



EQUALITY POLICY

(Including responding to incidents of prejudice)

May 2016

Together We

Inspire Enjoy Achieve



*This single policy replaces separate policies the school has on race, disability and gender to eliminate discrimination, advance equality of opportunity and foster good relations. It reflects the legal duties set out in the **Equality Act 2010** and **non- statutory guidance** set out by the government in December 2011 and March 2012.*

Equality Statement

Godmanchester Community Academy is committed to preparing its pupils for their life in Britain's diverse society and to ensuring that every child succeeds and reaches their full potential. It is opposed to all forms of racism, xenophobia and prejudice. The Academy actively promotes an ethos of equality of opportunity for all members of its community and is committed to meeting the duties set out in the **2010 Equality Act**.

Aims and Values

At GCA, 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, faith or religion or socio-economic background. 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.

We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all. At GCA, we believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

Legal Duties

Godmanchester Community Academy acknowledges and welcomes its duties under the **Equality Act 2010**.

This legislation covers employment (work), the provision of services and public functions, and education.

Employers (schools) are liable for discriminatory acts of their employees if they did not take reasonable steps to prevent such acts. Employees can be liable for acts (where an employer took reasonable steps to prevent such acts).

The 'Protected Characteristics' within equality law are:

- **Age** - A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). Age discrimination does not apply to the provision of education, but it does apply to work.
- **Disability** - A person has a disability if s/he has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. It includes discrimination arising from something connected with their disability such as use of aids or medical conditions. HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.
- **Gender reassignment** - A person (usually with 'gender dysphoria') who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male).
- **Marriage and civil partnership** – Marriage and civil partnership discrimination does not apply to the provision of education, but it does apply to work.
- **Pregnancy and maternity** - Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.
- **Race** - A person's colour, nationality, ethnic or national origin, it includes travellers and Gypsies as well as White British people.
- **Religion and belief** - Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Religion and belief discrimination does not prevent a school from carrying out collective worship or other curriculum-based activities, but pupils may withdraw from acts of collective worship.
- **Sex** - A man or a woman.
- **Sexual orientation** - A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). Although children may not identify as gay or lesbian when very young, promotion of sexual orientation equality is as relevant in a primary school environment as it is in a secondary school. For example, a child may have an older sibling or parent who is gay. Children may experience friends 'questioning' or 'coming out' when they are in secondary school or college. Schools with a particular religious ethos cannot discriminate against lesbian, gay or bisexual pupils.

'Prohibited Conduct' (acts that are unlawful):

- **Direct discrimination** - Less favourable treatment because of a protected characteristic.
- **Indirect discrimination** - A provision, criteria or practice that puts a person at a disadvantage and is not a proportionate means of achieving a legitimate aim.
- **Harassment** - Conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It includes harassment by a third party (e.g. customer or contractor) in the employment context.
- **Victimisation** - Subjecting a person to a detriment because of their involvement with proceedings (a complaint) brought in connection with this Act.
- **Discrimination arising from disability** - Treating someone unfavourably because of something connected with their disability (such as periods of absence from work or medical conditions) **and failure to make reasonable adjustments.**
- **Gender re-assignment discrimination** - Not allowing reasonable absence from work for the purpose of gender-reassignment in line with normal provision such as sick leave).
- **Pregnancy/maternity related discrimination** - Unfavourable treatment because of pregnancy or maternity. It includes unfavourable treatment of a woman or girl because she is breastfeeding.
- **Discrimination by association or perception** - For example, discriminating against someone because they "look gay", or because they have a gay brother; discriminating against someone because they care for a disabled relative.

Schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with pupils without disabilities.

Public Sector Duties (applies to schools):

A school must, in the exercise of its functions, give due regard to the need to (in relation to protected characteristics above):

1. Eliminate discrimination, harassment, victimisation and any other prohibited conduct.

2. Advance equality of opportunity (remove or minimise disadvantage; meet people's needs; take account of disabilities; encourage participation in public life).
3. Foster good relations between people (tackle prejudice and promote understanding).

In practice, 'due regard' means giving relevant and proportionate consideration to the duty, so decision makers in schools must have due regard when making a decision, developing a policy or taking an action as to whether it may have implications for people because of their protected characteristics.

Reasonable Adjustments and Accessibility Plans

Schools are required to:

- Take reasonable steps to avoid disadvantage caused by a provision, criteria or practice or a physical feature that puts a disabled person at a substantial disadvantage compared to a non-disabled person. This involves removing or avoiding a physical feature, for example steps and lifts.
 - Take reasonable steps to provide auxiliary aids/services.
 - Provide information in an accessible format.
 - Develop and implement (by allocating appropriate resources) Accessibility Plans which will
1. Increase disabled pupils' access to the school curriculum
 2. Improve the physical environment
 3. Improve provision of information.

For more information download latest guidance from the DfE: (May 2014)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf

Responsibilities

LGB

- Ensure that the school complies with equality-related legislation.
- Ensure that the policy and its procedures are implemented by the Head of school
- Ensure all other school policies promote equality.
- Give due regard to the Public Sector Equality Duty when making decisions.

Head of School

- Implement the policy and its related procedures.
- Make all staff aware of their responsibilities and provide training as appropriate to enable them to effectively deliver this policy.
- Take appropriate action in any case of actual or potential discrimination.
- Ensure that all staff understand their duties regarding recruitment and providing reasonable adjustments to staff. It is unlawful for an employer to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function of the work - for example ensuring that applicants for a PE teaching post have the physical capability to carry out the duties. Schools should no longer require job applicants to complete a generic health questionnaire. Neither should a school seek out past sickness records until they have made a job offer.
- Ensure that all staff and pupils are aware of the process for reporting and following up
- bullying and prejudice-related incidents.

All staff

- Enact this policy, its commitments and procedures, and their responsibilities associated with this policy.
- Deal with bullying and discriminatory incidents, and know how to identify and challenge prejudice and stereotyping.

- Promote equality and good relations and not discriminate on any grounds.
- Attend such training and information opportunities as necessary to enact this policy and keep up to date with equality legislation.
- To be models of equal opportunities through their words and actions.

Pupils

- Refrain from engaging in discriminatory behaviour or any other behaviour that contravenes this policy.

Visitors (e.g. parent helpers, contractors)

- To be aware of, and comply with, the school's equality policy.
- To refrain from engaging in discriminatory behaviour (for example, racist language) on school premises.

Appendix 1: Responding to and Reporting Incidents of Prejudice.

Policies directly linked to this Policy:

- Responding to Bullying Policy

| Policy Details and Name | Date | Signature |
|---------------------------------------|----------|---------------|
| Policy approved by Senior Management: | May 2016 | Rod Warsap |
| Policy approved by Senior Governor | May 2016 | Roger Coxhead |
| Date of next review: | May 2019 | |

Policy Section: Section 1B – School Management Policies (Pupils)

Policy reference: GCA 1B/ 10 EQ

Appendix 1:

Recording and Reporting Incidents of Prejudice

The Education and Inspections Act 2006

There are a number of statutory obligations on schools with regard to behaviour which establish clear responsibilities to respond to bullying, racism and prejudice. In particular section 89 of the Education and Inspections Act 2006:

- Provides that every school must have measures to encourage good behaviour and prevent all forms of bullying amongst pupils. These measures should be part of the school's behaviour policy which must be communicated to all pupils, school staff and parents
- Gives headteachers the ability to discipline pupils for poor behaviour even when the pupil is not on school premises or under the lawful control of school staff.

More detailed advice on teachers' powers to discipline, including their power to punish pupils for misbehaviour that occurs outside school, is included in Behaviour and discipline in schools – advice for headteachers and school staff.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/488034/Behaviour_and_Discipline_in_Schools_-_A_guide_for_headteachers_and_School_Staff.pdf

The Equality Act 2010

The Equality Act 2010 replaces previous anti-discrimination laws with a single act. A key provision is a new public sector Equality Duty, which came into force on 5 April 2011. It replaces the three previous public sector equality duties for race, disability and gender, and covers age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it

- foster good relations between people who share a protected characteristic and people who do not share it.

Definition of a racist incident

'A racist incident is any incident which is perceived to be racist by the victim or any other person.'(extract from the Stephen Lawrence Inquiry 1999).

This definition emphasises perception, so that if anyone thinks an incident is racist it will be recorded and investigated as such, however minor it may seem. Incidents involving children and adults will be recorded whether or not those responsible intended their behaviour to be racist. It should also be noted that a racist incident does not necessarily have a victim.

The above definition and its emphasis on perception will apply to our investigations in to all acts of prejudice.

Procedures

Parents/carers will be contacted if their child is involved in any way in an alleged incident of prejudice and they will be kept informed of the progress and outcome of any investigation.

Any incident of prejudice that is alleged will be recorded and if, following investigation, it is concluded that it is not prejudice this outcome will be noted on both the school record of the incident and the report that is submitted to the Local Authority.

Termly reports of incidents on the Local Authority Incident Database PRIDE (Prejudice Related Incident Data Entry) will not identify individuals, but this information will be kept at school level, in line with other records on behaviour and incidents of bullying.

<https://pride.learntogether.org.uk/>

The school will seek advice from Cambridgeshire Race Equality and Diversity Service (CREDS) as and when required and parents/carers may also discuss any concerns regarding racist incidents with the Service.

<https://www.learntogether.org.uk/services/creds/Pages/Welcome.aspx>

PREJUDICE INCIDENT REPORT FORM

Date, time & place of incident

Victim's name(s) Class/year.....

Perpetrator's name(s) Class/year

Details of Incident:

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.....
.....
.....
.....
.....

Form completed by Post:

Date:

ACTION TAKEN

Victim supported by:

.....
.....

Response to perpetrator:

.....
.....
.....

| VICTIM | PERPETRATOR |
|--------------------------------------|-------------|
| Class Teacher informed: | |
| Head Teacher informed: | |
| Parent/carer informed: | |
| Report on individual file: YES / NO. | YES / NO. |