

THE KEMNAL ACADEMIES TRUST

DEBDEN PARK HIGH SCHOOL

EQUALITY POLICY

**FOR STUDENTS, PARENTS, VISITORS AND
OTHERS COMING IN TO CONTACT WITH THE
SCHOOL**

PART 1 – The Law

The Equality Act 2010

The Equality Act 2010 replaced nine major Acts of parliament and almost one hundred sets of regulations which had been introduced over several decades. It provides a single, consolidated source of equality law, covering all types of discrimination, harassment and victimisation that are unlawful. It simplified the law by getting rid of anomalies and inconsistencies that had developed over time, and extended protection against discrimination in several areas.

THE PROTECTED CHARACTERISTICS

The Equality Act 2010 makes it is unlawful for the “responsible body” of a school to discriminate against (either directly or indirectly) an individual or group of individuals by treating them less favourably because they (or somebody they associate with) have one or more of the following characteristics:

- Sex
- Race
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Disability

The Equality Act 2010 also makes it unlawful for the “responsible body” of a school to discriminate against (either directly or indirectly) an individual or group of individuals **who are not the school’s students** by treating them less favourably because they (or somebody they associate with) have one or more of the above characteristic or the following characteristics:

- Age
- Marriage and civil partnership

Specifically, the “responsible body” of a school must not discriminate against a student or group of students because they have a protected characteristic (with the exception of age or marriage and civil partnerships) :

- In the arrangements it makes for deciding who is offered admission as a student
- As to the terms on which it offers to admit a prospective student
- By not admitting a prospective student
- In the way it provides education for a student (but not in relation to the contents of the curriculum)
- In the way it affords a student access to a benefit, facility or service
- By not providing an education for a student
- By excluding a student
- By subjecting a student to any other detriment (including the imposition of sanctions)

The Equality Act 2010 also makes it unlawful for the “responsible body” of a school to harass or victimise an individual or group of individuals because of some of the protected characteristics, or because of something done in reliance on the Equality Act 2010, as outlined in further detail below.

The “responsible body” in an academy is its proprietor, namely the Governing Body. In practice, all persons acting on behalf of the Governing Body (including employees of the school) are personally responsible for ensuring that their actions or omissions are not discriminatory, and the Governing Body will also be responsible for the actions of the school’s employees if it cannot show that it has taken all reasonable steps to prevent the discriminatory actions or omissions being undertaken on their behalf.

The Equality Act 2010 covers discriminatory acts or admissions by the school against prospective students, current students and (in some circumstances) former students, as well as against parents (including non-parents with parental responsibility or care of a student), visitors and other people coming into contact with the school.

The Equality Act 2010 does not cover discriminatory acts by one student against another student, such as racist bullying (such behaviour by a student will, in any event, be a breach of the school’s Behaviour Policy and be sanctioned accordingly). However, if the school is aware of a discriminatory act by one student against another and does nothing to prevent it, or treats the act less seriously than it would for other acts, this may in itself be a discriminatory act by the school.

Discrimination

The Equality Act 2010 defines two types of discrimination; direct and indirect:

Direct Discrimination

Direct discrimination occurs where an individual or group of individuals are treated less favourably than others because they or somebody they associate with have (or it is mistakenly thought that they have) a protected characteristic.

Indirect Discrimination

Indirect discrimination occurs when a policy, criteria or practice is applied generally to all, which has the indirect effect of discriminating against an individual or group of individuals by putting them at a disadvantage, unless there is a legitimate reason for the policy, criteria or practice and there is no other way to achieve it.

Discrimination Arising from Disability

There are special provisions in the Equality Act 2010 relating to disability discrimination and, in particular, a third type of discrimination called **discrimination arising from a disability**, as well as failing to make reasonable adjustments for an individual with a disability. The definition of what constitutes disability discrimination is more complex than that for the other

protected characteristics, and is set out in further detail under the section relating to disability equality below.

Harassment

The Equality Act 2010 makes it unlawful to harass an individual or group of individuals in relation to certain protected characteristics. Harassment is defined as an unwanted act, related to a relevant protected characteristic, which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment only applies in relation to the following protected characteristics :

- Sex
- Race
- Religion or belief (in relation to those who are **not** students)
- Sexual orientation (in relation to those who are **not** students)
- Pregnancy or maternity
- Disability
- Age (in relation to those who are **not** students).

Harassment does not apply to the otherwise protected characteristics of religion or belief, sexual orientation or gender reassignment in relation to students, however any discriminatory acts because of these characteristics are likely to be direct discrimination in any event.

Victimisation

The Equality Act 2010 makes it unlawful to victimise an individual or a group of individuals in certain circumstances. Victimisation is defined as occurring when an individual or group of individuals are treated less favourably as a result of anything they have done in reliance upon the Equality Act 2010, for example by previously making an allegation of discrimination or harassment, even if it was not upheld.

Victimisation will also occur when an individual is treated less favourably as a result of anything their parent, sibling or other person has done in reliance upon the Equality Act 2010, for example where their older sibling has previously made an allegation of discrimination, even if it was not upheld.

Positive Action

The Equality Act 2010 allows (but does not require) a school to take action to tackle disadvantages suffered by a particular group of students as a result of them having a protected characteristic, known as "positive action". This does not mean that the school can give a particular group of students preferential treatment (which would be positive discrimination and unlawful), it merely allows the school to put in place measures which redress the balance between those with the protected characteristic and those without.

The Equality Act 2010 does, however, allow for the school to treat disabled students more favourably than students who are not disabled (positive discrimination). In some cases,

schools are *required* to treat disabled students more favourably than students who are not disabled, by making reasonable adjustments for their disability and providing auxiliary aids where necessary.

Sex Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their sex or the sex of somebody they associate with.

Schools must not treat a student, parent, visitor or other person coming into contact with the school (or a group of these people) less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their sex or the sex of somebody they associate with.

RACE Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their race or the race of somebody they associate with. Race is defined as including colour, nationality, ethnic or national origins, and would also include travellers whose cultural heritage is traditionally nomadic, for example gypsies and Irish travellers.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their race or the race of somebody they associate with. Segregation of students by race will always be unlawful.

Religion or Belief Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their religion or belief or the religion or belief of somebody they associate with. Religion is defined as being any religion, and belief as being any religious or philosophical belief, including a lack of belief in religion (for example, humanism or atheism). Religion will include all of the major faiths, including denomination within the religion. Political beliefs are not included within the definition of religion or belief.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their religion or belief or the religion or belief of somebody they associate with.

Sexual Orientation Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their sexual orientation, their parents' sexual orientation or the sexual orientation of somebody they associate with. Sexual orientation includes heterosexuality, homosexuality (gay or lesbian), and bisexuality.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their sexual orientation or the sexual orientation of somebody they associate with.

Gender Reassignment Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their gender reassignment. Gender reassignment is defined as applying to anyone who is currently undergoing, has undergone or is proposing to undergo a process or part of a process of reassigning their sex to the opposite sex by changing their physical or other attributes. There is no requirement to undergo, or plan to undergo, a medical procedure – taking steps to live life as the opposite sex, or planning to live life as the opposite sex, is sufficient.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others because they, their parents or somebody that they associate with has undergone, is planning to undergo or is in the process of undergoing gender reassignment. Students must be included within a class of the sex that they identify with.

Pregnancy and Maternity Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of pregnancy or maternity. Maternity is defined as having had a baby within the preceding twenty-six week period, and includes breastfeeding. It is not discriminatory to treat an individual who is pregnant, has recently had a baby or is breastfeeding a baby more favourably than others who are not.

Schools must ensure that a student, parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than another student or group of students because they are pregnant, have recently had a baby or are breastfeeding a baby.

Schools must not take any disciplinary action (including exclusion) against a student because they are pregnant, have recently had a baby or are breastfeeding. Schools should not authorise more than eighteen weeks' absence (or "maternity leave") from school to ensure the student's reintegration into education as quickly as possible following the birth of a baby.

Disability Equality

The overriding objective of the Equality Act 2010 is to achieve equality (equal treatment) for all people whether they have a protected characteristic or not. However, the provisions relating to disability are different to those for all of the other protected characteristics, in that it **is** lawful, and in fact is sometimes a legal requirement, to treat a disabled individual or group of individuals **more favourably** than an individual or group of individuals without a disability.

Definition of Disability

The Equality Act 2010 defines disability as being where an individual or group of individuals has a physical or mental impairment which has a substantial and long term adverse effect (lasting or recurring, or likely to last or recur, for at least twelve months) on their ability to carry out normal day to day activities.

Some conditions such as being HIV positive, or having multiple sclerosis or cancer, are automatically deemed to have a disability regardless of their effect or longevity. Severe disfigurement will also come within the definition of disability (disfigurement by tattooing or piercing is excluded). Those that are certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist are automatically deemed to have a disability.

Others conditions are not deemed to be a disability, such as addiction to alcohol (unless it is a symptom of a psychiatric illness lasting or recurring for at least twelve months), legal or illegal substances (unless medically prescribed as treatment), fire-setting, kleptomania, a tendency towards violence or sexual abuse of others. Hay fever sufferers are not deemed to have a disability; however hay fever may be taken into account where it aggravates the effect of another medical condition.

Direct disability discrimination

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be directly discriminated against or harassed because of their disability.

Schools must ensure that a student or group of students are not treated less favourably than another student or group of students, because of their disability, their parents' disability or the disability of somebody they associate with.

Schools cannot justify directly discriminating against a student or group of students with a disability by maintaining that their discriminatory act was a proportionate means of achieving a legitimate aim, as was the case under previously disability discrimination legislation.

It is **not** unlawful for a school to treat a disabled student or group of students **more** favourably than another student or group of students who are not disabled. This is positive disability discrimination and is lawful.

Indirect disability discrimination

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be indirectly discriminated against because of their disability, by the implementation of a provision, criterion or practice applied generally to those with or without the disability, unless there is a legitimate reason for the provision, criterion or practice and there is no other way to achieve it.

Schools must ensure that a student or group of students are not put at a disadvantage by the implementation of a school provision, criterion or practice which applies to all students because of their disability, unless they can show that it was implemented for a legitimate reason and was a proportionate way of achieving the legitimate aim.

Discrimination arising from disability

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against because of **something arising in consequence of their disability**, unless there is a legitimate reason for discriminatory act and there is no other way to achieve it, and provided that the discriminator knew, or should have known, about the disability.

Schools must ensure that a student or group of students are not treated less favourably because of something arising in consequence of their disability, unless they can show that there was a legitimate reason for the less favourable treatment and there was no other way of achieving the legitimate aim.

Reasonable adjustments for disability

The Equality Act 2010 requires “reasonable adjustments” to be made for individuals suffering from a disability.

Schools have the following duties:

- **Where a provision, criterion or practice places a disabled student or group of students at a substantial disadvantage compared to students who are not disabled, reasonable steps must be taken to avoid that disadvantage;**
- **Where a disabled student or group of students would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with students who are not disabled, the school must take reasonable steps to provide the auxiliary aid.**

An “auxiliary aid” includes equipment and services. The Equality Act 2010 does not provide a definition of “auxiliary aids”, however the dictionary definition includes helpful, supporting, assistant things or persons. Where a piece of equipment is necessary for all aspects of a student’s life rather than being required in an educational context only (for example, hearing aids), it is likely that it would be considered unreasonable for a school to be expected to provide these.

Factors which a school may consider when considering whether the provision of an auxiliary aid to a disabled student is reasonable include the financial or other resources required, its effectiveness, its effect upon other students and health and safety requirements.

Where a student with Special Educational Needs (SEN) is already being provided with an auxiliary aid as part of their SEN provision, there is no need for the school to provide the auxiliary aid as part of their “reasonable adjustment” duty. Schools should not, however, assume that an auxiliary aid is not required under their “reasonable adjustment” duty for a student with SEN simply because it is not being provided under their SEN provision. In addition, where a school determines that it is unreasonable to provide an auxiliary aid (perhaps, for example, on the grounds of cost), it is not necessarily reasonable for the local authority to refuse to provide the auxiliary aid.

Age Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their age, unless it can be shown that it is a proportionate means of achieving a legitimate aim. Age is widely defined as being either of a particular age or as being within an age group.

Schools must ensure that a parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their age or age group, or the age or age group of somebody they associate with, unless they can show that there was a legitimate reason for treating them less favourably, and there was no other way to achieve it.

Schools are **not** under a duty not to treat students less favourably because of their age or age group.

Marriage & Civil Partnership Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because they are married or in a civil partnership.

Schools must ensure that a parent, visitor or other person coming into contact with the school (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of they or somebody they associate with are married or in a civil partnership.

Schools are **not** under a duty not to treat students less favourably because they are married or in a civil partnership.

Single Sex Sport

The Equality Act 2010 contains an exception allowing for single sex sports, games or other activities of a competitive nature, where the physical strength, stamina or physique of the average female student would put her at a disadvantage in competition with the average male student. However, schools must still allow students of both sexes to have an equal opportunity to participate in the same sporting activities.

The Curriculum

The contents of the school curriculum is exempt under the Equality Act 2010 to allow schools to explore a full range of issues, ideas and materials, to expose its students to thoughts and ideas of all kinds, however controversial, without fear of legal challenge. However, the way in which the school delivers the curriculum to its students remains subject to the Equality Act 2010.

Assemblies and Collective Worship

Schools are free to have a collective act of worship based upon one religion without acting unlawfully by not providing an equivalent act of worship for other religions. Schools are also free to celebrate any religious festivals of their choosing without acting unlawfully by offending those of another religion.

Religious Freedom

Article 9 of the European Convention on Human Rights and Fundamental Freedoms provides :

- 1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.*
- 2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.*

While a student has the right to manifest their religion or belief by, for example, by wearing a specific item of jewellery or clothing, this must be permitted by the school where:

- The act is in fact a manifestation of the student's religion or belief (the act does not need to be a *requirement* of the religion or belief, but there must be a sufficiently close link between the act and the religion or belief^[1]);

and;

- If the act *is* in fact a manifestation of the student's religion or belief, there is no justification in the school interfering with the student's right to do so.

In deciding whether the school is justified in interfering with a student's right to manifest their religion or belief, for example, by wearing a specific item of jewellery or clothing, the school should weigh up how important it is to the student to manifest their religion or belief in this way against the school's own considerations, for example the value in a school uniform policy being adhered to in encouraging pride in the school, enabling students to feel comfortable in the school environment, ensuring a sense of cohesion in the school, and protecting students from feeling pressure to dress in a certain way, in addition to security and health and safety considerations.

The school's Uniform Policy provides details of the school uniform to be worn by students.

The relationship between religion and sexual orientation

Some people may hold personal views in relation to the protected characteristic of sexual orientation because of their own religious beliefs. While it is not necessarily unlawful for a

teacher or other employee of a school to express their own personal view, in an appropriate way and in an educational context that takes into account guidance on the delivery of Sex and Relationships Education and Religious Education, employees at a school must always remember that they are in a very influential position and their acts must still comply with their duty not to discriminate against individuals or groups of individuals because of their sexual orientation under the Equality Act 2010, and not to manifest their religion or belief in contravention of the limitations prescribed under the European Convention on Human Rights and Fundamental Freedoms (see above).

Behaviour and Exclusions

The process for excluding a student must be fair and equitable to students, however in relation to students with a behavioural disability, schools must keep in mind their duty to make “reasonable adjustments” for a student with a disability. A “reasonable adjustment” can be a decision to impose a less serious sanction for undesirable behaviour than the sanction which would have been imposed on a student who does not have a behavioural disability, including making a decision not to exclude for behaviour which would usually attract an exclusion.

The school’s Behaviour Policy sets out the school’s expectations in relation to the way its students behave [Behaviour for Learning](#)

PART 2 – THE SCHOOL’S EQUALITY DUTIES

THE PUBLIC SECTOR EQUALITY DUTY

The General Duty

The Equality Act 2010 makes provision for a single “public sector equality duty” which extends to all protected characteristics. As a result of this provision, schools are required to have due regard to the need to :

- **Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;**
- **Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:**
 - remove or minimise disadvantages connected to a relevant protected characteristic
 - take steps to meet the different needs of those sharing a relevant protected characteristic
 - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low
- **Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to :**
 - tackle prejudice
 - promote understanding;

The Specific Duty

Schools have a **Specific Duty** to:

- **Publish information to demonstrate how the school is complying with its public sector equality duty**, which must be updated at least annually, and re-published at least once every four years;

The Accessibility Plan

The aim of the accessibility plan is to;

- Increase the extent to which disabled students can participate in the curriculum;
- Improve the physical environment of the school to increase the extent to which disabled students are able to take advantage of education and benefits, facilities or services provided or offered by the school; and
- Improve the delivery to disabled students of information readily accessible to students who are not disabled, within a reasonable time and in ways which are determined after taking into account the students’ disabilities and any preferences expressed by them or their parents.

Link to the DPHS accessibility plan [Accessibility plan](#)

PART 3 – COMPLIANCE WITH THE GENERAL DUTY

How we advance equality of opportunity :

Policies:

SEN Policy,

Whistle Blowing

Safeguarding and Child Protection Policy

- Consult families on all areas of school provision (learning support).
- Year 7 admissions procedures ensure equal access to all students with EHCP's. We support disabled learners and staff by providing reasonable adjustments.
- Take steps (reasonable adjustments) to ensure that disabled students are not put at a disadvantage compared to other students.
- Carry out accessibility planning for disabled students that increases the extent to which they can participate in the curriculum, improves the physical environment of the school and increases the availability of accessible information

Debden Park High School promotes equality and diversity in the following ways

1. Bespoke Equality and Diversity lessons delivered to all students
2. Anti-bullying week participation across the school
3. Termly Equality and Diversity assemblies
4. Termly staff training on the delivery of Equality and Diversity
5. Team dedicated to lead on all aspects of Equality and Diversity
6. Bespoke reporting and monitoring system for staff to report concerns in relation to equality and diversity, with direct link to DSL
7. Education packages created for those involved in incidences
8. Allow a space where sensitive spaces can take place
9. Develop feelings of self-respect, confidence and empathy
10. Equality and Diversity Ambassadors

PART 4 – COMPLIANCE WITH THE SPECIFIC DUTY

The information provided here aims to show that we give careful consideration to equality issues in everything that we do. We are required to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010. Page | 4 The information below is a summary of how we are aware of this particular requirement and how we respond to it.

We are aware of the requirements of the Equality Act 2010 that it is unlawful to discriminate , treat some people less fairly or put them at a disadvantage

When Governors consider equality issues relating to policies, decisions and services a record of this is kept in the minutes and papers of the governing body meetings

We have a school behaviour policy (incorporating anti bullying) that is reviewed regularly in light of information/data for example the extension of the policy to link school and the local community and cyber bullying.

We provide staff training to all staff in regards to behaviour management and safeguarding.

We have a special educational needs policy that outlines the provision the school makes for students with Additional Educational Needs

We deal promptly and effectively with all incidents and complaints of bullying and special education need, sexual orientation , sex, race, religion and belief, gender reassignment or disability.

We keep a record of all such incidences and notify those affected of what action we have taken.

We deal promptly with all complaints relating to the school. We have procedures for addressing staff discipline, conduct and grievances with the aim to intervene early at an informal stage so that issues/complaints are resolved.

All staff have an exit interview, which gives the school feedback on its staff practises and procedures.

The school was awarded Investors in People – Gold award; July 2016

We have an accessibility plan in place Under the Equality Act 2010, we are also required to have due regard to the need to advance equality of opportunity and foster good relations.

Debden Park High School's Equality Objectives

The Equality Objects for 2021-2022 are listed below

- To improve outcomes for all students including those with protected characteristics so that they make progress at least in line with expectations based on their prior attainment and ability.
- To enable all students including those in groups with protected characteristics, to make a positive contribution to school life by personally demonstrating the values of the “Be”
- To promote mental health and well-being so that all members of the school community are valued and supported, regardless of special educational needs and disability, gender, ethnicity, and sexual orientation.
- To develop processes around all transition points for all students, including those in groups with protected characteristics to ensure that appropriate advice, guidance and support is in place to ensure successful transition to their next stage

- To promote cultural awareness and understanding within our school community
- To promote self esteem and self worth strategies particularly amongst girls
- To have continuing CPD for all staff around equality and diversity