

**Severndale**  
Specialist Academy



# **SINGLE EQUALITY POLICY**

**Policy proposed: Summer 2015**  
**Policy to be reviewed: Autumn 2019**

## **Academy Ethos, Vision and Values**

Severndale Specialist Academy is committed to ensuring equal treatment of all its employees, pupils and students and any others involved in the academy community, and will ensure that no person or group is treated less favourably than others in any procedures, practices and service delivery. Equality ensures that people are treated fairly, and makes it easier for people to live and work together. To fully enable equality, some people may need extra help or protection.

This academy will not tolerate harassment in any form towards pupils and students or staff, and will strive to promote equality in all areas.

### **1 . The wider context**

The Equality Act 2010 replaced and simplified nine previous acts regarding rights and opportunities for all, providing protection from discrimination. Prior to the Equality Act, laws governing equality related to race, sex, disability and sexual orientation. The new act encompasses these areas, and currently extends to religion or belief, gender re-assignment, pregnancy and maternity, and age (the latter in relation to employment). Alongside this Act, the Public Sector Equality Duty (PSED) 2011 stipulates how public organisations, such as schools, can promote equality. This duty replaces the former race, disability and gender equality duties. Under the Act, every school should have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- the need to foster good relations across all characteristics - between people who share a characteristic and people who do not

The advancement of equality is further defined as having due regard to:

- remove or minimize disadvantages
- take steps to meet different needs
- encourage participation when it is disproportionately low

Schools are also expected to provide extra support to stop people doing less well because of their family background or where they were born (socio-economic duty). Historically, children from rich families often achieve more at school than children from poor families, even if the poorer children are more intelligent. This is sometimes called socio-economic inequality. Pupil Premium has been introduced to address this balance, and is allocated to pupils and students who receive (or have received in the last 6 years) free school meals.

These are all part of a school's general equality duty. Having due regard also includes the following consideration:

- Decision makers in schools must be aware of the duty to have "due regard" when making a decision or taking an action and must assess whether it may have implications for people with particular protected characteristics
- Schools should consider equality implications before and at the time that they develop

policy's and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis

- The PSED has to be integrated into carrying out the school's functions and the analysis necessary to comply with the duty that have to be carried out seriously, rigorously and with an open mind - it is not just a question of ticking boxes of following -a particular process
- Schools can't delegate responsibility for carrying out the duty to anyone else

The equality duty supports good education and improves pupil outcomes. In addition to the general equality duty the school is required to publish information to demonstrate how they are complying with the Public Sector Equality Duty

## 2. Protected characteristics

Below are the eight attributes protected by the Equality Act 2010, which are referred to as 'Protected Characteristics'.

### Protected Characteristics:

- sex
- race
- disability (1)
- religion or belief (2)
- sexual orientation
- gender reassignment
- pregnancy or maternity (3)
- Age, marriage and civilpartnerships (4)

*(1) the Act defines disability as when a person has a 'physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities.' Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect. In this context, a 'long term' impairment lasts 12 months or more.*

*(2) to benefit from protection under the Act, a religion or belief must have a clear structure and belief system, and should have a certain level of cogency, seriousness and cohesion, and not be incompatible with human dignity. The term belief includes a lack of belief - Atheism.*

*(3) extends to the family I associates of the pupil*

*(4) in relation to employment, goods and services*

## 3. Positive Action

New Positive Action provisions allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils and students with particular protected characteristics. Such measures will need to be a proportionate way of achieving the relevant aim. Previously a school providing - for example - special catch-up classes for Roma children or a project to engage specifically with alienated Asian boys might have been discriminating unlawfully by excluding children who didn't belong to these groups.

#### **4. Our academy's commitment**

This document sets out Severndale's commitment to the Equality Act and demonstrates how we comply with the Public Sector Equality Duty.

We aim to eliminate all forms of discrimination in our academy, amongst our stakeholders and across the wider community. We also strive to enable each pupil and student to achieve their potential.

#### **5. How does Severndale promote equality?**

We provide a range of specialist equipment for our pupils and students, such as hoists, adapted classrooms, communication aids (including the Picture Exchange Communication System and iPads for pupils and students with impaired communication), suitable play equipment and bicycles for physically disabled children. Severndale is a well-resourced, accessible academy with well-trained staff, specialist rooms and equipment (including hygiene rooms), and extensive sports and leisure facilities aimed at meeting the needs of individuals in our academy and local community, regardless of background or protected characteristics.

We are committed to a fair and transparent recruitment process, and welcome applications from people with protected characteristics.

Staff deliver a broad and balanced curriculum, which is modified to suit individual pupil and student's needs.

We try to develop confidence, independence and self-esteem by creating a safe, happy and positive learning environment, fostering mutual respect and consideration for others. We work in partnership with pupils and students, parents, teachers, carers and other professionals, valuing the contribution that each makes to learning.

The continuing professional development of all staff is encouraged, to meet the varied and changing needs of all our pupils and students.

Off-site activities, including residential trips, are risk-assessed to ascertain their suitability for our population - a child would never be disadvantaged by being left behind at the academy or left out of a particular activity because it was deemed unsuitable.

#### **6. Roles and responsibilities**

##### **i) The Directors and the Governing Body**

The responsible body of the academy must not discriminate against, harass or victimise a pupil/student or a potential pupil/student:

- in relation to admission
- in the way it provides education for pupils and students
- in the way it provides pupils and students access to any benefit, facility or service
- by excluding a pupil/student or subjecting them to any other detriment

The responsible body is also liable for actions taken by all employees unless it can show that it has taken all reasonable steps to stop the individual from doing the discriminatory

action or from doing anything of that kind.

The academy's liability not to discriminate, harass or victimise does not end when a pupil or student has left the provision, but will apply to subsequent actions connected to the previous relationship between the academy and pupil/student, such as the provision of references on former pupils and students or access to "old pupils and students" communications and activities.

#### **ii) Management responsibility**

The Senior Leadership Team is responsible for promoting equality across Severndale Academy.

- Action will be taken to reduce discrimination when necessary
- Curriculum reviews will be monitored, taking the equality duty into account
- Prejudice-motivated bullying will be taken as seriously as any other form of bullying, and dealt with equally and firmly
- New academy policies and decisions made by the Senior Leadership Team will have due regard for equality under the Equality Act
- All grievances and complaints will be taken seriously and acted upon as appropriate
- Publishing new policies online

#### **iii) Teachers and support staff**

Any persons acting on behalf of the responsible body - including employees of the academy - are liable for their own discriminatory actions.

All staff should promote equality and discourage discrimination. They should set a good example, and have due regard the equality duty when planning and delivering the curriculum.

Out of the classroom, staff should be vigilant, and act on any incidents relating to discrimination or bullying against the Protected Characteristics in addition to other forms of bullying.

### **7. Our rights as an academy**

We are free to admit and organise children in age groups and to treat pupils and students in ways appropriate to their age and stage of development without risk of legal challenge.

The academy will defend any member of staff who has been subject to discriminatory behaviour, bullying or harassment which may be deemed offensive, including an attack on a Protected Characteristic.

We reserve the right to ask health-related questions of applicants before a job offer in relation to intrinsic functions of the work, in line with the Equality Act. Such questions will be targeted, necessary and relevant to the job applied for. The academy welcomes diversity and does not discriminate against people with protected characteristics. However, class-based staff need to be fit and able to meet the needs of our pupils and students.

## **8. Related documents**

This policy should be read and understood in conjunction with the following documents:

Admissions Policy  
Behaviour and Discipline policies  
Anti-bullying Policy  
Complaints procedure  
Curriculum policies  
School attainment data

Appendix 1 - Unlawful Acts as laid out in the Equality Act, 2011

### 1 Direct discrimination

Clearcut, relates to treating someone less favourably because of a protected characteristic.

### 2 Indirect discrimination

Provision, criterion or practice is applied generally, but has the effect of putting off people with a particular characteristic. Defence against a claim of indirect discrimination if it can be shown to be "a proportionate means of achieving a legitimate aim". This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

### 3 Harrassment

Unwanted conduct re: protected characteristics, violating dignity or creating intimidating, hostile, degrading, humiliating or offensive environment for that person. Includes bullying and unpleasant behaviour. Also intentional or unintentional offence. The practical consequences for the school, and the penalties, would be no different.

4 Victimisation - treated less favourable because of something they've done (a protected act) - e.g. making an allegation of discrimination. Even if the person had misunderstood. Protected against retaliation. Child cannot be victimised because of something a parent has done.

If a pupil has himself or herself done a protected act - such as making a complaint of discrimination against a teacher - then the child's own good faith will be relevant. For example, if the parent's complaint is based on information from her son and the son was deliberately lying, it is not victimisation for the school to punish him in the same way as it might do any other dishonest pupil. Unless it can be clear that the mother was also acting in bad faith (for example that she knew her son was lying) it would still be unlawful to victimise her for pursuing the complaint.

Appendix 2 - Writing policies and making decisions in line with the equality duty.

One of the aims of the equality duty is 'advancing equality of opportunity'. With that aim in

mind, when considering adopting a new policy or making a decision, it may be useful to pose three questions, or prompts:

1. Does this policy/decision remove or minimize disadvantages suffered by pupils and students with particular protected characteristics?
2. Do we need to adopt different approaches for different groups of pupils and students?
3. Is there any way we can encourage these groups of pupils and students to become more involved with the school or open up opportunities for them that they wouldn't otherwise enjoy?
4. One of the key aims of the equality duty is to foster good relations. To help ensure this happens it is useful to ask:
  - Does the policy/decision help the school to tackle prejudice?
  - Does the policy/decision promote understanding between different groups of pupils and students and parents?

In practice this means that schools should always try to use information about pupils and students with different protected characteristics to mitigate adverse effects or bring about positive ones. A written record of active consideration of equality duty when making decisions is good practice.