

# St. Mary's Catholic Primary School

## EQUALITY POLICY



### **Mission Statement**

“St. Mary’s School is a happy place, where we follow Jesus by living, loving, learning and working together.”

### **School motto**

“Being the Best We Can Be.”

### **Core Values**

Respect, Nurturing, Creativity, Passion, Integrity

## INTRODUCTION

St. Mary's Catholic Primary School is guided by a clear set of objectives and values, one of which is equality. We are committed to eliminating unlawful discrimination, promoting equality of opportunity and community cohesion between people within the local community. We are determined to do everything we can to make sure that people are treated fairly and that everyone has access to good quality services.

Unlawful discrimination, which results in unfairness in any aspect of schools employment policies and practices, curriculum or service delivery, will not be acceptable under any circumstances.

In accordance with our mission statement we pledge to respect the equal human rights of our pupils, staff and other members of the school community, and to educate them about equality, diversity and cohesion.

## LEGISLATION AND DUTIES

The following table identifies the equality legislation that affects the school. For full definitions of the legislation, please see appendix 1.

Equality Area	Legislation
Gender	* Equal Pay Act 1970 * Sex Discrimination Act 1975 * Equality Act 2006
Gender reassignment	* Sex Discrimination (Gender Reassignment) regulations 1999
Race	* Race Relations Act 1976 * Race Relations (Amendment) Act 2000
Disability	* Disability Discrimination Act 1995 * Special Educational Needs and Disability Act 2001

Equality Area	Legislation
	* Disability Discrimination Act 2005
Sexual orientation	* Employment Equality (Sexual Orientation) Regulations 2003 * The Equality Act (Sexual Orientation) Regulations 2007
Religion or belief	* Employment Equality (Religion or Belief) Regulations 2003 * Equality Act 2006
Age	* Employment Equality (Age) Regulations 2006
Cohesion	* Education Act 2002 (section 78) * Education and Inspectors Act 2006 (section 21(5))

Under equality legislation the school has the following specific equality duties:

- \* **Produce a written equality policy** identifying action to be taken to tackle racial discrimination and promote equality of opportunity and good race relations across school activity.
- \* **Publish a disability equality scheme** showing how the school is meeting its general duty to promote disability equality across all its areas of responsibility.
- \* **Publish a gender equality scheme** showing how the school intends to fulfil its general and specific duties, such as setting out gender equality objectives.
- \* **Consult stakeholders, (pupils, parents/carers/guardians and staff)** on their perceptions of equality within the school and build the results of consultation into the equality policy and schemes outlined above.
- \* **Assess and monitor** the impact of equality policies on pupils, staff, and parents/carers/guardians, in particular monitor pupil admissions, attainment levels and exclusions by

disability, gender and different racial groups. Take such steps as are reasonably practical to improve any adverse outcomes for any group. Publish the results of this monitoring annually.

- \* **Record racist and other hate incidents** and report them to school governors and the local authority on a regular basis.
- \* **Audit and monitor** curriculum teaching and learning methods to ensure they are inclusive in the language and representation used, promote inclusion and physical activity for disabled pupils, and challenge stereotypes to promote community cohesion and a positive image of a diverse community.

## **RESPONSIBILITIES**

**Governors** are responsible for:

- \* Ensuring the leaders' actions and decision complies with the relevant equality legislation.
- \* Ensuring that the school functions (e.g. finance, curriculum, and health and safety) are assessed to improve staff and pupils' understanding of the values and principles of equality, diversity and cohesion.

**The Head Teacher** is responsible for:

- \* Ensuring the leaders' actions and decisions comply with:
  - Race equality
  - SEND accessibility
  - Gender equality
  - Disability equality
- \* Ensuring all staff know their responsibilities under these areas and receive training and support in carrying these out
- \* Ensuring the staff, pupils and parents know how to deal with and reporting hate incidents.
- \* Ensuring arrangements are in place for equality impact assessment of policies and procedures
- \* Making sure the school equality scheme and its procedures are followed

- \* Making sure the race, disability and gender equality are understood by all
- \* Taking appropriate action in cases of harassment and discrimination, including racist bullying, homophobic bullying and bullying related to gender, disability and religion

**All staff** are responsible for:

1. Dealing with racist, homophobic and other hate-incidents
2. Promoting equal opportunities and good race relations
3. Behaving in a non discriminatory way and respecting the human rights of individuals regardless of ethnicity, disability, sexual orientation, religion and gender
4. Ensuring they follow equality policies and procedures and take up equality training and learning opportunities provided by the school

**Teaching Staff** are responsible for

- \* Undertaking an equality assessment of their curriculum, to ensure there is equality of opportunity to access the curriculum through teaching and learning.
- \* Being able to recognise and tackle bias and stereotyping in the school and wider community.
- \* Challenging discriminatory language and behaviour and providing appropriate alternatives and role models

**Visitors and contractors** are responsible for:

Behaving in a non discriminatory way and respecting the human rights of individuals regardless of ethnicity, disability, sexual orientation, religion and gender

## **DEFINITION OF DISCRIMINATION**

Under the law, there are different categories of discrimination, with differences in the legal framework surrounding them. These are:

**Direct Discrimination**, which occurs when a person is treated less favourably than another on grounds of a personal characteristic.

**Indirect Discrimination**, which occurs when a rule or condition which is applied equally to everyone:

- \* Can be met by considerably smaller proportion of people from a particular group
- \* Is to the disadvantage of that group
- \* Cannot be justified by the aims and importance of the rule condition

**Institutional Discrimination**, which when an organisation's processes, attitudes and behaviour amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping, which disadvantages identifiable groups of individual people (based on the definition of Institutional Racism within the Lawrence Inquiry Report, 1999).

**Victimisation**, which occurs when a person is treated less favourably because they have taken action in respect of discrimination, e.g. by bringing a complaint or giving evidence for a colleague.

**Harassment**, which occurs when unwanted conduct violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them, on grounds of one of the relevant characteristics such as sex or race.

## **DISCRIMINATION WITH REGARD TO PUPILS**

We will not discriminate unlawfully against children seeking admission, nor with regard to how pupils are treated, on grounds of gender, race, disability, sexual orientation (of the pupil, or their parents or carers), religion or belief (other than to apply the agreed admission criteria). This includes discrimination in provision of teaching or allocating the pupil to certain classes, applying different standards of behaviour, dress and appearance, excluding pupils or subjecting them to any other detriment, and conferring benefits, facilities or services.

With regard to disability, the school will make such reasonable adjustments as are necessary to prevent disabled pupils being at a substantial disadvantage in comparison with people who are not disabled, even if it means treating them more favourably

## **EMPLOYMENT**

We are committed to a fair and equal pay policy and a free from bias pay structure.

We will not discriminate in employment unlawfully on grounds of gender, gender reassignment, race, disability, sexual orientation, religion or belief or age. This includes discrimination in relation to recruitment, terms and conditions, promotions, transfers, dismissals, training and employment practices such as dress codes and disciplinary procedures.

With regard to disability, we will make such reasonable adjustments as are necessary to prevent a disabled person being at a substantial disadvantage in comparison with people who are not disabled.

The school will ensure that it sends employment equality monitoring data to the Human Resources Section of the Children and Young People's Service, when requested, in a format specified by that agency.

## CONSULTATION

We will consult with pupils and staff, parents, carers, and guardians, including disabled people and members of different ethnic minority communities, to identify what their opinion is in terms of the school's equality and cohesion performance. The outcome of this consultation will be reported to the school governors and the stakeholders involved. Any identified improvements will be included in the school's improvement plans.

## MONITORING

We will monitor the following to ensure that we are meeting equality duties:

Pupil Admission

Pupil Exclusion

Pupil Attainment

Governor Profile

Complaints

Racist and other Hate Incidents

We will use the equality monitoring categories for ethnicity, gender and disability used by St.Helens Council's Children and Young Peoples Department. This will ensure consistency of data and enable us to set targets that are comparable with other agencies.

We will disaggregate the results of monitoring by the equality profile (gender, ethnicity, disability) to identify if there were any issues or outcomes particular to one specific group. The results of equality monitoring will be reported to the school governors annually. Any identified improvements will be included in the school's improvement plans.



## **REPORTING PROGRESS**

School governors will monitor the School's Equality Policy. It will be reviewed annually.

Next review: April 2019

## Appendix 1

### AGE

**The Employment Equality (Age) Regulations 2006** make it illegal to discriminate in employment by age.

The legislation applies to all “workers” of any age, including employees and job seekers, agency and contract workers, office holders and those undertaking employment-related vocational training and some self-employed – however unpaid volunteers are not covered.

Direct and indirect discrimination, harassment and victimisation are unlawful and employers can be held responsible for the actions of their employees

### COMMUNITY COHESION

**The Race Relations (Amendment) Act 2000** places a general duty on Local Authorities to promote good relations between people from different racial groups

**The Education Act 2002 (section 78)** states that the curriculum for all maintained schools should promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepare pupils at the school for opportunities, responsibilities and experiences of later life.

**The Education and Inspections Act 2006** places a duty on governing bodies of schools in England to promote community cohesion.

### DISABILITY

**The Disability Discrimination Act 1995** makes it illegal to discriminate against disabled people in employment, access to goods, facilities and services, and in the management, buying or renting of land or property.

Employers have a duty to take reasonable steps to reduce or remove any substantial disadvantage caused to a disabled employee or job applicant by any of the employment arrangements or any physical feature of the premises. This is the duty to make 'reasonable adjustments'.

Service provider's duties are: not to refuse service, not to provide a worse standard of service, and not to offer service on worse terms. Service providers have a duty to make reasonable adjustments to the way in which goods, facilities and services are provided in order to make them more accessible to disabled people.

**The Special Education Needs And Disability Act 2001** sets a duty on schools and local authorities to

- \* Plan to increase physical and curriculum access for disabled pupil
- \* Provide and advertise parent partnership services
- \* Provide mechanisms for resolving disputes over SEN between parents and schools, without diluting the parents' right of appeal to the SEN Tribunal

**The Disability Discrimination Amendment Act 2005** places a general duty on schools to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Act
- 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; and
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

Schools also have specific duties under the Disability Discrimination Act 2005 to

- \* Publish a Disability Equality Scheme demonstrating how they intend to fulfil its general and specific duties
- \* Involve disabled people in the development of the Scheme
- \* Ensure the Scheme includes a statement of:

- The way in which disabled people have been involved in the development of the Scheme
- The school's methods for impact assessment
- Steps which the school will take towards fulfilling its general duty (the "action plan")
- The school's arrangements for gathering information in relation to employment, and its delivery of education and its other functions
- The school's arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes

Within three years of the Scheme being published, a school must take the steps set out in its action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of information

Schools must also publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

## **GENDER**

**The Equal Pay Act 1970** places a duty on employers to eliminate discrimination between women and men in the same employment in pay and other terms and conditions of their contracts of employment such as piecework, output and bonus payments, holidays and sick leave

**The Sex Discrimination Act 1975** makes it unlawful to discriminate by gender against any person, either directly or indirectly, in the areas of employment, training, education, in the provision of goods, facilities and services, and in the disposal and management of premises

The Sex Discrimination Act 1975 makes it unlawful to discriminate against a married person, either directly or indirectly, in the areas of employment and training.

**The Equality Act 2006** places a general duty on schools to:

- \* Promote equality of opportunity between men and women;
- \* Eliminate discrimination and harassment that is unlawful under the Acts

Schools also have specific duties under the Equality Act 2006 to:

- \* Prepare and publish a Gender Equality Scheme showing how the School intends to fulfil the general and specific duties and setting out its gender equality objectives
- \* Consult employees, service users and others (including trade unions) in Preparing the Scheme
- \* Take into account any information it has gathered or considers relevant as to how its policies and practices affect gender equality in the workplace and in the delivery of its services.
- \* In formulating its overall gender equality objectives, consider the need to have objectives to address the causes of any gender pay gap.
- \* Ensure that the scheme sets out the actions the school has taken or intends to take to:
  - Gather information on the effect of its policies and practices on men and women, in employment services and performance of its functions
  - Use the information to review the implementation of objectives
  - Assess the impact of its current and future policies and practices on gender equality.
  - Consult relevant employees, service users and others (including unions)
  - Implement the scheme objectives.

Implement the scheme and their actions for gathering and using information within three years of publication of the scheme, unless it is unreasonable or impracticable to do so.

Review and revise the scheme at least every three years and report on progress annually.

## **GENDER REASSIGNMENT**

All the Articles of the **Human Rights Act 1998** are relevant, but in particular articles:

- \* Article 8, the right to respect for private and family life
- \* Article 12, the right to marry
- \* Article 14, the prohibition of discrimination

**The Sex Discrimination (Gender Reassignment) Regulations 1999** extends the Sex Discrimination Act 1975 to cover discrimination on the grounds of gender reassignment in relation to pay, treatment in employment and vocational training.

**The Gender Recognition Act 2004** allows transsexual and intersex people to apply for full legal recognition in their acquired gender. Once a person has a full gender recognition certificate for their new gender they have the same legal rights as a person of that gender.

### **Exceptions**

Discrimination in employment on grounds of gender reassignment may occasionally be permitted where:

- \* A particular gender is a requirement for a job, e.g. women's domestic violence worker
- \* The job involves conducting intimate searches
- \* The job involves working in someone's home.

Temporary exceptions may apply during the transition process where:

- \* Individuals have to share accommodation
- \* Personal care services are provided to vulnerable individuals.

Religious Schools have certain exemptions from gender reassignment employment duties, including where an individual has a gender recognition certificate. The exemption only applies where there are genuine religious reasons to refuse to employ a transsexual or intersex person – for example, in relation to the appointment of Headteachers in some schools.

## HATE CRIME

**The Crime and Disorder Act 1998** created a number of new racially and religiously aggravated offences.

**The Criminal Justice Act 2003** introduced tougher sentences for offences motivated by hatred of the victim's sexual orientation (this must now be taken into account by the sentencing court as an aggravating factor, in addition to race or religious hate motivation).

**Section 146 of the Criminal Justice Act 2003**, imposes a duty upon courts to increase the sentence for any offence (for example, assault or criminal damage) aggravated by hostility based on the victim's disability (or presumed disability).

**The Racial and Religious Hatred Act 2006** makes it a criminal offence to use threatening words or behaviour with the intention of stirring up hatred against any group of people because of their race, religious beliefs or their lack of religious beliefs.

Any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate of a person's actual or perceived.

- \* Race, colour, ethnic origin, nationality or national origins
- \* Religion
- \* Gender or gender identity
- \* Sexual orientation
- \* Disability

## HUMAN RIGHTS

**The Human Rights Act 1998** makes it unlawful for a local authority to behave in a way that is not compatible with the provisions of the European Convention on Human Rights.

Human rights must be explicitly considered in policies and procedures, in decisions, in employment and in service delivery.

Human Rights protects under law

- \* Right to life
- \* No torture, inhuman or degrading treatment
- \* No slavery or forced labour
- \* Liberty and security of the person
- \* Fair trial or hearing within a reasonable time
- \* No punishment without law and no retrospective penalties
- \* Respect for family life home and correspondence
- \* Freedom of thought, religion and conscience
- \* Freedom of expression
- \* Freedom of assembly and association
- \* Right to marry and start a family
- \* Prohibition on discrimination
- \* Restriction on political activity of aliens
- \* Prohibition of abuse of rights
- \* Limitation on the use of restrictions on rights
- \* Protection of property
- \* Right to education
- \* Right to free elections

Any interference with an individual's rights must be proportionate to the intended aim and must not be arbitrary or unfair.

Even if a particular policy or action, which interferes with an individual's human rights, is aimed at achieving a legitimate aim (for example the prevention of crime), this will not be justified if the means used to achieve the aim are excessive in the circumstances.

## **RACE (ETHNICITY)**

**The Race Relations Act 1976** makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin, either directly or indirectly, in the areas of employment, training, housing, and education, in the provision of goods.

**The Race Relations (Amendment) Act 2000** places a general duty on schools to promote race equality by:

- \* Eliminating unlawful racial discrimination
- \* Promoting equality of opportunity, and



- \* Promoting good relations between people from different racial groups

**The Race Relations (Amendment) Act 2000** places specific duties upon schools to:

- \* Prepare a **Race Equality Policy**;
- \* Maintain the race equality policy;
- \* Fulfil the duties set out within the race equality policy;
- \* Assess the impact of its policies, including its race equality policy, on pupils, staff and parents/carers and guardians of different racial groups including, in particular, the impact on attainment levels of such pupils;
- \* Monitor, by reference to their impact on such pupils, staff and parents/carers and guardians, the operation of such policies including, in particular, their impact on the attainment levels of such pupils;
- \* Publish the monitoring results on an annual basis.

## **RELIGION, FAITH AND BELIEF**

**Article 9 of the Human Rights Act 1998:** Freedom Of Thought, Conscience And Religion states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change one's religion or belief and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief, in worship, teaching, practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others

**The Employment Equality (Religion) Regulations 2003** make it illegal to discriminate on grounds of faith, religion or belief (or the lack of) in employment.

**The Equality Act 2006** makes it illegal to discriminate on grounds of religion or belief (or lack of religion or belief) in the provision of goods, facilities and services, in education, in the use and disposal of premises, and in the exercise of public functions

Religious organisations, such as faith schools, have exemptions from certain religious equality duties. The exemptions only apply where there are genuine religious reasons – for example, in relation to the appointment of Headteachers in some schools

## **SEXUAL ORIENTATION**

**The Employment Equality (Sexual Orientation) Regulations 2003** make it illegal to discriminate on grounds of sexual orientation in employment.

**The Equality Act 2006** makes it illegal to discriminate on grounds of sexual orientation in the provision of goods, facilities and services, in education, in the use and disposal of premises, and in the exercise of public functions

Religious organisations, such as faith schools, have exemptions from certain sexual orientation equality duties. The exemptions only apply where there are genuine religious reasons – for example, in relation to the appointment of Headteachers in some schools.

