

Horsmonden Primary School

Equality Scheme

KEY EQUALITY LEGISLATION

| Equality strand | Legislation |
|------------------------|---|
| Age | Employment Equality (Age) Regulations 2006 |
| Disability | Disability Discrimination Act 1995, as amended Special Educational Needs and Disability Act 2001 Disability Discrimination Act 2005 |
| Gender (sex) | Sex Discrimination Act 1975, as amended Equality Act 2006 |
| Gender (reassignment) | Sex Discrimination (Gender Reassignment) Regulations 1999 |
| Race | Race Relations Act 1976, as amended Race Relations (Amendment) Act 2000 |
| Religion or belief | Employment Equality (Religion or Belief) Regulations 2003, as amended Equality Act 2006 |
| Sexual orientation | Employment Equality (Sexual Orientation) Regulations 2003, as amended |

DDA Part 1: The definition of disability

The definition covers a much larger group of people than is commonly thought. A report from the Cabinet Office, *Improving the Life Chances of Disabled People*, draws on estimates that suggest that about 772,000 children in the UK are disabled, equivalent to 7% of all children.

The DDA defines a disabled person as someone who has:

'a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the pupil's ability to carry out normal day-to-day activities is substantial and long-term, as defined above. Some progressive conditions, such as cancer, multiple sclerosis and HIV/AIDS are included before they have an effect on the pupil's ability to carry out normal day-to-day activities.

The test of whether an impairment affects normal day-to-day activity is whether it affects one of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

Some people are automatically covered by the definition: those with cancer, multiple sclerosis, HIV infection or a severe disfigurement. There are special provisions for people with progressive or recurring conditions.

DDA Part 2: Schools' duties in relation to employment

Part 2 of the DDA says that it is unlawful for employers to discriminate against disabled employees and prospective employees. An employer discriminates if:

- it treats a disabled employee or prospective employee less favourably than another by direct discrimination. Direct discrimination cannot be justified;
- it fails, without justification, to take reasonable steps to avoid placing a disabled employee or prospective employee at a substantial disadvantage (the 'reasonable adjustments duty');
- it treats a disabled employee or prospective employee less favourably than another for a reason related to their disability and without justification (the 'less favourable treatment duty');
- if it subjects a disabled person to harassment for a reason related to his disability.

The duties apply to:

- recruitment, selection and interview procedures;
- terms and conditions of employment;
- opportunities for promotion, training, professional development and other benefits;
- dismissal proceedings.

The duties apply to all existing and prospective staff:

- teaching and non-teaching;
- full-time and part-time;
- permanent and temporary or casual staff;
- contract staff, for example contract cleaners and agency supply teachers.

The reasonable adjustments duty in Part 2 of the DDA includes:

- the provision of auxiliary aids and services;
- physical alterations to buildings.

When a disabled person considers that they have been discriminated against they should first seek to resolve the dispute within the workplace, wherever possible. A claim of discrimination is made by application to an employment tribunal.

DDA Part 4: Schools' duties towards their pupils and prospective pupils

Part 4 of the DDA says that it is unlawful for schools to discriminate against disabled pupils and prospective pupils. A school may discriminate if:

- it treats a disabled pupil or prospective pupil less favourably than another for a reason related to their disability and without justification (the 'less favourable treatment duty');
- it fails, without justification, to take reasonable steps to avoid placing disabled pupils at a substantial disadvantage (the 'reasonable adjustments duty').

The duties apply to:

- admissions;
- exclusions; and
- education and associated services (a broad term covering the whole life of the school).

Schools are also required to develop plans (accessibility plans) to improve access for disabled pupils by:

- increasing access to the curriculum;
- improvements to the physical environment of the school to increase access;
- making written information accessible to pupils in a range of different ways.

For schools, the reasonable adjustments duty in Part 4 of the DDA does not include:

- the provision of auxiliary aids and services: this provision is made through the SEN duties;
- physical alterations to buildings: these are made through the planning duties.

Accountability:

- Ofsted inspects the quality of education provided for all pupils;
- Ofsted inspects schools' plans.

When a parent considers that their disabled child may have been discriminated against:

- the parent of a disabled pupil or prospective pupil can make a claim of discrimination to the SEN and Disability Tribunal.

DDA Part 5 A: The Disability Equality Duty

The Disability Equality Duty consists of two main duties:

- a general duty and
- a specific duty.

Both apply to all publicly-funded schools.

Responsibility for the duty lies with:

- the governing body of a primary or secondary school;
- the 'proprietor' of a City Technology College, City College for Technology of the Arts, or an Academy;
- the governing body of a community special school or a foundation special school;
- the local authority with respect to pupil referral units that it runs.

The General Duty

The requirement is for schools, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled people and other people;
- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- eliminate harassment of disabled people that is related to their disability;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life;
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

The duties work across schools' existing duties:

- to disabled pupils;
- to disabled staff; and
- to disabled parents and carers and other users of the school.

The general duty applies to all schools from December 5th 2006.

The Specific Duty

In addition to the general duty, regulations made under the Part 5 A of the DDA set out a specific duty on certain public authorities, including all publicly-funded schools, requiring them to demonstrate how they are meeting the general duty.

The main requirements of the specific duty are to:

- prepare and publish a Disability Equality Scheme (scheme);
- implement the scheme; and
- report on it.

Schools are required to undertake the development of their scheme in a particular way and to include particular elements. They must:

- involve disabled children, young people and adults in the preparation of the scheme;
- set out in their scheme:
 - how disabled people have been involved in its preparation;
 - their arrangements for gathering information on the effect of the school's policies on:
 - the recruitment, development and retention of disabled employees;
 - the educational opportunities available to and the achievements of disabled pupils;
 - the school's methods for assessing the impact of its current or proposed policies and practices on disability equality;
 - the steps the school is going to take to meet the general duty (the school's action plan);
 - the arrangements for using information to support the review of the action plan and to inform subsequent schemes.
- Implement the actions in their scheme within three years;
- report on their scheme annually;
- review and revise their scheme every three years.

The scheme itself may be published as part of another document, as may the report on how the scheme is being implemented.

The school is not required to do anything under its scheme that is unreasonable or impracticable.

Schemes for primary schools, special schools and pupil referral units must be published by December 3rd 2007.

Horsmonden Primary School Equality Scheme and Action Plan

December 2007 –December 2010.

Introduction

Gender (sex)

Duties under the Equality Action 2006 require the governing body to:

- Eliminate unlawful discrimination and harassment on the grounds of sex.
- Promote equality of opportunity between women and men.

From 6 April 2007, the Equality Act 2006 requires the governing body to promote equality of opportunity between women and men (including boys and girls) and to publish a Gender Equality Scheme showing how the school intends to fulfil the general and specific duties. The Governing body will revise and review the plan every 3 years and report on progress annually.

There are no specific duties or requirements on schools in relation to gender reassignment, beyond the requirement not to discriminate in terms of employment of staff

Disability

Duties under Part 5A of the DDA 2005 require the governing body to:

- promote equality of opportunity for disabled people: pupils, staff, parents, carers and other people who use the school or may wish to; and
- prepare and publish a disability equality scheme to show how they will meet these duties.

Parts 2, 3 and 4 of the DDA 2005 apply to different aspects of the school's operation: to employment, to the provision of services and to education. The Disability Equality Duty brings together schools responsibilities under Parts 2, 3 and 4 and the school's scheme shows how the school is meeting its general duty to promote disability equality across all its areas of responsibility.

Duties in Part 4 of the DDA 1995 require the governing body to plan (The Schools Accessibility Plan) to increase access to education for disabled pupils in 3 ways:

- increasing the extent to which disabled pupils can participate in the school curriculum;
- improving the environment of the school to increase the extent to which disabled pupils can take advantage of education and associated services;
- improving the delivery to disabled pupils of information, which is provided in writing for pupils who are not disabled.

Race

Duties under the Race Relations (Amendment) Act 2000 require the governing body to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- promote good relations between people of different racial groups

To meet this requirement the governing body will

- produce a written race equality policy identifying action to be taken to tackle discrimination and promote equality and good race relations across school activity.
- assess and monitor the impact of race equality policies on pupils, staff, and parents, in particular the attainment levels of pupils from different racial groups, and take such steps as are reasonably practical to publish the results of this monitoring annually
- record racist incidents and report them to the local authority on a regular basis.

The school will contact the local authority for advice on the format, process and frequency of reporting as required.

Religion or Belief and Sexual orientation

Duties under the Equality Act 2010 require the governing body to:

- Eliminate unlawful discrimination and harassment on the grounds of sexual orientation.
- Eliminate unlawful discrimination and harassment on the grounds of religion or belief.

There are no specific duties or requirements on schools to publish a Scheme relating to religion, beliefs or sexual orientation.

Purpose of the Equality Scheme

1.1 The purpose of the school's Equality scheme is to meet the duties to promote equality of opportunity for and between diverse members of the school community, including, disabled pupils, staff, parents, women, men and different racial groups within the school. In order to do this the school will

- Establish with all staff an overall vision of the duty to promote equality of opportunity for pupils, staff and parents.
- Elements of the duties are:
 1. Promote equality of opportunity between disabled and non-disabled people, women and men and between different racial groups.
 2. Eliminate discrimination and harassment on the grounds of disability, sex, race or ethnicity.
 3. Promote positive attitudes towards disabled people.
 4. Encourage participation of disabled pupils, parents, staff and carers.
 5. Take steps to meet disabled people's needs, even if this requires more favourable treatment.

1.2 Action by School Leadership Team (SLT) responsible for the Equality Scheme:

- Raise awareness of 5 elements of the duties with all staff, governors, parents and pupils.
- Refer to 'Implementing the DDA in Schools' published by the Disability Rights Commission
- Ensure understanding of the broad definition of Disability within the DDA.
- Encourage disclosure of disability by pupils, parents, staff and other users of the school. (See DFES guidance)
- Refer to 'The Gender Equality Duty and Schools' published by the Equal Opportunities Commission
- Work with trade unions to implement the gender duty in employment functions
- Create separate action plans for each equality duty highlighting links as appropriate.

- Set up working party (Summer 2008), membership to include:
 - Headteacher
 - SENCO/staff representative with an interest in disability or experience of disability issues.
 - Parent with interest or experience of disability issues
 - Governor

1.3 The Key Functions of the Working Party will be:

- To ensure the involvement of disabled pupils, parents/carers and staff
- To arrange for the gathering of information.
- To consider arrangements for race, disability and gender impact assessments

1.4 The governing body will use the Disability Discrimination Act 2005 definition of disability to respond to the different needs of disabled people.

1.5 Involvement of pupils, staff, parents and other users of the school.

The school will consider and plan to involve pupils, staff, parents and other users of the school in relation to the race, disability and gender equality duty. The school will continue to take into account the preferred means of communication for those with whom they are consulting.

The school ensure that the involvement of a range of people and hear a range of views to meet the disability, gender and race duties.

The views of the pupils, staff, parents, trade unions and other users of the school will be used to set priorities.

1.6 Information gathering

The collection of information is crucial to supporting Horsmonden Primary School in making decisions about what actions would best improve opportunities and outcomes for pupils, staff and parents. The information will also subsequently help us to review our performance. Information will be detailed enough to enable us to measure the delivery on equality duties relating to disability, race and gender, to assess the impact of the changes made and to help the school to identify which of our priorities have been achieved.

1.7 Information to Be Gathered

- Recruitment, development and retention of disabled employees, women and men from different racial backgrounds.
- Education opportunities available to and achievement of disabled, female and male pupils
- Identify disabled pupils, parents, carers, staff and other users of the school to develop the Scheme (All efforts to be made to collect information)
- The working party will recommend about how the information is to be held, confidentially, in school.
- Pupil attainment of boys and girls taking into account that certain groups of boys may do as well as girls.
- Careers and sports choices of both genders
- Bullying and harassment on the grounds of gender, disability and race.

1.8 Impact assessment

Impact assessment refers to the review of all-current and proposed policies and practices in order to help schools act to ensure no gender, racial group or disabled person is disadvantaged by school activities and to promote race, disability and gender equality. Impact assessments will be an on-going process to ensure that our policies and practices develop, evolve and are incorporated into the school's planned review and revision of every policy. Every new policy or procedure will be drawn up with regard to our duties to promote race, disability and gender equality.

We will use the KCC Equality Impact assessment tool for schools as a basis for impact assessments located at:

www.clusterweb.org.uk/UserFiles/CW/File/Policy/Equalities/impact_assessment_tool.doc

1.9 The priorities for the Horsmonden Primary School scheme will be set in the light of:

- an examination of the information that the school has gathered; and
- the messages that the school has heard from the disabled pupils, staff, parents that have been involved in the development of the scheme.

1.10 The school will ensure that:

- There is equal access to information;
- There is equal involvement of disabled pupils, staff and parents
- It does not promote gender stereotypes in subject choices and career advice
- Health, sport and obesity differences between girls linked to girls reduced likelihood of taking part in physical education and sport compared to boys.
- Tackling sexual and sexist bullying of boys and girls
- Employment and considering objectives to address the causes of any gender pay gap

1.11 Implementation

The Scheme will be supported by individual action plans relating to disability, gender and race equality and be incorporated into our School Improvement Plan, with oversight by the governing body so that progress can be checked.

The Action plans will show:

- clear allocation of lead responsibility;
- clear allocation of resources;
- an indication of expected outcomes or performance criteria;
- clear timescales;
- a specified date and process for review.

The Scheme will incorporate the school's Accessibility Plan into the disability equality action plan.

The school will evaluate the effectiveness of the Scheme with its School Improvement Partner and Ofsted when the school is inspected

1.12 Publication

The school will provide a copy for anyone asking for it in a range of formats.

1.13 Reporting, reviewing and revising the scheme

The school will report, review and revise annually, on the progress made on the action plans and its effect on policy and practice within the school.

The review of the Scheme will inform its revision; how the school sets new priorities and new action plans for the next scheme. This process will continue to:

- involve pupils, staff and parents; and
- be based on information that the school has gathered.