

EQUALITY, DIVERSITY AND



INCLUSION FOR SCHOOLS

INTRODUCTION

This guidance is designed to support education providers to meet their legal duties under current equality legislation. It contains a straightforward explanation of what is required by law and some suggestions as to how to put this into practice in education settings. The duties for schools under the legislation should not represent an extra burden; instead they can serve to support and enhance good practice.

Legislative Framework

The Equality Act 2010 combined nine separate pieces of legislation into one single Act simplifying the law and strengthening it in important ways to help tackle discrimination and inequality. The Act introduced 9 protected characteristics;

Age

Disability

Gender reassignment

Marriage and civil partnership

Race

Religion and belief

Sex

Sexual orientation

Pregnancy and maternity

The Act also specifies particular areas of protection e.g. in employment and within education and set out general and specific duties which schools must meet. The public sector Equality Duty consists of a general duty and some specific duties that are designed to help organisations meet their general duty.

Public Sector Equality Duty (PSED)

The General Duty has three aims; it requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not.

Compliance with the general duty is a legal obligation but also makes good business sense because it enables you to provide services which meet the diverse needs of your pupils, parents and staff.

Specific Duties require public bodies to:

- publish relevant, proportionate information demonstrating compliance with the Equality Duty. Subsequently, the information must be published at least annually; and
- set and publish first equality objectives which are specific and measurable. Subsequent objectives must be published at least every four years.

Publishing Data

The information published must show that you have consciously thought about the three aims of the Equality Duty as part of the decision-making process. The Information should include the effects that policy and practice have had on people who share a protected characteristic e.g.

Race, disability, gender and age breakdown

Indication of likely representation on sexual orientation and religion or belief

Publishing Information this can include quantitative and qualitative information and needs to be legitimate and proportionate. (need to be mindful of data protection too) The information needs to be disaggregated according to the protected characteristics.

To evidence what you have done or are doing to **eliminate unlawful discrimination** you could publish:

- Equality Policy
- Bullying Policy
- Admissions/selection policy and figures
- Exclusions Policy and figures
- Equality Impact Assessments/ equality analysis
- Equality Targets Set & Progress
- Performance Information, achievement/ attainment levels of pupils

Evidence of **advancing equality of opportunity** could include things such as:

- Staffing Info
- Training records
- Extra curricula activities
- Gender pay gap information

Foster Good Relations information could be things such as:

- Overall pupil profile data
- Community cohesion activities
- Evidence of curriculum covering issues such as tackling prejudice, understanding diversity and cohesion
- Information on engagement
- Parents and pupils surveys

Ofsted

Ofsted within its inspections also looks for evidence of adhering to statutory requirements and how effective the school is in promoting equality of opportunity and tackling discrimination. In particular they are looking for evidence of how:

- E&D is promoted among staff, learners, employers, parents and other partners
- The impact of its E&D work is assessed and takes appropriate action in response to findings
- Effective the training is so that at all levels people are able to understand their roles and responsibilities in relation to E&D
- All learners are protected from harassment, bullying and discrimination, including those based with employers
- It manages incidents and complaints related to E&D
- Targets are set and data is used to monitor, analyse and improve performance by different groups of learners
- Action is taken to reduce significant variation between different groups of learners

Key features for outstanding of equality and diversity would include:

- High success rates for all learners
- Equality has a strategic prominence and is integral to self –assessment and planning
- Equality is understood by all and is evident in daily activities
- Clear and decisive evaluation and monitoring of performance and outcomes of different groups of learners and appropriate action taken to narrow gaps

- Managing attendance and absences and how this can have an impact upon achievement
- Well planned curriculum meets needs of individual learner with good referrals to other providers where provider is unable to do this
- Inappropriate behaviour and comments and bullying is challenged
- Strong community involvement
- Employers actively engaged and promote commitments and benefits of diversity
- Frequent and effective staff training at all levels
- E&D is embedded across all areas of teaching, training, learning

This toolkit provides guidance and examples to assist schools in meeting their duties under the Equality Act and ensuring the learning environment is one which tackles discrimination, celebrates diversity and includes all sections of society.

The kit provides examples of:

- 1) An Equality and Inclusion Statement
- 2) An example of diversity data analysis and objective setting
- 3) An Equality Audit tool

1) Equality and Inclusion Statement

We have developed an example Equality, Diversity and Inclusion statement which outlines a schools intent on how it will meet the duties of the Equality Act 2010.

2) Information gathering and Objective Setting

The second part of the toolkit is an example of how a school could collect equalities information, analyse that information and then set SMART objectives.

3) Equality audit tool

This will enable school to evaluate all of its systems and processes to identify any gaps regarding equalities that could be addressed.

For further advice you can contact the Equality and Diversity team on 01926 412659

XXX SCHOOL

EQUALITY & DIVERSITY POLICY

XXX School is committed to equality and valuing diversity and actively supports practices that promote genuine equality of opportunity for all staff and young people.

1. Introduction

XXX School is committed to promoting a positive and diverse culture in which all staff and young people are valued and supported to fulfil their potential irrespective of their age, disability, race, religion, belief, sex or sexual orientation.

We recognise our obligations under the Equality Act 2010 and are committed to promoting the equality and diversity of all those we work with especially our employees, pupils¹, young people and visitors. We oppose all forms of unlawful and unfair discrimination, bullying and harassment and will make every effort to comply with the requirements of the Act and its subsequent provisions.

The following groups have been identified as key recipients in terms of the provision of this statement:

- Are being looked after or on the edge of Care
- Have Special Educational Needs / Learning Difficulties and Disabilities
- Are excluded or at risk of exclusion from school
- Are from an ethnic group, including those from Gypsy, Roma, Traveller background
- Have English as an additional language
- Are missing in education
- Have ill health, including hospitalisation, affecting attendance at school
- Are Not in Education, Employment or Training (NEET)
- Have drug or alcohol abuse

¹ The categories of people covered by the schools provisions include prospective, current and former pupils.

- Are school age / teenage parents
- Are young carers
- Are offending or at risk of offending
- Have mental health issues
- Are in receipt of free school meals
- Live in areas of deprivation
- Gifted and talented
- Are gender questioning or going through transition
- Are Lesbian, Gay or Bisexual

This policy and all associated procedures apply to all staff (including volunteers and students on placement), young people and visitors and should be read in conjunction with the following policies:

- Anti-Bullying Policy
- Responding to prejudice related incidents
- Compliments and Complaints Policy
- E-Safety and Multi-Media Policy
- Health and Safety Policy
- Management of Behaviour: Rewards and Sanctions Policy
- Off-Site Visits Policy
- Privacy Policy
- Recruitment and Selection Policy
- Restrictive Physical Intervention (RPI) Policy
- Runaway and Missing from Home, Care and Education (RMFHCE) Policy
- Safe Working (Caring) Practice Policy
- Safeguarding and Child Protection Policy
- Whistle Blowing Policy

Failure to comply with these policies and procedures may result in disciplinary action.
Discriminatory treatment, bullying or harassment of staff or young people by visitors will also not be tolerated.

2. Compliance

Compliance with the Equality Act 2010 is the responsibility of all members of staff. XXX School does not condone any act of direct discrimination, indirect discrimination, harassment or victimisation. Any breach of this policy may lead to disciplinary action.

3. Definitions

The Equality Act covers nine protected characteristics upon which discrimination is unlawful:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and
- sexual orientation

For further information on **types of unlawful discrimination** see Appendix 1.

4. Roles and responsibilities

The designated senior member of staff with overall responsibility for all equality and diversity matters at XXX School is the Headteacher. For further information on the **roles and responsibilities** of the Designated Person see Appendix 2.

It is the responsibility of all staff to:

- Treat colleagues, young people and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;
- Support and participate in any measures introduced to promote equality and diversity;
- Actively challenge discrimination and disadvantage in accordance with their responsibilities;
- Report any issues associated with equality and diversity in accordance with this policy.

It is important to appreciate that an employee 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. Any attempt to instruct, cause or induce

another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee doing so will be subject to disciplinary action.

5. Duty to make reasonable adjustments

We will actively seek to make reasonable adjustments, where there is a need to ensure that a disabled person has the same access to everything as a non-disabled person, as far as is reasonable. We will take positive and proactive steps to remove, reduce or prevent the obstacles faced by a disabled individual, as far as is reasonable. For further information, visit the Equality and Human Rights Commission website at: www.equalityhumanrights.com

6. Admissions policy

Our admissions criteria are defined under the admissions policy and are applied consistently to every young person, irrespective of any protected characteristic.

7. Curriculum delivery

The curriculum is crucial to tackling inequalities for pupils including gender stereotyping, preventing bullying and raising attainment for certain groups. The principles of equality and diversity are embedded in our academic and social curriculum.

Positive and proactive steps will be taken to prevent discrimination against, or victimisation of, any young person in the provision of education or access to any benefit, facility or service including educational trips, work experience and leisure activities.

8. Exclusion policy

The decision to exclude a child for a fixed period or permanently is a **last resort**. Our exclusion criteria are defined under the exclusion policy and are applied consistently to every young person, irrespective of any protected characteristic.

9. Recruitment and selection

All employees, whether part-time, full-time, temporary or permanent will be treated fairly and equally.

We will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Selections will be made on the basis of aptitude, ability and/or merit, where appropriate.

Where appropriate, XXX School will endeavour to make all reasonable and effective adjustments during the recruitment and selection process. Where recruitment and selection is carried out by a third party, on behalf of XXX School, we will take all reasonable steps to ensure they adhere to the principles of this policy.

10. Reporting and recording incidents of discrimination and harassment

All incidents of discriminatory treatment, bullying and harassment must be reported to senior staff and recorded as soon as is reasonably possible (and in any event within 24 hours of the incident). All bullying-related incidents (confirmed or otherwise), will be addressed in accordance with our Anti-Bullying Policy.

11. Complaints and grievances

If an individual believes that they have been discriminated against, harassed or victimised, they are asked to follow our complaints or grievance procedure.

12. Implementation, monitoring, evaluation and review

The designated senior member of staff with overall responsibility for the implementation, monitoring and evaluation of the 'Equality and Diversity Policy' is the Headteacher.

The designated member of staff is also responsible for ensuring that all young people, staff, parents/carers and placing local authorities are aware of our policy. Additional support would also be provided to any parent or significant person, wishing to know more about the policy and procedures outlined above. A copy of this policy document is available for inspection on the premises during office hours and an electronic copy is posted on our website xxx

This policy document will be reviewed and publicised in writing, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policy, guidance and practice.

Further information about equality and diversity

1. Types of unlawful discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex sexual orientation).

Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination occurs when a condition, provision, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.

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

Harassment occurs when a person is subject to “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Third-party harassment occurs where, during the course of their duties, an employee is harassed by an individual or individuals who are not under the direct control of Arc School and the harassment relates to a protected characteristic.

Victimisation occurs when an individual is subject to a detriment because they have made an allegation of, or given evidence about, the treatment of any individual (including themselves) who has been subject to any of the above.

Any individual making allegations of a false, malicious or vexatious nature would not be protected against victimisation and will be subject to disciplinary action.

Roles and responsibilities

The designated senior member of staff with overall responsibility for all equality and diversity matters at XXX School is the Headteacher. The role of the Designated Person is to:

- Create an environment in which all members of the community are expected to treat one another with mutual respect, dignity and tolerance.
- Ensure that XXX School complies with equality legislation;
- Ensure all policies, practices and procedures, associated with equality and diversity, including admissions, curriculum, recruitment and selection are implemented;
- To make effective and reasonable adjustments where appropriate to meet the individual needs of staff, young people and others who may have business with XXX School;
- Ensure that all staff are aware of and follow XXX School's policy; and receive appropriate equality and diversity training, in accordance with their roles and responsibilities;
- Take 'all reasonable steps' to prevent discrimination, harassment and victimisation from taking place;
- Take responsibility for recording, managing and analysing incidents of discrimination, harassment and victimisation in accordance with XXX School's policies, procedures and guidance.

It is the responsibility of all staff to:

- Treat colleagues, young people and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;
- Support and participate in any measures introduced to promote equality and diversity;
- Actively challenge discrimination and disadvantage in accordance with their responsibilities;
- Report any issues associated with equality and diversity in accordance with this policy.

It is important to appreciate that an employee 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.

Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee caught doing so will be subject to disciplinary action.

Example of School Equalities Analysis

Step 1: Get a group together

Bring together a group of people to work through the equality analysis process. Ideally the group should include someone with overall legal responsibility for the setting and someone with day to day responsibility.

Step 2: Gather up your existing information

Collect together the information you already hold that relates to equalities. This can include:

Data from the following (where applicable to your setting)

- Management information system (MIS)
- Local community profile
- Setting population
- Children's attainment/EYFS profile scores
- Attendance and absences
- Exclusions/withdrawals
- Participation in other activities/opportunities provided at the setting
- Prejudice-based bullying log
- Staff profile
- Governor/trustee /management profile

Step 3 Organise your data

You need to analyse your data according to all the **protected characteristics** that are set out in the Equality Act. It is unlikely that your setting will hold data on all of these characteristics. You are not required to collect any more data for this exercise. Instead, where there are gaps you need to consider whether you need more information. If so, you may choose to collect this data in future.

Step 4 Examine the data

Go through the data you have collected and note down any apparent inequalities between different groups. Do this systematically considering each of the different protected characteristics in turn (including any that you have added). Ask questions such as:

How does boys' development compare with that of girls?

Is attendance at parents forum meetings comparable for different ethnicities?

Do disabled children participate in additional activities that you organise?

Are certain groups of children over represented in exclusions/withdrawals from setting?

Do disabled adults participate in setting events?

Who are the victims of bullying?

Who are the perpetrators?

Have there been any disability, homophobic, transphobic hate incidents?

What about other prejudices, e.g. those based on race or religion?

As you ask these questions, make a note of any potential issues regarding equality and also any examples of measures that you are already taking to address inequality. Use the equality audit document at the end of this tool kit.

Step 5: Compile a list of possible actions

Examine in turn each of the inequalities that you noted as you analysed your data (or external sources of data). Consider what these inequalities might indicate in terms of the three arms of the public sector equality duty.

When you are considering what steps to take remember that it is quite lawful for settings to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, children with particular protected characteristics. This is called **Positive Action**. It needs to be a proportionate way of achieving the relevant aim – For example providing special support for Traveller children or a project to engage specifically with families who are newly arrived in the country. If you are not sure of the answer to any of the questions note down what steps you could take to find out more. When you have considered all the inequalities in turn then you will end up with a list of steps for action. Some may be quite straightforward and you can implement these at once. Others will require careful consideration and planning before they can be implemented. You will need to draw up priorities for action.

Step 6 Identify priorities for action

It is unlikely that you can make all the improvements you would like at once; therefore you need to identify some realistic priorities for action that will have the maximum effect on equality in your setting. These priorities will become your **equality objectives**.

Equality objectives, by law, need to be **specific** and **measurable** so it is not enough to simply identify a general priority, you will need to consider what **outcome** you want to achieve and how you will measure your progress towards this.

Step 7 Publish equality information and objectives

Step 8: Review your progress

The equality information you publish is required by law to be reviewed and updated annually and objectives need to be updated every four years. We recommend that you update your setting information and report on progress towards your objectives at least once a year. Additionally whenever you are considering introducing a new policy or changing your practice you need to consider how this will impact on equality.

Equality Audits

A Self Evaluation Audit

The Equality Act imposes a duty of you to;

Promoting accessibility

Valuing cultural diversity

Promoting participation

Promoting equality of opportunity

Promoting inclusive communities

Reducing disadvantage and exclusion

Completing an Equality Audit is an assessment of where an organisation is in terms of how it delivers and incorporates equality and is a great tool for organisations who have never reviewed or do not regularly review their position in the light of the duty. An Equality Audit could include any aspect of the organisation's policies, procedures or services. The benefits of completing an Equality Audit might include using it as:

- An additional planning tool
- An additional reporting tool
- Increasing staff management, efficiency and effectiveness
- As a quality management tool
- To comply with the law
- Understanding stakeholder attitudes and perceptions about equalities

An audit should include;

Assessment – assessing what you have and where you are in relation to meeting the duty

Acting – responding to the findings and plugging the gaps

Reviewing- assessing changes or adaptations and monitoring year on year

Begin by carrying out an organisational health check list and gathering monitoring information. This information will be instrumental in helping you when you carry out equality analysis/ assessments, meet the Equality Duty (Specific Duty - this requires you to; Publish

information to show your compliance with the Equality Duty annually, Set and publish equality objectives every 4 years) and set your equality objectives.

Please use the check list below to assess the organisations health and from that use the 'traffic lights' in the right hand columns to record where you consider your organisation to be in relation to each indicator.

Do you have/ monitoring the following:

Checklist item	Yes/ No	Does it mention and / or cover equalities / diversity/ equality strands/ accessible to all	Equality analysis undertaken Yes/ No/ Not applicable	red	amber	green
Governance/ school management						
Governing document						
Job descriptions of governing body						
Skills audit for governing body						
Mission statement						
Strategic plan						
Governing body reflective of community						
managing hate incidents						
Managing harassment, discrimination, victimisation and bullying of staff and pupils						

Fostering good relations with local organisations and community groups						
Equal Opportunity / Inclusion Policy						
Management of employees						
Recruitment data						
Training data						
Promotion data						
Exit data						
Grievance data						
disciplinary data						
Management of pupils						
admission data						
Overcoming barriers to learning						
Behaviour including Disciplinary action/ exclusions						
Out of school activities						

Accessibility plan for disabled pupils						
Managing absences						
Curriculum and learning						
Educational visits/ school trip accessible to all						
Lessons that value/ promote diversity						
Learning styles appropriate to learners needs						
appropriate assessment methods are used which take account of students' backgrounds and needs						
Staff trained/ experienced in meeting diverse pupils needs						
Parent/ community involvement						
parents informed of child's progress						
Parents involved in the school						
links with local groups (and use of school facilities for holiday schemes and after school activity)						

Checklist item	Action Required	Lead Officer/ Person responsible	Target Date

Useful resources

<http://www.csie.org.uk/resources/current.shtml#equality2016>

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/education-providers/education-providers-schools-guidance>

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/education-providers>

<http://www.stonewall.org.uk/our-work/education-resources> LGBT guidance and support

<http://www.runnymedetrust.org/projects-and-publications/education.html> Race guidance and support

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND Code of Practice January 2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/education-providers/schools-guidance/key-concepts/reasonable-adjustments> Guidance on making reasonable adjustments for pupils with a disability

<http://www.warwickshire.gov.uk/equalityanddiversityforschools>