

## Approach to Equality

As a school it is our duty to encourage integration, eliminate discrimination and other prohibited conduct. This duty relates to pupils, staff, and any person(s) we work with.

It is unlawful for a school to discriminate against an applicant, staff member or pupil. All protected characteristics being equally as important as one another.

Schools are subject to specific prohibitions and are regulated by the relevant legal duties set out in:

- Equality Act 2010,
- Human Rights Act 1998,
- Section 78 Education Act 2002 duty on governors for maintained schools to safeguard and promote welfare of children,
- Education (Independent School Standards) (England) Regulations 2010 (authority for promoting fundamental British values in independent schools).

We abide by this legislation and guidance.

**Direct Discrimination:** Occurs when someone is treated less favourably than another person because of a protected characteristic. ACAS states that 'age' is the only protected characteristic under which direct discrimination can be justified objectively.

**Discrimination by association:** This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Discrimination by perception:** This is direct discrimination against an individual because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic. It also applies when it is known that the person does not have that protected characteristic. The actual or perceived sexual orientation of the subject of homophobic abuse is irrelevant. Such behaviour creates a degrading and hostile working environment on grounds of sexual orientation.

**Indirect discrimination:** Occurs when an organisation has a rule, policy or practice which applies to everyone but particularly disadvantages people who share a protected

characteristic. This kind of discrimination therefore relates to group disadvantage/discrimination.

Our policies are carefully considered, we seek to be aware of the impact of our policies and practices across groups of people and we regularly review them to ensure they do not discriminate against a particular group.

**Harassment:** In law, this is defined as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The Equality Act 2010 prohibits harassment based on association/perception. A victim does not have to possess the protected characteristic themselves.

**Victimisation:** Victimisation occurs when someone is treated badly because they have made a complaint or raised a grievance under the Equality Act. Treating someone badly because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act). A 'protected act' is: - making a claim or complaint of discrimination (under the Equality Act) - helping someone else to make a claim by giving evidence or information - alleging that you or someone else has breached the Act - doing anything else in connection with the Act - if a school treat a pupil less favourably because they have taken such action then this will be unlawful victimisation. There must be a link between what the pupil did and the treatment of them. The less favourable treatment does not need to be linked to a protected characteristic.

We are committed to creating an environment where no person is subjected to harassment. Our policies and procedures, including our complaints and whistle blowing policies, provide further mechanisms for any concerns to be challenged.

**Gender reassignment:** Where a person proposes to, has started or has completed a process to change his or her sex, they are undergoing gender reassignment for the purposes of the Act.

The Act has changed the definition of gender reassignment by no longer requiring a person to be under medical supervision to be protected. A girl, but who identifies as a boy and chooses to dress and live permanently as a boy without undergoing medical procedures, would be covered. Transgender people who do not intend to transition, in other words, they do not intend to live permanently in the opposite sex to their birth, are not protected by the Act. However, because of the effect of perceptive discrimination, there may be occasions when they are covered by the Act.

**Positive action:** Schools can take positive action if they 'reasonably' believe that people who share a protected characteristic suffer a disadvantage connected to that characteristic. The Equality Act has clear criteria for positive action. They are free to take steps to remove

barriers and rectify disadvantage and identify ways of increasing participation/outcomes. There needs to be evidence on which to base the decision-making.

### **Independent School Standards (ISS) linked to the Equality Act 2010**

Our schools also comply with the ISS linked to the Equality Act 2010 as detailed below:

**Part 1:** Quality of education provided. Personal, social, health and economic education which reflects the school's aims and ethos; and encourages respect for other people, paying regard to the protected characteristics set out in the 2010 Act. 3. Teaching 'does not discriminate against pupils', contrary to Part 6 of the 2010 Act.

**Part 2:** Spiritual, moral, social, and cultural development of pupils the standard...is met if the proprietor ensures that principles are actively promoted which encourage respect for other people, paying particular regard to the protected characteristics set out in the 2010 Act.

Our school's curriculum explicitly details how we teach pupils about protected characteristics and this is delivered. We are confident that our pupils would be able to speak with confidence about the importance of equality, respect and would be able to outline protected characteristics and demonstrate particular regard to them.