



## Brockhurst Primary School

### Single Equality Scheme

<b>Name of Unit/Premises/Centre/School</b>	Brockhurst Primary School
<b>Date of Policy Issue/Review</b>	Issued January 2018, to be reviewed January 2021
<b>Name of Responsible Manager/Headteacher</b>	Mr G Nicholls
<b>Signature of Responsible Manager/Headteacher</b>	

### Developing the Scheme

#### 1. Introduction

Brockhurst Primary School welcomes the equality duties on schools, and regard these as essential for achieving the five outcomes of the Every Child Matters framework

We believe that all pupils and members of staff should have the opportunity to fulfill their potential whatever their background, identity and circumstance. We are committed to creating a community that recognises and celebrates difference within a culture of respect and cooperation. We appreciate that a culture which promotes equality will create a positive environment and a shared sense of belonging for all who work, learn and use the services of our school.

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

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

Our Single Equality Scheme is based on the core principles that its effectiveness will be determined by

- active involvement with key stakeholders, not just in developing this Scheme but also in its review and implementation
- proactive leadership
- prioritising activities that produce specific, tangible improved outcomes
- removal of attitudinal and cultural barriers

We have incorporated our individual policy for race equality, and our disability and gender equality schemes into one overarching Single Equality Scheme to create a coherent framework for promoting equality and diversity within our school. We have identified a set of priorities to promote

equality, inclusion and community cohesion. Our Scheme includes a plan of action to address these priorities over the next three years.

We recognise that improving outcomes such as attendance or attainment for a specific group of pupils will help to improve our outcomes for all. Our commitment to equality is thus a fundamental part of our drive towards excellence.

## **2. National and Legal Context for Diversity**

All schools have duties to promote race, disability and gender equality

The general duty to promote race equality means that we must have due regard to

1. eliminate unlawful racial discrimination
2. promote equality of opportunity
3. promote good relations between people of different racial groups.

The general duty to promote disability equality means that we must have due regard to

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

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

The general duty to promote gender equality means that we must have due regard to

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

Schools also have specific duties under these three promotional duties, which are explained in Appendix A. This Scheme demonstrates our response to both the general and specific duties.

Schools have a duty to promote community cohesion, developing good relations across different cultures, ethnic, religious and non religious and socio-economic groups. There are no statutory requirements for schools to have a policy or action plan for promoting community cohesion. However, we have incorporated our priorities into our Single Equality Scheme and Equality Action plan to make it easier to monitor our progress and performance in meeting the requirements of this duty

Although there are no equivalent promotional duties in relation to age, sexual orientation and religion or belief, we must ensure that we do not discriminate on these grounds. This Scheme includes our priorities and actions to eliminate discrimination and harassment for these equality areas.

Appendix A provides further details of the requirements of equality legislation

## **3. School Context**

Hampshire is a large and diverse county with over a million residents. There is a mix of urban and rural areas but the majority of the population live in urban areas. Brockhurst Primary serves an urban area within the Gosport borough.

We serve a relatively deprived area of Hampshire, being the 57<sup>th</sup> most deprived out of more than 400. Nationally however, we serve an average catchment area with reference to socio-economic backgrounds.

The staff are all white, British and mainly female with no significant disabilities. The student and family population has 1% with ethnic backgrounds. The religious background of the vast majority of the community is Christian or 'none'. There is a significant armed services presence, being 20%.

Key equality and diversity issues we face:

- Exposing children to different cultures and diversity is our biggest challenge.

As a Rights Respecting school, we use the UNCRC framework to do this.

#### **4. Involvement of staff, pupils, and parents**

##### **a) Developing our Scheme**

The involvement of a diverse group of people has been instrumental in shaping our Single Equality Scheme and Equality Action Plan. We strive to involve the full diversity of our school and community, recognising that people who share an aspect of their identity in relation to race, disability, gender, age, sexual orientation and religion or belief are best placed to identify key issues for us to address.

In developing our Scheme, we involve staff, pupils and parents in the following ways: -

- focus groups
- questionnaires
- involvement of the school council
- pupil surveys
- close collaboration with parents
- involvement with local community and disability organisations.

To ensure we included as much diversity as possible we:

- Included ALL staff in surveys to ensure the views of the full diversity of staff were captured
- Included ALL parents in surveys
- Approached specific learners on the student council
- Involved diverse members of the local community

In future reviews, we intend to cover as many of the seven aspects of diversity as possible.

We have identified the following **priorities** as a result of these activities.

- Children need to have more exposure to different cultures.
- Children need to have greater exposure to people with disabilities

##### **b) Ongoing involvement**

We have strategies in place to promote the participation of pupils in decision – making and in making a positive contribution to school life. We will embed equality and inclusion into these

strategies so that learners from diverse backgrounds are involved in shaping provision and improving practice.

We ensure that outcomes from these involvement activities are acted upon by the school's senior leadership team for example:

- Any child can be elected by the children in their class to the school council. We ensure ALL children receive awards through the year as they earn them.
- We successfully break down barriers to communication and involvement by listening and acting upon what we learn-as individuals, as staff, as governors, the community of parents and the children.
- All children are encouraged to join the school council, have positions of responsibility.

## **Deciding what to do**

### **5. Information gathering**

We will collect a broad range of qualitative and quantitative information to monitor our policies and practice and to demonstrate our progress in equality, inclusion and community cohesion. Our single equality approach helps us to more effectively monitor our progress and performance, as our pupils and staff may face more than one barrier to achieving their full potential.

#### **a) Pupils**

We collect the following information:-

- *Admission data*
- *Attendance data*
- *Achievement and progress data*
- *Views of school council*
- *Take up of extended school provision and extra-curricular activities*
- *Records of complaint, incidents of race discrimination and bullying.*

Progress in promoting equality, inclusion and community cohesion so far:-

- *All children have equal opportunities regardless of their background. Being a small school this is easy to monitor although we also track the vulnerable groups*
- *Community cohesion is good and developing within the school and local community.*
- *Boys underachieve compared to girls in some aspects of learning, especially writing. We have several strategies underway to address this.*

We have identified the following priorities from evaluation of this information:-

- We increasingly involve learners in developing equality policy and practice.
- We need to give opportunities for all learners and parents to become involved in school activities to improve engagement
- We need to continue to address any achievement gap between vulnerable groups and others.

Other information the school intends to gather in the three year lifespan of the Scheme.

- *We intend to assess the number of rewards given to children, with reference to gender, race and SEN*
- *Records of financial support given to families to access activities*
- *Collate and analyse data and information to look for trends which may indicate underlying issues.*
- *Records of visitors to enhance the curriculum across the seven aspects of diversity.*

We will ensure that the information we gather will be used to promote equality by:

- *Ensuring class teachers receive the information regarding individuals and address any issues within the class where possible or through whole school involvement.*
- *The HT will take the lead in gathering and analysing equality information*

## **b) Staff**

We collect the following information:-

- staff recruitment, retention
- CPD
- Promotion
- Disciplinary, grievance, competency
- outcomes of appraisals and performance review processes
- cessation of employment
- staff exit surveys

We monitor for disability, race and gender and the school is aware that the balance of staffing is predominantly British, white and female. When we recruit we are aware of this balance but we rarely receive applications from any other groups. If we do, they are given a high priority for interview, however, only the best person for the job is appointed. This is particularly crucial in a small school.

## **c) Others**

We intend to explore how well groups within the community perceive that there is equality of opportunity.

## **6. Specific Equality Areas**

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

### **a) Race Equality**

What we have already achieved:

- No racial incidents reported for the last 3 years
- We track the progress of vulnerable children including where race is a concern
- Use circle time to address and resolve any issues which may arise
- Employ an ELSA to provide emotional support and Family support.

- Achievement, for this group is as good as others.

### **SEE PROGRESS DATA**

We want to do more by:

- Providing more opportunities for pupils to meet and work alongside people from other races in order to promote good relations.

### **b) Community Cohesion**

What we have already achieved:

- **Teaching, learning and curriculum:** through the RRR scheme we encourage pupils to respect others, inform them of their rights and value diversity and to develop the skills to take responsible action towards others. We have level 1 of Rights respecting School and seek to gain level 2 in 2012
- **Equality and excellence** we ensure all pupils have opportunities to reach their full potential, working towards removing variations in learning outcomes from different community groups.
- **Engagement and extended services:** we build positive relationships with all parents and have extremely positive relationships with the local community.

We want to do more by:

- Embedding Community Cohesion opportunities into curriculum planning ensuring a variety of cultures and experiences are studied across the primary phase.
- Track more closely the uptake of opportunities on offer, across the identified vulnerable groups.
- Make a link with a different community within the UK.

### **c) Disability Equality**

What we have already achieved:

- The curriculum is accessible to all and any specific needs are met with outside support or through the SENCO. Our record of success with these children is good.
- We have made very good progress towards making the site completely accessible for any person with a physical disability (from the 3 year Accessibility plan)
- All written information can be given in enlarged formats or in different languages. Facilities for e-mail are also available.
- We promote equality of opportunity between disabled people and others
- We promote positive attitudes towards disabled people
- We encourage participation by disabled people in public life
- We take steps to take account of disabled peoples' disabilities, even where that involves treating disabled people more favourably than other people.

We want to do more by:

- ensuring ALL SEN pupils make good progress in line with other pupils, and work towards their learning outcomes also being comparable.
- completing our Accessibility Plan over the next 3 years.
- analysing uptake of after school activities by vulnerable groups.

#### **d) Gender Equality**

What we have already achieved:

- The ethos of the school promotes gender equality
- Everyone has the opportunity to take part in all curriculum activities both in school and after school.
- We encourage different genders to take part in all sporting activities.
- We encourage males from the local community to volunteer in school time and help with after school clubs

We **want** to do more by:

- Encouraging more male parents/carers to take part in school activities.

#### **e) Other Equality Areas**

What we have already achieved:

We understand that many families we serve definitely prefer the spoken word to text and without abbreviations.

There is a high number of volunteers coming into school, across gender and age.

We want to do more by:

- Continuing to communicate in documents with everyday language with minimal abbreviations
- Formalising the SRE practice in light of the conference last year

### **7. Impact Assessment**

We will carry out equality impact assessments on our policy and practice which will cover all aspects of equality: race, disability, gender (including gender identity), age, sexual orientation, religion and belief. We will look for ways to improve practice as well as ways to eliminate discrimination and harassment.

### **8. Working in Partnership**

We recognise that achieving equality, inclusion and good community relations involves working effectively and in partnership with others, including parents, community groups and local organisations.

- There is good communication with parents through newsletters, face to face interaction, e-mail and school website

- We continue to monitor the participation of all groups of parents particularly those in the vulnerable group.
- We intend to raise participation of under-represented groups through direct contact by the class teacher, Senco, and Family Link Worker.
- We have many links with the local community and organisations and use them to support the curriculum. We also link with local schools as part of the Gosport Education Improvement Partnership
- We intend to make links with another UK school with very different characteristics. Also a school in another country.
- We use outside agencies to meet the requirements of vulnerable pupils.

## **Putting the Scheme into practice**

### **9. Publishing the Scheme, raising awareness**

We recognise that our Scheme is a public document that should be available to any interested stakeholder. We will promote and publish our Scheme by:

- placing it on our website and drawing parents attention to it annually through the newsletter
- making it available on request
- providing a summary in our prospectus, including our vision and key priorities
- raising awareness of the scheme annually to all staff during staff training
- ensuring the staff induction folder contains a copy of the scheme
- ensuring a copy is also included in the volunteers and lettings folders.

### **10. Monitoring and evaluating the Single Equality Scheme and Equality Action Plan**

We will regularly monitor and evaluate the implementation of our Single Equality Scheme and Equality Action Plan. We will report annually on our progress and performance. Our annual report will be shared with Governors and our School Improvement Partner. A summary will be provided for parents and published in our prospectus. Both will explain how the full report can be obtained. We will inform staff and learners of our progress.

The findings of our annual report will be used to update the Equality Action Plan and inform subsequent Single Equality Schemes.

We want this Scheme to be a 'whole organisational' document that drives forward equality and achieves improved outcomes. We will therefore ensure that the Equality Action Plan is an integral part of our School Improvement Plan, and as such, our progress will have regular oversight by the senior leadership team and the governing body

We will formally review, evaluate and revise this Single Equality Scheme and Equality Action Plan every three years, to set new priorities and identify new actions. This process will again involve staff, learners, parents and governors who reflect the full diversity of the school community.



## 11. Links with other school policies

School policies that link with, and have informed this Scheme include:

SEN

Race Equality

Anti-bullying

SRE

Behaviour

Equal Opportunities

Pay policy

Admissions

Attendance

Community Cohesion

## 12. Roles and responsibilities

The governing body will

- monitor the implementation of the Scheme and Action Plan to check progress and assess impact on staff, learners and parents
- ensure that all governors are aware of their legal responsibilities under equality legislation
- receive and discuss regular equality reports on progress and performance
- monitor achievement of equality targets
- check that implementation of the Scheme and Action Plan achieves improved outcomes for people who share an aspect of their identity in relation to race, disability, gender (including gender identity), age, sexual orientation, religion and belief

The head teacher will

- provide proactive leadership to create a community that recognises and celebrates difference within a culture of respect and cooperation
- ensure staff, pupils, parents /carers and any other interested stakeholders are aware of this Scheme and their roles and responsibilities in implementing this Scheme
- monitor to ensure effective implementation of the Scheme and Action plan
- provide regular reports for governors on progress and performance
- Allocate appropriate responsibilities, and provide suitable training and development for staff to implement this Scheme

The senior leadership team will

- drive forward implementation of the Scheme and Action Plan
- support staff to carry out their role in implementing this Scheme
- provide effective leadership on equality, inclusion and community cohesion
- ensure the Scheme is successfully promoted
- respond in a timely and appropriate manner when dealing with any incidents or issues of discrimination, harassment or victimization

All staff will

- recognise that they have a role and responsibility in their day-to-day work to
  - promote equality, inclusion and good community relations
  - challenge inappropriate language and behaviour
  - tackle bias and stereotyping

- respond appropriately to incidents of discrimination and harassment and report these
- highlight to the senior leadership team any staff training or development that they require to carry out the above role and responsibilities

All staff will also ensure that students are encouraged to

- recognise that they have a role and responsibility to themselves and others so that they understand and are able to
  - promote equality, inclusion and good community relations
  - challenge inappropriate language and behaviour
  - tackle bias and stereotyping
  - work to promote anti-bullying strategies
  - respond appropriately to incidents of discrimination and harassment and understand the action needed to report these

### SES Plan of Actions for 2017-2018

Priority	Actions to be reviewed	Reference	Expected outcomes	Findings
Achievements	Key Stage 1 and Key Stage 2 results  Performance data of all disadvantaged groups  Pupil Premium performance and achievement levels	Teacher's Plans and Assessment and progress and performance of all groups  Higher Attainer Performance  Free school meal, gender group, service, LAC, SEND, EAL and targeted groups	KS1 & KS 2 achievements will match or exceed school and national targets  Progress of all children irrespective of group to meet or exceed achievement levels set  Value for money achieved with resource and challenge	NB/KS/SP/AS/LM
Participation	Learner's participation and success in wider educational and social experiences	Learning activities and support and children involved  Visits take up and support given with outcomes  Clubs – attendance and attendees and impact that is made  Lunchtime involvement, activity and profile of those	All children get equal opportunity and acknowledgement  Self-esteem is raised  Expectations and positive thoughts and intent are developed  School attendance matches or exceeds target set and exclusion is used as a last resort to move learning and	SLT/SH/HSLW/ SSA

		<p>who participate and impact</p> <p>Involvement and inclusion in Child of the day, responsible positions and rewards</p> <p>Sport participation, school council and learner voice activity</p>	<p>participation forward</p> <p>All children strive to be Rights Respecting Citizens and exemplify characteristics</p>	
Inclusion	Equal opportunity and inclusion reference to ethnicity, gender, service and disadvantaged groups	<p>Admissions rates</p> <p>Attendance</p> <p>Exclusions and sanctions</p> <p>Learner voice activity</p> <p>Parent voice and involvement</p>	<p>Impact of the Disadvantaged Plan is positive</p> <p>Attendance rates of disadvantaged groups improved and % for all children meets or exceeds target</p> <p>Children identify examples of their voice making an impact and school council impact is evidenced</p> <p>Parent satisfaction and the Governor working party has implemented ideas to develop and improve communications with parents, their voice and involvement</p>	Inco/ HSLW/SLT/SH,/RF(gov), child and parent voices
Staff Recruitment	Safe and fair practices for the recruitment	<p>Quality First Teachers appointed</p> <p>Job Adverts follow HCC Personnel Practice</p> <p>Equal opportunities with Job Description and Person specification</p>	<p>Procedures for induction of staff followed with all appointments</p> <p>SCR is secure and demonstrates safe procedures are followed</p> <p>Equal opportunity offered to all by clear</p>	HT/SLT/ CoG,/New appointees/ staff

		<p>Safer Recruitment</p> <p>Safeguarding</p> <p>Ethnicity</p>	<p>advertises and clear procedures for interviews</p> <p>Essential and desirable knowledge, skills and personal qualities interrogated and prioritised</p> <p>Safer recruitment qualified person /governor present at interviews</p> <p>Applicants knowledge of safeguarding, whistleblowing rigorously questioned at interview</p> <p>Areas of safety of applicant satisfied beyond doubt</p> <p>Brockhurst Way is evidenced reference to performance management, training and support</p>	
Issues and Incidents	Data on discrimination and harassment show a Respecting and Responsible Citizen Community	<p>Homophobia</p> <p>Racism</p> <p>Sexism</p> <p>Religious Tolerance</p> <p>Serious accidents records</p> <p>Accident frequency</p>	<p>Surveys and data used to reveal issues and follow up actions to resolve any issues</p> <p>HCC returns on all aspects are zero or follow up action by school is positive and intended to improve or eliminate challenges/ contentions</p> <p>Growing Rights Respecting Citizens Policy is understood by children, staff and parents and in practice</p>	SH/HSLW/ SLT

Visits and visitors	Child's experience broadened through the diversity of visitors and places visited	<p>Visitors to school and their engagement with children and the community</p> <p>Places visited and opportunities to learn and experience</p> <p>Parental involvement in children's learning</p>	<p>Children's knowledge of people and places enriched</p> <p>All year groups have opportunities to learn outside the school</p> <p>Opportunities to participate are open to all</p>	SH/SLT/Inco
Community Cohesion	Living together, dealing with difference and having a common vision and values	<p>Vision Policy</p> <p>Teaching Learning and curriculum</p> <p>Equity and excellence</p> <p>Engagement and extended services</p>	<p>Unicef is promoted and rights of the child upheld</p> <p>Barriers to learning are lowered/ removed</p> <p>Gaps between learners are reduced so that all children realise their potential</p> <p>Positive relations and involvement are evident</p> <p>SMSC Policy can be seen to be effective</p> <p>PATHs is understood and children benefit from the strategy</p>	HT/SLT/Gov Monitoring

## Appendix A – the legal requirements in more detail

### Summary of equality legislation for schools

This document summarises the requirements of race, disability and gender equality legislation, and the duty to promote community cohesion. It also identifies duties within age, sexual orientation and religion and belief legislation.

Every aspect of school life is covered by the above equality duties, including for example:

For **learners**:

- admissions and attendance
- teaching and learning, timetabling, homework, trips, visits, sports, breaks and lunchtimes, exams, clubs and extracurricular activities, and curriculum development, planning and delivery
- behaviour, discipline and sanctions, exclusions (permanent and fixed term)
- welfare and well-being
- progress and attainment

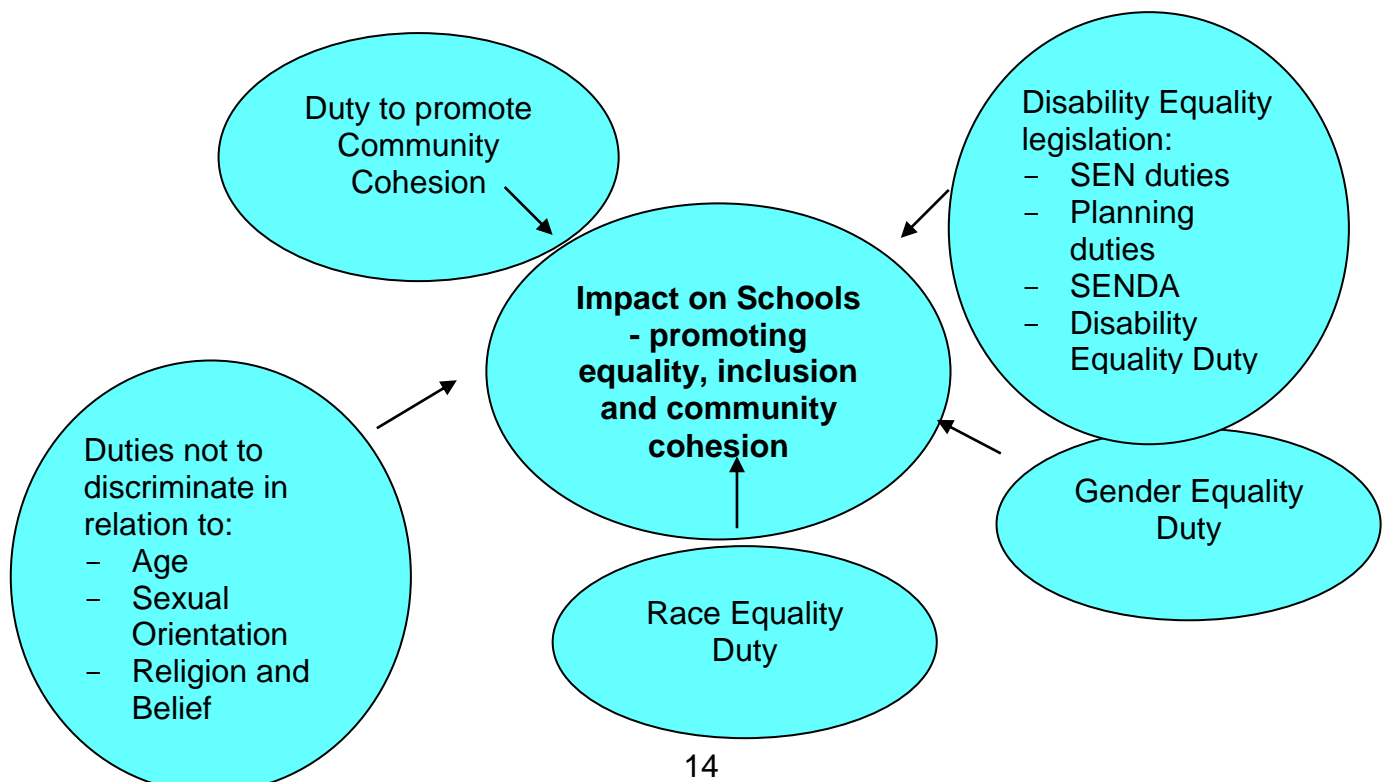
And for **staff**

- recruitment, selection, conditions of employment
- career progress, appraisal, CPD activities
- disciplinary, grievance, dismissal

The duties also apply to those using the services of the school, for example parents, and the wider community

The governing body carries the ultimate responsibility for implementing equality legislation

### The equality duties on schools



### **The duty to promote race equality**

The Race Relations Act 1976 has been amended by the Race Relations (Amendment) Act 2000 (the RRAA). This Act was introduced as a result of the MacPherson Report, which followed the Stephen Lawrence inquiry. This report highlighted the issue of institutional discrimination.

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

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

1. eliminate unlawful racial discrimination
2. promote equality of opportunity
3. promote good relations between people of different racial groups.

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

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

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

### **The duty to promote community cohesion**

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

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

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

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

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

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

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

Further information can be found in DCSF guidance;

'Guidance on the duty to promote community cohesion' which may be downloaded from

[http://www.teachernet.gov.uk/wholeschool/Communitycohesion/Community\\_Cohesion\\_Guidance/](http://www.teachernet.gov.uk/wholeschool/Communitycohesion/Community_Cohesion_Guidance/)

### **Disability equality legislation**

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

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

Each of these are now considered in turn

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

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

The planning duties of DDA Part 4 aims to ensure schools increase over time their accessibility to disabled people.

Three year Accessibility Plans should have been in place by April 2003, and updated for 2006-2009. Accessibility Plans should demonstrate how the school will

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

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

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

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

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

The general duty reinforces the reasonable adjustment duties of the Disability Discrimination Act (DDA). In particular, it complements, and in some cases overlaps with, the anticipatory duty to make adjustments. An anticipatory approach requires adjustments to be made in advance of individual disabled people attempting to use a service or access education or employment.

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

- produce and publish a Disability Equality Scheme and equality action plan;
- involve disabled people in the development of the DES and equality action plan;
- explain the method of assessing the impact of policies and practice upon disabled people;
- monitor the impact of policy and practice on disabled people by gathering and using information on:
  - staff recruitment, development and retention



- the educational opportunities available to, and the achievements of disabled pupils. (This should be interpreted broadly)
- explain how the results of steps taken to achieve the Action Plan will be published on an annual basis;
- fully review the Disability Equality Scheme every three years.

### **Definition of a disabled person**

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

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

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

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

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

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

### **Involvement of disabled people**

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

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

### **Approaches to disability equality**

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

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

This premise provides the basis for the school's commitment to implement the Disability Equality Duty by examining its policies, procedures and practices and making every effort to remove attitudinal, cultural, social and physical barriers.

The Disability Equality Duty shifts the focus away from the individual, placing responsibility firmly on the shoulders of the institution to dismantle barriers before these have an impact on the individual

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

## **The duty to promote gender equality**

The Sex Discrimination Act (1975) has been amended by the Equality Act 2006 to place a duty on all public authorities to promote gender equality. The Gender Equality Duty has a general duty with two inter-related parts. It means that schools, in carrying out their functions, must give due regard to the need to:

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

The duty has been introduced in recognition of the need for a radical new approach to gender equality – one which places more responsibility with public bodies to think strategically about gender equality, rather than leaving it to individuals to challenge poor practice. As with race and disability equality, the gender equality duty applies in respect of all the school's functions including policy-making, teaching and learning, and employment. It also applies to people who

use the services of the school who are not staff and learners, such as people who participate in family learning evening courses provided by the school.

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

- prepare and publish a Gender Equality Scheme, showing how the school will meet the general and specific duties and setting out gender equality objectives.
- formulate overall objectives, to consider the need to include objectives to address the causes of any gender pay gap in support of the Equal Pay Act (1970).
- gather and use information on how policies and practices affect gender equality in the workforce and in the delivery of services, including teaching and learning
- consult stakeholders (i.e. employees, students and others, including trade unions) and take account of relevant information in order to determine gender equality objectives.
- assess the impact of current and proposed policies and practices on gender equality.
- explain how the results of steps taken to achieve the Action Plan will be published on an annual basis;
- fully review the Gender Equality Scheme every three years.

### **Transsexual / Transgender Staff and Students**

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

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

### **Other Equality Legislation**

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

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

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

Further information on the requirements of equality legislation for schools can be found at

<http://www.teachernet.gov.uk>  
<http://www.governornet.co.uk>  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

