



***Northumberland
County Council***



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

Tritlington C of E Aided First School

Ethos

Reflecting the Trust Deed, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church at parish and diocesan level.

The school will aim to serve its community by providing an education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers all pupils.

These values include love, caring, sharing, forgiveness, tolerance, perseverance and goodwill to all people.

We aim to ensure everyone reaches their full potential by providing an education that stretches the mind, strengthens the body, enriches the imagination, nourishes the spirit, encourages the will to do good and opens the heart to others

Aims of the School

- ❖ To promote the development of basic skills within a broad and balanced curriculum.
- ❖ To foster the growth and potential of the whole child within a positive Christian ethos where all children irrespective of gender, race, creed, social background and ability can develop to be the best people they can be.
- ❖ To ensure children are equipped with the knowledge, skills and understanding that will enable them to take their place in the world.

Tritlington C of E Aided First School

Public Sector Equality Duty

Legal framework

1. We welcome our duties under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations in relation to age (as appropriate), disability, ethnicity, gender (including issues of transgender, and of maternity and pregnancy), religion and belief, and sexual identity.
2. We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.
3. We recognise that these duties reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

Guiding principles

In fulfilling the legal obligations cited above, we are guided by nine principles:

Principle 1: All learners are of equal value.

We see all learners and potential learners, and their parents and carers, as of equal value:

- whether or not they are disabled
- whatever their ethnicity, culture, national origin or national status
- whatever their gender and gender identity
- whatever their religious or non-religious affiliation or faith background
- whatever their sexual identity.

Principle 2: We recognise and respect difference.

Treating people equally (Principle 1 above) does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate but must nevertheless take account differences of life-experience, outlook and background, and in the kinds of barrier and disadvantage which people may face, in relation to:

- Disability, so that reasonable adjustments are made
- Ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised
- Gender, so that the different needs and experiences of girls and boys, and women and men, are recognised
- Religion, belief or faith background
- Sexual identity.

Principle 3: We foster positive attitudes and relationships, and a shared sense of cohesion and belonging.

We intend that our policies, procedures and activities should promote:

- Positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people
- Positive interaction, good relations and dialogue between groups and communities different from each other in terms of ethnicity, culture, religious affiliation, national origin or national status, and an absence of prejudice-related bullying and incidents
- Mutual respect and good relations between boys and girls, and women and men, and an absence of sexual and homophobic harassment.

Principle 4: We observe good equalities practice in staff recruitment, retention and development

We ensure that policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing professional development:

- Whatever their age
- Whether or not they are disabled
- Whatever their ethnicity, culture, religious affiliation, national origin or national status
- Whatever their gender and sexual identity, and with full respect for legal rights relating to pregnancy and maternity.

Principle 5: We aim to reduce and remove inequalities and barriers that already exist

In addition to avoiding or minimising possible negative impacts of our policies, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between:

- Disabled and non-disabled people
- People of different ethnic, cultural and religious backgrounds
- Girls and boys, women and men.

Principle 6: We consult and involve widely

We engage with a range of groups and individuals to ensure that those who are affected by a policy or activity are consulted and involved in the design of new policies, and in the review of existing ones. We consult and involve:

- Disabled people as well as non-disabled
- People from a range of ethnic, cultural and religious backgrounds
- Both women and men, and both girls and boys.
- Gay people as well as straight.

Principle 7: Society as a whole should benefit.

We intend that our policies and activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion, and greater participation in public life of:

- Disabled people as well as non-disabled
- People of a wide range of ethnic, cultural and religious backgrounds
- Both women and men, and both girls and boys
- Gay people as well as straight.

Principle 8: We base our policies and practices on sound evidence.

We maintain and publish quantitative and qualitative information which shows our compliance with the public sector equality duty (PSED) set out in clause 149 of the Equality Act 2010, and on the basis of which we decide on specific and measurable objectives.

Our equality objectives are integrated into our self-evaluation documentation.

Principle 9: Measurable objectives

We formulate and publish specific and measurable objectives, based on the consultations we have conducted (principle 6) and the evidence we have collected (principle 8).

The objectives which we identify take into account national and local priorities and issues, as appropriate.

Our equality objectives are integrated into the school development plan.

We keep our equality objectives under review and report annually on progress towards achieving them.

The curriculum

We keep each curriculum subject or area under review in order to ensure that teaching and learning reflect the principles set out in paragraph 4 above.

Ethos and organisation

We ensure the principles listed in paragraph 4 above apply to the full range of our policies and practices, including those that are concerned with:

- Pupils' progress, attainment and achievement

- Pupils' personal development, welfare and well-being
- Teaching styles and strategies
- Admissions and attendance
- Staff recruitment, retention and professional development
- Care, guidance and support
- Behaviour, discipline and exclusions
- Working in partnership with parents, carers and guardians
- Working with the wider community.

Addressing prejudice and prejudice-related bullying

The school is opposed to all forms of prejudice which stand in the way of fulfilling the legal duties referred to in paragraphs 1–3 (Legal Framework):

- Prejudices around disability and special educational needs
- Prejudices around racism and xenophobia, including those that are directed towards religious groups and communities, for example anti-Semitism and Islamophobia, and those that are directed against Travellers, migrants, refugees and people seeking asylum
- Prejudices reflecting sexism and homophobia.

There is guidance on how prejudice-related incidents should be identified, assessed, recorded and dealt with.

We keep a record of prejudice-related incidents and provide a report to the Local Authority, if requested about the numbers, types and seriousness of prejudice-related incidents at our school and how they are dealt with.

Roles and responsibilities

The governing body is responsible for ensuring that the school complies with legislation, and that this policy and its related procedures and action plans are implemented.

The Headteacher is responsible for implementing the policy; for ensuring that all staff are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination.

The Headteacher has day-to-day responsibility for co-ordinating implementation of the policy.

All staff are expected to:

- Promote an inclusive and collaborative ethos in their classroom
- Deal with any prejudice-related incidents that may occur
- Plan and deliver curricula and lessons that reflect the principles in paragraph 4 above
- Support pupils in their class for whom English is an additional language
- Keep up-to-date with equalities legislation relevant to their work.

Information and resources

We will ensure that the content of this policy is known to all staff and governors and, as appropriate, pupils and their parents and carers.

All staff and governors have access to a selection of resources which discuss and explain concepts of equality, diversity and community cohesion in appropriate detail.

Religious observance

We respect the religious beliefs and practice of all staff, pupils and parents, and comply with reasonable requests relating to religious observance and practice.

Staff development and training

We will ensure that all staff, including support and administrative staff, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

Breaches of the policy

Breaches of this policy will be dealt with in the same ways that breaches of other school policies are dealt with, as determined by the Headteacher and Governing Body.

Monitoring and review

We will collect study and use quantitative and qualitative data relating to the implementation of this policy, and make adjustments as appropriate.

In particular we collect, analyse and use data in relation to achievement, broken down as appropriate according to disabilities and special educational needs; ethnicity, culture, language, religious affiliation and gender.

Reviewed: November 2015

Please see appendices for further information regarding:

The Equality Act 2010

Our Public Sector Equality Duty

Appendix 1

The Equality Act 2010

On 1 October 2010, the Equality Act 2010 replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It has consolidated this legislation and also provides some changes that schools need to be aware of.

The Equality Act 2010 provides a single, consolidated source of discrimination law. It simplifies the law and it extends protection from discrimination in some areas.

- As far as schools are concerned, for the most part, the effect of the current law is the same as it has been in the past – meaning that schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief or sexual orientation.
- The exceptions to the discrimination provisions for schools are all replicated in the current act – such as the content of the curriculum, collective worship and admissions to single sex schools and schools of a religious character.

Positive Action

Positive Action provisions allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics. Such measures will need to be a proportionate way of achieving the relevant aim.

Previously a school providing – for example - special catchup classes for Roma children or a project to engage specifically with alienated Asian boys might have been discriminating unlawfully by excluding children who didn't belong to these groups.

Victimisation

It is now unlawful to victimise a child for anything done in relation to the Act by their parent or sibling.

Auxiliary aids

The Act extends the reasonable adjustment duty to require schools to provide auxiliary aids and services to disabled pupils. Following consultation on implementation and approach, the duty came into force on 1 September 2012.

Equality duties

The three previous equality duties on schools (race, disability and gender) to eliminate discrimination and advance equality of opportunity have been combined into less bureaucratic and more outcome-focused duties covering an expanded number of protected characteristics.

Who and what the Equality Act 2010 applies to

In England and Wales the Act applies to all maintained and independent schools, including Academies, and maintained and non-maintained special schools.

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.

The “responsible body” at Tritlington is the governing body. In practice, any persons acting on behalf of the responsible body – including employees of the school – are liable for their own discriminatory actions, and the responsible body is also liable unless it can show that it has taken all reasonable steps to stop the individual from doing the discriminatory action or from doing anything of that kind.

The Act deals with the way in which schools treat their pupils and prospective pupils: the relationship between one pupil and another is not within its scope. It does not therefore bear directly on such issues as racist or homophobic bullying by pupils. However, if a school treats bullying which relates to a protected ground less seriously than other forms of bullying – for example dismissing complaints of homophobic bullying or failing to protect a transgender pupil against bullying by classmates – then it may be guilty of unlawful discrimination.

The school’s liability not to discriminate, harass or victimise does not end when a pupil has left the school, but will apply to subsequent actions connected to the previous relationship between school and pupil, such as the provision of references on former pupils or access to “old pupils” communications and activities.

Protected characteristics

It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their:

- Sex
- Race
- Disability
- Religion or Belief
- Sexual Orientation
- Gender Reassignment
- Pregnancy or Maternity

Association

It is 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. It would be race discrimination to treat a white pupil less favourably because she has a black boyfriend.

Perception

It is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken. So a teacher who consistently picks on a pupil for being gay will be discriminating because of sexual orientation whether or not the pupil is in fact gay.

The term “protected characteristics” is used as a convenient way to refer to the personal characteristics to which the law applies.

A person’s age is also a protected characteristic in relation to employment and the Act extends this (except for children) to the provision of goods and services, but age as a protected characteristic does not apply to pupils in schools. Schools therefore remain free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge, even in the case of pupils over the age of 18.

Unlawful behaviour

The Act defines four kinds of unlawful behaviour – direct discrimination; indirect discrimination; harassment and victimisation.

Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if a school were to refuse to let a pupil be a prefect because she is a lesbian.

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. An example might be holding a parents’ meeting on a Friday evening, which could make it difficult for observant Jewish parents to attend. It is a defence against a claim of indirect discrimination if it can be shown to be “a proportionate means of achieving a legitimate aim”. This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

Harassment has a specific legal definition in the Act - it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of

violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person". This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

Victimisation occurs when a person is treated less favourably than they otherwise would have been because of something they have done ("a protected act") in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person's complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.

As well as it being unlawful to victimise a person who does a protected act, a child must not be victimised because of something done by their parent or a sibling in relation to the Act. This means that a child must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the school, or her brother has claimed that a teacher is bullying him because he is gay, whether or not the mother or brother was acting in good faith.

If a pupil has himself or herself done a protected act – such as making a complaint of discrimination against a teacher – then the child's own good faith will be relevant. For example, if the parent's complaint is based on information from her son and the son was deliberately lying, it is not victimisation for the school to punish him in the same way as it might do any other dishonest pupil. Unless it can be clear that the mother was also acting in bad faith (for example that she knew her son was lying) it would still be unlawful to victimise her for pursuing the complaint.

Special provisions for disability

The law on disability discrimination is different from the rest of the Act in a number of ways. In particular, it works in only one direction – that is to say, it protects disabled people but not people who are not disabled. This means that 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. The definition of what constitutes discrimination is more complex. Provision for disabled pupils is closely connected with the regime for children with special educational needs.

Exceptions

Schools with a religious character

Schools with a religious character such as ours, have certain exceptions to the religion or belief provisions which allow them to discriminate because of religion or belief in relation to admissions and in access to any benefit, facility or service.

Admissions

Schools with a religious character may give priority in admissions to members of their own religion. The Admissions Code provides that this may only be done when a school is oversubscribed – schools subject to the Code are not permitted to refuse admission to pupils not of their faith if they have unfilled places.

In addition to the admissions exception, schools with a religious character also have exceptions for how they provide education to pupils and in the way they allow access to other aspects of school life which are not necessarily part of the curriculum. For example:

A Church of England school which organises visits for pupils to sites of particular interest to its own faith, such as a cathedral, is not discriminating unlawfully by not arranging trips to sites of significance to the faiths of other pupils.

A child of a different faith could not claim, for example, that they were being treated less favourably because objects symbolic of a school's faith, such as the Bible, were given a special status in the school.

Appendix 2

Our Public Sector Equality Duty

The Governing Body of Tritlington is responsible for ensuring that the School meets the requirements of the Equality Act.

All governors demonstrate a high level of engagement with the school in areas such as health and safety, Social, Moral, Spiritual and Cultural development, SEND and equality. They concern themselves with the inclusive nature of our school, the well-being of staff and pupils and with attendance and behaviour.

The Governing Body welcomes this responsibility and will:

- Ensure that everything the School does is fair, non-discriminatory and does not put individuals or groups of people at a disadvantage.
- Ensure the school takes all reasonable steps to see that its employees do not carry out unlawful discriminatory actions or behaviour
 - Support and guide the school to have 'due regard' for equality in all its functions
- Ensure the school complies with the two new 'specific' duties to publish equality information and objectives.
- Ensure the success of every pupil, equal opportunity is at the heart of our vision with an insistence that all pupils will do well.

The Headteacher is responsible for implementing the policy; for ensuring that all staff are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination.

How will we put this into practice?

- **Admissions**

Tritlington follows the Local Authority Admission Policy, which does not permit (providing resources are available) ethnicity, culture, gender or ability to be used as a criteria for admission. This will be revised as the Local Authority change recommendations.

- **Registration**

Pupils' names will be accurately recorded and correctly pronounced. Pupils will be encouraged to accept and respect names from other cultures.

- **Discrimination**

All forms of discrimination by any person within the school will be treated seriously. A careful note will be kept of such incidents, whether they take place in the playground, or classroom. It will always be made clear to offending individuals that such behaviour is unacceptable and further action could be taken.

How will we achieve equality?

At Tritlington we make 'reasonable adjustments' to ensure equality and that no pupil is placed at a substantial disadvantage. To make these reasonable adjustments we:

- Plan ahead;
- Identify potential barriers;
- Work collaboratively;
- Identify practical solutions through a problem-solving approach;
- Ensure staff have the necessary skills;
- Monitor the effects of the adjustments and this policy;
- Consider the effect of any proposed change upon all members of the school community and the available resources.

What is the Public Sector Equality Duty?

The Equality Act 2010 introduced a single, general duty for public bodies, including schools, and which extends to all 'protected characteristics' – race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment. It is known as The Public Sector Equality Duty (PSED).

There are three main elements within the act and in carrying out our functions, as a school, we must have regard for the need to:

1. Eliminate discrimination and other conduct prohibited by the act.
2. Advance equality of opportunity between people who share a protected characteristic and people who do not share it.

3. Foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

It should be noted that age is a relevant characteristic for schools when considering their duties as an employer but not in relation to pupils.

The PSED replaces the previous three sets of separate duties to promote disability, race and gender equality.

All schools must have 'due regard' to the three elements. Therefore whenever significant decisions are being made, or policies being developed or reviewed, the school will consider carefully the equalities implications.

How does Tritlington First School comply with the PSED?

The school has a range of policies which make explicit the school's long established commitment to actively promoting equality of opportunity for all. The main policies dealing with equality of opportunity are:

Equality and Diversity Policy

SEND Policy

Behaviour Policy

Anti-Bullying Policy

Accessibility Plan

As a school we place great emphasis on the individual learning needs of each pupil and use a range of strategies to support this.

As a school we aim to provide for pupils whatever their ethnicity, culture, gender, ability or religious belief. We wish to ensure that our response to the PSED is effective in each of the three main elements.

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