



Hillside Junior School

EQUALITY ACT POLICY

POLICY DETAILS:

Legal Status: Statutory

Adopted:

Version Date: September 2015

Last Review: September 2015

Next Review: September 2019

The Equality Act 2010 provides a single source of discrimination law and removes inconsistencies that developed over time. The Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil

- in relation to admissions,
- in the way it provides education for pupils,
- in the way it provides pupils access to any benefit, facility or service, or
- by excluding a pupil or subjecting them to any other detriment.

It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourable because of the following 'protected characteristics'

- sex
- race
- disability
- religion or belief
- sexual orientation
- gender reassignment
- pregnancy or maternity

The content of the curriculum is unaffected by this Act. However, the way in which it is delivered must not subject pupils to discrimination.

There are 4 types of discrimination:-

- **Direct discrimination** - means someone is treated less favourably than someone else because of a 'protected characteristic'
- **Indirect discrimination**- occurs when a rule or policy that applies to everyone, disadvantages people with a 'protected characteristic'
- **Harassment** - this is unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for someone
- **Victimisation** - occurs when someone is treated badly because they have made or supported a complaint about discrimination.

Refer to the Equality Act 2010 for details, further clarification and resources.

Admissions:

Hillside Infant and Junior Schools will follow local authority guidance on Admissions. School Admissions policies will adhere to the duties as set out in the Equality Act 2010.

Data collected at the time of a pupil's admission is for the sole purpose of providing appropriate services and support and will not be used to discriminate.

Educational Provision:

The content of the curriculum is not covered by the Act. Hillside schools are free to include a full range of issues, ideas and materials in their syllabus, and to expose pupils to thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic.

The delivery of the curriculum is covered by the Act. Hillside schools will ensure that the way in which issues are taught does not subject individual pupils to discrimination.

We will ensure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils. For example, it would be unlawful for a school to require girls to learn needlework while giving boys the choice between needlework and woodwork classes.

It is not necessarily unlawful to have some single sex classes in a mixed school, provided that this does not give children in such classes an unfair advantage or disadvantage when compared to children of the other sex in other classes.

Access to benefits, facilities or services:

Although the Equality Act forbids discrimination in access to benefits, facilities and services, the Act does contain an exception which permits single sex sports. It applies to participation in any sport or game, or other activity of a competitive nature, where the physical strength, stamina or physique of the average woman (or girl) would put her at a disadvantage in competition with the average man (or boy). But while this exception might permit a mixed school to have a boys only football team, the school would still have to allow girls equal opportunities to participate in comparable sporting activities. The judgment on whether girls would be at a physical disadvantage needs to take into account the particular group in question, so it is much less likely to justify segregated sports for younger children. Where separate teams exist, it would be unlawful discrimination for a school to treat one group less favourably - for example by providing the boys' hockey or cricket team with much better resources than the girls'.

Hillside schools recognise that there must be equal treatment related to gender, ethnicity and sexual orientation, but disabled pupils may be required to be treated differently

The Act defines disability as when a person has a 'physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities.' Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect. The Act sets out details of matters that may be relevant when determining whether a person meets the definition of disability. Long term is defined as lasting, or likely to last, for at least 12 months.

The duty applies in respect of all disabled pupils but many will have an SEN statement and auxiliary aids provided by the LA and so may not require anything further. However, if the disabled pupil does not have a statement (or the statement doesn't provide the necessary aid) then the duty to consider reasonable adjustments and provide such auxiliary aids will fall to the schools.

Participation

The schools fully anticipate that pupils with disabilities will participate in every aspect of school life. All possible reasonable adjustments and alternatives will be explored and implemented in order for this to happen. The schools will plan to meet the needs of future disabled pupils by reviewing accessibility plans.

We will implement accessibility plans which are aimed at:

- increasing the extent to which disabled pupils can participate in the curriculum;
- improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided; and
- improving the availability of accessible information to disabled pupils.

Compliance

We will:

- publish our equality objectives in the form of an Action Plan
- review the Action Plan annually and revisit this policy every 3 years and share this information with all stakeholders.
- make all relevant school policies available on the website

Burden of proof

If a complainant can establish facts which could lead to the conclusion that an act of discrimination has taken place, then it will be down to the respondent (in this case the school) to show that the reason for what happened was something other than discrimination. However, such defensive reasoning will only be necessary if a case is brought and schools are not expected to develop a body of evidence to justify their everyday actions.

Evelyn Meenagh
Inclusion Manager
Hillside Infant School

Ines Uriarte
Inclusion Manager
Hillside Junior School

Presented to *Governors*:
Approved by *governors*:

To be reviewed: September 2018