



# Gaddesby Primary School

## Equality Information (Public Sector Equality Duty)

### **Introduction**

Gaddesby Primary School is committed to ensuring that we have due regard to equality in all of its actions, in both its employment and dealings with staff, as well as its education provision.

Gaddesby Primary School has due regard to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

### **Obligations under the Equality Act 2010**

The obligations under the Equality Act 2010 apply to how a school treats pupils and prospective pupils, and its employees and other staff.

Under the Equality Act 2010, an academy must not discriminate, harass or victimise a pupil or potential pupil in relation to:

- Admissions
- The way it provides education for pupils
- How it provides pupils access to any benefit, facility or service
- Excluding a pupil or subjecting them to any other detriment

Academies are also under a duty to make reasonable adjustments for pupils and staff with disabilities.

### **Discrimination**

The Act defines a number of types of discrimination, including:

- Direct discrimination
- Indirect discrimination
- Failing to make reasonable adjustments for disabled pupils or staff
- Discrimination arising from disability
- Harassment related to a protected characteristic
- Victimisation of someone because they have made, or helped with, a complaint about discrimination

**Direct discrimination** is when someone is treated less favourably than someone else because of their protected characteristic(s).

**Indirect discrimination** is when a provision that applies to everyone principally disadvantages particular groups.

**Harassment** is unwanted conduct with the purpose or effect of violating a person's dignity, or which creates an intimidating, hostile, degrading, humiliating or offensive environment.

**Victimisation** is when a person is subjected to a detriment because they have carried out a 'protected act' such as: complaining about harassment, bringing a claim under the Act, getting involved in another person's complaint.

### **Protected Characteristics**

The Act uses the term "protected characteristics" to refer to aspects of a person's identity. Treating a person less favourably because they have one or more of these characteristics would be unlawful. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The protected characteristics of age and marriage and civil partnership apply to schools & academies as employers, but not in relation to their provision for pupils.

### **Who is Protected?**

#### **Race and Ethnicity**

The Equality Act (2010) defines 'race and ethnicity' as including:

- Skin colour
- Nationality
- Ethnic or national origins

#### **Religion or belief**

**Religion** is a formalised system of belief that aims to relate humanity to spirituality.

**Belief** is defined as philosophical beliefs, which are considered to be similar to a religion. Other categories of beliefs, such as support for a political party, are not covered by the Equality Act.

To be covered by the law, a religion or belief must be recognised as serious, it must bring people together and it must be compatible with human dignity. Denominations or sects within a religion will also be considered as religions, or religious beliefs, such as Catholicism and Protestantism, which are divisions of Christianity.

#### **Disability**

Disability is treated slightly differently to the other protected characteristics, in that the protection only works one way: it protects disabled people, but not people who are not disabled. This means that schools can treat disabled pupils more favourably than non-disabled pupils. In fact, the law requires that **reasonable adjustments** are made for employees and pupils who have a **disability** to remove barriers to full participation.

Whether a person is classed as disabled is generally determined by the effect that the impairment has on that person's ability to carry out normal day-to-day activities rather than on the impairment that they have. Someone is defined as disabled under the Equality Act 2010 if they have a physical or

mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

It is also important to remember that not all impairments are easily identifiable. While some impairments, particularly visible ones, are easy to identify, there are many which are not so immediately obvious. A disability can arise from a wide range of impairments including:

- Sensory impairments, such as those affecting sight or hearing
- Impairments with fluctuating or recurring effects such as epilepsy
- Progressive, such as muscular dystrophy
- Organ specific, including respiratory conditions, such as asthma
- Developmental, such as autistic spectrum disorders (ASD) and dyslexia
- Learning difficulties
- Mental health conditions
- Long-term illnesses such as cancer

### **Gender Reassignment**

The Equality Act (2010) states: A person has the protected characteristic of **gender reassignment** if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. This definition means that, in order to be protected under the Act, a pupil will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so.

### **Public Sector Equality Duty (PSED)**

The PSED was introduced by the Equality Act 2010, bringing together previous equality law under one umbrella, replacing the existing race, disability and gender equalities duties and extended the protection to further 'protected characteristics'.

The equality duty applies to all academies across all phases and places duties on leaders, trustees and governors to have due regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between people.

The duty provides a framework to help focus attention on the impact of decisions and policies on specific groups, to identify priorities and strategies to tackle them.

The two specific duties required by academies to demonstrate that they are compliant with the PSED are:

- To publish information to show how they are complying with the Equality Duty. This must be updated at least annually.
- To prepare and publish one or more specific and measurable equality objectives at least every four years.

### **What is meant by 'Due Regard'?**

Schools must integrate the equality duty into the way they carry out their functions. 'Due regard' means giving 'relevant and proportionate consideration to the duty' and that schools ensure that they actively consider the equality implications for their pupils and staff with protected characteristics in all aspects of their policy development and decision making.

School's must separately consider each of the three elements of the duty (e.g. eliminating discrimination must be considered separately from fostering good relations) and should record the steps that they have taken to show 'due regard'.

### **Publishing Information and Objectives**

Specific duties require schools to publish information on how they are complying with the equality duty and to set out and publish their equality objectives.

- **Publishing equalities information** that demonstrates how the school is complying with the equality duty must be published and updated at least annually.
- **Prepare and publish equality objectives** that should be clearly defined, measurable commitments, agreed with the governing body and kept under review, and must be updated at least once every four years.

### **Links with other Policies**

This policy and its ethos applies to every policy, procedure and guidance document that is produced in relation to pupils, staff, parents and governance. The following policies are particularly relevant to achieving the objectives of this policy:

- SEND policy
- Admissions policy
- Anti-bullying policy
- Behaviour policy
- Students with medical needs policy
- Accessibility plans (for each academy)
- Recruitment and selection policy
- Whistleblowing policy
- Conduct policy
- All other employment policies