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Gilwern

Primary School



EQUALITY POLICY

(Accessibility Plan)

If you require this document in another language or format (Braille, large print, tape or a range of electronic formats) please contact the school: Telephone 01873 830325 or e.mail gilwernprimary@monmouthshire.gov.uk



Nurture, Empower, Achieve

School Vision

- Gilwern School creates a happy, secure and stimulating environment, where learners are encouraged to reach their full potential.
- The school works effectively with others and plays a central role in the community.
- All staff are committed to continuous improvement and achievement of high standards.

RIGHTS RESPECTING SCHOOLS

In 1991 our Government signed up to the United Nations Convention on the Rights of the Child (UNCRC). In signing the Convention, the 54 articles laid down have become enshrined in UK law. The Convention applies to everyone.

At Gilwern Primary School we aim to work within the spirit as well as the letter of the Convention and our school policies and home-school agreement is based around these rights and responsibilities. At Gilwern Primary School we work together so that the rights of the child are ensured and their responsibilities are clear.

PREVENT

The process of raising safeguarding and Child Protection concerns in relation to Prevent is the same as for all safeguarding concerns. The school will contact Children's Services and will discuss the concerns with the Duty Officer, and a multi- agency referral form (MARF) is completed and submitted to Children's Services via childduty@monmouthshire.gcsx.gov.uk . Once assessed by the FST (duty team) manager and Prevent SPOC in the local authority, a decision will be made as to whether a Channel Referral is required. If a Channel referral is required, the Prevent SPOC will assist the school in completing the referral form and the school will participate on the Channel Panel."



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School Context – Autumn 2018

Gilwern Primary School is situated three miles to the west of Abergavenny. There are presently 203 pupils on role. We currently employ 26 staff, 5% of our pupils are eligible for free school meals and 10% are on the SEN register. In the past five years pupil numbers have risen slightly. The number of pupil on the SEN register has remained reasonably consistent.

2% of pupils are from ethnic backgrounds with English as the predominant language spoken in all homes. The full range of socio-economic groups is present within the pupil population. The school population is predominantly Christian.

General Duty of the School:

- Promote good relationships between people who share a protected characteristic and those who do not.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Eliminate unlawful discrimination and harassment.

The Aims of the School:

- Remove or minimise disadvantages experienced by people due to their protected characteristics
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

Gilwern School Commitment

The School is committed to supporting, developing and promoting equality and diversity in all of its practices and activities. It aims to establish an inclusive culture free from discrimination and based upon our values of **dignity, tolerance and respect** and recognises that everybody has different needs and requirements

Under the **Equality Act 2010** the school will work towards:

1. **eliminating** unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
2. **advancing** equality of opportunity between people who share a relevant protected characteristic and those who do not;
3. **fostering** good relations between people who share a protected characteristic and those who do not;

The act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.



The Equality Act 2010 Act covers the following **protected characteristics**:

- The Act sets out a new prescribed list of protected characteristics which replace what have traditionally been referred to as Equality Strands. These groups are protected through the general and specific duties of the Act. They cover the following protected characteristics:
- age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, colour, nationality, ethnic or national origin, language, religion and belief (including lack of belief), sex(gender) and sexual orientation.
 - the school also respects the rights of Welsh speakers and learners (staff, pupils, and parents) to use the language as covered by the Welsh Language Measure 2011

Who is protected by this policy.

This policy protects the following people:

- school governors,
- pupils,
- staff employed on a full time or part-time basis,
- all permanent or temporary contracts,
- agency staff
- casual workers
- visitors

Gilwern Primary is committed to continuous improvement of an equalities culture in which every individual is enabled to participate and is valued as a member of the school. We promote positive approaches to difference and foster respect for all people.

The school ensures that the necessary mechanisms are in place to enable all equality stakeholders to raise issues of localised inequality. This is achieved at class level via the SEAL programme and at a school level via the pupil School Council. At adult level it is a specific role of the different representatives on the Governing Body.

As an organisation all stakeholders need to be aware of the complexity of the society we live in. Language or behaviour, which is potentially damaging to any group or individual will not be tolerated and will be challenged.

We recognise that our role as a school is to prepare the future generations to thrive in the full diversity of British society, many aspects of which are different to their immediate experience in Gilwern.

Securing Equalities in our school

a) Leadership and management

Guidance for the strategic development of education and compliance uses the following documents:

- Briefing on Public Sector Equality Duties in Wales (Jan 2012)
- Equality Issues in Education – A resource for Strategic Equality Plans and Equality Objectives in schools and local authorities. (Jan 2012)
- Common Equality Risks in Education – A resource for assessing impact in schools and local authorities (Jan 2012)



b) Staffing: Recruitment and professional development

- The Governing Body follows employment practices, which refer to employment legislation, in line with LEA corporate policy.
- The school takes steps to promote, where possible, the Council's family friendly policies.
- The school takes steps to encourage applications for employment/ promotion from under-represented groups by following Corporate Equality Schemes on Race and Disability and Gender.
- The school takes steps to monitor recruitment in accordance with Corporate procedures.
- The school ensures that no member of staff is subjected to harassment in accordance with policies and procedures.
- The school ensures equality of access to professional development opportunities through performance management and professional development interviews for all employees.
- The Governor Support Service provides training in equality issues where necessary.

c) Curriculum and resources

- All policies and planning include a statement explicitly relating to equality originating from the United Nations Convention of Human Rights.
- Principles of equality and respect are promoted in school. Pupils are given opportunities to explore bias and to challenge prejudice and stereotypes.
- Access to the curriculum is secured for all pupils. Planning, policies and procedures take into account individual needs.
- Resources and displays reflect diversity, promote positive images and challenge stereotypes.
- School Leaders monitor the school's effectiveness in providing an appropriate curriculum and audit resources to exclude unhelpful stereotypes and to ensure that they reflect diversity and present positive images.
- Visitors and community members (including those from different ethnic groups and disabled people) are used to present a range of positive role models to the pupils, wherever possible.
- Reasonable steps are taken to ensure that extra curricular activities are accessible to all and account is taken of parental concerns related to religion or culture.

d) Learning and teaching

- Classroom groupings, both teacher-planned and pupil selected are monitored to ensure that groups are varied and diverse; there is cooperation and collaboration between pupils of different backgrounds, genders, disabilities.
- At Gilwern we take steps to avoid stereotypical organisation and allocation of roles and responsibilities.
- Teaching actively challenges prejudice and stereotypes, empowering pupils to identify and challenge discrimination.
- At Gilwern we avoid stereotyped assumptions about family structure or names.

e) Assessment, pupil achievement and progress

- Assessment methods and materials are checked for linguistic and cultural bias.
- At Gilwern we take steps to ensure that all pupils with impairments, disabilities or equality issues are not disadvantaged in assessment through lack of support/cultural bias in assessment materials.
- More able children will be challenged and motivated by differentiated work given by the teacher appropriate to his or her needs. Teachers will also use questions that allow the more able child to maintain their involvement in the lesson and demonstrate their knowledge and abilities.
- Monitoring of assessment data is used to analyse performance of groups and to plan targeted intervention.

f) School ethos

- The school supports diversity and promotes good personal and community relations.
- Different family structures are respected equally.
- Dress and dietary needs of different religious groups are respected.
- The school promotes understanding and respect of different festivals and events.
- All staff are encouraged to undertake Continuing Professional Development to increase their capacity to identify and address any forms of inequality.



g) Behaviour, discipline and exclusion

- The School's Behaviour Policy and Respect for Others Policy identify any form of discrimination or inequality at any level as a point where some form of intervention is required.

h) Rights Respecting Schools

- In 1991 our Government signed up to the United Nations Convention on the Rights of the Child (UNCRC). In signing the Convention, the 54 articles laid down have become enshrined in UK law. The Convention applies to everyone.

At Gilwern Primary School we aim to work within the spirit as well as the letter of the Convention and our school policies and home-school agreement is based around these rights and responsibilities. At Gilwern Primary School we work together so that the rights of the child are ensured and their responsibilities are clear.

Common Risks

As a school we try to identify the common circumstances where there is a risk of negative impact for a particular group(s).

We have identified three broad areas which we have divided potential impacts into:

- Impacts that restrict access
- Impacts that affect users or employees or the quality of the service experienced by the service user or the quality of the work environment or experience of work for employees.
- Impacts that can affect the outcome experienced by service users or employees

Access Risks

There are two types of barriers, which prevent pupils from having access to the full range of activities, which the school offers. Physical barriers, that can prevent pupils with a range of needs from participating, and social barriers, which can also affect a range of pupils.

Physical

The school pays due attention to the question:

Are adaptations in place to allow disabled pupils to participate in the full range of the curriculum?

Social

Social barriers to learning can be complex. Overcoming ingrained stereotypes about subject choices and other activities may need involvement and discussion with parents, individual pupils and classes. Gender segregation is one of the most common examples which the school proactively addresses.

Times

The school in its management pay due regard to opening times, delivery schedules and appointments which can have a significant impact on whether or not people are able to access services. The school recognises different protected groups have different needs which have to be understood when opening times, schedules and appointment procedures are designed.

Communication

While different individuals will have different communication styles and different levels of skill as communicators the school makes every attempt to meet the needs of all stakeholders

Quality Risks

Headteacher and Governors need to be confident that all pupils will experience high quality service relevant to their specific needs and are not unjustifiably disadvantaged by having any of the protected characteristics. In monitoring they need to consider the following:-

Dignity

Inequality which impacts on an individual's dignity is a vast area ranging from direct discrimination and harassment to oversights within well-intentioned behaviours and procedures that do not fully understand or take into account peoples' needs.

Respect

There is a risk that without positive interventions a culture of inequality can develop in which pupils use offensive, sexist, racist or homophobic language or display attitudes and behaviours which reinforce gender, disabled or religious stereotypes.

Safe Environment

To ensure quality risks are minimised the school needs to assess the physical and the emotional environment which the pupil/parent/employee is faced with, recognising that these needs will be specific to all groups.

Outcome Risks

Groups of Learners

Headteachers and Governors need to be confident that all pupils have an equal chance of enjoying positive outcomes in life and are not unjustifiably disadvantaged by having any of the protected characteristics.

The school identifies any gaps in learning outcomes including attainment and other achievement measures between pupils who share one or more of the protected characteristics and those who do not. Identifying the causes of these gaps and actively trying to close the gap is prioritised.

Spiritual and Mental development

Aspects of spiritual, moral and cultural teachings will have different relevance for specific individuals and communities. The school ethos is one where pupils can develop safely. Feedback from individuals and community groups is sought and influences future practice.

Implementing the policy

a) Communication and reporting

The full Equalities Policy is available to:

- all staff as part of the induction process
- all non-LEA contractors or service providers
- parents and members of the wider community

b) Responsibilities

The governing body is responsible for:

- Making sure the school complies with the Equality Act 2010.



- A designated member of the Governing Body has oversight of this policy and its implementation - Chair of Governors
- Making sure the equality policy and its procedures are followed

The Headteacher is responsible for:

- Making sure the equality policy is readily available and that governors, staff, pupils, parents and guardians know about it
- Making sure the policy and its procedures are followed
- Producing regular information for staff and governors about how the policy is working, and providing training for them on the policy if necessary
- Making sure all staff know their responsibilities and receive training and support in carrying these out
- Taking appropriate action in cases of harassment and discrimination
- To collect and review data in relation to the protected characteristics and the Welsh Language relating to pupils and staff.

All staff are responsible for:

- Dealing with racist incidents and other incidents of harassment and bullying
- Being able to recognise and tackle bias and stereotyping
- Promoting equal opportunities and good relations between all groups
- Keeping up to date with the law on discrimination, and taking up training opportunities

Role of Pupils

- To support the aims of the Strategic Equality Policy.
- To encourage non-discriminatory practices and to report any incidences of behaviour that fail to comply with this policy.
- To be aware of equality and diversity issues.
- To adopt the same principles when they are outside of school

Role of parents/carers

- To support the aims of the Strategic Equality Policy
- To support the school in the promotion of the principles of dignity, courtesy and respect
- To encourage children and young people to promote the above principles outside of school.

c. Confidentiality

Any information disclosed to the school in relation to equality and diversity issues will be kept strictly confidential in accordance with legislative requirements.

d. Good practice for dealing with discriminatory incidents

Any discriminatory incidents will follow the schools Behaviour Policy, Bullying Prevention Policy or School Disciplinary policy for staff (whichever is appropriate). All incidents will be acknowledged, investigated and appropriate action taken.



e) Monitoring and review

This policy will be monitored annually by the Head teacher or nominated member of Senior Leadership Team. Statistics will be gathered to monitor equality across all aspects of the school's processes and will be used to inform future practice as a part of the schools self - evaluation process. The school will also take into account evidence from Estyn Inspection findings and independent reviews.

Signed _____
(Headteacher)

Signed _____
(Chair of Governors)

Date: _____

Date: _____

Strategic Objectives

The following are the school's strategic objectives which were decided in consultation with the staff, pupils, governors and parents.

1. To increase children's knowledge about equality and the factors which lead to discrimination of different groups or individuals.

Target: half termly units of work focussing on different aspects of equality.

Responsible – All class teachers

Monitored – S Marles - DHT

2. To raise international awareness of different cultures, religions and other factors affecting people around the world, creating a positive attitude towards diversity and empathy with regards to others needs.

Target: School to engage in international projects. Complete international week. Take part in various activities e.g. Black History Week, Fair Trade, Show racism the red card

Responsible – J Lloyd/B Edwards - Joint International Co-ordinators

Monitored – R Guy - Headteacher

3. To monitor and support vulnerable groups i.e. FSM/LAC /physical health/mental health

Target: Track pupils attainment in core subjects and provide intervention if underachievement is identified. Track responses to wellbeing questionnaires and provide support and contact specialist help if required.

Responsible – J Broad - AENCO

Monitored – R Guy- Headteacher

4. To increase the percentage of children who feel the school deals well with any bullying

Target: To reduce the number of children who perceive areas of improvement in how the school deals effectively with bullying by 10%. Aim towards zero tolerance

Responsible – S Marles - DHT/B Edwards - FP Leader

Monitored – R Guy - Headteacher/S Pugh - Wellbeing Data

5. To improve the number of pupils who identify the school teaches me to keep healthy
Target: All children to recognise and engage in opportunities that exist in the school.
Increase pupil questionnaire responses by 5% (Aim – 100%)
Responsible – L Marsh - P.E. Co-ordinator/M Millington - PSE Co-ordinator
Monitored – R Guy - Headteacher/S Pugh - Wellbeing Data

6 To ensure all pupils feeling safe in school
Target: 100% of questionnaire responses perceived as children feel safe in school. Any
negative responses will be identified and actioned on an individual basis.
Responsible – All Staff
Monitored – R Guy - Headteacher/S Pugh - Wellbeing Data

SignedHeadteacher

Date.....

Signed.....Chair of Governors

Date.....



GILWERN PRIMARY SCHOOL ~ Equality Action Plan – Groups presently monitored against equality discrimination impact indicators.

As individuals change within the organisation the needs to update the action plan will be prioritised.
Appendix 1

GILWERN PRIMARY SCHOOL ~ Disability Equality Action Plan (Accessibility Plan)

PRIORITY 1 ~ INFORMATION

Action	Measure of success	Timescale	Lead Person	Review
1:1 To communicate with parents and carers using different media and formats.	People with disabilities are able to access school information through a variety of formats.	On-going	Headteacher	
1:2 To provide support for pupils on work placements if they encounter harassment or bullying.	All pupils on work placements have access to support and mentoring where necessary.	On-going	Headteacher	



PRIORITY 2 ~ ATTITUDES

Action	Measure of success	Timescale	Lead Person	Review
2:1 To review all subject policies to ensure they promote equal opportunities and celebrate diversity	All subject policies include a section setting out how the school promotes equal opportunities and celebrates diversity.	At policy review dates	HT/DHT	
2:2 To monitor the curriculum to ensure that it is appropriate to the needs of all pupils.	All pupils accessing an appropriately differentiated broad based curriculum	Annually	HT/DHT	
2:3. To monitor the take up of resources to ensure equal access for all.	All pupils including those with disabilities have equality of access to a full range of equipment and resources.	Annually	Teachers/AENCO	
2:4 To analyse all assessment data in the context of disability access.	Steps being taken to ensure all pupils are reaching their full potential.	Annually	Teachers/AENCO	
2:5 To promote diversity and good personal and community relations.	Staff, pupils, parents and governors are given opportunities to thrive in a fully inclusive environment, embracing diversity.	Ongoing	Headteacher	
2:6 To provide training for all staff to enable them to deal effectively with bullying and harassment incidents.	All staff develop a consistent approach to bullying and harassment following school policies and procedures.	November ~ annually within Anti Bullying Week	HT/DHT	

PRIORITY 3 ~ EMPLOYMENT

Action	Measure of success	Timescale	Lead Person	Review
3:1 To ensure equality of opportunity for disabled people looking for/returning to work	Equality for disabled people will be recognised.	On-going	Headteacher	
3:2 To monitor recruitment in accordance with LA procedures.	People with a wider range of disabilities are encouraged apply for available posts within the school.	On-going	Headteacher	
3:3 To liaise with Community Learning Officer to encourage work placements for disabled people	People with a wider range of disabilities are accessing work experience opportunities.	On-going	Headteacher	



PRIORITY 4 ~ PROCESS

Action	Measure of success	Timescale	Lead Person	Review
4:1 To monitor disability access and report to parents annually.	More information is available to the school and its stakeholders.	Annually	Headteacher	
4:2 To use this monitoring information to inform planning for school improvement.	More informed action plans for disability access.	Annually	Headteacher	
4:3 To consult with a wide range of stakeholders, including pupils in the production of all equalities action plans.	People, including pupils, with a wider range of disabilities are involved in influencing and planning for equality in school.	Annually	Headteacher	
4:4 To involve stakeholders with a wider range of disabilities in this review process.	Pupils and parents with disabilities are invited to participate in the policy making process for the school.	Every 3 years	Headteacher	
4:5 To take proactive steps to avoid exclusion	Pastoral support plans are in place for all pupils at risk of exclusion.	On-going	Headteacher	
4:6 To monitor fixed term exclusions in the context of disabilities.	More information is available to the school and its stakeholders	On-going	Headteacher	
4:7 To take steps to reduce disparities by following official procedures set out by WG.	School following official procedures and WG guidelines to reduce exclusions.	On-going	Headteacher	



<p>4:8 To work in partnership with all parents, carers and community members, including those with disabilities.</p>	<p>Parents and community members with disabilities are actively involved in the life and work of the school.</p>	<p>On-going</p>	<p>Headteacher</p>	
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Action	Measure of success	Timescale	Lead Person	Reviewed Summer Term 2012-13
<p><u>Age, Disability, Sex</u> Attendance</p>	<p>School Attendance Level of all groups consistently good with no sub group variance. Participation in school activities by all members of the school community no exclusions in past five years</p>	<p>Termly monitoring by EWO</p>	<p>Headteacher</p>	<p>No action required – continue to monitor</p>
<p><u>Age, Disability, Race, Religion, Sex, Sexual Orientation</u> Bullying and Respect Improve capacity to reduce/address incidents (reduce homophobic name calling e.g. being called ‘gay’ as an insult whether it’s true or not)</p>	<p>Continuing work of SEAL project, individual support programmes and School Council. Inconclusive pattern of gender attainment. SEN children making good progress against their potential.</p>	<p>Summer Term Half termly monitoring HT/SENCO</p>	<p>M Millington J Broad</p>	<p>No incidents reported of significance; however a lot of media exposure makes some of the vocabulary familiar to primary school aged children, without full understanding of context.</p> <p>PDG Grant focus and regular monitoring and reporting to Governing body – No further action require</p>
<p><u>Race, Sex (socio-economic groups)</u> Pupil Participation</p>	<p>International work will increase children’s knowledge, understanding and respect for race and religious beliefs.</p>	<p>N/A</p>	<p>SENCO</p>	



<p><u>Sex, Disability, Race, Religion</u> Attainment The School recognises that it has a limited number of different groups, whose attainment could be affected i.e. race, religion, ethnicity.</p> <p><u>Race, Sexual Orientation, Age, Religion</u> Stereotyping Improving capacity</p> <p><u>Disability, Age</u> Access Improve capacity where possible through improvements to the physical environment and/or policy</p>	<p>All stakeholders have functional access to physical use of buildings and resources. Timetables, communication methods including ICT meet the needs of all stakeholders.</p>	<p>Summer Term</p> <p>Continuous monitoring</p>	<p>Headteacher</p> <p>Headteacher</p> <p>All staff</p>	<p>Significant gender gap in performance at end of KS2. Identified as cohort specific. Some gender difference in percentage of children in attaining expected level +1 in line with All Wales Data.</p> <p>International work recognised as sector leading. Continue to provide learning opportunities.</p> <p>No specific issues reported/identified/ Continue to monitor</p> <p>Annual</p>
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Appendix 3

Inclusion and Equalities – The Policy Context

National: The “Learning Country”: Inclusive Education

The Assembly’s strategic education policy document *The Learning Country* (2001) directly promotes inclusive education. It sets out an agenda that embraces improving outcomes for all learners. This means removing barriers to participation and learning that hinder, or exclude, achievement by pupils with additional learning needs.

The document that defines the terminology is *Inclusion and Pupil Support* (2007). The term, ‘Special Educational Needs’ (SEN) continues to be used to identify those learners who have severe, complex and/or specific learning difficulties as set out within the Education Act (1996) and the SEN Code of Practice for Wales.

The term ‘Additional Learning Needs’ (ALN) is introduced to encompass all children and young people with learning needs greater than the majority of their peers. ALN includes those learners who require additional support either due to their circumstances, or because they have a longer-term disorder or condition.

Inclusion and Pupil Support (2007) defines inclusion as:

‘.. a process through which all pupils access common opportunities in ways relevant to their needs ... It places the onus on schools to adapt their organisation, and their ways of responding, to meet the needs of all children and young people...It requires an inclusive curriculum and measures to improve the awareness of teaching and other staff of inclusive learning and equality issues...’ (para 2.1 page 2)

Appendix 4

Guidance: Equalities Legislation January 2007

All children have a right, under the UN Convention on the Rights of a Child, not to be subjected to discrimination, to enjoy their cultures, languages and religions and for both sexes to be treated equally. Anti-discriminatory legislation makes discrimination on grounds of sex, 'race' and disability unlawful. It applies to employment as much as to what goes on in early years services and settings. Laws provide a framework for our work. They make it clear to us what might be unlawful and they help us understand good practice with regard to equal opportunities.

Direct discrimination means treating people less favourably than others because of their 'race' sex or disability. Indirect discrimination occurs when rules or policies apply to everyone but some groups are more disadvantaged as a result.

Equal Opportunities: Who is responsible?

The main responsibility for promoting equal opportunities in education rests with LEAs, governing bodies, Headteachers and school managers. However, in practice all staff, within schools and LEAs, must be aware of and promote equal opportunities through their daily practices.

Governors are ultimately liable in law for discrimination against any pupil or employee. The governing body may also be legally responsible for discriminatory acts carried out by the head or staff, and they can be taken to an employment tribunal together with the LEA.

Governors are also responsible for ensuring that the school complies with the duties introduced by the Race Relations Amendment Act (2000), the SEN and Disability Act (2001) and the Disability Equality Duty, 2007.

Head teachers have a responsibility to ensure they do not commit unlawful discriminatory acts and that the governing body's Equalities policy is implemented in the school. Parents and pupils should know that the school has an Equalities Policy. They should also know that the school is committed to equalities for all pupils, and for parents/carers and community members in relation to particular pieces of legislation. The head teacher should monitor the impact of policies and procedures and report on this to the governors' meetings.

Government of Wales Act 1998

This is the statute that first established the National Assembly of Wales. The legal duty to promote equality of opportunity goes beyond the statutory requirements placed upon other UK legislatures as it requires government to proactive and:

'Make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality opportunity for all people.'



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The Childcare Act (2006)

The Childcare Act 2006 requires local authorities to improve the outcomes for all young children, reduce inequalities, and to ensure that there is sufficient high quality integrated early years provision and childcare for parents locally.

Local authorities are expected to work with local private, voluntary and independent sector providers to meet local needs – and to manage the market.

The Children Act (1989)

This act states that all children have a right to an environment “which is free of racial discrimination” and carers should “enable children to develop positive attitudes to differences of race, culture and religion.”

Looked After Children

Most of the requirements derive from the Children Act (1989) and associated guidance. The National Assembly for Wales Circular 2/2001 sets out the procedures schools and other agencies should follow.

Requirements:

Schools must collaborate with other agencies to support the educational planning for LAC.

Every school should have a designated teacher for looked after children. This teacher has a pastoral responsibility and is a contact point with social services and other agencies.

Schools have a vital role in the Looked After Children Review process (statutory)

Every looked after child has a Care Plan drawn up by social services.

Each looked after pupil has a Personal Education Plan. This is designed to ensure access to services and support; to minimise disruption and broken schooling; to signal particular and special needs; to establish clear goals and to act as a record of progress and achievement.

All looked after children have a Careers Action Plan by the age of 16. This is the responsibility of social workers and designated teachers, working with the careers service.

Schools should monitor and evaluate educational programmes. For some pupils curricular flexibility may be needed to re-arrange them or sustain them in school.

Schools must consult with Social Services about LAC identified as having special educational needs.

Schools should ensure that there are sensitive arrangements to enable children to take part in schools related activities.

The Race Relations Act (1976)

This act defines main types of discrimination, all of which are unlawful:

Direct Discrimination:

This is when a person is treated less favourably than others in the same circumstances because of their colour, race, nationality (including citizenship), or ethnic or national origins.

Segregating a person from others on racial grounds is also a form of direct discrimination.

Indirect Discrimination:

This can occur when a condition or requirement is applied equally to everyone, but is such that the proportion of each group that can achieve or comply with it is unequal.



NURTURE – EMPOWER - ACHIEVE

Indirect discrimination is unlawful unless the person imposing the condition can show it is justified on non-racial grounds.

Victimisation:

This occurs if someone is treated less favourably because they have complained about racial discrimination or supported someone else who has.

The law is concerned with people's actions and the effects of their actions, not with their opinions or attitudes. You do not have to show that someone intended to discriminate against you, just that the effect of their actions was that you were treated less well.

The Race Relations (Amendment) Act 2000

The amendment strengthens and extends the 1976 act. It does not replace it. The amended Act places a general duty on schools and LEAs to:

- eliminate unlawful discrimination
- promote equality of opportunity; and
- promote good relations between different ethnic groups.

The general duty is accompanied by a set of specific duties. These are intended to enable schools to meet the general duty: they are not ends in themselves.

Specific duties for schools:

Prepare and maintain a written Race Equality Policy, updated every three years ((this can be incorporated into a more general Equalities Policy as long as all the General Duties are addressed for Race Equality

Prepare an Annual Race Equality Action Plan (as for the Disability Equality Duty) which focuses on the results of monitoring;

Assess and monitor the impact of policies on pupils, staff and parents from different racial groups (as for the Disability Equality Duty); with particular reference to the attainment level of pupils;

The Commission for Racial Equality (CRE) has issued Codes of Practice and guidance on meeting the general and specific duties and has powers to enforce compliance with the duties.

Compliance with the new duty will also be the subject of inspection by ESTYN. Learning For All: standards for racial equality is a guidance document for schools produced by the CRE. The document 'Expectations of mainstream schools in managing inclusion' (Cardiff S&LL, Feb 2006) complements this document.

The Macpherson Report of the Stephen Lawrence Murder Inquiry recommended that all schools record reported racist incidents and report these to the LEA. National and local government has accepted this recommendation. Cardiff School Service has produced Guidelines and Procedures for dealing with and responding to racist incidents in schools.



NURTURE – EMPOWER - ACHIEVE

Gender

Schools need to take account of the Equal Pay Act (1970), which requires employers to provide the same pay for men and women doing work of equal value.

The Sex Discrimination Act (1975) establishes equal entitlement for staff and pupils in respect of recruitment, admissions, curriculum and extra curriculum activities, careers guidance and standards of behaviour, dress and appearance. The Act makes direct and indirect discrimination, and victimisation, unlawful.

The SDA does permit single-sex schools to remain single-sex. It also permits single-sex sports where the physical stamina, strength and physique of the average female would put her at disadvantage in competition with the average male. The Act also sets out what constitutes lawful positive action in respect of single-sex classes or single-sex careers initiatives.

The Act established the Equal Opportunities Commission, which is empowered to issue Codes of Practice.

The Sex Discrimination Act 1975 will place a general duty on all public authorities from April 2007 to have due regard to:

- Promote equality of opportunity between men and women;
- To eliminate unlawful sexual discrimination and harassment.

The duty requires a scheme of implementation to be introduced.

The duty is more than equal treatment; it is about promoting and taking action to bring about gender equality. It involves looking at gender equality issues for men/boys and women/girls and understanding the reasons why inequalities exist and how to overcome them.

The EOC in Wales, with the support of the National Assembly for Wales, has produced guidelines on gender positive strategies for schools, Different but Equal: Guidance on achieving sex equality in schools (1999).

The Human Rights Act (1998)

This act brings the UK law certain of the rights and freedoms guaranteed under the European Convention on Human Rights, and is binding on 'public authorities', which includes bodies whose functions are of a public nature like Monmouthshire County Council. The Human Rights Act includes a right not to be denied access to education, and a right not to be discriminated against in the enjoyment of that (or other) Convention Rights.

Sexual Orientation

The most frequency quoted legislation related to sexual orientation in Section 28 of the Local Government Act (1998). Many schools have interpreted the clause as preventing them from teaching about gay and lesbian issues, supporting gay and lesbian students or tackling homophobic bullying. In fact, it only applied to the activities of local authorities themselves, not to the activities of governing bodies and staff of schools, but it nevertheless created a confusing situation for schools.



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STOP PRESS!

Section 28 has now been repealed, ending the confusion surrounding the issue for schools.

Schools can now be mindful of the following directives, without worrying about the possible implications of Section 28.

The DFEE Sex and Relationship Guidance (2000) requires all schools to have an up-to-date sex and relationship education policy, drawn up by governors and developed in consultation with parents. The guidance states:

It is up to schools to make sure that the needs of all pupils are met in their programmes. Young people, whatever their developing sexuality, need to feel that sex and relationships education is relevant to them and sensitive to their needs. The Secretary of State is clear that teachers should be able to deal honestly and sensitively with sexual orientation, answer appropriate questions and offer support. There shall be no direct promotion of sexual orientation (Section 1, paragraph 30).

The guidance further states that:

Schools need to be able to deal with homophobic bullying. Guidance issued by the department (Social Inclusion: Pupil Support, Circular 10/99) dealt with the unacceptability of and emotional distress and harm caused by bullying in whatever form – be it racial, as a result of a pupil's appearance, related to sexual orientation or for any further reason (Section 1, paragraph 32).

Disability Discrimination Act (1995)

Prohibits discrimination against disabled people in the areas of employment, the provision of goods, facilities, services and premises, education; and provides for regulations to improve access to public transport to be made.

Special Educational Needs and Disability Act (2001)

The Special Educational Needs and Disability Act (2001) amended the Disability Discrimination Act, introducing new duties for schools, which came into effect in September 2002.

The legislation has three parts:

The disability discrimination duties;
The planning duties;
The Special Educational Needs framework

Under the disability discrimination duties schools must:

Ensure that they do not treat disabled pupils less favourably than others;
Take reasonable steps to avoid putting pupils at a substantial disadvantage. This is known as the 'reasonable adjustment' duty.



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Under the planning duties:

LEAs are required to draw up accessibility strategies and schools to draw up accessibility plans to improve access to education in schools over time.

The strategies and plans must address:

Improvements in access to the curriculum;
Improvements to the physical environment to increase access to education and associated services;
Improvements in the provision of information in a range of formats for disabled pupils.

The SEN Framework

Children with a disability have special educational needs if they need any special provision to be made for them, that is, anything that is additional to or different from what is normally available in schools in the area.

The SEN Code of practice (Wales) takes account of the SENDA. This introduces:

A stronger right for children with special educational needs to be educated in mainstream schools;
New duties for LEAs to arrange for parents of children with SEN to be provided with services - offering advice and information and a means of resolving disputes;
A new duty for schools and relevant nursery education provision for their child;
A new right for schools and relevant nursery education providers to request a statutory assessment of a child.

The Disability Discrimination Act, 2005

This act builds on the DDA 1995 Act, which says that disabled people should be treated fairly. Now public bodies, including schools must build disability equality into the way they carry out their functions from planning to evaluation. This is a significant cultural change for the individual 'rights' focus of 1995.

All public bodies must now mainstream disability equality in-line with the RRAA. This is the General duty. Like the RRAA, it means:

Promoting equality between disabled people and others;
Eliminating discrimination;
Eliminating Harassment;
Promoting positive attitudes;
Encouraging participation in all aspects of public life;
Taking steps to meet disabled people's needs, even when this requires more favourable treatment.

The disability equality duty, which comes in to force in April 2007, states that:

A disability scheme for the next three years must be published (this can be incorporated into a more general Equalities Policy as long as all the general duties are addressed for disability);

Disabled people must be involved actively in producing the scheme/policy and subsequent action plan;

An action plan must be drawn up every year (this can be as an appendix to the equalities Policy. It must focus on – what information has been gathered on disabled people and how it has been used; what policies have been assessed for their impact on disabled people; how disabled people have been involved);



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School policies must be assessed and monitored for their impact on disabled people; Yearly reports on the progress of the scheme/policy and action plan must be made; The scheme must be updated every three years.

Employment Equality: Religion and Belief Regulations

The Government has introduced new Employment Equality Regulations, which came into force in December 2003.

For the first time discrimination and harassment in employment on the grounds of an individual's religion or belief has been made unlawful. The new law also means that it is now unlawful to deny lesbian, gay, bisexual or heterosexual people jobs because of prejudice.

The Regulations cover all aspects of the employment relationship and employees are now entitled to an equal chance of training and promotion whatever their sexual orientation, religion or belief.

Governors need to be aware of the implications for schools and ensure that relevant policies are reviewed and updated if necessary to reflect the new regulations.

Harassment as a form of discrimination

For the first time harassment has also been defined as a form of discrimination and employers are liable for the discriminatory behaviour of their employees. This means that an employee who experiences harassment as a result of their religious beliefs may have a case against both the employer and the individuals responsible for the harassment.

Harassment is defined as circumstances that violate a person's dignity, or create an intimidating, hostile, degrading, humiliating or offensive environment. Employees should realise that this could include 'jokes' and teasing if the recipient finds this behaviour unacceptable.

Employees will therefore be expected to create a culture and environment that is free from discrimination and harassment on these grounds. Governing Bodies have an important role to play in this process, helping the Head teacher to secure a positive school ethos free from prejudice.

Pupils

Although the regulations apply to employment and do not cover pupils, it is good practice to ensure that the positive culture of the school extends to everyone. The Welsh Assembly have emphasised the importance of tackling homophobic bullying in schools in their new guidance 'Respecting Others' and the DfES guidance on Sex and Relationship Education stipulates that this should be relevant to all young people, whatever their developing sexuality.

Employment Equality (Age) Regulations 2006

It is now illegal for employers to discriminate against employees, trainees or jobseekers because of their age, and all workers, regardless of age, have the same rights in terms of training and promotion



Appendix 5

Useful Publications and References

Equal Opportunities and Diversity in the School Curriculum in Wales (ACCAC, 2002)

Personal and Social Education Framework: Key Stages 1 to 4 in Wales (ACCAC, 2000)

Learning for All: standards for racial equality in schools (Commission for Racial Equality, 2000)

Different but Equal (Equal Opportunities Commission, 1999)

Disability Discrimination Act, Code of Practice for Schools (Disability Rights Commission, 2002)

Planning to Increase Access to Schools for Disabled Pupils (Welsh Assembly Government, 2004)

The Duty to Promote Race Equality: A Guide for Schools (Commission for Racial Equality, 2002)

Standards and Quality in Primary and Secondary Schools: provision for pupils learning English as an additional language (Estyn, 2000)

Newsbrief 14/01 Pupil Support and Social Inclusion (Estyn, 2001)

Index for Inclusion (Centre for Studies on Inclusive Education, 2002)

Supplementary guidance on the inspection of racial equality, the promotion of good relationships and English as an additional language (Estyn, 2005)

Schools and the Disability Equality Duty in England and Wales (DRC, 2006)
www.dotheduty.org

Inclusion and Pupil Support (WAG, 2007)

