

# **CHILDER THORNTON PRIMARY**

## **Equality Policy & Objectives**



**Childer Thornton Primary School**

**Approved by Governors**

**Updated: October 2016**

**Review Date: October 2017**

## **1. Policy statement**

We will:

- respect the equal human rights of all our pupils;
- educate them about equality;
- respect the equal rights of our staff and other members of the school community.

We are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of race, gender, disability, religion or belief, or socio-economic background or any protected characteristic. We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and able to participate fully in school life.

The achievement of pupils will be monitored by race, gender, socio – economic background and disability and we will use this data to support pupils, raise standards and ensure inclusive teaching. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all .

## **2. School Practice**

The attached appendix contains details of current school practice in:

- Pupils' attainment and progress
- The quality of provision – Teaching and Learning
- The quality of provision – The curriculum
- The quality of provision – Guidance and Support
- Behaviour and Attendance
- Partnership with pupils, parents, carers and the wider community
- Leadership and Management
- Linguistic Diversity

## **3. Statutory requirements**

The equality objectives address our duties under current equality legislation, up to and including the Equality Act 2010.

In relation to this act our duties require us to have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who do not share it
- Foster good relations across all characteristics and between those who share a characteristic and those who do not share it .

The access plan addresses our duty under the Special Educational Needs and Disability Act (SENDA) 2001.

#### **4. Responsibilities**

Our Headteacher and Governing Body are responsible for:

- drawing up, publishing and implementing the school's equality objectives
- making sure the school complies with the relevant equality legislation
- making sure the school Equality Scheme and its procedures are followed
- monitoring progress towards the equality objectives and reporting annually

The Headteacher is responsible for:

- making sure steps are taken to address the school's stated equality objectives;
- making sure the equality policy and access plans are readily available and that the governors, staff, pupils and their parents know about them;
- producing regular information for staff and governors about the plans and how they are working;
- making sure all staff know their responsibilities and receive support in carrying these out;
- taking appropriate action in cases of harassment and discrimination, including prejudice-related incidents.
- enabling reasonable adjustments to be made, in relation to disability, in regard to pupils, staff, parents / carers and visitors to the school.

All staff are responsible for:

- promoting equality;
- avoiding unlawful discrimination against anyone;
- fostering good relations between groups;
- dealing with prejudice-related incidents;
- being able to recognise and tackle bias and stereotyping;

Visitors and contractors are responsible for following relevant school policy.

#### **5. Tackling discrimination**

Harassment on account of race, gender, disability or sexual orientation is unacceptable and is not tolerated within the school environment.

All staff are expected to deal with any discriminatory incidents that may occur. They are expected to know how to identify and challenge prejudice and stereotyping.

Racist and homophobic incidents and other incidents of harassment or bullying are dealt with by the member of staff present, escalating to a class teacher / headteacher where necessary. All incidents are reported to the headteacher and racist incidents are reported to the governing body and local authority on a termly basis.

#### **What is a discriminatory incident?**

Harassment on grounds of race, gender, disability, sexual orientation or other factors such as socio-economic status, can take many forms including verbal or physical

abuse, name calling, exclusion from groups and games, unwanted looks or comments, jokes and graffiti.

A racist incident is defined by the Stephen Lawrence Inquiry Report (1999) as:  
'any incident which is perceived to be racist by the victim or any other person'.

### **Types of discriminatory incident**

Types of discriminatory incidents that can occur are:

- Physical or any form of verbal assault against a person or group because of their race, disability, sexual orientation or gender, this explicitly includes homophobic, biphobic and transphobic;
- Use of derogatory names, insults and jokes;
- Racist, sexist, homophobic, biphobic, transphobic or discriminatory graffiti;
- Provocative behaviour such as wearing racist, sexist, homophobic or any form of discriminatory badges or insignia;
- Bringing discriminatory material into school;
- Verbal abuse and threats;
- Incitement of others to discriminate or bully due to victim's race, disability, gender or sexual orientation ( or any protected characteristic)
- Discriminatory comments in the course of discussion;
- Ridicule of an individual for difference e.g. food, music, religion, dress etc;
- Refusal to co-operate with other people on grounds of race, gender, disability or sexual orientation.

## **6. Review of progress and impact**

In line with legislative requirements, we will review progress against our Equality Policy and Plan annually and review the entire action plan on a three year cycle.

We make regular assessments of pupils' learning and use this information to track pupil progress. As part of this process, we regularly monitor achievement by race, gender and disability, to ensure that all groups of pupils are making the best possible progress and take appropriate action to address any gaps.

### **How we conduct equality impact assessment**

Whenever any policy documentation or other school procedures and practices are reviewed we will carefully consider any potential impact in terms of:

- race
- religion or belief,
- socio-economic background,
- gender and gender identity/ reassignment,
- pregnancy and maternity
- disability,
- sexual orientation,
- age.

## **Publishing the plan**

In order to meet the statutory requirements to publish a Disability Equality Scheme and Gender Equality Scheme, we will:

- Publish our plan on the school website;
- Raise awareness of the plan through the school newsletter, assemblies, staff meetings and other communications;
- Make sure hard copies are available.

### **How we chose our equality objectives**

Our equality objective-setting process has involved gathering evidence as follows:

- i. from the equality impact assessments listed above,
- ii. from the following data
  - Data on ethnicity, religion or belief and socio-economic background collected and compared with local and national data
  - Attainment and progress data for all groups of pupils
  - Attendance Data for all groups of pupil
- iii. from discussion with pupils, parents, governors and community users.

### **Pupils' attainment and progress**

This school expects the highest possible standards. Staff have high expectations of all pupils and continually challenge them to reach higher standards.

The school recognises and values all forms of achievement. We will monitor and analyse pupil performance by race, gender, disability and special educational need and social background. Any disparities which are identified will be addressed through targeted curriculum planning, teaching and support.

### **The quality of provision - teaching and learning**

All staff ensure the classroom is an inclusive environment in which pupils feel all contributions are valued. We take account of pupils' experiences and starting points and are responsive to pupils' different learning styles.

Pupil grouping is planned and varied to reflect the requirements of learners and their social development needs. Allocations to teaching groups will be kept under continual review and analysed by race, gender and background.

Our teaching styles include collaborative learning. All pupils will be encouraged to question, discuss and collaborate in problem solving tasks. Pupils will be encouraged to be a resource for their peers.

Staff encourage pupils to become independent and assist them in taking responsibility for the management of their own learning and behaviour.

Staff will use a range of methods and strategies to assess pupil progress. Assessments are analysed for gender, cultural and social bias, and take account of access issues, e.g. print size.

This school believes that self-assessment is a teaching-learning strategy, and we will provide all pupils with opportunities to take responsibility for their own learning through regular reflection and feedback on their progress.

### **The quality of provision - curriculum and other activities**

This school provides an appropriate curriculum for pupils of all backgrounds. We will monitor and evaluate its effectiveness through target setting and attainment analysis

The curriculum builds on pupils' starting points and is differentiated appropriately to ensure the inclusion.

Each area of the curriculum is planned to incorporate the principles of equality and to promote positive attitudes to diversity. All subjects contribute to the spiritual, moral, social, and cultural development of all pupils.

The content of the curriculum reflects and values diversity. It encourages pupils to explore bias and to challenge prejudice and stereotypes.

Extra curricular activities and special events cater for the interests and capabilities of all pupils.

### **The quality of provision – guidance and support**

We actively promote good personal and community relations within the school.

All staff are expected to foster a positive atmosphere of mutual respect and trust among boys and girls from all ethnic groups and range of abilities.

Staff challenge stereotypes and foster pupils' critical awareness and concepts of fairness, enabling them to detect bias and challenge inequalities.

Our pastoral support takes account of religious, cultural and ethnic differences, special educational needs, disability and the experiences and needs of all children

The school provides appropriate support for pupils learning English as an additional language and pupils are encouraged to use their home and community languages to enhance their learning

Victims of harassment and bullying are given appropriate support using external agencies where appropriate. The perpetrators are dealt with in line with school policy and are provided with relevant support to consider and modify their behaviour.

## **Behaviour and Attendance**

This school expects high standards of behaviour from all pupils, appropriate for their developmental level.

We have procedures for disciplining pupils and managing behaviour that are fair and applied equally to all. All staff are expected to operate consistent systems of rewards and discipline

It is recognised that cultural background and disability may affect behaviour. Our school takes this into account when dealing with incidents of unacceptable behaviour.

Clear procedures are in place so that all forms of bullying and harassment, including racism and harassment related to disability, sexism, homophobia, transphobia and biophobia are dealt with promptly, firmly and consistently and are in line with relevant LA policies and guidance. All forms of harassment are recorded, monitored and dealt with in line with relevant school policies.

Adults in school take care to lead through example, demonstrating high expectations of all pupils.

At Childer Thornton exclusions are extremely rare but are reviewed with reference to gender, ethnicity and special educational need. This school will take all reasonable steps to prevent the exclusion of a pupil for a reason related to any disability they may have.

Pupils, staff and parents are aware of policies and procedures for dealing with harassment. They know that any language or behaviour, which is racist, sexist, homophobic, transphobic or biphobic or potentially damaging to any minority group, is always unacceptable.

Information and advice on attendance and exclusion can be made available to parents/carers in accessible formats such as relevant community languages and large print.

There are strategies to reintegrate long-term non-attenders and excluded pupils, which address the needs of all pupils.

Families are aware of their rights and responsibilities in relation to pupil attendance and absence is always followed up in a way that takes account of cultural issues or matters relating to a child's disability.

We make provision for leave of absence for religious observance, for staff as well as pupils.

We monitor attendance by gender, ethnicity and special educational need. Background is also considered. Action is taken in order to address any disparities between different groups of pupils.

The school will fully support children with long-term medical needs who may have an erratic attendance because they are in and out of hospital.

### **Partnership with pupils, parents, carers and the wider community**

We monitor parental involvement and use various strategies to raise participation of under represented groups of parents and sections of the community. Information and meetings for parents are made accessible for all.

Progress reports to parents/carers are clearly written to encourage parents to participate in their child's education. Where necessary information can be made available in languages and formats other than English. Parents with a disability or with learning difficulties will be able to access school's information.

Parents are fully involved in the school-based response for their child with special educational needs, understand the purpose of any intervention or programme of action and are told about the parent partnership service when SEN is identified.

The school's premises and facilities are equally available and accessible for use by all groups within the community.

### **Leadership and management**

The school works with the LA to ensure that our school's admission process is fair and equitable to all pupils.

Comprehensive information about pupils' ethnicity, first language, religion, physical needs, diet etc. is included in admissions forms or gathered at admissions meetings.

The school adheres to recruitment and selection procedures which are fair, equitable and in line with statutory duties and LA guidelines.

Equality and diversity issues are reflected in our school's employment practices

Everyone associated with the school is informed of the contents of this policy. All staff and visitors must support the ethos of the school, promoting equality and challenging bias and stereotyping wherever they observe it.

The skills of all staff, including non-teaching and part-time staff are recognised and valued. All staff are given status and support and are encouraged to share their knowledge.

Staff handbooks and regular professional development activities are available for all staff members to support their practice in relation to this policy.

Staff and visitors provide a wide range of role models and the school strives to reflect the diversity of the local and wider community.

Resources and displays in our school reflect the experience and backgrounds of pupils, promote diversity and challenge stereotypes. They are reviewed regularly to ensure that they reflect the inclusive ethos of the school, e.g. the inclusion of images relating to minority ethnic children.

### **Linguistic Diversity**

At Childer Thornton Primary School we have a very small number of children who speak languages other than English. We welcome this diversity and we look for opportunities to use languages to enrich the curricular experience of all our pupils and we draw upon the expertise of our school community wherever possible.

We recognise the positive role the home language has to play in the development of English language learning and in pupils' cognitive development. Bilingual pupils are encouraged to use their home language in school and parents are welcome to share their cultural richness with the school community through themed weeks and special events

We recognise and celebrate the linguistic diversity in British society. We look for opportunities to enrich the curricular experience of all our pupils by:

- highlighting how English has borrowed from other languages in simple terms
- raising awareness of the similarities and differences between English and other languages
- reflecting the multilingual nature of wider society in our resources and displays

## **EQUALITY OBJECTIVES**

On 6 April 2012 schools were required to publish information showing how they comply with the new equality duty and to set equality objectives. At Childer Thornton Primary School, this is updated annually with objectives published every four years.

The focus in this policy is on the practical implementation of the equality duty. It supplements the DfE Guidance on the Equality Act 2010 with practical case studies of how the equality duty can be applied in contexts which will be familiar to teachers:

[www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010](http://www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010)

[www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/](http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/)

[www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/meeting-the-duty/guidance](http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/meeting-the-duty/guidance)

Compliance with the equality duty is a legal requirement for schools, but meeting it also makes good educational sense. The equality duty helps schools to focus on key issues of concern and how to improve pupil outcomes. These are also central to the OFSTED inspection framework

### **What is the equality duty?**

---

Previously public bodies were bound by three sets of duties to promote disability, race and gender equality. In April 2011 these were replaced by a single public sector equality duty (known as the PSED or the equality duty).

This new duty extends to all the aspects of a person's identity – known as 'protected characteristics' – that are protected under the Equality Act 2010. These are race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.

The equality duty has two main parts: the 'general' equality duty and 'specific duties'.

The general equality duty sets out the equality matters that schools need to consider when making decisions that affect pupils or staff with different protected characteristics. This duty has three elements. In carrying out their functions public bodies are required to have 'due regard' when making decisions and developing policies, to the need to:

1. Eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act 2010.
2. Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
3. Foster good relations across all protected characteristics – between people who share a protected characteristic and people who do not share it.

Having due regard to the need to advance equality of opportunity is defined further in the Equality Act 2010 as having due regard to the need to:

1. Remove or minimise disadvantages
2. Take steps to meet different needs
3. Encourage participation when it is disproportionately low.

In order to help schools in England meet the general equality duty, there are two specific duties that they are required to carry out. These are:

**To publish information to demonstrate how they are complying with the equality duty.**

**To prepare and publish one or more specific and measurable equality objective.**

### **What does this mean for schools?**

---

For a school, having 'due regard' means:

When making a decision or taking an action a school must assess whether it may have implications for people with particular protected characteristics.

It should consider equality implications before and at the time that it develops policy and takes decisions; not as an afterthought, and it needs to keep them under review.

It should consciously consider each aspect of the duty (having due regard to the need to eliminate discrimination is not the same thing as having due regard to the need to advance equality of opportunity).

It should assess the risk and extent of any adverse impact that might result from a policy or decision and the ways in which the risk may be eliminated before the adoption of a proposed policy.

The equality duty has to be integrated into the carrying out of a school's functions. The analysis necessary to comply with the duty should be carried out rigorously and with an open mind – it is not a question of just ticking boxes.

Schools need to do this themselves and cannot delegate responsibility for carrying out the duty to anyone else. The steps they have taken to meet the duty must be recorded.

### **How does it help schools?**

---

The equality duty supports good education and improves pupil outcomes. It helps a school to identify priorities such as underperformance, poor progression, and bullying. It does this by requiring it to collate evidence, take a look at the issues and consider taking action to improve the experience of different groups of pupils. It then helps it to focus on what can be done to tackle these issues and to improve outcomes by developing measurable equality objectives.

### **Information on how Childer Thornton Primary School complies with the Equality Duty and our 5 specific and measurable Equality Objectives.**

---

#### **1. Attainment and Making effective use of data and information.**

---

The equality duty will help to focus attention on performance gaps between groups of pupils, for example girls and boys, black, white and Asian pupils, and disabled and non-disabled students. Collating and analysing information and data on all aspects of

school life can lead to policies and practices that are more attuned to the needs of different groups of pupils.

The duty to have 'due regard' to equality considerations is a continuing one, so monitoring the success of any initiative is important to ensure that it is an effective use of resources.

Whilst statistical data can be an important source of information in monitoring, a great deal of useful information can also be obtained from individual tracking of attainment, lesson observation and talking to pupils and parents.

***OBJECTIVE 1: at Childer Thornton Primary School, we will use a wide range of assessment measures (RAISE online, FFT aspire, Perspective, School Pupil Tracker on-line, in-school formative and summative assessments) to ensure that all pupils, regardless of sex, race, disability, religion or belief, sexual orientation or gender reassignment, are targeted to reach their full potential.***

## **2. Participation in school activities**

---

The equality duty provides a framework for identifying pupil needs, and weighing them against other education priorities when making any relevant decisions including those decisions on participation in school activities.

***OBJECTIVE 2: we will ensure that school provides training & funding for at least one member of staff to accompany a child with significant special education needs to swimming lessons.***

## **3. Ensuring pupils engage effectively in learning**

---

The general equality duty reminds us that equality is not necessarily about treating people the same way, but about developing different strategies to meet the different needs of pupils. This will be familiar to schools through the SEN framework or through providing additional support to groups of pupils who need it.

***OBJECTIVE 3: to provide relevant resources in order to meet the needs of different groups of children (ie: dyslexia friendly reading books , Dylexia outreach programme with Orretts Meadow, multi-sensory resources, withdrawal area for SEND children, specialist teaching, behaviour support , family support***

## 4. Bullying

---

The equality duty reminds schools that they have to think about the interests of all of their pupils.

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 parents?

***OBJECTIVE 4: 'Same Love, Different Families' approach; Stonewall accreditation.***

## 5. Improve careers and progression

---

The equality duty encourages schools to consider how to increase the participation of pupils with different protected characteristics when it is disproportionately low in particular areas of school life. This extends beyond the curriculum to areas of the school's activities such as option choices and work experience opportunities.

Primary schools can also tackle 'occupational segregation' by encouraging children to think more broadly about the sorts of roles boys and girls can take in employment, for example by arranging for pupils to talk to men and women who work in non-stereotypical jobs. The Commission has developed a Key Stage 2 curriculum resource, 'Equal Choices, Equal Chances' to tackle stereotyping around employment, available free at:

[www.equalityhumanrights.com/private-and-public-sector-guidance/education-providers/primary-education-resources](http://www.equalityhumanrights.com/private-and-public-sector-guidance/education-providers/primary-education-resources)

***OBJECTIVE 5: to add 'Equal Choices, Equal Chances' to the Y6 curriculum for the summer term and to invite people in to talk to the children about non-stereotypical jobs***

## 6. Policy making

---

### An opportunity to reconsider how schools treat their pupils

---

***OBJECTIVE 6:*** *One of the aims of the equality duty is 'advancing equality of opportunity'. With that aim in mind, when we consider adopting a new policy or making a decision, we will pose three questions, or prompts:*

- 1. Does this policy/decision remove or minimize disadvantages suffered by pupils with particular protected characteristics?***
- 2. Do we need to adopt different approaches for different groups of pupils?***
- 3. Is there any way we can encourage these groups of pupils to become more involved with the school or open up opportunities for them that they wouldn't otherwise enjoy?***

***We will use information about pupils with different protected characteristics to mitigate adverse effects or bring about positive ones.***

## Frequently Asked Questions

### The specific duties and positive action

---

#### **How do the specific duties help schools to meet the general equality duty?**

On 6 April 2012, under the specific duties, schools had to:

publish information to demonstrate compliance with the general equality duty  
publish one or more specific and measurable equality objectives.

Schools will need to update the published equality information at least annually and to publish objectives at least once every four years. Further details are at the start of this guide under the section 'What are the equality duties?'

The equality objectives that a school publishes as part of the specific duties will be clearly defined and measurable commitments. It makes sense if the objectives address key equality issues identified by the school and are contained

in the school's published equality information. By publishing the objectives, the school is making public its priorities for equality.

The objectives will be agreed with the governing body (see Question 5 below) and it would be good practice to include them in the school development plan.

Both the specific duties aim to promote transparency in schools and to increase accountability to parents, carers and regulators.

The publication of non-confidential equality-related data and information about a school and its pupils will help parents to understand what the school is doing to eliminate any potential discrimination, advance equality of opportunity and foster good relations. Published information will also be a resource for decision-makers within the school.

Teachers may also want to draw inspiration from the case studies in this guide, many of which are based on real examples. These cases should generate information, feedback and/or policies that could be published to demonstrate compliance.

Also note that schools that employ more than 150 people are expected to publish information about staff as well as pupil-related data. You will find more information on employment in the general PSED guidance and in the Code of Practice on Employment:

- [www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/meeting-the-duty/guidance](http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/meeting-the-duty/guidance)
- [www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-codes-practice-and-technical-guidance](http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-codes-practice-and-technical-guidance)

### **What information do schools have to publish?**

Schools should publish information that demonstrates how they have met the equality duty. This may include school performance data, anti-bullying policies, a school development plan and equality milestones, curriculum materials, governing body minutes, equality training materials, and parent and pupil surveys. Schools can also refer to national surveys and other relevant information from the DfE, OFSTED, the teaching unions and the voluntary sector in the information that they publish.

Chapter Five of the DfE Guidance on the Equality Act 2010 contains many useful and practical suggestions about what schools may publish:

## **Does the equality duty mean that schools will have to collect lots more statistical information?**

The equality duty does not require schools to routinely collect any more information than they do already.

In most instances schools will already have sufficient information, either in the data that it routinely collects, through individual profiling or in the records that classroom teachers keep. Where there are gaps schools may decide to fill them by getting the views of parents and pupils with particular protected characteristics. They may also use information from national surveys or from the local authority, or by conducting surveys through partnerships with other schools. The discretion lies with the school leader to decide if the school has enough information about pupils with different protected characteristics to enable the school to meet their equality duty.

## **How is the equality information used?**

Data and information is used to help provide a complete picture of the school – the opportunities and experiences it offers, the quality of teaching and learning within it, and the behaviour and safety of pupils. By putting all this information together and looking at it when making relevant decisions, schools are likely to make decisions that are more attuned to the needs of different groups of pupils.

Using evidence and information may also help governors and parents to understand why schools are making particular decisions. In governors' meetings when new policies are being approved it is a good idea to record discussions about equality issues that arise, making it clear what evidence was used. This will make it clear how the equality duty has been met.

## **Can schools publish just one equality objective?**

Yes, but given the wide range of equality issues in schools, it is likely that they will want to publish more than one objective.

The equality duty encourages schools to take action to improve outcomes for pupils with different protected characteristics so it is likely that schools will generate a number of their own internal equality-related targets. The key ones

could be identified as equality objectives and integrated with school improvement and development plans. The approach should be proportionate, with larger schools likely to have more objectives than smaller ones.

The challenge will be to develop measures that can demonstrate success. In some cases this will be obvious, such as lifting girls' attainment in mathematics if this is low, or reducing the number of homophobic incidents. In other cases, 'qualitative' measures can be used, such as asking pupils in one year group about their attitudes to/experiences of the school and then repeating the questions after a period of time following the introduction of policies intended to alter those attitudes/experiences. An example of this could be increasing understanding between faith groups.

### **What is positive action?**

In some circumstances, schools will need to meet the needs of pupils in different ways so they can receive the same standard of education as everyone else does. The positive action provisions of the Equality Act 2010 permit schools to take proportionate steps to help particular groups of pupils to overcome disadvantages connected to protected characteristics (like gender, race, sexual orientation etc).

Provided that these steps are based on need/disadvantage/low participation and are not excessive, they will be lawful – for example organising 'female only' design and technology taster sessions, where participation of girls in the subject is clearly disproportionately low, or organising separate support classes for ethnic minority children who do not speak English. The [Department of Education guidance](#) contains more information about positive action, with examples and is available at

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/269341/Equality\\_Act\\_2010\\_-\\_advice.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269341/Equality_Act_2010_-_advice.pdf).

## **Inspections**

---

### **How can the equality duty help schools face inspections with confidence?**

It is clear that there are significant overlaps between fulfilling the equality duty and meeting the requirements of the school inspection framework.

The Ofsted 'Framework for School Inspection' states that:

'School inspection acts in the interests of children, young people, their parents and employers. It encourages high-quality provision that meets diverse needs and fosters equal opportunities'.

School inspectors will focus on pupils' needs by:

evaluating the extent to which schools provide an inclusive environment which meets the needs of all pupils, irrespective of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation.

The Ofsted Framework (and Inspection Handbook) also identifies the following components of an inspection:

As part of their overall evaluation of the school inspectors will consider the extent to which the education provided by the school meets the needs of the range of pupils at the school, and in particular the needs of disabled pupils and those who have special educational needs.

When evaluating the achievement of pupils, inspectors must consider

how well disabled pupils and those who have special educational needs have achieved since joining the school

- o how well gaps are narrowing between the performance of different groups of pupils in the school and compared to all pupils nationally

In coming to an assessment of how effectively a school is meeting the individual needs of pupils it may be relevant for inspectors to pay particular attention to the achievement of:

those with protected characteristics, as defined by the Equality Act 2010,

The Inspection Handbook also makes particular mention of:

disabled pupils, and those who have special educational needs

Gypsy, Roma and Traveller children

boys

girls.

When evaluating the behaviour and safety of pupils at the school, inspectors must consider:

pupils' behaviour towards, and respect for, other young people and adults, and their freedom from bullying, harassment, and discrimination. This may include cyber-bullying and prejudice-based bullying and language related to

special educational needs, sexual orientation, sex, race, religion and belief, gender reassignment or disability as defined in the Equality Act 2010.

how well teachers manage the behaviour and expectations of pupils to ensure that all pupils have an equal and fair chance to thrive and learn in an atmosphere of respect and dignity.

When evaluating the quality of leadership and management of the school Inspectors should focus on how effectively leadership and management at all levels enable pupils to overcome specific barriers to learning. This will include engaging with parents and carers in supporting pupils' achievement, behaviour and safety.

### **Will the equality duty help schools to self-evaluate?**

Schools can now decide what form of self-evaluation they undertake. The results of self-evaluation can support the creation and review of a school's self-development/improvement plan. Complying with the equality duty by collating and publishing equality information and objectives can help to provide evidence for the evaluation and should be drawn on by OFSTED when carrying out school inspections to test the robustness of the school's self-evaluation, particularly on achievement and behaviour and safety. For example, schools can provide evidence of how gaps in achievement between different groups of pupils have been closed by referring to equality information for SEN/disabled pupils, boys and girls etc. Where schools have used information about attainment gaps to drive school improvement, it can be used to demonstrate the effectiveness of leadership in the school. The classroom strategies developed as a result can also provide evidence as to the quality of teaching within a school.

Another example would be to demonstrate how effectively prejudice-based bullying has been tackled. The Ofsted evaluation schedule is clear that judgements on behaviour and safety must not be made solely on the basis of what is seen during the inspection but must take into account a range of evidence over an extended period. This includes the school's analysis of and response to pupils' behaviour in lessons over time, for example incident logs, complaints, the use of exclusion, rewards and sanctions and surveys. Case studies may be used to evaluate the experiences of particular groups. Progress

can be evidenced by showing how the views of pupils, parents and carers have altered over time as a result of anti-bullying policies.

## Revising policies

---

### **Do we have to revise our equality policies now?**

Not unless it helps schools to address equality issues. The key point about the equality duty is that it should influence everything schools do rather than requiring them to produce policies for the sake of it.

Schools need to integrate equality into their day-to-day decision-making. How that is achieved is up to the school, provided it publishes information showing how it is complying with the equality duty and the school's equality objectives. If schools already have one (or more) equality policies in place they may find it helpful to revise them to take into account the new extent of the duty, including the new protected characteristics.

### **How do we set about addressing newer areas, like sexual orientation and gender reassignment?**

Under the equality duty all schools must have due regard to the need to eliminate discrimination, advance equality and foster good relations between lesbian, gay and transsexual pupils and those who do not share those protected characteristics. Schools are required to publish information to demonstrate compliance with this aspect of the equality duty. Schools need to be mindful of the need to do this in a way that is relevant to the age and stage of the children. It is not always appropriate to monitor certain protected characteristics of young people, for example their sexual orientation or gender assignment status. Alternative sources of information such as national statistics, research or engagement may help schools to identify priority issues instead. As indicated above, the DfE Equality Act guidance suggests possible national sources of information.

The Commission has published guidance about monitoring around sexual orientation:

[www.equalityhumanrights.com/uploaded\\_files/research/improving\\_sexual\\_orientation\\_monitoring\\_v6\\_22-12-10.pdf](http://www.equalityhumanrights.com/uploaded_files/research/improving_sexual_orientation_monitoring_v6_22-12-10.pdf)

When a school is considering whether to monitor the sexual orientation of pupils, they should consider that pupils may be unsure of their own sexuality or unwilling to disclose it because of lack of trust. As a preliminary measure, schools intending to monitor for sexual orientation are advised to create a culture of trust and to think carefully about the questions they wish to ask. One way of creating trust is to take all complaints of bullying because of sexual orientation very seriously, to support complainants and to take appropriate action.

Establishing policies and guidance concerning prejudice-based bullying, which are shared with all parents and pupils, can be an effective way forward. Good and regular staff training will also help.

Schools should try to be aware which of their pupils are vulnerable to bullying and homophobic name-calling (such as the pejorative use of the word, 'gay') because of their sexual orientation or that of their parents. The DfE website states that it is compulsory for schools to enforce measures that will encourage good behaviour and prevent all forms of bullying. It provides support for designing anti-bullying policies and strategies in your school:

[www.education.gov.uk/schools/pupilsupport/behaviour/bullying](http://www.education.gov.uk/schools/pupilsupport/behaviour/bullying)

It is relatively rare for pupils – particularly very young pupils – to want to undergo gender reassignment, but there is evidence that the number of such cases is increasing and schools should aim to address any issues early on and in a proactive way as part of the equality duty. Further guidance is available from the GIRES website: [www.gires.org.uk/assets/Schools/assistingschools.pdf](http://www.gires.org.uk/assets/Schools/assistingschools.pdf)

### **Does the equality duty apply to schools buying goods and services?**

Yes. Schools buy in £9.3 billion worth of goods and services every year. These include ICT, supply staff, consultancy, school meals, learning resources, training and administrative supplies. Where relevant, schools need to take account of the equality duty when purchasing goods and services.

Here are some considerations:

Is there a possibility that the goods or services being purchased are relevant to equality? If it is absolutely obvious that they are not, no further action need be taken. If it might be, then schools need to use evidence to decide if the

aims of the equality duty are relevant and, if so, how they might apply. (For example, is playground equipment appealing to both boys and girls.)

Do supply teachers supplied by an agency understand about your bullying policies and your commitment to eliminating identity-based bullying in particular?

Are school supplies bought with reasonable adjustments in mind for disabled/SEN pupils? For example coloured overlays for dyslexic pupils?

When considering changes, has the school thought about auxiliary aids and access? For example installing a hearing loop in anticipation of the needs of potential deaf pupils.

Does the school buy food that meets pupils' religious and dietary needs?

A key principle to remember is that schools cannot delegate complying with their equality duty to others. The onus is on the school to specify relevant matters in the procurement contract. Schools will find further guidance on the practical aspects of [procurement](#) on the DfE website. The Commission is planning to publish a guide to equality and procurement early in 2013.

## Enforcement

---

### Who enforces the equality duty?

The Equality and Human Rights Commission is the regulator with responsibility for the equality duty.

The Commission encourages public authorities to meet their equality obligations. It also monitors how public authorities, including schools, are implementing the equality duty.

In addition it has a range of legal enforcement powers. It can, for example, issue compliance notices to schools that are not complying with the equality duty. These legal notices could compel a school to take action to remedy any breach of duty. As an alternative the Commission may negotiate a binding statutory agreement with the school.

The Commission will usually only take formal enforcement action where attempts to encourage compliance have failed. In most cases the Commission would hope to resolve compliance issues through informal action and cooperation. The Commission will use the least intrusive regulatory tool to

achieve compliance and will usually adopt an escalation process. In appropriate circumstances, however, formal enforcement action will be the most effective method of ensuring legal compliance with the equality duty or other provisions contained in the Equality Act 2010.

The Commission is also an authoritative source of information about current equality and human rights issues in education. Please see its triennial review:

[www.equalityhumanrights.com/about-us/our-work/key-projects/how-fair-is-britain](http://www.equalityhumanrights.com/about-us/our-work/key-projects/how-fair-is-britain)

and Human Rights Review:

[www.equalityhumanrights.com/about-us/our-work/human-rights/human-rights-review](http://www.equalityhumanrights.com/about-us/our-work/human-rights/human-rights-review)

These will alert schools to the most pressing national issues concerning equality and human rights in education.

Schools may also be challenged about their compliance with the equality duty by parents and pupils through judicial review.

## Legal status

---

### What is the legal status of this guide?

This is non-statutory guidance to help schools meet their equality duties. Courts may take it into account in deciding whether a school has complied with the equality duty but are not bound to do so.

This publication and related equality and human rights resources are available from the Commission's website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

For advice, information or guidance on equality, discrimination or human rights issues, please contact the **Equality Advisory and Support Service**, a free and independent service.

Website [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)