



Equality Policy

April 2017 to March 2020

Single Equality Scheme

Our Scheme covers a three year period from **April 2017** to **March 2020**

Introduction

This Single Equality Scheme for schools in Coventry provides a format for addressing the statutory duties of the Equality Act 2010; bringing together all previous statutory duties in relation to race, gender and disability. This also addresses the duty to promote community cohesion, thus meeting the school's statutory duties in these areas.

The scheme highlights how our school has worked with and listened to the staff, students, parents and carers to inform development of action plans and the need and commitment required to ensure the scheme is a success. This is underpinned by a commitment to promoting positive relationships and understanding between all groups within our school community.

This document sets out how students with the following protected characteristics (previously known as equality strands) will be protected in our school from harassment and discrimination:-

- disability
- gender
- race
- religion and belief
- sexual orientation
- gender reassignment
- maternity and pregnancy

This scheme extends however to cover all aspects of vulnerability, including those associated with socio-economic factors (e.g. students from low income families).

As well as delivering high quality services to our students, the school is also committed to being a good employer and as such this scheme outlines how we meet our varied duties in terms of recruitment and employment practices. We are also committed to be fully inclusive of all community users, including parents and carers. As such, this scheme therefore also sets out how we will work to overcome any discrimination related to the other protected characteristics:-

- Age
- Being married or in a civil partnership

This Scheme sets out:

- information about our school and the local area;
- our plans to meet our general and specific duties;
- how we will promote community cohesion within the school;
- how we have involved people in the development of this scheme;
- what consultation has taken place;
- what our plans are to gather and use information;
- how we intend to ensure our policies are fair;
- how we will report on our progress;
- who is responsible for making our scheme a reality; and,
- an action plan addressing our equality priorities

This scheme is to be reviewed every three years and reported on annually.

Signed _____
Headteacher

Date _____

Signed _____
Chair of Governors

Date _____

Aims of the single equality scheme

- To articulate the school's commitment to equality which permeates all school policies and practices
- To ensure that everyone who belongs to, or comes into contact with, our school community is valued and respected
- To promote equality of opportunity and eliminate unlawful discrimination, harassment or victimisation
- To comply with statutory duties under equalities legislation in one document

Purpose of the Equality Scheme

This equality scheme is the school's response to the specific and general duties in the current equality legislation, which has been brought together under the Equality Act 2010 (see appendix 1). It is an attempt to capture how the school is systematically establishing and implementing good practice in equality and diversity across all areas of school life. This includes a response to all aspects of social identity and diversity.

This Equality Scheme sets out how the school will:

- eliminate discrimination (see appendix 2);
- eliminate harassment or victimisation related to any aspect of social identity or diversity;
- promote equality of opportunity;
- promote positive attitudes to all aspects of social identity and diversity;
- encourage participation by disabled people and people representing different aspects of social identity in public life;
- take steps to take account of difference even where that involves treating some people more favourably than others;
- take proportionate action to address the disadvantage faced by particular groups of students.

Planning to eliminate discrimination and promote equality of opportunity

This scheme is underpinned by the core belief that all children and young people belong to their local community and share the same rights to membership of that community and a quality education. An action plan accompanies this Equality Scheme which identifies what we will be doing over the coming years to make our school more accessible to the whole community, irrespective of background or need (see appendix 3).

We will collect data related to the protected characteristics and analyse this data to determine our focus for our equality objectives. This data will be assessed across our core provisions as a school. This will include the following functions:

- admissions
- attendance
- attainment
- exclusions
- prejudice related incidents

Addressing Prejudice Related Incidents

This 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 fair well in the education system. We provide both our students and staff 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 Futures Trust and where appropriate the Local Authority who may be able to provide some support.

The scheme encompasses our **anticipatory duties to plan ahead for the reasonable adjustments** (reasonable and proportionate steps to overcome barriers that may impede some students) we need to make to be best placed to help disabled students who come to our school.

This action plan replaces the school's Disability Accessibility Plan for the school (previously required under the planning duties in the Disability Discrimination Act) as it sets out how the school will increase access to education for disabled students, alongside other protected groups, in the three areas required:

- increasing the extent to which disabled students can participate in the school curriculum;
- improving the environment of the school to increase the extent to which disabled students can take advantage of education and associated services;
- improving the delivery to disabled students of information which is provided in writing for students who are not disabled.

Monitor, review and reporting

The action plan is renewed annually and progress towards the equality objectives within it is reported on regularly to governors. Equality objectives have been identified through consultation with key stakeholders. It is available in different formats and in different languages on request to the school office.

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.

This Scheme will be reported on annually. Progress against the action plan will be evaluated and the impact of the action and activities assessed. This report will be made available as a separate document will be available from the school.

Publication

This action plan is understood and implemented by all staff and is available. We will ensure that the whole school community is aware of the Single Equality scheme and our published equality information and equality objectives by publishing them on the school website, with paper copies available on request. The plan will be referenced in school newsletters and the prospectus.

Breaches

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

Our Mission

To increase the life chances and aspirations of a diverse group of students in an economically and socially deprived area by raising standards of education and providing exceptional educational experiences.

All Barr's Hill Students articulate a strong sense of PRIDE, belonging and loyalty to their school and community. They are confident and aspirant, have a clear plan for where they want to be and know the next steps they need to take to get there. They are able to talk formally about their learning with their peers and explore concepts and ideas; leading to their excellent extended writing skills which they apply across the curriculum. They are numerate and able to problem solve. Well prepared and able to plan independently, they are determined learners and can self-manage. Their involvement in school life and enrichment experiences in sport and performing arts make them confident and well-rounded individuals. They are empathetic and understanding of others showing respect to all. When things go wrong, they are resilient, reflective and able to put things right. Their exam results are excellent giving them a passport to the next stage in life where they are competitive with their peers nationally.

Our values:

Student's First – all staff, governors & parents totally focused upon the education of all our students.

It's about learning – students, all staff, governors & parents totally focused upon developing and improving the learning of students underpinned by harmonious and trusting relationships.

No Barriers – no excuses, only support, to ensure students, all staff, governors & parents maximise the academic achievement of students whilst enabling them to develop and flourish as well rounded individuals.

School Context

The nature of the school population and context to inform action planning for the equality scheme.

We are a multi-faith 11-18 comprehensive serving the Radford area of Coventry and surrounding areas. The school serves a community including some of the most deprived in England. Social deprivation amongst our students is well above the national average. The school's population comprises a high proportion of 'vulnerable' students from areas of considerable economic and social deprivation; including asylum seeking, refugee or unaccompanied minors. There are currently 4 looked after children, a figure that will change continually throughout the year due to the unpredictable circumstances experienced by many youngsters. The percentage of pupil premium students, (approx. 46%) is well in excess of the national average. 71% of students live in the bottom 20% Lower Super output areas. In-year student mobility at approx. 20% is significantly higher than schools nationally and is amongst the highest in Coventry and is one of the school's major barriers to achieving national performance averages. This has been issue for a number of years, with the school having to admit a disproportionate number of challenging and low attaining students from other schools in Coventry, the UK and from overseas. Steps have been taken to reduce this figure and have had some impact but increasing birth rates in coming years should have a positive impact. Over 60 first languages are spoken by our students whose origins include over 30 countries. Over 52% of our students have a first language other than English and of those we estimate that only 20% are literate in their home language. Student mobility from overseas is rising, with the arrival of more Eastern European families in addition to significant numbers from the Middle East, Somalia, Afghanistan and other areas of social and political upheaval. SEN students are below the national average, with 1.8% with a statement or EHCP.

The school is an LA Speech and Language Unit; approximately 10 students benefit from this support. These students can come from across Coventry and are on the Barr's Hill roll. Coventry schools operate a Behaviour Partnership.

Attainment on entry is exceptionally low and well below the national average for standard September entrants from UK schools and for students that join the school at other times from the UK or from overseas. The Average Points Scores for all core subjects on entry are two points or more below national figures, a recurring trend. This is based on 75-78% of students where prior attainment data is available. School data for those without KS2 levels further reduces prior attainment. School data places over 80% of those without data on entry to the school below national standards and in many cases well below. Students without prior attainment data are mostly newly-arrived overseas students learning English. On average 45% of a year 7 cohort have a reading age less than 10. NFER spelling and reading tests and baseline tests conducted by the school provide evidence that many students cognitive ability is well below their chronological age and require additional support for literacy.

The sprawling site is not conducive to wheelchair access. Reasonable adjustments have been made to ensure wheelchair access to the main building, communal areas and toilet facilities.

The school is an equal opportunities employer and staff are recruited to ensure that processes are non-discriminatory. All staff have access to professional development opportunities regardless of age, gender, sexual orientation, faith or ethnicity.

(We will not publish any information that can specifically identify any child)

Equality Objectives 2017-20

1. To narrow the attainment gap for socially deprived students, identified as those in receipt of the Pupil Premium. With a focus on attainment in English and mathematics.
2. To narrow the progress and attainment gaps in English and mathematics made by students identified as having significant barriers to learning including Looked After Children.
3. To further accelerated the progress made by students new to the UK where language is a barrier to their learning so that progress is in line with students nationally.
4. To improve attendance and persistent absence rates for all significant groups of students.

Indicators of progress towards meeting objectives

- Progress and attainment measures for students from different ethnic and social groups
- Attendance data
- Access surveys

The training taken to position the school well for the equality and diversity agenda.

- Annual safeguarding training for all staff
- SEN, EAL and on on-site specialist and Speech and language staff liaise closely with staff and provide on-going training.
- All appointment panels include a member of staff that has successfully completed the safer recruitment training.
- Safer recruitment training for the Governing Body
- Middle Leader CPD training and development focuses on teaching and learning and intervention strategies for all students
- Staff teaching and learning training has a primary focus on developing literacy, a significant barrier to learning for many students.
- Regular staff training on wider medical issues e.g. Epipen training

School provision

Examples of reasonable adjustments the school makes as a matter of course

The school website can be accessed in over 60 languages. This provides a wide range of access to the website in the home tongue of many families where English is not their home language. As a result families have access to essential school information, including newsletters.

Ramps ensure that young people and adult visitors with a disability have access to the main site despite the difficult nature of the site.

Funding is directed towards reducing class sizes. This provides additional support for students that have yet to reach national expectations on entry to the school and for youngsters with limited English language.

Students follow an appropriate learning pathway through school that matches their stage of development to their curriculum. Steps are taken to ensure students can move between pathways.

Our special needs team, ensures that steps are taken to provide additional support and personalised programmes for the wide range of students within the school.

Students with English as an additional language are provided with additional support with their English language development.

Outcomes for students

Outcomes for students are analysed against social identity issues, i.e. gender, ethnicity, disability, faith background, and aspects of vulnerability identified by the school. This is compared with the outcomes made for all students. This is recorded in the School Self-evaluation Form (SEF).

This process determines the impact of our provision on improving outcomes for identified students. In line with statutory requirements all new policies as well as existing policies and functions are evaluated for the impact they have, in consultation with identified students and parents/carers.

- students' attainment - analysis of end of key stage results for students of particular groups
- the quality of particular groups of students' learning and the progress they make throughout the school
- the extent to which different groups of students feel safe (e.g. Incidents of prejudiced based bullying recorded)
- the behaviour of particular groups of students (e.g. exclusion data for particular groups of students)
- the extent to which students from particular groups contribute to the school and the wider community (e.g. participation and achievement on extra-curricular/extended school activities, participation on school trips for particular groups of students)
- attendance data for all students and for particular groups (e.g. extended leave/mobility issues for particular groups of students)
- the effectiveness of the school's engagement with parents/carers of particular groups of students (e.g. attendance at parents' meetings, involvement in planning provision, consultation with, results of parental feedback)

Roles and Responsibilities in Implementing the Single Equality Scheme

The Head Teacher will:

- ensure that staff and parents are informed about the Single Equality Scheme;
- ensure that the scheme is implemented effectively;
- manage any day to day issues arising from the policy whether for students or for the school as an employer;
- ensure staff have access to training which helps to implement the scheme;
- liaise with external agencies regarding the policy so that the school's actions are in line with the best advice available;
- monitor the scheme and report to the Governing Body at least annually, on the effectiveness of the policy;
- ensure that the SLT are kept up to date with any development affecting the policy/action plan arising from the scheme;
- provide appropriate support and monitoring for all students and specific and targeted students to whom the scheme has direct relevance, with assistance from relevant agencies.

The Governing Body will:

- ensure that the school complies with all relevant equalities legislation;
- recommend all governors receive up to date training in all the equalities duties;
- designate a link governor with specific responsibility for the Single Equality Scheme;
- establish that the action plans arising from the scheme are part of the School Development Plan;
- support the Headteacher in implementing any actions necessary;
- evaluate and review the action every three years;
- evaluate the action plan yearly.

The Senior Leadership Team will:

- have general responsibility for supporting other staff in implementing this scheme;
 - provide a lead in the dissemination of information relating to the scheme;
 - identify good quality resources and CPD opportunities to support the scheme;
 - with the Headteacher, provide advice/support in dealing with any incidents/issues;
 - assist in implementing reviews of this scheme as detailed in the School Development Plan.
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- Person with overall specific responsibility, **Selwyn Calvin, Headteacher**
 - Person responsible for maintaining and sharing with all the staff those vulnerable students and how their needs will be met; **Susan Marshall, SENCO**
 - Responsibility for ensuring the specific needs of staff members are addressed; **Bernard Peffers, Business Manager.**
 - Person responsible for gathering and analysing the information on outcomes of vulnerable students and staff; **Selwyn Calvin. Headteacher**
 - Person responsible for monitoring the response to reported incidents of a discriminatory nature. **Selwyn Calvin. Headteacher**

Parents/Carers will:

- have access to the scheme;
- be encouraged to support the scheme;
- have the opportunity to attend any relevant meetings/awareness raising sessions related to the scheme;
- have the right to be informed of any incident related to this scheme which could directly affect their child.

School Staff will:

- accept that this is a whole school issue and support the Single Equality Scheme;
- be aware of the Single Equality Scheme and how it relates to them;
- make known any queries or training requirements
- know how to deal with incidents of concern, and how to identify and challenge bias and stereotyping;
- know procedures for reporting incidents of racism, harassment or other forms of discrimination;
- know procedures for dealing with and reporting prejudice related incidents
- ensure that those with protected characteristics are not discriminated against and are given equality of opportunity;
- keep themselves up to date with relevant legislation and attend training and information events organised by the school or LA;
- ensure that students from all groups are included in all activities and have full access to the curriculum;
- promote equality and diversity through teaching and through relations with students, staff, parents, and the wider community.

Students will:

- be made aware of any relevant part of the scheme, appropriate to age and ability;
- be expected to act in accordance with any relevant part of the scheme
- experience a curriculum and environment which is respectful of diversity and difference and prepares them well for life in a diverse society;
- understand the importance of reporting prejudiced based bullying incidents;
- ensure the peer support programme within the school promotes understanding and supports students who are experiencing discrimination.

Visitors and contractors are responsible for complying with the school's Equality Scheme – non-compliance will be dealt with by the Headteacher.

Involvement Processes

Policies are vital to identify and consolidate thinking regarding appropriate provision for students; however, they are often viewed as an end, when they should be seen as a process - always evolving in response to changes and evidence from impact assessments. When developing this Equality Scheme, the school is clear that this is a process which must be informed by the involvement of all participants such as students, parents, school staff, governors and external agencies. This will ensure that the school gleans insights into the barriers faced by people from different social identity backgrounds and learns the best ways to overcome such barriers. This Scheme will be informed, therefore, by:

- the views and aspirations of students themselves from different social identity backgrounds;
- the views and aspirations of parents/carers of students from different social identity backgrounds;
- the views and aspirations of staff from different social identity backgrounds;
- the views and aspirations of members of the community and other agencies, including voluntary organisations, representing different social identity backgrounds;
- the priorities in the Coventry Children and Young People's Plan.

Mechanisms for involvement

At this school the following mechanisms will ensure the views of **students** inform the Equality Scheme and action plan:

The School and Year Councils provide half termly feedback on a range of whole school issues
Annual 'Student Voice,' feedback to the Governing Body
Student voice is an integral aspect of the monitoring process across subject areas
Externally validated surveys provide valuable feedback on equalities issues
Students involved in an issue of a discriminatory nature are interviewed by a senior member of staff or Year Manger

At this school the following mechanisms will ensure the views of **staff** inform the Equality Scheme and action plan:

- e.g.
- Exit interviews or questionnaires are offered to staff when leaving
 - Meetings are held with union representatives
 - Regular staff meetings with specific agenda items
 - Individual discussions with staff as a part of performance management
 - Externally validated surveys provide valuable feedback on equalities issues

At this school the following mechanisms will ensure the views of **parents/carers and the community** inform the Equality Scheme and action plan:

e.g.

- Parents surveys, including externally validated surveys
- Parent Governors play an active role on the Governing Body
- Senior Staff are available at all parents' consultation meetings to respond to the views and opinions of parents/carers
- Feedback from adults using the school beyond the school day;

The school's action plan will focus on developing the involvement of students, staff and parents from different social identity backgrounds over the three years of this Scheme. We will consider varying the times, methods and the venues for this involvement to ensure the best possible attendance and ensure views can be heard. This way the school will learn what works and the involvement of students, staff and parents will improve and deepen over time.

Action Planning

This scheme is supported by an action plan, the progress of which is monitored and evaluated by the Governing Body.

The action plan that identifies the equality objectives for the school arising from this scheme has:

- clear allocation of responsibility;
- clear allocation of resources, human and financial;
- clear timescales;
- expected outcomes and performance criteria;
- specified dates for review;

The effectiveness of this Scheme will be evaluated and reflected in:

- the School Self-evaluation Form;
- discussions with the Education Improvement Advisor/School Improvement Partner.

This equality scheme responds to the current equalities legislation.

- The Equality Act 2010 is the overarching legislation for all equality duties.

The act serves two main purposes:

- a) To harmonise discrimination law;
- b) To strengthen the law to support progress on equality.

The act supersedes or strengthens the following acts and regulations:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Employment Equality (Religion & Belief and Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006 Part 2
- The Equality Act (Sexual Orientation) Regulations 2007

Overview of previous equalities legislation which has been harmonised and strengthened by Equality Act 2010:

- Race Relations Act (RRA) 1976/2000
statutory positive duty to promote racial equality, promote good race relations and eliminate unlawful racial discrimination;
- Sex Discrimination Act (SDA) 1975 (and Regulations 1999), Gender Equality Duty 2007
statutory positive duty to promote gender equality and eliminate unlawful gender discrimination;
- Employment Equality (religion or belief) (sexual orientation) Regulations 2003 extended to education, Equality Act (Part 2) 2007
The Act sets out that it is unlawful for schools to discriminate against a person:
 - a) in the terms on which it offers to admit him/her as a student;
 - b) by refusing to accept an application to admit him/her as a student, or
 - c) where he/she is a student of the establishment:
 - i) in the way in which it affords him/her access to any benefit, facility or service,
 - ii) by refusing him/her access to a benefit, facility or service,
 - iii) by excluding him/her from the establishment,
 - iv) by subjecting him/her to any other detriment.
- Disability Discrimination Act (DDA) 1995/2005
statutory positive duty to promote equality of opportunity for disabled people: students, staff, parents, carers and other people who use the school or may wish to, and eliminate unlawful discrimination;
- Education and Inspections Act 2006, duty to promote community cohesion.
By 'community cohesion' the school is endorsing and adopting the definition provided by Alan Johnson, 2006, as:
"working towards a society in which there is a common vision and sense of belonging by all communities; a society in which the diversity of people's backgrounds and circumstances is appreciated and valued; a society in which similar life opportunities are available to all; and a society in which strong and positive relationships exist and continue to be developed in the workplace, in schools and in the wider community."

What is discrimination?

The Equality Act 2010 consolidates existing law into a single legal framework and while many of the concepts of discrimination remain the same as in previous equality legislation there are some areas that were not previously covered. This appendix describes the various types of discrimination and how they apply to the schools provisions.

Direct discrimination

Direct discrimination occurs when you treat a student less favourably than you treat (or would treat) another student because of a protected characteristic. So a very basic example would be refusing to admit a child to a school as a student 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 students 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 student cannot claim that excluding them for fighting is direct discrimination on grounds of sexual orientation unless they can show that a heterosexual or bisexual student would not be excluded for fighting. A student 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 student 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 student to offer a female student special treatment in connection with her pregnancy or childbirth.

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

For example:

- A female student is actively discouraged from undertaking a course in engineering by a teacher who tells her this is an unsuitable area of study for a female. This would be direct discrimination on the grounds of sex.
- A student with Asperger's Syndrome can sometimes act in a disruptive manner in class. The school does not take disciplinary action, but uses agreed strategies to manage his behaviour. A non-disabled student who is also disruptive in class is punished for his behaviour. This difference in treatment would not be direct discrimination against the non-disabled student.

Discrimination based on association

Direct discrimination also occurs when you treat a student less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).

This might occur when you treat a student less favourably because their sibling, parent, carer or friend has a protected characteristic.

Discrimination based on perception

Direct discrimination also occurs when you treat a student 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 student 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 student 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 students or a particular student group, such as A-level physics students, but this has the effect of putting students 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 students with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such students compared with students 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.

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.

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

For example:

A school requires male students to wear a cap as part of the school uniform. Although this requirement is applied equally to all students, it has the effect of excluding Sikh boys whose religion requires them to wear a turban. This would be indirect discrimination based on religion and belief as it is unlikely that the school would be able to justify this action.

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 school education, examples of legitimate aims might include:

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

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.

Discrimination arising from disability

Discrimination arising from disability occurs when you treat a disabled student 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 student 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 student or for the disabled student to compare themselves with anyone else.

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

- you treat a disabled student 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 student'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.

For example:

A student with cerebral palsy who is a wheelchair user is told she will be unable to attend a school trip to a local theatre putting on a production of a play she is currently studying in English, because the building is not wheelchair accessible. The student and her parents are aware that the play is also on at a theatre in a neighbouring city which is accessible but the school does not investigate this option. This is likely to be discrimination arising from a disability.

Knowledge of disability

If you can show that you

- did not know that the disabled student had the disability in question, and
- could not reasonably have been expected to know that the disabled student had the disability

then 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 student's disability, you will not usually be able to claim that you do not know of the disability.

For example:

A student tells the school secretary that she has diabetes and that she needs to carry biscuits to eat when her blood sugar levels fall. A teacher has no information about her disability and refuses to allow students to bring food into the classroom. The student has a hypoglycaemic attack. In this case, the school is unlikely to be able to argue that it did not know about her condition.

Relevance of reasonable adjustments

By acting quickly to identify and put in place reasonable adjustments for disabled students, 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 you fail to make an appropriate reasonable adjustment, it is likely to be very difficult for you to argue that unfavourable treatment is justified.

Reasonable adjustments

You should be familiar with the reasonable adjustments duty as this 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 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 student experiences because of their disability.

This duty sits alongside your duties and those of local authorities under Part 4 of the Education Act 1996. In some cases the support a disabled student 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 students may require reasonable adjustments in addition to the special educational provision they are receiving. There are also disabled students who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a student 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?

You are required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage

You owe this duty to existing students, applicants and, in limited circumstances, to disabled former students in relation to the following areas:

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

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

You 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 you owe to disabled students generally, regardless of whether you know that a particular student is disabled or whether you currently have any disabled students. You should not wait until an individual disabled student approaches you before you consider how to meet the duty. Instead you should plan ahead for the reasonable adjustments you may need to make, regardless of whether you currently have any disabled students. By anticipating the need for an adjustment you will be best placed to help disabled students who come to your school. You are not expected to anticipate the needs of every prospective student but you are required to think about and take reasonable and proportionate steps to overcome barriers that may impede students with different kinds of disabilities. For example, while it may be appropriate

for you to provide large print for a student with a visual impairment, you would not be expected to have Braille devices standing ready.

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 student in question did not have a disability.

You will need to take into account 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.

For example:

A deaf student is advised by the work experience coordinator that it would be better for her to remain at school rather than go on work experience as it might be 'too difficult' for her to manage. The school does not take any steps to help her find a placement and she misses the opportunity taken by the rest of her classmates. This would be a substantial disadvantage.

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 of your arrangements, policies, procedures and activities.

Where a provision, criterion or practice places disabled students at a substantial disadvantage in accessing education and any benefit, facility or service, you must 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 already show to their students.

For example:

A school has been allocated three places for students to represent the school at a national youth conference on the environment. The school decides to hold a debate on the topic to select the three students who will attend the conference. This places a student with a nervous system disorder at a significant disadvantage as he has trouble communicating verbally. The school modifies the criteria to enable that student to submit his views and ideas on the issue in writing. This is likely to be a reasonable adjustment to the school's practice.

When is it reasonable for a school 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 students can be involved in every aspect of school life. Often effective and practical adjustments involve little or no cost or disruption.

For example:

- A teacher always addresses the class facing forward to ensure that a student with hearing difficulties is able to lip-read. This is an example of a simple reasonable adjustment.
- A primary school introduces a playground buddy system and a friendship bench which creates a supportive and friendly place for disabled students during breaks. This is an example of an effective but easy reasonable adjustment.

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

You should not expect disabled students to suggest adjustments but if they do you should consider whether those adjustments would help to overcome the disadvantage and whether the suggestions are reasonable. It is good practice for schools to work with students and their parents in determining what reasonable adjustments can be made.

2.2 Harassment

There are three types of harassment which are unlawful under the Equality Act:

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex.

The relevant protected characteristics for the schools provisions are:

- Disability.
- Race.
- Sex.

Pregnancy and maternity are not protected directly under the harassment provisions, however, unwanted behaviour (as described below) will amount to harassment related to sex.

Harassment related to a protected characteristic

Harassment occurs when you engage in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- violating a student's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.

The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for the student to say that they object to the behaviour for it to be unwanted.

In this context 'related to' has a broad meaning and includes situations where the student who is on the receiving end of the unwanted behaviour does not have the protected characteristic himself or herself, provided there is a connection between the behaviour and a protected characteristic.

This would also include situations where the student is associated with someone who has a protected characteristic, or is wrongly perceived as having a particular protected characteristic.

For example:

A student from an Irish Traveller background overhears a teacher making racial slurs about gypsy and traveller people stating their site should be shut down and they were 'trouble'. This would constitute harassment related to a protected characteristic (race).

The definition of harassment as described above does not apply to the protected characteristics of gender reassignment, sexual orientation or religion or belief in relation to schools. However, where unwanted conduct related to any of these protected characteristics results in a student suffering disadvantage that would constitute direct discrimination.

For example:

During a PSHE (personal, social, health and economic education) lesson, a teacher describes homosexuality as 'unnatural' and 'depraved' and states he will only be covering heterosexual relationships in the lesson. A bisexual student in the class is upset and offended by these comments. This may be unlawful direct discrimination on the grounds of sexual orientation.

Sexual harassment

Sexual harassment occurs when you engage in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- violating a student's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.

'Of a sexual nature' can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

For example:

A sixth form female student is asked intimate questions about her personal life and subjected to sexual innuendos by her teacher. This would be sexual harassment.

Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex

It is unlawful to treat a student less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

2.3 Victimization

Victimization is defined in the Act as:

Treating someone badly because they have done a 'protected act' (or because the school believes that a person has done or is going to do a protected act).

There are additional victimisation provisions for schools which extend the protection to students who are victimised because their parent or sibling has carried out a protected act.

A 'protected act' is:

- Making a claim or complaint of discrimination (under the Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that the school or someone else has breached the Act.
- Doing anything else in connection with the Act.

If you do treat a student less favourably because they have taken such action then this will be unlawful victimisation. There must be a link between what the student (or parent or sibling) did and your treatment of them.

The less favourable treatment does not need to be linked to a protected characteristic.

For example:

A teacher shouts at a student because he thinks she intends to support another student's sexual harassment claim. This would amount to victimisation.

Who is not protected?

A student who in bad faith gives false information or evidence (that is, that they knew was false) or makes an allegation that was false and given in bad faith would not be protected against victimisation. The original complaint/claim would not be affected providing it was not made in bad faith.

For example:

A student at an independent school with a grudge against his teacher knowingly gives false evidence in another student's discrimination claim against the school. He is subsequently excluded from the school for supporting the claim. This treatment could not amount to victimisation because his evidence was untrue and given in bad faith.

Victimisation for actions of parents or siblings

You must not treat a student less favourably because of something their parent(s) or sibling has done in relation to the making of a complaint of discrimination.

A parent of a student complains to the school that her daughter is suffering sex discrimination by not being allowed to participate in a metalwork class. If the daughter is treated less favourably as result of the complaint this would be unlawful victimisation.

This applies to a child in relation to whom the parent(s) were making a complaint in relation to and also to any other children who are students at the school. This also applies if a parent supports a teacher's complaint against the school under Part 5 of the Act.

If the information or evidence was false and given in bad faith (that is, the parent/sibling knew it was false) or the allegation was false and given in bad faith then this protection for the student will still apply, provided that the student did not act in bad faith.

For example:

A student makes a complaint against his school claiming that he has suffered discrimination by a member of staff because of his sexual orientation. The student's younger brother, at the same school, is protected against any less favourable treatment by the school because of this complaint, even if it is later found out that the older brother was not acting in good faith.

There must be a link between what the parent(s) or their child has done and you treating the child/sibling badly.

The child who is being treated badly does not need to have any of the protected characteristics.

The fact that a complaint/claim is not upheld does not mean that it was made in bad faith.

2.4 Obligations to former students

Even after a person has left your school you must not discriminate against them or harass or victimise them. This only applies if the discrimination or harassment arises out of and is closely connected to their previous relationship with you and would have been unlawful if they were still a student. For example, if an ex-student asks for a reference from the school it would be unlawful for the reference to be unflattering because of a protected characteristic of the ex-student, or because they at one time brought or supported a discrimination complaint against the school.

This obligation to former students would include the duty to make reasonable adjustments for disabled former students if they continue to be at a substantial disadvantage in comparison to former students without a disability. This obligation only applies if the substantial disadvantage arises out of and is closely connected with them having been a student.

For example:

A school sends an annual newsletter to former students and one former student who has a visual impairment requests that it is sent to him by email rather than in hard copy. The school does not provide him with an electronic copy. This is likely to be an unlawful failure to make a reasonable adjustment.

If someone believes that they are being discriminated against after they have stopped studying with you, they can take the same steps to have things put right as if they were still a student. These steps are explained in Section 6.

2.5 When are you responsible for what other people do?

Liability for employees and agents

As an employer you are legally responsible for acts of discrimination, harassment and victimisation carried out by your employees in the course of employment or by people who take action for you (agents).

It does not matter whether you knew about or approved of those acts.

However, if you can show that you took all reasonable steps to prevent your employees or agents from acting unlawfully, you will not be held legally responsible.

It is important that you take steps to make sure your employees and agents understand that they must not discriminate against students, or harass them or victimise them, and that they understand your duties in relation to making reasonable adjustments for disabled students.

Personal liability of your employees and agents

An employee (of a school) is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable. However, an employee is not personally liable in relation to disability discrimination in schools.

For example, a teaching assistant racially discriminated against student. The school is able to show that it took all reasonable steps to prevent the harassment and therefore was not liable. The student can still make a claim of discrimination against the teaching assistant.

However, if this was a case of discrimination on the grounds of disability, the student would not be able to make a claim against the teaching assistant because the personal liability provisions do not cover disability discrimination in schools.

If the relationship is one of a person paying for someone else to take action for them and someone taking action for them (their 'agent') rather than employer and employee, the agent is personally responsible in the same circumstances.

Employees or agents will still be responsible for their acts of discrimination, harassment or victimisation even if they did not know their actions were against the law.

But there is an exception to this. An employee or agent will not be responsible if their employer or principal has told them that there is nothing wrong with what they are doing and he or she reasonably believes this to be true.

It is a criminal offence, punishable by a fine of up to £5,000, for an employer or principal to make a false statement in order to try to get an employee or agent to carry out an unlawful act.

Instructing and causing discrimination

As a school you must not instruct, cause or induce someone to discriminate against, harass or victimise another person, or to attempt to do so.

Both the person who receives the instruction and the intended victim will have a claim against whoever gave the instructions. This applies whether or not the instruction is carried out, provided the recipient or intended victim suffers loss or harm as a result.

It only applies where the person giving the instruction is in a legal relationship with the person receiving the instruction such as employer and employee or agent and principal.

Employment Tribunals will deal with complaints from an employee or agent who has received the instructions and the victim can make a claim in the same way as they would for any other claim under the act. So if you instruct a member of staff to discriminate against a student on grounds of their sex then the member of staff can make a claim to an Employment Tribunal and the student can make a claim to a county or sheriff court.

The Equality and Human Rights Commission can also take action for unlawful instructions to discriminate.

Aiding contraventions

It is unlawful for you to help someone else carry out an act which you know is unlawful under the Equality Act.

However, if the person giving assistance has been told by the person he or she assists that the act is lawful and he or she reasonably believes this to be true, he or she will not be legally responsible.

It is a criminal offence, punishable by a fine of (currently) up to £5,000, to make a false statement in order to get another person's help to carry out an unlawful act under the Equality Act.

For further information visit:-

<http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/>

Equality Scheme Action Plan

Through its auditing process and the development of this scheme, taking account of the views of those consulted, the school governing body have identified a range of equality and cohesion priorities for action over the three years of the Scheme. These are detailed in the attached action plan.

Aim –Further reduce the variation in progress rates amongst students from different ethnic backgrounds

Success criteria

- Ensuring that disadvantaged students achieve at least as well as their peers nationally.

Actions to achieve the success criteria	Persons responsible for delivering the action	Start date	Finish date	Costs borne by the school	Monitoring Person and Method	Notes on progress
All students in all key stages achieve their target grades so that progress is in the top 15% nationally in KS4 and better than national average in KS5.	RAP groups led by respective Hub Director for each Key Stage	August 2017			Headteacher/ School Improvement Board	
Use of additional funding means all Y7 students achieve KS2 ARE by the end of Y7 and 65% of Y9 students achieve S2 in Eng/Maths.	KS3 Hub Director and year 7 tutors	August 2017		Funding for Catch Up	Headteacher/ School Improvement Board	
Additional funding is spent on teaching and academic intervention so that SEND, WBB, MA PP and HA PP make progress above the national average in KS4 & 5.	Headteacher	August 2017		Pupil Premium funding	Ex Headteacher/ School Improvement Board	Additional English/Maths teachers in place
A well planned and aspirational KS3 curriculum means all groups of students meet their academic potential	SLT	August 2017			Headteacher/ School Improvement Board	

Aim – To improve attendance rates of ethnic groups consistently below the school average

Success criteria:

- Overall school attendance achieves 95% by Summer 2018
- Persistent Absence (85%) is less than 5% Summer 2018

Actions to achieve the success criteria	Persons responsible for delivering the action	Start date	Finish date	Costs borne by the school	Monitoring Person and Method	Notes on progress
First day calling, parental liaison, home visits and quality information and therefore impact of tutors means that attendance is at least 95% and above national for all key groups.	Key Stage Hub attendance officer/ Pastoral Manager	August 2017			Headteacher	
All vulnerable learners have a named key adult who takes ownership of their learning.	Key Stage Hub Director	August 2017			Headteacher	
Students can articulate importance to demonstrate PRIDE in their attendance.	Form Tutors	August 2017		Rewards Budget	Headteacher	
Parent Consultation Days, targeted Subject Parents Evenings so that 90% of Parents are RAGed green for engagement.	SLT	August 2017			Headteacher	

Aim: To improve wheelchair access to the school grounds

Success criteria:

- Access to key areas of the school

Actions to achieve the success criteria	Persons responsible for delivering the action	Start date	Finish date	Costs borne by the school	Monitoring Person and Method	Notes on progress
Completion of mobile classroom replacements to incorporate additional disabled toilet	Business Manager	April 2017			Trust Strategic Director/ Trust Board	CIF £400k grant
Create a more accessible sports facility	Business Manager	August 2017			Headteacher	