

1. Aims

The ultimate aim of this policy is to provide the safeguarding of children as defined by the Centre's statement on safeguarding children

- This policy will underpin all other policies within our school/centre
- This policy should be read in conjunction with our Special Educational Needs and Anti-bullying policies

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2. Background Information

The Equality Act 2010, which came into force on 1 October 2010, replaces the existing anti-discrimination laws with a single Act, this policy therefore brings together our previous policies on Equal Opportunities, Race, Disability and Gender and now protects children, staff and parent/carers from discrimination, harassment and victimisation based on all Protected Characteristics (Race, Disability, Sex, Religion or belief, Sexual orientation and Gender reassignment) NB: Age is now also a protected characteristic but does not apply to children in centre. It does however still apply to staff and parent/carers.

3. Legal Definitions

Unlawful discrimination is defined in the Act as:

- Direct discrimination – treating a person less favourably on prohibited grounds (gender, gender identity, race, disability, sexual orientation, religion or belief, age, socio-economic status) than another would be treated in comparable circumstances, where the treatment cannot be objectively justified (e.g. by a genuine occupational requirement) Example: Failing to offer a man a job because he is gay
- Indirect discrimination – when a rule, condition or requirement, which applies equally to everyone, has a disproportionately adverse effect on people from a particular group (i.e. due to race, religion or belief, sexual orientation, age, gender, marital status, gender identity), and there is no objective justification for the rule. (Example: by requiring job applicants to have a set number of years experience may indirectly discriminate against women who have taken a career break)
- Discrimination arising from disability – This occurs when a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified. Treatment can be justified if it can be shown that it is intended to meet a legitimate objective in a fair, balanced and reasonable way. If this can be shown then the treatment will be lawful. (Example: A person, who has an assistance dog, is not allowed to enter his local mobile library because staff say there is not enough room for his dog.) This may be discrimination arising from disability unless it can be justified. (e.g. the dog poses a genuine health and safety risk as opposed to merely being inconvenient for staff).
- Failure to make reasonable adjustments (for disabled people)
- Discrimination by association or perception – the 2010 Act extends the scope of the legislation to protect people who 'associate' with others with the protected characteristics, for instance people who are related to or who care for someone who is disabled. Protection includes

Service provider

knows or can reasonably be expected to know that the disabled person is disabled

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Victimisation

Victimisation is defined in the Act as:

Treating people less favourably because they have made a complaint or intend to make a complaint about discrimination or harassment, or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment.

Burden of Proof

The Act states that once an individual can show that there is an issue of potential discrimination, the burden of proof shifts to the employer to defend the case and show that the reason for difference in treatment is justifiable and not discriminatory.

Vicarious Liability

The Act states that employers are responsible for the discriminatory actions of their employees where such action have been carried out during the course of their duties. The only defence for employers is to show that they have done everything reasonably practicable to prevent an employee committing an unlawful act.

In practice, Courts and tribunals have regarded the following as ‘reasonable steps’

- Publishing a comprehensive equality policy
- Clearly communicating the policy to all staff
- Providing awareness training on the potential for, and implications of, discrimination
- Training staff in good practice relevant to their jobs (e.g. recruitment, record keeping, monitoring etc)

Personal Liability

The act states that where an employer can show that appropriate steps have been taken to avoid discrimination, it is likely that the discriminator will be personally liable in the law.

Single Equality Duty

The 2010 Act introduces a new ‘single’ equality duty which brings together the three existing duties (race, disability and gender) and extends the duty to gender reassignment, age, sexual orientation and religion or belief. This new duty requires all public bodies to have ‘due regard’ to the need to:

- Eliminate discrimination, harassment, victimization and any other conduct that is prohibited
- Advance equality of opportunity between persons who share a relevant ‘protected characteristic’ and persons who do not share it
- Foster good relations between persons who share a relevant ‘protected characteristic’ and persons who do not share it

This document should bring together all planned actions for meeting and implementing statutory duties. It should be reviewed every three years.

Disability This section should be read in conjunction with the school/centre's Special Educational Needs Policy

Definition of disability

- The 2010 Act abandons the previous list of capacities and defines a disabled person as someone who has 'a physical or mental impairment which has a substantial or long-term adverse effect on his or her ability to carry out normal day-to-day activities'.
- The Act allows disabled pupils to be treated more favourably than nondisabled pupils and in some cases requires this to be done, by making reasonable adjustments to put pupils on a level footing with those without a disability

4. Vision and Principles

At the Children's Centre, we are committed to ensuring equality of education and opportunity for all children, staff and parent/ carers receiving services from the school/centre, irrespective of:

- Gender
- Sexuality
- Race, colour, ethnic or national origins, faith, religion or those who need support to learn English as an additional language
- Disability/health/medical or special educational needs
- Age
- Attainment including those who are gifted and talented
- Socio-economic background
- Being in public care
- Attendance concerns
- Risk of disaffection or exclusion
- Vulnerability
- Changing schools frequently

We aim to develop a culture of inclusion and diversity in which all those connected to the school/centre feel proud of their identity and able to participate fully in school/centre life. The achievement of all children will be monitored and we will use this data to support children, raise standards and ensure inclusive teaching and learning. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all. At the Children's Centre we believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

In our centre, the teaching and learning, achievements, attitudes and well being of every child are important. We follow the necessary regulations to ensure that we take the experiences and needs of all our children into account when planning for teaching, learning and pastoral support. At the Centre, we do not take educational inclusion and equality for granted. We constantly identify those children who may be missing out, difficult to engage, or feeling in some way to be apart from what we seek to provide. This practice also allows us to promote tolerance

5. Objectives

- To face equality issues openly, positively and effectively
- To promote attitudes and values that will ensure there is no discriminatory behaviour, prejudice or harassment
- To promote the principles of fairness and justice for all
- To build a harmonious society where community cohesion is underpinned by mutual respect, tolerance and good relationships
- To enable all to succeed and to overcome the barriers that get in the way
- To encourage all to see themselves and others as equal citizens
- To encourage self-confidence and self-esteem
- To ensure that teaching and learning promotes equality, celebrates diversity and promotes community cohesion
- To ensure appropriate training opportunities
- To ensure that within the school/centre budget appropriate funding is provided to underpin this policy

6. Roles and Responsibilities

Promoting equality and raising the achievement of all children is the responsibility of the whole centre. This policy outlines the roles and responsibilities of everyone involved and connected with the school/centre so that everyone knows what is expected of them.

Disapplication and modification

The school/centre can, where necessary, modify or disapply the National Curriculum and its assessment arrangements. Our school/centre policy is to do this only in exceptional circumstances, and in consultation with the child, parent/carer and Local Authority. The school/centre makes every effort to meet the learning needs of all its children without recourse to disapplication or modification.

Training

The school/centre supports inclusive practice by ensuring equality is an ongoing focus for staff and governor training

Funding

- The school/centre will allocate funding from the school/centre budget together with additional funding to employ additional adults to support inclusion and equality
- The school/centre will deploy funding to employ a School Community Team to support inclusion and equality
- The school will deploy a minimum of at least one additional adult in each class to enhance provision for inclusion and equality
- The school will deploy funding to support a range of pre-school, after school clubs and parents/carers training and facilities to enhance inclusion and equality

- Admissions arrangements are fair and transparent, and do not discriminate on race, gender, disability or socio-economic factors

- Exclusions will always be based on the school/centre's Behaviour Policy. We will closely monitor exclusions to avoid any potential adverse impact and ensure any discrepancies are identified and dealt with

Equal opportunities for staff

- We ensure that all recruitment, employment, promotion and training systems are fair to all, and provide opportunities for everyone to achieve
- We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment
- All staff appointments and promotions are made on the basis of merit and ability and in compliance with the law. However we are concerned to ensure wherever possible that the staffing of the school reflects the diversity of our community
- Equality aspects such as gender, race, disability, sexual orientation, gender re-assignment and faith or religion are considered when appointing staff and particularly when allocating Teaching and Learning

Responsibilities (TLR) or re-evaluating staff structures, to ensure decisions are free of discrimination

Tackling discrimination

- 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; and to support the full range of diverse needs according to a child's individual circumstances
- Incidents of discrimination, harassment or bullying are dealt with by the member of staff present, escalating to a class teacher or member of Leadership Team as required
- All racist incidents are reported to the Deputy Headteacher who reports them to the local authority on a termly basis. (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')

Teaching and learning

- Ensuring all learners have equal access to a rich, broad, balanced, inclusive and relevant curriculum that allows for a range of different learning styles
- Use contextual data to improve the ways in which we provide support to individuals and groups of children
- Monitor achievement data by gender, ethnicity, special educational needs, disability, free school meals etc. and action any gaps
- Take account of the achievement of all children when planning for future learning and setting challenging targets
- Ensure all children take a full and active role in school life, including the full range of extra curricular activities in order to prepare them for life in a diverse society
- Use materials that reflect the diversity of the school/centers' population and local community in terms of race, gender and disability, without stereotyping
- Promote attitudes and values that will challenge racist and other discriminatory behaviour or prejudice and promote the principles of fairness and justice for all



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- Acknowledge all parents in supporting their child's education
- Meet the high expectations of all the school/centre community and help them fulfil their aspirations
- Provide opportunities for children to appreciate their own culture and celebrate the diversity of other cultures
- Recognize and value bilingualism
- Encouraging classroom and staffroom discussion of equality issues which reflect on social stereotypes, expectations and the impact on learning;
- Including teaching and classroom-based approaches appropriate for the whole school/centre population, which are inclusive and reflective of our pupil's

Types of incident

Types of discriminatory, harassment or bullying incidents that can occur are:

- Physical assault against a person or group because of their colour, ethnicity, nationality, disability, sexual orientation or gender
- Use of derogatory names, insults and jokes
- Racist, sexist, homophobic or discriminatory graffiti
- Provocative behaviour such as wearing racist, sexist, homophobic or 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
- Discriminatory comments in the course of discussion
- Attempts to recruit others to discriminatory organisations and groups
- 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

Monitoring

The school/centre's pupil tracking system will be used to track the progress and attainment of children and groups of children to obtain information on whether our equality policy and practice is effective. It is the responsibility of our governing

Incident

- Staff member to challenge behavior immediately
- Staff member to investigate
- Incident to be escalated to relevant member of staff as required Response to victim and family Response to perpetrator and family
- Racist Incident form to be completed and filed following Education Bradford procedures.
- Racist Incidents to be reported to Governing body and local authority on a termly basis Action taken to address issue with year group/school if necessary e.g. through circle time/assembly

Response to child reporting discriminatory incident

