

Single Equality Scheme Policy



WARREN FARM
PRIMARY SCHOOL

Approved by:	Governors	Date: 19/10/2023
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Last reviewed on:	08/10/2023
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Safeguarding Statement

At Warren Farm Primary School we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all academy activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Warren Farm Primary School. We recognise our responsibility to safeguard all who access the academy and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

Single Equality Scheme Policy

1 Statement of Policy

Warren Farm Primary School is committed to creating an environment which will promote equality of opportunity for all members of its community including students, staff, parent/carers and others working in partnership with it.

2 Background

2.1 This policy will set out how the School will meet and respond to its responsibilities under the Equality Act 2010 as set out in the Public Sector Equality Duty, April 2011.

2.2 In order to ensure that our equality information and objectives are easily accessible we will

- Publish our Single Equality Scheme (SES) on the school website
- Raise awareness of the SES through the school newsletters, assemblies, staff meeting and other communications
- Make sure hard copies are available and in an appropriate format for visually impaired or EAL users where applicable
- Our equality information will be updated on an annual basis
- Progress against our current equality objectives will be reviewed on a regular basis (please see equality objective action planning) and new equality objectives will be published in 2023

3 Other Policies

3.1 This policy should be read in conjunction with the following:

- Anti-Bullying Policy
- Behaviour / Pastoral Policy
- Health & Safety Policy
- Inclusion Policy
- Safer Recruitment and Selection guidelines (within the Safeguarding Policy)
- RHE Policy
- Whistleblowing Policy
- Child-on-Child Abuse Policy

4 Statutory Requirements: The Public Sector Equality Duty

- 4.1 The Public Sector Equality Duty came into force on the 6 April 2011 and replaced the separate duties relating to race, disability and gender equality
- 4.2 In order to comply with the Public Sector Equality duty, set out in section 149 of the Equality Act 2010, and in line with its ethos of excellence and opportunity for all its students and staff, the School will have due regard to the need to:
- Eliminate discrimination and other conduct that is prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it
 - Foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it
- 4.3 The Equality Act 2010 states that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

(EHRC, *The Essential Guide to the Public Sector Equality Duty*, 2011, p9).

5 Protected Characteristics

- 5.1 The Public Sector Equality duty covers the following eight protected characteristics:
- Age
 - Disability
 - Gender Reassignment
 - Pregnancy and Maternity
 - Race
 - Religion or Belief
 - Sex
 - Sexual Orientation

- 5.2 The school will ensure that in all its policy, practice and development these are considered in terms of the impact of these policies, practice and development, to ensure that discrimination against them is eliminated and good relations and equality of opportunity between people of these protected characteristics and no characteristic is fostered and developed.
- 5.3 The school will continue to organise students in groups according to age under the exemption to schools regarding age as a protected characteristic including where students are above the age of 18 as outlined in DfE, *Equality Act 2010: Advice for School Leaders, School Staff, Governing Bodies and Local Authorities*, 2011, p5.

6 Statutory Requirements: The Specific Duties

- 6.1 As a public body, Warren Farm Primary School will fulfil its duty to:
- Publish information to demonstrate compliance with the Equality Duty, at least annually
 - Set and publish equality objectives, at least every 4 years
 - All information will be published in a way which makes it easy for all stakeholders to access and understand including making reasonable adjustments to meet the needs of stakeholders within a protected characteristic.

7 Publishing Information

- 7.1 The school will meet the requirement as a public body to publish information to show that we have consciously thought about the three aims of the Equality Duty as part of the process of decision-making. The information published will include:
- Information relating to employees who share protected characteristics (for public bodies with 150 or more employees)
 - Information relating to people who are affected by the school's policies and practices who share protected characteristics
 - The school will not publish specific information on staff or students in protected characteristics where the numbers sharing that characteristic may enable identification of specific individuals as this would be in contravention of the Data Protection Act 2018.

8 Setting Equality Objectives

- 8.1 The School will take into account evidence of equality issues across all its functions when setting, monitoring and reviewing its Equality Objectives.
- 8.2 The School will consider issues affecting people sharing each of the protected characteristics.
- 8.3 The School will give regard to each of the three aims of the Equality Duty.
- 8.4 Equality objectives will be specific and set out how progress will be measured.
- 8.5 Equality objectives and progress against them will be published on the School website and available in alternative formats where reasonable adjustment is needed to allow access to them by a stakeholder.

9 Responsibilities

- 9.1 The Governing Body are responsible for ensuring compliance with the Public Sector Equality Duty and Specific Duties as stated above. The Chair of Governors can be contacted through the School.
- 9.2 The Headteacher is responsible for:
 - Providing accurate and appropriate information to the Board of Governors to enable them to publish and demonstrate compliance with the Public Sector Equality Duty
 - Making sure that steps are taken to address the School's stated equality objectives
 - Making sure that equality and access plans are readily available and that Governors, staff, students, parents and carers know about them
 - Providing regular information for staff and Governors about progress against stated equality objectives
 - Making sure that all staff understand their responsibilities under the Public Sector Equality Duty and receive training and support to carry these out
 - Taking appropriate action in cases of discrimination, harassment and victimisation

9.3 All staff are responsible for:

- Eliminating discrimination and other conduct that is prohibited by the Act
- Advancing equality of opportunity between those who share a protected characteristic and those who do not share it
- Fostering good relations across all characteristics – between those who share a protected characteristic and those who don't share it.
- Visitors and contactors are responsible for following this and other relevant policies

Appendix 1

1 The effect of School policy and practice on people who share a relevant protected characteristic

1.1 Although there is a statutory duty to publish information about the effect of School policy and practice on service users and employees who share a relevant protected characteristic, we recognise that care must be taken to ensure that any information published cannot be used to identify individuals.

Information about the effect of School policy and practice on students who share a relevant protected characteristic was drawn from the following sources:

- Standards attained and progress made by different groups of students, compared with the standards and progress of all students nationally
- Standards attained and progress made by different groups of students, compared with different groups within the school
- Behaviour, bullying and harassment data
- Exclusions
- Persistent absenteeism, attendance and punctuality data for different groups of students
- Participation in extra-curricular and extended schools' activities
- Community engagement and community cohesion outcomes
- Parental/Carer involvement in school life (including attendance at parent evenings)
- Student and parental questionnaires
- Complaints from students and parents/carers with different protected characteristics
- Engagement with stakeholder groups

2 Information about the effect of School policy and practice on employees who share a relevant protected characteristic was drawn from the following sources:

- Staff profile**
- Recruitment and retention rates for staff with different protected characteristics**
- Applications for flexible working and their outcomes for staff with different protected characteristics
- Applications for learning and development opportunities and their outcomes for staff with different protected characteristics
- Staff appraisal/performance management
- Grievances and disciplinary issues for staff with different protected characteristics**
- Return to work of women on maternity leave
- Return to work of disabled employees following sick leave relating to their disability

**information regarding the protected characteristics of staff will be gathered on a voluntary and non-intrusive manner which does not infringe that staff member's right to privacy within the workplace.

3 Analysis of Information Gathered

3.1 The purpose of gathering and analysing the information from the sources will be to provide answers to these key questions which lie at the heart of the Public Sector Equality Duty:

- Does the information indicate that any aspects of current policy and practice have a negative impact on one or more of the dimensions of equality?
- Does the information indicate that any aspects of current policy and practice have a positive impact on equality?
- This process will enable identification of the Academy's most significant equality challenges and successes
- Equality Objectives will be formulated with reference and regard to this analysis

4 The effect of School policy and practice on students, employees and stakeholders who share a relevant protected characteristic

- 4.1 The information published and provided will be a short, evidenced account of our equality priorities and work, with an indication of key trends and issues.
- 4.2 The School is conscious of the fact that some information on protected characteristics is extremely sensitive.
- 4.3 In the case of sexual orientation and gender re-assignment status the School will use national statistics, research and stakeholder engagement to help us to identify priority equality issues instead.

5 Policy Development, Implementation and Review: Equality Analysis

- 5.1 When developing, implementing or reviewing any policy, procedure or practice the School will consider the following questions in order to analyse the impact on equality:
 - Could or does this policy, procedure or practice have a negative impact on one or more of the dimensions of equality – namely, could it increase inequalities that already exist?
 - If so, how can we change or modify it, or minimise its impact, or justify it? (Direct discrimination is illegal and cannot be justified)
 - Could or does this policy, procedure or practice have the potential to have a positive impact on equality, by reducing and removing inequalities and barriers that already exist?
 - If so, how can we maximise this potential?

Appendix B

Academy Equality Objectives 2019-2023

The Governing Body have set the following Equality Objectives for the four academic years commencing 2019/20 until 2022/23. These will be monitored by the Governing Body regularly, and reviewed at least annually in the summer term.

1. Narrowing gaps in attainment between girls and boys.
2. Ensure effective use of Pupil Premium, closely monitoring its impact on disadvantaged pupils.
3. Improve knowledge, skills and attitudes to enable pupils to appreciate and value difference and diversity, for example increasing understanding between pupils from different faith communities.

Appendix C Discrimination- Guidance

Tackling and Eliminating Discrimination

Harassment on account of a person's protective characteristic is unacceptable and is not tolerated within the academy environment.

All staff are expected to deal with any discriminatory incidents that may occur in line with the academy's protocols. They are expected to know how to identify and challenge prejudice and stereotyping; and to support the full range of diverse needs according to a pupil's individual circumstances.

Racist and homophobic incidents and other incidents of harassment or bullying will be initially managed by the member of staff present, escalating to the Deputy Head where necessary. All incidents however will be reported to the Headteacher. Racist incidents will be reported to the School Board and Birmingham on a termly basis.

What is a discriminatory incident?

Harassment on grounds of race, gender, disability, sexual orientation or other factors such as socio-economic status, can take many forms including verbal or physical abuse, name calling, exclusion from groups and games, unwanted looks or comments, jokes and graffiti. A racist incident is defined by the Stephen Lawrence Inquiry Report (1999) as:

'any incident which is perceived to be racist by the victim or any other person'

Warren Farm Primary School will embed the principals of this report.

Types of discriminatory incident

Types of discriminatory incidents that can occur are:

- Physical assault against a person or group because of their colour, ethnicity, nationality, disability, sexual orientation or gender;
- Use of derogatory names, insults and jokes;
- Racist, sexist, homophobic or discriminatory graffiti;
- Provocative behaviour such as wearing racist, sexist, homophobic or discriminatory badges or insignia;
- Bringing discriminatory material into the academy;
- Verbal abuse and threats;
- Incitement of others to discriminate or bully a victim because of their race, disability, gender or sexual orientation;
- Discriminatory comments in the course of discussion;
- Attempts to recruit others to discriminatory organisations and groups;
- Ridicule of an individual for difference e.g. food, music, religion, dress etc;
- Refusal to co-operate with other people on grounds of race, gender, disability or sexual orientation.

Types of Discrimination

Direct discrimination

Direct discrimination occurs when a person is treated less favourably than you treat (or would treat) another person because of a protected characteristic. 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. A person 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 them self 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 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.

Discrimination based on association

Direct discrimination also occurs when a person is treated less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity). This might occur when a person is treated less favourably because their sibling, parent, carer or friend has a protected characteristic.

Discrimination based on perception

Direct discrimination also occurs when a person is treated less favourably because you mistakenly think that they have a protected characteristic.

Discrimination because of pregnancy and maternity

It is discrimination to treat a woman (including a female pupil of any age) less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger.

It is direct sex discrimination to treat a woman (including a female pupil of any age) less favourably because she is breastfeeding a child who is more than 26 weeks old.

Indirect discrimination

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

'Provision', 'criterion' or 'practice' are not defined in the Act but can be interpreted widely and include:

- Arrangements (for example, for deciding who to admit)
- 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.

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 persons, including a particular person with a protected characteristic, and
2. The provision, criterion or practice puts or would put persons sharing a protected characteristic at a particular disadvantage compared to relevant persons who do not share that characteristic, and
3. The provision, criteria, practice or rule puts or would put the particular person 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'.

What is a '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 education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health, 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 academy'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.

Discrimination arising from disability

Discrimination arising from disability occurs when you treat a disabled person unfavourably because of something connected with their disability and cannot justify such treatment.

Discrimination arising from disability is different from direct discrimination. Direct discrimination occurs because of the protected characteristic of disability. For discrimination arising from disability, the motive for the treatment does not matter; the question is whether the disabled person has been treated unfavourably because of something connected with their disability.

Discrimination arising from disability is also different from indirect discrimination. There is no need to show that other people have been affected alongside the individual disabled person or for the disabled person to compare themselves with anyone else.

Discrimination arising from disability will occur if the following three conditions are met:

- you treat a disabled person unfavourably, that is putting them at a disadvantage, even if this was not your intention, and

- this treatment is because of something connected with the disabled person's disability (which could be the result, effect or outcome of that disability) such as an inability to walk unaided or disability-related behaviour, and
- you cannot justify the treatment by showing that it is 'a proportionate means of achieving a legitimate aim'. This is explained above.

Knowledge of disability

The academy will need to show that:

- we did not know that the disabled person had the disability in question, and
- we could not reasonably have been expected to know that the disabled person had the disability
- The unfavourable treatment would not amount to unlawful discrimination arising from disability.

If your agent (someone who undertakes tasks on your behalf) or employee knows of a person's disability, you will not usually be able to claim that you do not know of the disability.

Relevance of reasonable adjustments

By acting quickly to identify and put in place reasonable adjustments for disabled persons, you can often avoid discrimination arising from disability, although there may be cases where an adjustment is unrelated to the unfavourable treatment in question.

If the academy fail to make an appropriate reasonable adjustment, it is likely to be very difficult to argue that unfavourable treatment is justified.

Reasonable adjustments

Reasonable adjustments duty was first introduced under the Disability Discrimination Act 1995. The reasonable adjustments duty under the Equality Act operates slightly differently and has been extended to cover the provision by a school/ academy of auxiliary aids and services; however this element of the duty will not come into force until a later date yet to be confirmed. The object of the duty is the same: to avoid as far as possible by reasonable means, the disadvantage which a disabled person experiences because of their disability.

This duty sits alongside academy duties and those of local authorities under Part 4 of the Education Act 1996. In some cases the support a disabled pupil may receive under the special educational needs framework may mean that they do not suffer a substantial disadvantage (see below) and so there is no need for additional reasonable adjustments to be made for them. In other cases disabled pupils may require reasonable adjustments in addition to the special educational provision they are receiving. There are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a pupil is receiving under Part 4 of the Education Act 1996 is one of the factors to be taken into account when you consider what it would be reasonable for you to have to do.

What is the reasonable adjustments duty?

The academy is required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled pupils at a substantial disadvantage

We owe this duty 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.

The duty does not require the academy to make reasonable adjustments to avoid the disadvantage caused by physical features as this is covered by the planning duties.

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

The duty is an anticipatory and continuing one that we owe to disabled pupils generally, regardless of whether the academy knows that a particular pupil is disabled or whether the academy currently have any disabled pupils. We will not wait until an individual disabled pupil approaches us before we consider how to meet the duty. Instead we will plan ahead for the reasonable adjustments we may need to make, regardless of whether we currently have any disabled pupils. By anticipating the need for an adjustment we will be best placed to help disabled pupils who come to the academy. The academy is not expected to anticipate the needs of every prospective pupil but we will think about and take reasonable and proportionate steps to overcome barriers that may impede pupils with different kinds of disabilities.

What is a substantial disadvantage?

A disadvantage that is more than minor or trivial is called a 'substantial disadvantage'. The level of disadvantage created by a lack of reasonable adjustments is measured in comparison with what the position would be if the disabled pupil in question did not have a disability.

There are a number of factors when considering whether or not the disadvantage is substantial such as:

- The time and effort that might need to be expended by a disabled child;
- The inconvenience, indignity or discomfort a disabled child might suffer;
- The loss of opportunity, or the diminished progress a disabled child might make in comparison with his or her peers who are not disabled.

The duty to change a provision, criterion or practice

These terms are not defined but in general they relate to how the education and other benefits, facilities and services are provided and cover all academy arrangements, policies, procedures and activities.

Where a provision, criterion or practice places disabled pupils at a substantial disadvantage in accessing education and any benefit, facility or service, we will take such steps as it is reasonable to take in all the circumstances to ensure the provision, criterion or practice no longer has such an effect. This might mean waiving a criterion or abandoning a practice altogether but often will involve just an extension of the flexibility and individual approach that most schools / academies already show to their pupils.

When is it reasonable for an academy to have to make adjustments?

A useful starting point when determining what a reasonable adjustment might be is to consider how to ensure that disabled pupils can be involved in every aspect of academy life. Often effective and practical adjustments involve little or no cost or disruption.

Where disabled pupils are placed at a substantial disadvantage by a provision, criterion or practice or the absence of an auxiliary aid, we will consider whether any reasonable adjustment can be made to overcome that disadvantage.

We do not expect disabled pupils to suggest adjustments but if they do we will consider whether those adjustments would help to overcome the disadvantage and whether the suggestions are reasonable. It is good practice for schools / academies to work with pupils and their parents/guardians in determining what reasonable adjustments can be made.