, practice or rule puts or would put the particular pupil at that disadvantage, and
4. You cannot show that the provision, criteria of practice is justified as a 'proportionate means of achieving a legitimate aim'.

Positive Action:

Pupils with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions which enable schools to take action to tackle the particular disadvantage,

different needs or disproportionately low participation of a particular pupil group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) schools to take proportionate action to address the disadvantage faced by particular groups of pupils. Such action could include targeted provision, resources or putting in place additional or bespoke provision to benefit a particular disadvantaged pupil group.

Positive action is intended to be a measure that will allow schools to provide additional benefits to some pupils to address disadvantage and is not the same as positive discrimination. Positive discrimination would be providing preferential treatment for a particular disadvantaged pupil group that exceeded the positive action conditions. It is never unlawful to treat disabled pupils (or applicants) more favourably than non-disabled pupils (or applicants). That is, a school is permitted to positively discriminate in favour of disabled pupils (applicants).

'Proportionate means of achieving a legitimate aim':

To be legitimate the aim of the provision, criterion or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of school education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health and safety and welfare of pupils.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim. Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the school's justification, if there are other good reasons for adopting the chosen practice. The more serious the disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be. In a case involving disability, if you have not complied with your duty to make relevant reasonable adjustments it will be difficult for you to show that the treatment was proportionate.

Protected Characteristics:

The Act protects people from discrimination and harassment based on the following 'protected characteristics':

- Age
- Disability.
- Gender reassignment.
- Marriage and civil partnership
- Pregnancy and maternity.
- Race.

- Religion or belief.
- Sex.
- Sexual orientation.

Age and being married or in a civil partnership are NOT protected characteristics for the schools provisions.

The categories of people covered by the schools provisions are:

- Prospective pupils (in relation to admissions arrangements).
- Pupils at the school (including those absent or temporarily excluded).
- Former pupils (if there is a continuing relationship based on them having been a pupil at the school).

Provision, criterion or practice (PCP):

These are not defined in the Act but can be interpreted widely and include:

- arrangements (for example, for deciding who to admit or in preparing for a school trip)
- the way that education, or access to any benefit, service or facility is offered or provided
- one-off decisions
- proposals or directions to do something in a particular way.

They may be written out formally or they may just have developed as the school worked out the best way of achieving what it wanted to do.

Public sector equality duties:

These give public bodies, including maintained schools, Academies and Pupil Referral Units, legal responsibilities to demonstrate that they are taking action on equality in policymaking, the delivery of services and public sector employment. The duties require public bodies to take steps not just to eliminate unlawful discrimination and harassment, but also to actively promote equality.

The purpose of the equality duties is not to be process driven and bureaucratic but rather to offer an outcome-based method of ensuring that schools are best meeting the needs of all their pupils. The duties provide a framework to help schools tackle persistent and longstanding issues of disadvantage, such as underachievement of boys from certain ethnic groups, gender stereotyping in subject choice and bullying of disabled young people. They also provide a strategic and systematic means of tackling major entrenched disadvantage across the sector.

Reasonable adjustment duty:

Schools are required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled pupils at a substantial disadvantage. This

duty is owed to existing pupils, applicants and, in limited circumstances, to disabled former pupils in relation to the following areas:

- deciding who is offered admission as a pupil
- the provision of education
- access to any benefit, service or facility.

Schools cannot justify a failure to make a reasonable adjustment; where the duty arises, the issue will be whether or not an adjustment is 'reasonable' and this is an objective question for the tribunals to ultimately determine.

The duty is an anticipatory and continuing one that schools owe to disabled pupils generally, regardless of whether it is known that a particular pupil is disabled or whether there are currently any disabled pupils. By anticipating the need for an adjustment schools are best placed to help disabled pupils who come to the school. Schools are not expected to anticipate the needs of every prospective pupil but they are required to think about and take reasonable and proportionate steps to overcome barriers that may impede pupils with different kinds of disabilities. For example, while it may be appropriate to provide large print for a pupil with a visual impairment, it might not be reasonable to be expected to have Braille devices standing ready.

Socio-economic duty:

Socio-economic status was also recognised in the legislation, though a specific duty on Socio-economic status has not been enacted by the present Government. This means that the statutory protection given to people on low incomes or in rural isolation experiencing disadvantage or unfair treatment will not be the same as the other protected characteristics.

Legislation

Two tables are included at the end of this scheme setting out:

- legislation prior to the Equality Act 2010
- details of the Equality Act 2010.

Briary Primary School

This scheme and the accompanying action plans sets out how the governing body will meet the requirements.

Policy Consultation & Review

This policy is available on our school website and is available on request from the school office. We also inform parents and carers about this policy when their children join our school and through our school newsletter.

The policy is provided to all staff (including temporary staff and volunteers) at induction alongside our Staff Code of Conduct. In addition, all staff are provided with Part One of the statutory guidance 'Keeping Children Safe in Education', DfE (2014).

What is the Single Equality Scheme and Action Plan?

Our Single Equality Scheme (SES) and action plan covers a three year period from 2015 to 2018. It integrates our statutory duties in relation to race, disability and gender and promoting community cohesion. The duties cover staff, pupils and people using the services of the school such as parents. It also addresses the legislation relating to religion or belief, sexual orientation and age and therefore includes our priorities and actions to eliminate discrimination and harassment for these equality areas.

Our Single Equality Scheme and Action Plan enables us to achieve a framework for action which covers all equality strands and ensures that we meet our responsibilities of the public sector duties in an inclusive way.

We will continue to meet our statutory duties by reporting annually on the progress of the Single Equality Scheme and action plan. This will be reviewed by our Board of Governors and will cover activity undertaken in relation to the equality strands and promoting community cohesion.

1 Starting points

Purpose of the Equality Scheme

1.1 The purpose of the school's Equality scheme is to meet the duties to promote equality of opportunity for and between diverse members of the school community, including, disabled pupils, staff, parents, women, men and different racial groups within the school. In order to do this the school will:

- Establish with all staff an overall vision of the duty to promote equality of opportunity for pupils, staff and parents.

Elements of the duties are:

1. Promote equality of opportunity between disabled and non-disabled people, women and men and between different racial groups.
2. Eliminate discrimination and harassment on the grounds of disability, sex, race or ethnicity.
3. Promote positive attitudes towards disabled people.
4. Encourage participation of disabled pupils, parents, staff and carers.
5. Take steps to meet disabled people's needs, even if this requires more favourable treatment.

1.2 Action by School Leadership Team (SLT) responsible for the Equality Scheme:

- Raise awareness of the elements of the duties with all staff, governors, parents and pupils.
- Refer to 'Implementing the DDA in Schools' published by the Disability Rights Commission
- Ensure understanding of the broad definition of Disability within the DDA.
- Encourage disclosure of disability by pupils, parents, staff and other users of the school. (See p12 and 22 of DFES draft guidance)
- Refer to 'The Gender Equality Duty and Schools' published by the Equal Opportunities Commission
- Work with trade unions to implement the gender duty in employment functions
- Create separate action plans for each equality duty highlighting links as appropriate.

1.3 The governing body will use the Disability Discrimination Act 2005 definition of disability to respond to the different needs of disabled people.

Definition of disability

The DDA defines a disabled person as someone who has:

'A physical or mental impairment which has a **substantial and long-term adverse effect** on his or her ability to carry out normal day-to-day activities.'

Definition of the terms:

- 'physical impairment' includes sensory impairments;
- 'mental impairment' includes learning difficulties and an impairment resulting from or consisting of a mental illness;
- 'substantial' means 'more than minor or trivial'; and
- 'long-term' is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on

the person's ability to carry out normal day-to-day activities is substantial and long-term, as defined above.

The effect on normal day-to-day activities is on one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

Some people are automatically covered by the definition: those with cancer, multiple sclerosis, HIV infection or a severe disfigurement. There are special provisions for people with progressive or recurring conditions.

1.4 Involvement of pupils, staff, parents and other users of the school.

We involve pupils, staff, governors, parents and carers, and our wider school community in creating the Single Equality Scheme and action plan. This helps to ensure that the views of potentially disadvantaged groups were fully incorporated in the development of this Scheme and action plan.

The school will continue to consider and plan to involve pupils, staff, parents and other users of the school in relation to the race, disability and gender equality duty.

The school will continue to take into account the preferred means of communication for those with whom they are consulting.

The school ensures that the involvement of a range of people and hear a range of views to meet the disability, gender and race duties.

The views of the pupils, staff, parents, trade unions and other users of the school will be used to set priorities.

1.5 Information gathering

The collection of information is crucial to supporting Briary Primary School in making decisions about what actions would best improve opportunities and outcomes for pupils, staff and parents. The information will also subsequently help us to review our performance. Information will be detailed enough to enable us to measure the delivery on equality duties relating to disability, race and gender, to assess the impact of the changes made and to help the school us identify which of our priorities have been achieved.

1.6 Information to Be Gathered

- Recruitment, development and retention of disabled employees, women and men from different racial backgrounds.
- Education opportunities available to and achievement of disabled, female and male pupils
- Identify disabled pupils, parents, carers, staff and other users of the school to develop the Scheme(All efforts to be made to collect information)
- The Governors will recommend about how the information is to be held in school, and how it interlinks with other registers. E.g. Does the school have just one school profile with differing levels of access? Confidentiality and need to know clauses are required.
- Pupil attainment – consideration of how different groups attain
- Attendance and exclusions monitored by pupil group
- Careers and sports choices of both genders
- Bullying and harassment on the grounds of gender, disability and race.

Analysing equality information for employment and governance at Briary Primary School

We are committed to providing a working environment free from discrimination, victimisation, and harassment. We also aim to recruit an appropriately qualified workforce and governing body that is representative of all sections of the community in order to provide a service that respects and responds to the diverse needs of our local population.

We collect and analyse the following profile information for our staff and governors:

- Applicants for employment
- Attendance on staff training events
- Disciplinary and grievance cases
- Staff appraisals/performance management

Data is held in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2008. Analysis of staff data would be carried out by a member of the school's senior management team only.

We have identified the following issues from this information gathering exercise:

Most staff are female. Ensuring that the best staff work with the children is paramount. We have members of teaching staff who provide positive male role models, as well as volunteers who do the same. We will continue to provide children with positive male role models through volunteers, assemblies and through the wider curriculum.

1.7 Impact assessment.

Impact assessment refers to the review of all-current and proposed policies and practices in order to help schools act to ensure no gender, racial group or disabled person is disadvantaged by school activities and to promote race, disability and gender equality. Impact assessments will be an on-going process to ensure that our policies and practices develop, evolve and are incorporated into the school's planned review and revision of every policy. Every new policy or procedure will be drawn up with regard to our duties to promote race, disability and gender equality.

We will use the KCC Equality Impact assessment tool for schools as a basis for impact assessments located at:

[KCC Equality Impact assessment tool for schools](#)

2 Identifying the main priorities for our scheme and deciding our actions

2.1 The priorities for the Briary Primary School scheme will be set in the light of:

- an examination of the information that the school has gathered; and
- the messages that the school has heard from the disabled pupils, staff, parents and trade unions that have been involved in the development of the scheme.

2.2 Some of the priorities identified may include:

- Improving access to information;
- Improving the involvement of disabled pupils, staff and parents
- Challenging gender stereotypes in subject choices and career advice
- Health, sport and obesity differences between girls linked to girls reduced likelihood of taking part in physical education and sport compared to boys.
- Tackling sexual and sexist bullying of boys and girls
- Employment and considering objectives to address the causes of any gender pay gap

3 Making it happen

3.1 Implementation

The Scheme will be supported by individual action plans relating to disability, gender and race equality and be incorporated into our School Improvement Plan, with oversight by the governing body so that progress can be checked.

The Action plans will show:

- clear allocation of lead responsibility;
- clear allocation of resources;
- an indication of expected outcomes or performance criteria;
- clear timescales;
- a specified date and process for review.

The Scheme will incorporate the reviewed Accessibility Plan of 2003 into the disability equality action plan.

The school will evaluate the effectiveness of the Scheme with its School Improvement Advisor and Ofsted when the school is inspected – as appropriate.

3.2 Publication

The Governors will decide how best to publish the Equality Scheme either as a separate document or as part of the School Strategic Improvement Plan. The school will provide a copy for anyone asking for it in a range of formats.

3.3 Reporting

The school will report annually on the progress made on the action plans and its effect on policy and practice within the school.

3.4 Reviewing and revising the scheme

As part of the review of the Scheme, the school will:

- revisit the information that was used to identify the priorities for the scheme; and
- re-examine the information to see if actions that the school has taken have affected opportunities and outcomes for gender, disabled pupils, staff and parents and diverse racial groups.

The review of the Scheme will inform its revision; how the school sets new priorities and new action plans for the next scheme. This process will continue to:

- involve pupils, staff and parents; and
- be based on information that the school has gathered.

The main documents that will inform the development of this scheme are:

- Disability Equality in Education Course Book, Richard Rieser
- Implementing the Disability Discrimination Act in schools and early years settings, DFES
- Promoting Disability Equality in Schools, DfES Guidance.
- The Gender Equality Duty and Schools, EOC guidance

3.5 Action Plans

Accessibility Action Plan 2015 to be monitored and reviewed as appropriate.
Single Equalities Action Plan 2015 = incorporates planned actions to promote equality covering race, disability, gender, religion or belief.

App 2.1 Table of legislation prior to Equality Act 2010

Prior to the Equality Act 2010 'protected characteristics' were commonly called 'strands'.

Equality Strand	Legislation	General Duty	Specific duties
ALL	Human Rights Act (1998), Article 14: Rights ... <i>'without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'</i>		N/A
Disability	Disability Discrimination Act 1995, as amended Special Educational Needs and Disability Act 2001 Disability Discrimination Act 2005	Eliminate discrimination Promote equality of opportunity Eliminate harassment Promote positive attitudes Encourage participation More favourable treatment	Disability Equality Scheme <ul style="list-style-type: none"> • Monitor implementation • Assess impact • 3 year review • Report annually SEN policy & Accessibility Plan <ul style="list-style-type: none"> • Report annually
Gender (sex) and Gender Reassignment	Equal Pay Act 1970 Sex Discrimination Act 1975, as amended Equality Act 2006 Sex Discrimination (Gender Reassignment) Regs 1999 Gender Recognition Act 2004	Eliminate discrimination Promote equality of opportunity	Gender equality scheme <ul style="list-style-type: none"> • Monitor implementation • Assess impact • 3 year review
Race	Race Relations Act 1976, as amended Race Relations (Amendment) Act 2000	Eliminate discrimination Promote equality of opportunity Promote good relations	Race equality policy <ul style="list-style-type: none"> • Monitor implementation • Assess impact • 3 year review Record incidents & report to LA
Religion or belief	Employment Equality (Religion or Belief) Regulations 2003, as amended Equality Act 2006	Employ - ment & provision of goods & services including Education	Eliminate discrimination on the basis of: <ul style="list-style-type: none"> • less favourable treatment • disadvantage • any other detriment – including harassment
Sexual orientation	Employment Equality (Sexual Orientation) Regulations 2003, as amended Equality Act 2006, Sect 81		

App 2.2 Table of legislation: Equality Act 2010

Protected Characteristics:	What is new?	Requirements	Application to schools
Age Disability Gender - reassignment Marriage and civil partnership Pregnancy and maternity Race Religion or belief Sex Sexual orientation	A single public sector equality duty applying to all protected characteristics: Specific changes offering greater protection from harassment and victimisation. Positive action Direct discrimination extended to disability Indirect discrimination extended to disability and gender reassignment New protection from discrimination by association or perception	Eliminate discrimination, harassment and victimisation Advance equality of opportunity, Foster good relations Victims now only need to show that they have been treated badly, rather than less favourably. No requirement to take positive action. No restriction on treating disabled people more favourably. Extension of protection from discrimination based on association or perception to all protected characteristics	Provision for Education (Part 6, Chapter 1) Application of all characteristics as employer and provider of services. Age and Marriage and civil partnership excluded in relation to pupils.

The General Duty – in the exercise of all functions schools must have ‘due regard’ to:

Eliminating unlawful discrimination, harassment and victimisation.	This means: Ensuring all of the policies, services and decisions do not have any bias that will disadvantage people who share a protected characteristic. Having good policies in place to support people who share a protected characteristic to raise concerns of discrimination and harassment, and be protected by the organisation and treated fairly if they raise a concern.
Advancing equality of opportunity between those who share a protected characteristic and those who do not.	This means: Proactively identifying if there are barriers that prevent people who share a protected characteristic from getting the full benefits of employment, goods or services. Taking steps to remove barriers, and prioritising equality of opportunity where there are competing demands – where possible minimising the impact of changes.
Fostering good relations between those who share a protected characteristic and those who do not.	This means: Breaking down barriers that separate individuals into competing groups, addressing issues such as hate crime, domestic violence and violent extremism, ensuring that accurate information is given to all sections of the community so that myths and misinformation do not divide people.

The Specific Duties – in the exercise of the General Duty schools must:

Publish information to demonstrate compliance with the general duty	Take note: Information will clarify how compliance in policies and practices has affected people who share relevant protected characteristics <i>Deadline: By 6th April 2012 and then annually</i>
Prepare and publish one or more objectives	Take note: Objectives must be specific and measurable <i>Deadline: By 6th April 2012 and then at intervals of not greater than 4 years</i>