

## MODEL SINGLE EQUALITY SCHEME AND ACTION PLAN FOR LEEDS SCHOOLS AND LEARNING SETTINGS

### HIGHFIELD PRIMARY SCHOOL

#### VISION AND VALUES

##### **Our vision and values**

At Highfield we believe that every child has the right to equality of outcome and to achieve their full potential. In order to achieve equity we embrace the principles of fairness, social justice, inclusion, global citizenship and community cohesion. (taken from Equality statement)

#### SCHOOL CONTEXT

##### **CONTEXT**

Highfield Primary School is a successful, high attaining school, serving a mixed area in the north of Leeds. In September 2015 The school had **450** children on roll. It is a thriving, growing, multicultural school, with half the children coming from white British backgrounds and just under half the children representing a range of minority ethnic groups, the largest group being Indian. Most of these children are either fluent English speakers or advanced bilingual learners. The proportion of children with learning difficulties is below average; the proportion with statements/EHPs is above the national average. Highfield prides itself on its inclusive approach and atmosphere and holds both the Stephen Lawrence Award and Inclusion Charter Mark. A distinctive feature of Highfield is its highly successful integration of children with visual impairment and autism. Highfield meets the core offer of the Extended School's Agenda. We have highly successful and well regarded wrap around care, an extensive range of after school clubs and activities (Healthy Schools Advanced Award reaccredited 2013) and very active parent groups who plan an excellent range of community events across the school year.

Most children enter school with levels of attainment broadly in line with those found nationally. These children come from a wide variety of nursery and early child care settings. Good induction and transition links exist between these settings and the reception class staff.

Highfield believes strongly in the importance of the arts and music (Art Mark Gold Award 2012) and offers the children a very broad, balanced and creative curriculum with many opportunities for enrichment.

## **WHAT WE MEAN BY EQUALITY?**

At Highfield Primary School we understand equity to mean treating everyone fairly and with dignity and by valuing their individual characteristics such as their age, disability, gender identity, race, sex, religion, belief, sexual orientation and socio-economic circumstances or any other visible or non-visible difference.

We further understand that people have different needs, situations and goals and some people may experience additional barriers and challenges. Therefore achieving equality of outcome requires the removal of discriminatory barriers, and the recognition that the allocation and distribution of resources cannot always be distributed equally if we are to live up to our commitment to **everyone** being able to achieve their full potential whilst at Highfield Primary School

We recognise that inequality can be experienced in a variety of ways such as through outcomes, access to services, the degree of independence to make decisions affecting lives and inequality of treatment, including in relation to employment, through direct and indirect discrimination or disadvantage imposed by other individuals, groups, institutions or systems intentionally or inadvertently.

## **OUR GUIDING PRINCIPLES**

In fulfilling the legal obligations outlined further on in this scheme, we at Highfield Primary School are guided by seven principles.

### **Principle 1: All members of the school and wider community are of equal value**

We see all members of the school and wider community of equal value:

- whether they are disabled or non-disabled
- whatever their race, ethnicity, culture, religious affiliation, national origin or socio-economic circumstances
- whichever their sex or gender
- whatever their gender identity
- Whatever their sexual orientation
- whatever their age
- whatever other visible or non-visible difference

### **Principle 2: We recognise and respect diversity**

Treating people equally does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate, but are differentiated, as appropriate, to take account of differences of life-experience, outlook and

background, and in the kinds of barrier and disadvantage which people may face, in relation to:

- disability, so that reasonable adjustments are made
- ethnicity, so that different cultural backgrounds and experiences of prejudice are recognized
- faith, so that different faiths and experiences of prejudice are recognised
- sex, gender identity and sexual orientation so that the different needs and experiences of girls and boys, women and men are recognised.
- age

**Principle 3: We foster positive attitudes and relationships, and a shared sense of cohesion and belonging**

We intend that our policies, procedures and activities should promote:

- positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people
- positive interaction, good relations and dialogue between groups and communities different from each other in terms of race, ethnicity, culture, religious affiliation, national origin or socio-economic circumstances, and an absence of prejudice-related bullying and incidents
- mutual respect and good relations between boys and girls, women and men, and an absence of sexual harassment or transphobia
- promote positive intergenerational attitudes and relationships.
- Positive relationships, both heterosexual and same sex and an absence of homophobia as well as a recognition of diverse family structures

**Principle 4: We will ensure that the recruitment, retention and ongoing development of staff is undertaken in a fair and equitable manner to support our school's vision and values**

Policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing professional development:

- whether they are disabled or non-disabled
- whatever their race, ethnicity, culture, religious affiliation, national origin

- whichever their gender, gender identity and sexual orientation
- whatever their age
- whatever their socio-economic circumstances or other visible or non-visible difference

**Principle 5: We aim to reduce and remove inequalities and barriers that already exist**

In addition to avoiding or minimising possible negative impacts, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between:

- disabled and non-disabled people
- people of different ethnic, cultural and religious and socio-economic backgrounds
- girls and boys, women and men
- people who are lesbian, gay, bisexual and transgender
- Age (where appropriate)

**Principle 6: We consult widely**

People affected by a policy or activity should be consulted and involved in the design of new policies, and in the review of existing ones. We involve:

- disabled people as well as non-disabled people
- people from a range of ethnic, cultural and religious and socio-economic backgrounds
- both women and men, and girls and boys.
- people who are lesbian, gay, bisexual and transgender
- people of different ages

**Principle 7: We feel that the community as a whole should benefit**

We intend that our policies and activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion, and greater participation in public life of:

- disabled people as well as non-disabled people
- people of a wide range of ethnic, cultural and religious and socio-economic backgrounds
- women and men, girls and boys.
- people who are lesbian, gay, bisexual and transgender
- people of different ages and between generations

### **Principles in themselves are not enough**

In the light of the principles stated above, we have identified practical priorities and plans of specific action, in order to promote equality in:

- disability
- ethnicity
- gender and gender identity
- sexual orientation
- religion and belief
- age
- socio-economic circumstances

These are outlined in our Single Equalities Action Plan

### **ACTION PLANS**

1. We recognise that the actions resulting from a policy are what make a difference.
2. Each year we draw up an action plan within the framework of the overall school improvement plan, setting out the specific actions and projects we shall undertake to implement the principles above.
3. Our current action plan is set out in our Single Equality Scheme Action Plans, which are reviewed annually by governors

### **THE CURRICULUM**

4. We will actively seek opportunities to review the curriculum (including the hidden curriculum) and curriculum subject or areas in order to ensure that teaching and learning reflect the seven principles outlined above.

5. We will ensure the staff is offered the opportunity to engage in appropriate training and development to support the achievement of the seven principles.

## **ETHOS AND ORGANISATION**

6. We ensure that the principles listed above apply also to the full range of our policies and practices, including those that are concerned with:
  - learners' progress, attainment and assessment
  - learners' and staff personal development, welfare and well-being
  - teaching styles and strategies
  - admissions and attendance
  - staff and governor recruitment, retention and professional development
  - care, guidance and support
  - behaviour, discipline and exclusions
  - working in partnership with parents, carers and guardians
  - working with the wider community.
  - Participation of groups in wider school activities
  - Preparing all members of the learning community for living and positively contributing to a diverse society

## **ADDRESSING PREJUDICE AND PREJUDICE-RELATED BULLYING**

7. The school is opposed to all forms of prejudice which stand in the way of fulfilling legal duties for all aspects of equality:
  - prejudices around disability and special educational needs
  - prejudices around racism and xenophobia, including those that are directed towards religious groups and communities, for example anti-semitism and Islamophobia, and those that are directed against Travellers, refugees and people seeking asylum
  - prejudices reflecting sexism and homophobia or transphobia
8. There is guidance in the staff handbook on how prejudice-related incidents should be identified, assessed, recorded and dealt with.

9. We take seriously our obligation to report regularly to the local authority about the numbers, types and seriousness of prejudice-related incidents at our school and how they were dealt with in line with existing and future legal requirements.

## **ROLES AND RESPONSIBILITIES**

10. The governing body is responsible for ensuring that the school complies with current legislation, and that this policy and its related procedures and strategies are implemented.
11. A dedicated member (Elaine Taylor) of the governing body has a watching brief regarding the implementation of this policy.
12. The head teacher is responsible for implementing the policy; for ensuring that all staff, governors and visitors are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination.
13. A senior member of staff (Julie Colley) has day-to-day responsibility for co-ordinating implementation of the policy.
14. All staff are expected to:
  - promote an inclusive and collaborative ethos in their classroom
  - challenge and deal with any prejudice-related incidents that may occur
  - identify and challenge bias and stereotyping in the curriculum
  - support pupils in their class for whom English is an additional language
  - differentiated learning to ensure that disabled and non-disabled pupils achieve their full potential
  - keep up-to-date with equalities legislation relevant to their work.
  - Pupil's have the opportunity to have their voices heard with regards to equality issues

## **INFORMATION AND RESOURCES**

15. We ensure that the content of this policy is known to all staff and governors and, as appropriate, to all pupils and parents and carers.
16. All staff and governors have access to a selection of resources which discuss and explain concepts of equality, diversity and community cohesion in appropriate detail.

## RELIGIOUS OBSERVANCE

17. We respect the religious beliefs and practice of all staff, pupils and parents, and comply with reasonable requests relating to religious observance and practice.

## STAFF DEVELOPMENT AND TRAINING

18. We ensure that all staff, including support and administrative staff and governors, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

## BREACHES OF THE POLICY

19. Breaches of this scheme will be dealt with in the same ways that breaches of other school policies are dealt with, as determined by the head teacher and governing body.

## MONITORING AND EVALUATION

20. We collect study and use quantitative and qualitative data relating to the implementation of this policy, and make adjustments as appropriate.
21. In particular we collect, analyse and use data relation to achievement, broken down as appropriate according to disabilities and special educational needs; ethnicity, culture, language, religious affiliation, national origin, socio-economic circumstances, gender and age.
22. To review good practice we make use of a range of auditing schedules.

## DEVELOPING AND IMPLEMENTING THE SCHEME.

Key to this process for our school is the implementation of **Equality Impact Assessments** (EQUIAs)

We use this tool as a common sense measure of determining whether a policy, practice or project will impact on all groups equally or whether it potentially may have a differential impact on one or more particular group (either positively or negatively). It helps us to ensure that there is no unlawful discrimination against certain individuals or groups and those positive duties are promoted equally. It is a way to ensure we meet the diverse needs of our pupils/students and staff and that diversity, equality and inclusion run through all areas of school life.

## HOW WE DEVELOPED OUR SCHEME

The development of this scheme has involved the whole of our school community. We've discussed it with them and listened to what they have to say, including:

- Our pupils/students

Class Councils and circle times provide an opportunity for everyone's views to be heard and for everyone to play a part in the decision making process. We engage children in developing a democratic approach which actively fosters representation for boys and girls, disabled pupils and pupil from ethnic minority backgrounds and faiths on the School Council as the main discussion and decision making forum for pupils.

- Our staff

Elaine Taylor represents the non-teaching team at Highfield. Our inclusion team (SENCo Child Protection teachers, Learning Mentor and Head teacher) meet every week to ensure good inclusion is taking place across the school. They also review the scheme and actions. The school leadership team and inclusion team are all diversity and inclusion champions? The leadership team also plays a vital role in shaping the direction of the school and in ensuring the equality Policy is met.

- Our school governors

A representative group of stakeholders (the Pupil Support Sub Committee) which includes governors, parents and staff have worked together to produce this Scheme. Our scheme is reviewed every three years and people and pupils from diverse backgrounds will continue to be involved in this process.

- Parents/carers

Governors' meetings and minutes are accessible to parents on request. The GB communicates with parents via newsletters and the school website. School seeks parental views and feedback via an annual parental survey, parental questionnaires and by publishing the scheme and the school equality statement on the web. The school will work towards a more user friendly version for parents.

- Minority, marginalised and potentially vulnerable groups

Specific consultation in 2014 with disabled parents new to the school. WE will work towards consulting with parents and carers from diverse back grounds. For example summer 2015 questionnaire to parents and carers of children with SEND.

- Our partners in the community

Close working relationship with external professionals who support our inclusion work in school. These include the Visually Impaired Advisory Team and Autism Partnership. Recommendations from these professionals are acted upon in school. (e.g. setting up a low stimulatory room for children with autism to undertake one to one work) Highfield is also part of the local interfaith network and takes part in interfaith projects such as the inter faith choir 2015 and an interfaith arts project for 2015/16. The school is part of active school sports partnership and community musical events and celebrations. The school is reviewing its PHSCE scheme “families” unit of study and will be looking to incorporate the Stonewall diverse and different families materials.

## **PRIORITISING ACTIVITY**

We will use the information gained from our involvement with all stakeholders and issues arising from our data (qualitative and quantitative) to prioritise activities for improvement.

*Date approved by the Governing Body July 2014*

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*Review date annually*

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## **LEGAL DUTIES**

1. We welcome our duties under the Race Relations 1976 as amended by the Race Relations Amendment Act 2000; the Disability Discrimination Acts 1995 and 2005; and the Sex Discrimination Act 1975 as amended by the Equality Act 2006 and the Equalities Act 2010.
2. We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.
3. We recognise that these four sets of duties are essential for achieving the five outcomes of the Every Child Matters framework, and that they reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.
4. Summaries of our legal obligations under the three main equality strands of disability, ethnicity and gender are outlined below. After each of the three equality strand we have also outlined the outstanding key issues for our school to address as priorities for the forthcoming three years, which will be included in our action plan as well highlighting the successful impact we have already had in our school.

## SUMMARY OF LEGISLATIVE REQUIREMENTS

### The legal frameworks

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Equality impact assessments of new policies have been required since 2002 in the case of ethnicity, since 2006 in the case of disability, and since 2007 in the case of gender. The requirements are contained within frameworks which distinguish between a) 'the general duty' and b) 'specific duties'.

A further distinction is drawn between a) specific duties concerned with policy development and service delivery and b) those concerned with employment.

The three main frameworks are summarised below. As first published, they are:

[The Disability Discrimination \(Public Authorities\) \(Statutory Duties\) Regulations 2005](#)

Statutory Instrument 2005 No. 2966

[The Race Relations Act 1976 \(Statutory Duties\) Order 2001](#)

Statutory Instrument 2003 No. 3458

[The Sex Discrimination Act 1975 \(Public Authorities\) \(Statutory Duties\) Order 2006](#)

Statutory Instrument 2006 No. 29

## DISABILITY EQUALITY

### *The general duty*

The Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005, places a general duty on public authorities to promote disability equality. The duty came into force on 4 December 2006 and requires public authorities to:

- promote equality of opportunity between disabled persons and other persons
- eliminate unlawful discrimination
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled people more favourably.

### *Specific duties*

The specific duties relating to policy development and service delivery require public authorities to:

- produce and publish a disability equality scheme (DES) demonstrating how they intend to fulfil their general and specific duties
- involve disabled people in the development of the scheme
- produce an action plan setting out the key actions an authority will take to promote disability equality
- explain the methods they use for assessing the impact of their policies and practices, or the likely impact of their proposed policies and practices, on equality for disabled persons
- assess and consult on the likely impact of proposed policies on the promotion of disability equality
- monitor policies for any adverse impact on the promotion of disability equality
- publish the results of these assessments, consultation and monitoring
- report annually on the progress of the action plan

- review the scheme every three years.

The specific duty covering an authority's role as an employer is to monitor the effect of its policies and practices on disabled persons, and in particular the effect on the recruitment, development and retention of disabled employees.

### What impact have we already had on disability equality in our school?

#### Reasonable adjustments to date:

Highfield Primary takes fundamental steps in removing these discriminatory barriers for disabled people in Highfield Primary School. The Scheme builds on what we have done already to promote equality for disabled people

- Teachers and curriculum - Through the curriculum we offer, children are given opportunities to explore, acknowledge and value similarities and differences between themselves and others. Curriculum resources are carefully selected to help children to develop self-respect and respect for others, avoiding stereotypes and derogatory pictures or messages about any group of people.

Discriminatory behaviour and/or remarks are unacceptable in school. Most incidents will be dealt with within the framework of the school's behaviour policy. Where a situation cannot be dealt with in this way it will be referred to the governors' Parents' and Pupils' Committee.

- Pupils - We have increased the extent to which disabled pupils can participate in the school curriculum. Mrs Colley appoints her own pupil welfare officer each year (a child with disability). Teachers plan and evaluate their schemes of work taking account the needs of children in their classes who have disability.

We continually increase education and awareness of pupils and encourage them to involve disabled pupils in all aspects of school life i.e. groups of children playing tag with a visually impaired pupil.

- We have improved the physical environment in the school to increase opportunities for disabled pupils. We have ensured that the building expansion (summer 2010) took into account the need for communal access:

- Ramp access
- wide corridors
- care suite
- lift
- Fire evaluation plan
- Visibility lighting in new classrooms( what does this refer to?)
- Acoustics of new extension classrooms (hearing loops?)
- pathways
- I pads for children with SEN
- door signs in braille, Makaton and PECS

- We have ensured that disabled children/staff/visitors/parents are provided with access to: staff, equipment and information in formats which are accessible for them. Children with visual impairment have access through CCTV, appropriate font and resources, sloping boards etc. Breezy chairs have been provided for three children with disability in school. All our teachers have training and access to resources for children who have learning difficulties such as Dyslexia.

**An Equality Policy** which aims to respect and value all children as individuals, meeting their needs so they reach their full potential and taking appropriate action where there are differences in progress and attainment. We are committed to challenging and preventing all forms of discrimination, including disability.

## RACE EQUALITY

In 2001, the Race Relations Act 1976 was amended to give public authorities a new statutory duty to promote race equality.

### *The general duty*

The general duty requires public authorities to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good relations between persons of different racial groups.

### *Specific duties*

The specific duties relating to policy development and service delivery are to do with the content of a race equality scheme (RES). Schemes should set out an authority's functions and policies, or proposed policies that are assessed as relevant to the general duty to promote ethnicity equality and should set out an authority's arrangements for:

- assessing and consulting on the likely impact of its proposed policies on the promotion of race equality
- monitoring its policies for any adverse impact on the promotion of race equality
- publishing the results of such assessments and consultation
- ensuring public access to information about the services that it provides
- training staff in connection with the general and specific duties
- reviewing the scheme every three years.

The specific duties covering an authority's role as an employer are to:

- monitor by ethnicity the numbers of staff in post and the applicants for employment, training and promotion.
- monitor by ethnicity the numbers of staff who receive training; benefit or suffer detriment as a result of performance assessment procedures; are involved in grievance procedures; are the subject of disciplinary procedures; cease employment
- report and publish annually the results of staff monitoring, and actions taken towards achievement of overall ethnicity equality objectives.

### What key issues still remain for our school?

A higher percentage of teaching staff representing ethnic minority groups and the population of the school community. Staff as a whole represents the school community ethnic mix.

## GENDER EQUALITY

### *The general duty*

The Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate unlawful discrimination and harassment
- promote equality of opportunity between men and women

### *Specific duties*

The specific duties relating to policy development and service delivery require public authorities to:

- produce and publish a gender equality scheme (GES) showing how they will meet the general and specific duties and setting out their gender equality objectives
- gather and use information on how their policies and practices affect gender equality
- assess the impact of their policies and practices, or the likely impact of their proposed policies and practices, on equality between women and men
- consult stakeholders in the development of the scheme

- assess functions and policies, or proposed policies, which are relevant to gender equality
- implement the actions set out in the scheme within three years
- report annually on the progress of the action plan
- review the scheme every three years.

The specific duties covering an authority's role as an employer are to:

- consider the need to have objectives that address the causes of any differences between the pay of men and women that are related to their sex
- gather and use information on how its policies and functions affect gender equality in the workforce.

### **What impact have we already had on gender equality in our school?**

Three male teachers in school. An aim that every child will be taught by both male and female teachers as they progress through the school  
 The governing body is gender representative  
 All extracurricular activities and clubs are open to both girls and boys Sporting clubs and teams are mixed gender. Diversity week celebrates diversity in sport (breaking stereotypes, visitors etc.  
 Have you done any targeted work around boys dominating playground spaces? School council regularly discusses playground use and has in the past approved girls only football/basketball day. This year they decided the mixed gender days worked well.  
 There is no significant different in the attainment and progress of girls and boys in school (Ofsted 2011 and RAISE on line 2012 2013 and 2014)

### **What key issues still remain for our school?**

Increase the number of male non-teaching support staff working in school  
 Increase male guests, volunteers, visitors etc. to the school

### **EQUALITY ACT 2010 AND OTHER EXISTING EQUALITY LEGISLATION.**

We at Highfield Primary School will also comply with and have due regard to the following equalities legislation:

#### **New Equality Act 2010**

The Equality Bill has recently gone through parliament and became an Act on the 8<sup>th</sup> April 2010. It takes effect from Autumn 2010. The Equality Act has put a new single Equality duty on public bodies. The duty requires public bodies to think about the needs of everyone who uses their services or works for them, regardless of race or ethnicity, or any other protected characteristic such as disability or religion.

The act protects people from discrimination on the basis of “protected characteristics” (which previously used to be called grounds). The relevant characteristics for services and public functions are:

- **Disability** (definition changed)

The protected characteristic of disability applies to a person who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

To qualify for protection from discrimination a disabled person no longer has to show that their impairment affects a particular “capacity” such as mobility or speech, hearing or eyesight. Direct discrimination has been extended to cover disability

- **Gender re-assignment** (definition changed)

The protected characteristic of gender re-assignment will apply to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. To qualify for protection from discrimination a transsexual person no longer has to show that they are under medical supervision as it is considered a personal process rather than a medical process which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with.

- **Pregnancy and maternity** (no change)

Pregnancy and maternity is not a protected characteristic for the purposes of the schools provisions but it is covered by other requirements which means that schools are prohibited from restricting access to education on the grounds pregnancy and maternity status

- **Race** (no change)

Race includes ethnic or national origins, colour or nationality. People can belong to one or more of these groups at the same time and the one which is relevant to a particular situation depends on the circumstances.

- **Religion or belief** (no change)

The protected characteristic of religion or belief includes any religion or belief and any religious or philosophical belief. It also includes any lack of such religion or belief. A

religion need not be mainstream or well known to gain protection as a religion, although it must be identifiable and have a clear structure and belief system.

Faith schools and educational institutions with a religious ethos may in some limited circumstances favour pupils or students because of their religion.

- **Sex** (no change)

A person's sex refers to the fact that they are male or female. You must not treat a woman or a girl worse than you would treat a man or boy. You must not treat a man or boy worse than you would treat a woman or a girl in the same circumstances.

- **Sexual orientation** (no change)

Everyone is treated from being treated worse because of sexual orientation whether they are straight, gay, lesbian, or bisexual. Sexual orientation discrimination also covers discrimination connected with expressions or manifestations of a person's sexual orientation. That may include someone's appearance, the places they visit or the people they associate with.

- **Age** (no change)

Under the schools provisions of the Act age is excluded from the list of protected characteristics.

An integrated public sector Equality duty encourages public bodies to address the needs of groups experiencing disadvantage or discrimination on a number of grounds including the new socio-economic duty. It also extends the use of positive action in the workplace. Further clarity regarding these issues and many others, particularly in relation to employment matters are likely to be much clearer when the codes of practice are published in January 2011.

The [Employment Equality Regulations 2003](#) protect employees from discrimination because of their actual or perceived religion or belief.

Discrimination is unlawful in relation to:

- recruitment and selection
- terms and conditions of employment offered and or applied
- opportunities for training, training itself, job promotions and transfers
- harassment and victimisation
- dismissal, including redundancy
- post employment, for example provision of references

The **Employment Equality (Sexual Orientation) Regulations 2003** and the subsequent Equality Act (Sexual Orientation) Regulations 2007 protect employees and consumers from discrimination because of their actual or perceived sexual orientation.

Once seen as a peripheral issue of little relevance to the core business of public bodies, sexual identity has been brought centre stage by legislative and societal developments. The Equality Bill will mean that public authorities will have a single public duty, which will extend the current public duties to age, sexual orientation, religion or belief, gender reassignment. It also includes pregnancy and maternity. Public authorities will have a duty to promote 'positive action'.

### **Gender Recognition Act 2004**

The purpose of the Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate (GRC) by a gender recognition panel. The holder of a GRC is not obliged to inform their employer that they have one, but if they choose to do so this information on their gender history must be established as protected information. Trans people are protected by the Sex Discrimination Act 1975, as amended by the Sex Discrimination (Gender Reassignment) Regulations 1999 and the Sex Discrimination (Amendment of Legislation) Regulations 2008

### **Human Rights Act 1998 and Article 14 of the European Convention on Human Rights**

Article 14 refers to the prohibition of discrimination and states that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any grounds such as “sex, race, colour, language, religion, political, or other opinion, national or social origin, association with a national minority, property, birth or other status”

### **Part 2 of the Equality Act 2006**

Part 2 of the Equality Act 2006 came into force in April 2007 and makes it unlawful for providers of goods, facilities and services to discriminate in grounds of religion or belief.

### **Employment Equality (Age) Regulation 2006**

This came into force in October 2006 and it protects against discrimination on grounds of age in employment and vocational training. Prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training

### **The Equality Act (Sexual Orientation) Regulations 2007**

Made under section 81 of the Equality act 2006, the Equality Act (Sexual Orientation) Regulations 2007, make it unlawful for providers of goods, facilities or services to discriminate under grounds of sexual identity.

## **Glossary:**

### **Diversity is**

- about including everyone
- valuing differences
- harnessing differences in individuals to the benefit of both the organisation and the individual, by allowing people with different perspectives and views to use their unique blend of skills and character to improve the quality and performance of the organisation
- having a better understanding of the diverse needs of our community

### **Duty**

A mandatory and legal obligation to do something

### **Promote**

Contribute to the progress and growth of....

Make publicity for.....

### **Equality and Human Rights Commission (EHRC)**

Bringing together the Equal Opportunities Commission, Disability Rights Commission and Commission for Race Equality, also serving as a national body for age, religion and belief and sexual discrimination as well as human rights.

### **What is meant by discrimination?**

Generally “discrimination” means treating someone with a protected characteristic worse than someone who does not have this characteristic would be treated in the same situation. The worse treatment must be because of that characteristic.

Discrimination can take a number of forms:

- “direct” or
- “indirect” or
- failure to make reasonable adjustments for disabled people or
- “discrimination arising from disability” or
- discrimination because of “association” with someone who has a protected characteristic, or
- discrimination because a person is thought to have a protected characteristic whether correctly or incorrectly (“perceived”)

People are also protected from:

- harassment related to a protected characteristic
- victimisation because they have, or their education provider thinks they have, made or helped made a complaint about discrimination, unless they know the complaint was not true.

### **Direct discrimination**

Direct discrimination happens when an education provider treats a pupil or student (or an applicant for admission) worse than they treat or would treat another pupil or student (or applicant) because of a protected characteristic.

Direct discrimination also includes less favourable treatment of a person based on a stereotype relating to a protected characteristic, whether or not the stereotype is accurate. It is not direct discrimination against a non disabled person to treat a disabled person better.

Education providers must not treat someone worse because of a combination of two protected characteristics than they would treat someone who did not have either of these characteristics; this is known as combined characteristics.

### **Combined discrimination**

Sometimes, a person may experience worse treatment than someone else because of combination of the protected characteristics they have:

There may be an interaction between two or more than two of a person's characteristics, but a claim for combined discrimination will only look at a combination of two of them.

### **Indirect discrimination**

People's experiences and opportunities in education can be affected by an education provider's rules or ways of doing things. Indirect discrimination takes place when the same rule or way of doing things is applied to everyone. The rule or way of doing things may not appear to have a different or worse impact on people with a protected characteristic but does so in reality.

### **Victimisation**

If an education provider treats a person badly because they have taken a particular action related to the Equality Act 2010 (or because they suspect the person has taken or will be taking such action), this will be victimisation, and is against the law. The protection covers anyone, whether or not they have a protected characteristic, if they do something in relation to making a complaint of discrimination and you treat them badly.

### **Harassment**

Harassment in the Equality Act 2010 means:

- Unwanted behaviour which has purpose or effect of:
- Violating the dignity of another person: or
- Creating for that person an intimidating ,hostile, degrading and humiliating or offensive environment

Unwanted behaviour can include any kind of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

### **Positive action**

"Positive action" means the steps that an education provider is allowed (but not required) to take to encourage people with a protected characteristics from groups with different needs or a past track record of disadvantage or low participation to access education.