

CHESNUT LODGE SCHOOL EQUALITY AND DIVERSITY POLICY

We are committed to being a UNICEF Rights Respecting School and a Nurture School

This policy has links with Articles 2, 3, 8, 12, 13, 14, 15, 19, 23, 28 and 30 of the United Nations Convention on the Rights of the Child:

Article 2 (non-discrimination) The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

Article 3 (best interests of the child) The best interests of the child must be a top priority in all decisions

Article 8 (protection and preservation of identity) Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name, nationality or family relationships

Article 12 (respect for the views of the child) Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

Article 13 (freedom of expression) Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

Article 14 (freedom of thought, belief and religion) Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

Article 15 (freedom of association) Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 19 (protection from violence, abuse and neglect) Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Article 23 (children with a disability) A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

Article 28 (right to education) Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

Article 30 (children from minority or indigenous groups) Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.

Nurture School principles: *We adhere to the six principles of nurture and make every attempt to make a safe base for all of our students.*

This single policy replaces separate policies the school has 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.

The Equality Act 2010 now consolidates nine areas of legislation including Gender Discrimination, Race Discrimination, Disability Duty, Accessibility and our Equalities Action Plan/DDA action plan. It now has a single Public Sector Equality

Duty (PSED or General Duty) which all public bodies must adhere to. It has nine protected characteristics (sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity) which apply to everyone and cover all aspects of school life.

It requires schools to have due regard for eliminating discrimination, advancing equality of opportunity and fostering positive relationships.

Part One sets out the school's aims to promote equality of opportunity and comply with the Act.

Part Two sets out the legal duties which are referred to in Part One.

Part one

The primary aim of Chesnut Lodge School is to make inclusion a thread that runs through all of the activities of school life. We aim to provide a secure environment in which all of our children can flourish and in which all contributions are valued. At Chesnut Lodge we enable all pupils to take part, as fully as possible in all aspects of school life by developing their self-confidence, recognising and developing their strengths and encouraging them to achieve their full potential. Chesnut Lodge School is committed to advance equality of opportunity, foster good relations and eliminate discrimination or harassment across all the protected characteristics within the school community. We include and value the contribution of all families to our understanding of equality and diversity.

This means:

- We will make reasonable adjustments to ensure the school environment and its activities are as accessible and welcoming as possible for pupils, staff and visitors to the school. We are also committed to ensuring staff with a disability have equality of opportunity.
- We will actively encourage positive attitudes towards pupils and staff and expect everyone to treat others with dignity and respect.
- We will regularly consider the ways in which our curriculum will help to promote awareness of the rights of individuals and develop the skills of participation and responsible action.
- We will regularly consider the ways in which our teaching and the curriculum provision will support high standards of attainment, promote common values, and help students understand and value the diversity that surrounds them whilst challenging any prejudice and stereotyping.
- We will monitor the progress and achievement of all pupils by the relevant and appropriate protected characteristics. This information will help the school to ensure that individual pupils are achieving their potential, the school is being inclusive in practice, and equality objectives run through the school development plan.
- We will collect and analyse information about protected characteristics in relation to staff recruitment, retention, training opportunities and promotions to ensure all staff have equality of opportunity. We will not ask health-related questions to job applicants before offering a job, unless it relates to an intrinsic function of the work they do. We will make reasonable adjustments such as providing auxiliary aids for our staff with disabilities.
- Staff will ensure the curriculum is accessible to all pupils with additional learning needs or those for whom English is not their first language. Where reasonable adjustments are required aids and services will be provided. By planning ahead, staff will ensure that pupils are able to take part in extra-curricular activities and residential visits where appropriate, and the school will monitor the uptake of these visits to ensure no one is disadvantaged on the grounds of a protected characteristic.
- We will seek the views of advisory staff and outside agencies and partnerships with other schools where this is needed. In planning the curriculum and resources the school will take every opportunity to promote and advance equality.

- Bullying and Prejudice Related Incidents will be carefully monitored and dealt with effectively. Regular training will be given to both existing and new staff to ensure that they are aware of the process for reporting and following up incidents of prejudice-related bullying.
- We expect that all staff will be role-models for equal opportunities, deal with bullying and discriminatory incidents and be able to identify and challenge prejudice and stereotyping.
- Throughout the year, the school will plan on-going events to raise awareness of equality and diversity. This may include a focus on disability, respect for other cultures, religions and beliefs, anti-homophobia/gay pride, gender equality, developing community cohesion and an understanding of the effects of discrimination.
- We will ensure pupil/parent/staff consultation is regularly sought in the development and review of this policy.
- We will regularly seek the views of pupils, parents, advisory staff and visitors to the school, to ensure that the school environment is as safe and accessible as possible to all school users. We will regularly review our accessibility plans.
- The school welcomes a diverse range of candidates and encourages those who are currently under-represented to join.
- We will ensure that all staff are aware of their legal duties under the Equality Act 2010, the different forms of discrimination and what 'reasonable adjustments' mean in practice.
- Training and awareness sessions will be set out in the school development plan.
- The school will consult with stakeholders, i.e. pupils, parents/carers, staff and relevant community groups, to establish equality objectives and draw up a plan based on information collected on protected groups and accessibility planning.
- These equality objectives will be reviewed and reported on biannually.

Part Two

Our Legal Duties

Legislation relating to equality and discrimination is laid out in 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). 'Trans' is an umbrella term to describe people with this 'Gender Identity'. 'Intersex' or 'Third Sex' is not covered by the Act but the school will treat Intersex children with the same degree of equality as children with gender dysphoria. Children as young as five may begin to show signs of gender dysphoria and therefore it is relevant in any school environment.

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. It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated. So, for example, a school must not discriminate by refusing to admit a pupil because his parents are gay men or lesbians.

Obesity - Chesnut Lodge also recognises that young people are sometimes singled out because of their weight

'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 particular 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 (Schedule 10)

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.

The duty is an anticipatory and continuing one that schools owe to disabled pupils generally, regardless of whether the school knows that a particular pupil is disabled or whether the school currently has disabled pupils. The school will need to plan ahead for the reasonable adjustments that it may need to make, working with the **relevant admissions authority** as appropriate.

For more information download guidance from the DfE:

<http://www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010>

and **Equality Human Rights website:** <http://www.equalityhumanrights.com> which includes the guidance for education providers (schools).

CLS

The Education and Inspections Act 2006 introduced a duty on all maintained schools in England to promote community cohesion.

Responsibilities

Governing Body

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

Headteacher

- 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 Definitions

- **Equality:** This is more clearly defined as equality of opportunity and outcome, rather than equality of treatment. This means treating people fairly and according to their needs as some people may need to be treated differently in order to achieve an equal outcome.
- **Inclusive:** Making sure everyone can participate, whatever their background or circumstances.
- **Diversity:** Recognising that we are all different. Diversity is an outcome of equality and inclusion.
- **Cohesion:** People from different backgrounds getting on well together (good community relations). There is a shared vision and sense of purpose or belonging. Diversity is valued. Relationships are strong, supportive and sustainable. Cohesion is an outcome of equality and inclusion.
- **Community:** From the school’s perspective, the term “community” has a number of meanings:
 The school community – the students we serve, their families and the school’s staff.
 The community within which the school is located – in its geographical community, and the people who live and/or work in that area.
 The community of Britain – all schools by definition are part of it.
 The global community – formed by European and international links.
- **Gender Dysphoria** Gender dysphoria is a recognised condition in which a person feels that there is a mismatch between their biological sex and their gender identity. Biological sex is assigned at birth, depending on the appearance of the infant.
- **Gender identity** is the gender that a person “identifies” with, or feels themselves to be.

The school will review practice with a view to improving access for all children.

Copies of the Equality and Diversity Policy are available in the office, on the server for staff and on our website.

Reviewed by: Mrs H Austin Spring 2021

Ratified by governors:

Due for review: Summer 2023

Signed: _____ (Headteacher) _____ (Chair of Governors)

Version Control	Date released	Date effective	Approved by	Amendment
1	Autumn 14	Autumn 14	Staff and Governing Body	Update current policy
2	Autumn 16	Oct 16	Staff and Governing Body	Update current policy
3	Spring 19	June 19	Staff and Governing body	Update current policy
4	Spring 2021	Spring 2021	Staff and Governing body	Update current policy