

Diocese of Westminster Academy Trust

Company No 7944160



# St. Catherine of Siena Catholic Primary School

## Equality Policy

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## 1. Aims

Our school aims to meet its obligations under the public sector equality duty by having due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it

## 2. Introduction

St Catherine's school is dedicated to ensuring that all members of the school community and the wider community are treated fairly and with respect by the school and each other. This applies to the school as a place of education, a business and an employer. Prejudice, discrimination and victimisation are not tolerated and we work hard to instil in our pupils a strong understanding of right and wrong, including the importance of inclusion, acceptance and compassion towards others.

This policy sets out how the school will promote equality of opportunity regardless of race, gender, transgender, religion or belief, disability, age and sexual orientation. It is created by St Catherine's Governing body with the help of the schools senior leadership team in line with the Equality Act 2010 and is the foundation of all the school's other policies.

As a Catholic school there are exceptions with reference to religion and belief as the school is obliged to offer places first and foremost to students who are practicing Catholics.

### Equality & The Catholic School (CES)

At St. Catherine's Christ is the foundation of everything we do and the Gospels provide us with our influence and inspiration. Therefore, as a school community, we are committed to promoting:

### The uniqueness of the individual

We believe that every person is a unique individual, created in God's image and loved by Him. We are therefore committed to treat every person with equality of esteem and the respect and dignity afforded to a child of God.

### The search for excellence

We are called to seek perfection in all aspects of our lives. We celebrate the enrichment of the total community which flows from diversity of age, gender, sexuality, racial and social origins, abilities and disabilities, culture and religion. We are committed to ensure that all are to be given every opportunity to develop their talents to the full.

### The education of the whole person

We offer children the experience of life in a community founded on Gospel values and working in harmony. Through this and a variety of educational experiences and interactions we aim to prepare young people for a life working with others in communities which may be diverse socially, culturally and religiously. We recognise that it is also important to help pupils to understand their own ethnic identity and cultural heritage as well as helping them to understand that of others irrespective of whether the school serves or is located in an ethnically diverse community.

### The education of all

We have the duty to care for all, with preferential consideration for the poor, and to ensure that we provide for those who are socially, academically, physically or emotionally disadvantaged.

### Staff

As part of our commitment to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment, the school will ensure that:

- All staff appointments and promotions are made on the basis of merit and ability in compliance with the law
- Staffing of the school reflects the diversity of our community wherever possible
- As an employer we strive to ensure that we eliminate discrimination and harassment in our employment practice and actively promote equality across all groups within our workforce
- We respect the religious belief and practice of staff, pupils and parents and comply with reasonable requests relating to religious observance and practice

- We 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

### Moral Principles

Our belief in the Gospel message commits us to be in the forefront of the movement for social and racial justice and harmony. We believe this is fundamental to the common good. We aim to prepare our pupils to serve as witnesses to these moral and spiritual values in the wider world.

Consequently, we will strive to ensure that:

- any person recruited to the service of the school, whether as a member of staff or a volunteer, is made fully aware of our Mission, aims and objectives and required to support them;
- children who are admitted to the school and their families are fully aware of our Mission, aims and objectives and are willing to support them;
- all of our structures and policies are evaluated and kept under constant review in order to see that no individual is subject in any way to unlawful discrimination, whether intentional or unintentional, and to ensure that all are enabled to reach their full potential.

Finally, as a school, we acknowledge that protected groups have often suffered disadvantage due to prejudice or ignorance. We recognise that it is all too easy for the structures of institutions to result in “inequality by default”.

We therefore commit ourselves to take positive steps to examine our policies and practice and to change them where necessary.

### 3. Legislation and guidance

The main reason for adopting an equality policy is to identify, prevent and redress unfair discrimination against disadvantaged groups. This Equality Policy will assist the governing body to address legal, managerial and social issues from the basis of a statement of commitment to equality supported by a more detailed policy and procedures for implementation.

The legal responsibilities of governors with respect to promoting equal opportunities are set out in further detail in the DfE publication, *Governors' Handbook*. Governors are strongly advised to familiarise themselves with this guide.

This document meets the requirements under the following legislation:

- [The Equality Act 2010](#), which introduced the public sector equality duty and protects people from discrimination
- [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#), which require schools to publish information to demonstrate how they are complying with the public sector equality duty and to publish equality objectives

This document is also based on Department for Education (DfE) guidance: [The Equality Act 2010 and schools](#).

This document also complies with our funding agreement and articles of association.

#### The Equality Act 2010

The general thrust of The Equality Act 2010 is to make many activities illegal unless they fall within one or more of the statutory exceptions.

Unlawful discrimination or 'prohibited conduct' under The Equality Act extends to discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation. There is, however, very often a distinction to be made between what a provider of education does as an employer of staff and what that same provider does in relation to its students.

The Law of Education concentrates on students in an educational environment rather than detailed information on discrimination in staff and employment. This needs to be covered under policies as they relate to employment; some reference is made to this in the latter part of these guidelines.

## 4. Discrimination

Discrimination under The Equality Act 2010 can be direct or indirect and the Act also prohibits harassment and victimisation. The ways in which discrimination, harassment and victimisation might become illegal often depend on the type of protected characteristic involved and on the exceptions within the Act. The key sections are relevant to schools, as defined under the Education Act 1996, not to early years settings which are not maintained nursery schools. It should also be noted that victimising a student by reason of protected characteristics amongst their parents or siblings is also generally unlawful.

The governing body of a school must not discriminate against:

- a child applying to be admitted to the school;
- existing students;
- job applicants;
- existing members of staff;

on the grounds of their protected characteristic (that is sex, race, colour, nationality, ethnic or national origins, disability, religion or belief, sexual orientation or marital status).

The Equality Act 2010 lists nine protected groups:

- Age
- Disability
- Ethnicity/Race
- Gender
- Gender reassignment (Transgender)
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Religion and Beliefs
- Sexual orientation

## Age

Age discrimination is a difficult area for local authorities and for all kinds of schools, which have long-arranged classes and phases by chronological age more than by ability or achievement.

However, age discrimination in schools and in local authority provision of schools is not restricted by The Equality Act 2010.

Staff cannot be discriminated against because of their age.

## Disability

There is a general requirement in The Equality Act 2010 to make reasonable adjustments for those with disabilities and a more specific requirement to do so in the field of education. Special educational needs are also relevant to this area of discrimination.

### Accessibility for disabled pupils

The Equality Act 2010 requires local authorities in England and Wales to improve their schools and to improve the ways in which disabled pupils can access their school's student information

and their school's curriculum. After due consultation, there must be a written accessibility strategy which must be implemented within a reasonable time. Inspectors at independent schools will ask to see the accessibility plans and there is a further enforcement regime under which complaints may be made and directions given.

Enforcement of The Equality Act 2010 relating to disability in schools is possible through:

- school admission appeals;
- school exclusion appeals;
- application to the First-tier Tribunal (in England) or the SEN Tribunal for Wales.

## Ethnicity / Race

Race as defined in The Equality Act 2010 includes colour, nationality and ethnic or national origins. Race is essentially a group characteristic, but one racial group can be part of a larger racial group. Discrimination in connection with provision of education on grounds of race is generally unlawful under the Act.



The Act makes it illegal to discriminate in recruitment, promotion, training and transfer, terms and conditions of employment or dismissal on grounds of colour, race, nationality or ethnic or national origins. Discrimination may be direct or indirect (see below). Where persons of a particular racial group are under-represented, either generally or in a section of the workforce, the Act enables employers to advertise vacancies in such a way as to encourage applications from persons of that racial group.

### Race equality

The amendments to the Act give schools a statutory general duty to promote race equality and eliminate unlawful racial discrimination. All schools are required to have a written race equality policy in place.

### Religion or belief discrimination

Education is rife with discrimination on grounds of religion or belief and most of that discrimination is perfectly lawful. In The Equality Act 2010, religion means any religion and reference to religion includes a reference to a lack of religion. Similarly, belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

The trigger sections in The Equality Act 2010 for unlawful discrimination on grounds of religion or belief in schools are admissions and victimisation of students and for conduct of parents.

The most important exceptions to The Equality Act 2010 are:

- if the school has a religious character or a registered religious ethos;
- acts of worship and religious observances at all schools are exempted from the general prohibition of discrimination on grounds of religion or belief if the worship or observance is organised by, or for, the school, whether or not part of the curriculum.

Note: there are many important exceptions from legislation prohibiting discrimination on the grounds of religion or belief in relation to the employment of school head teachers and teaching staff.

## Gender

Under The Equality Act 2010, direct sex discrimination is where A treats B less favourably than A treats others, or would treat others, if the reason for the less-favourable treatment is B's sex or because B is breast-feeding. Women are, however, entitled to special treatment in connection with pregnancy, maternity or breast-feeding. Sex discrimination is generally unlawful in schools.

It covers recruitment policies, dismissals and redundancies, fringe benefits and other non-contractual matters and requires that women and men should be treated equally.

## Gender reassignment (Transgender)

The Equality 2010 Act reminds us that gender reassignment is a process and not an event. Discrimination in connection with the provision of education on grounds of past, present or proposed gender reassignment is generally unlawful.

## Sexual orientation

Discrimination in connection with the provision of education on grounds of sexual orientation is generally unlawful under the provisions of The Equality Act 2010.

## Marriage and civil partnership

Discrimination relating to marriage or civil partnership is not restricted in the provision of education in schools by The Equality Act 2010.

Note: further consideration should be given to this area as it relates to employment law.

## Pregnancy and Maternity

Staff who are pregnant or in a period of maternity will not experience disadvantage due to this. School policies for family leave will ensure a fair process is followed. Recruitment processes will not disadvantage women who are pregnant.

## Religion and beliefs

As a Catholic school we actively encourage students to follow the traditions of the Catholic church and we promote Catholic teachings. However, it is unlawful to discriminate or disadvantage a person on the grounds of their religion or belief.

Complaints about discrimination in maintained schools and academies may be made to the Secretary of State, seeking action by use of powers concerning unreasonable exercise of functions. A school governing body must publish information in their annual report about arrangements for disabled students.

## **5. Employment Equality Regulations**

It is unlawful to discriminate on the grounds of sexual orientation as it relates to employment or vocational training of individuals. Sexual orientation is defined as sexual orientation towards persons of the same sex and/or towards persons of the opposite sex.

The Employment Equality (Religion or Belief) Regulations 2003 make it unlawful to discriminate on the grounds of religion or similar belief in employment and vocational training. Religion or belief is defined as meaning any religion; religious belief or similar philosophical belief.

The legislation gives protection against direct and indirect discrimination, harassment and victimisation and applies throughout the employment relationship, including recruitment and dismissal.

### Direct and indirect discrimination

Direct discrimination is always unlawful (with the exception of genuine occupational requirements

– see below). Direct discrimination occurs when a person is treated less favourably (or in some instances more favourably) than others in the same circumstances because of their sex, sexual orientation, religion or belief, or on racial grounds.

Indirect discrimination can occur when a condition or requirement is applied equally but is such that the proportion of members of one sex, racial group etc. who can meet it is considerably smaller than the proportion of members of the other sex or other racial groups. Indirect discrimination is unlawful unless the person imposing the condition can show that it is justified, irrespective of the sex or race of the person to whom it is applied.

### Genuine occupational requirement

Discrimination is permitted in cases where a person's sex, race, religion or sexual orientation is a genuine occupational requirement for the job.

Examples from the sex discrimination legislation are where a job had to be held by a man and not a woman or vice versa to preserve decency or privacy, such as where the job involved visiting changing rooms while they are in use.

Further exemptions relate to single sex sport. In race discrimination law, provision of childcare or similar service promoting a particular racial group's welfare may be more effectively provided by someone of that race. It may then be permissible to specify that race as a genuine occupational requirement.

### Equal pay

The Act requires that women are paid the same as men, if they are employed to do the same work or work that is of equal value. Governing bodies should ensure that this requirement is complied with when making decisions about pay. The Commission for Equality and Human Rights has issued a code of practice on equal pay in order to provide practical guidance on how to ensure pay is determined without sex discrimination.

### Part-time workers

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 give the right to part-time workers not to be discriminated against in comparison with comparable full-time workers, unless the employer has objective justification. Where appropriate the principle of 'pro rata' treatment should apply.

An example of less favourable treatment would be the automatic selection of part-timers first in a redundancy selection exercise. The school would almost certainly find it impossible to justify this.

These regulations apply both to women and men part-time workers.

Additionally, as the large majority of part-time workers are women, detrimental treatment of part-timers is also likely to be indirect sex discrimination.

## Complaints

In relation to complaints in the employment context, the governing body may be legally responsible for the discriminatory acts against employees or applicants for jobs – including acts carried out by the head teacher or other members of staff. Such cases can be taken to an employment tribunal.

Discrimination complaints involving issues such as the admission of, or equal opportunities for, students can be considered by the Secretary of State or by a county court.

## Disability discrimination

Under The Equality Act 2010, employers, including governing bodies, must not discriminate against disabled people applying for jobs, or against existing disabled staff. For these purposes, a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition is wide. It is unlawful discrimination for an employer to treat a person less favourably than others for a reason relating to disability unless the treatment can be justified by the employer.

The Act imposes a duty on employers to make reasonable adjustments if the premises or employment arrangements substantially disadvantage a disabled person compared with a non-disabled person. Examples might be installation of a ramp for an employee who uses a wheelchair, having staff notices in large print etc. Whether or not a particular adjustment is reasonable depends on a number of factors such as cost, practicability and effectiveness.

Failure to discharge this duty will constitute discrimination unless the employer can justify their action.

Complaints about disability discrimination can be heard by an employment tribunal (if related to an employment matter) or a county court (if they concern supply of goods, facilities or services).

### The Rehabilitation of Offenders Act 1974

This Act provides that if a convicted person completes a specified period without being convicted of further offences then the conviction can be held to be 'spent'. Accordingly these sentences do not have to be revealed and should not be used as a means of excluding people from employment or promotion. The important feature of this legislation is that certain occupations are not within the scope of this Act, for example, a job which involved substantial access to children under 18 years of age.

In the cases of these 'exempt employments', all convictions whether spent or not can be taken into account. The Criminal Records Bureau handles disclosures of this data prior to appointment being made.

### Discrimination, victimisation and harassment

Complaints relating to these matters must be dealt with promptly and investigated using the appropriate procedure, e.g. disciplinary procedure, anti-harassment policy and procedure.

### Who is the employer and who is responsible?

The governing body of an Academy as the employer have powers over the appointment, suspension, discipline and dismissal of staff.

Accordingly, where complaints are made about sex, race or disability discrimination concerning the exercise of these powers, it will normally be the governing body who are the employer.

As an Academy it follows that the governing body of the Academy will be the respondent in employment tribunal discrimination cases brought by members of staff (or job applicants), with any award of compensation or costs made by a tribunal usually paid by the Academy where they are the actual employer of the school staff and where appropriate advice had been taken, e.g. from human resources advisors. Governors should be aware that compensation payments in sex and race discrimination cases are potentially unlimited and also that tribunals have the power to require individuals, as well as employers, to pay compensation.

## **6. Equal Opportunity Policy**

Through this Equal Opportunities Policy, St. Catherine's Catholic Primary School aims to carry out its legal duty in complying with the relevant legislation (including the Equality Act 2010 and Employment Regulations). Our Equal Opportunities Policy is supported by the school's Mission statement and the values which give us purpose, direction and meaning in everything we do. We tackle discrimination and promote equality and good relationships across all areas of school activity and decision making including:

- Progress, attainment and assessments
- Behaviour, discipline and exclusions.
- Pupils' personal development and pastoral care
- Teaching and Learning
- Admissions and attendance procedures.
- Curriculum
- Home school liaison service outreach services
- Staff recruitment and continuing professional development
- Partnerships with parents and communities

### Statement of commitments:

Every adult who works in St Catherine of Siena Catholic Primary School is individually and collectively committed to promoting equality, good relationship. We will not tolerate any unlawful discrimination, rather, will promote equality of opportunities for children and for each other at all times. It is the responsibility of Governors, Headteacher, all staff, pupils, parents and visitors to the school to work together to positively promote equality and good relationships and eliminate discrimination ensuring that this policy is in practise every day.

We will encourage, support and give opportunities for all pupils and staff to reach their potential. The curriculum will take full account of the gender, ethnicity, background, language, ability/disability and religion of every child.

We will monitor pupils' personal development, attainment and progress individually and also anonymously by gender as well as by race, language and ability/disability.

Active steps will be taken to ensure that admissions, attendance, discipline and exclusion processes are fair and equitable to pupils from all ethnic, ability and gender groups.

We will endeavour to complete impact assessments through developing and reviewing school policies.

We will raise children's awareness of this policy and our determination that it is a policy in action each and every day. Staff are committed to listening to children and involving them in all issues related to equality, involving them in decision making, where appropriate.

We will work in partnership with parents and the wider community to establish and promote equality, disseminate good practice and tackle discrimination. We will plan for events to involve parents in their child's education and in the life of the school. We will monitor the views of all members of the school community. Views of parents, the wider community, staff and children will inform planning and decision making.

Recruitment and selection procedures are consistent with The Equality Act 2006 and take account of guidance from the Diocese of Westminster. The training and professional development of all staff enables them to be confident about equality issues.

### Students and the curriculum

The school follows local authority and/or governing body student admission policies that do not permit sex, race, colour or disability to be used as criteria for admission. The school's aim is to provide for all students according to their needs, irrespective of gender, ability or ethnic origin.

The Education Reform Act 1988 stated that 'the school curriculum should reflect the culturally diverse society to which students belong and of which they will become adult members.'

Students should have access to a broad and balanced curriculum which avoids stereotypes and provides good role models for all students. Equality of opportunity should inform the whole of the curriculum and be reviewed regularly. Equal opportunities issues will be taken account of in planning the curriculum. This should be reflected in curriculum planning documentation.



## Identifying Racist, Sexist, Homophobic, Xenophobic Behaviour

At St Catherine of Siena Catholic Primary School, all children and adults are encouraged to live by the Gospel values and respect each other's:

- Cultural heritage
- Beliefs and practices
- Gender
- Disability

And to understand that there are similarities and differences between all people.

There are occasions when a child or adult might exhibit racist, sexist, homophobic, xenophobic behaviour towards another person. These need to be swiftly identified and dealt with.

Racist, sexist, homophobic, xenophobic behaviour can take a variety of forms. Some of these are more obviously offensive than other. However, some apparently harmless incidents can be damaging in the long term. Below are examples of the kinds of incidents that we may encounter:

- Derogatory name calling, insults, abusive jokes and language
- Abusive comments during discussion in lessons
- Ridicule of an individual for cultural, gender, religious, disability differences, believed sexual orientation of child or parent/carer, for example food, music, dress etc.
- Refusal to cooperate with others because of their race, colour, ethnicity, language, religion, gender, believed sexual orientation of child or parent/carer, or disability.
- Verbal abuse and threats
- Physical assault against a person or group
- Abusive graffiti
- Incitement of others to behave in an abusive way
- Bringing abusive material such as leaflets, comics or magazines into school
- Provocative behaviour such as wearing abusive badges or insignia

*Be who God created you to be and you will set the world on fire*

- Attempts to recruit other children to racist, sexist, homophobic, xenophobic organisations and groups
- Cyber- bullying

### Leadership and Management

The Governors, Head teacher and the Leadership team along with all staff are committed to making this policy a reality by:

- Living out our Gospel Values in all we do.
- Creating a positive learning environment which is accessible to every pupil and one which every pupil can relate to.
- Creating a positive learning environment and ethos based on tolerance and respect of differences.
- Tracking every child's achievement, challenging them appropriately and encouraging and supporting all pupils and staff to reach their potential, monitoring the impact of programmes and initiatives.
- Tracking the progress of all ethnic, gender, and ability groups setting relevant targets.
- Ensuring that intervention strategies are available for all pupils who are under achieving.
- Showing commitment to challenging and preventing inequality, clearly articulating the promotion of equality and determination to eliminate discrimination.
- Taking strategic action to raise the attainment and achievement of all underachieving groups, tracking their progress
- Working with parents and the wider community, establishing positive relationships tackling racial discrimination.
- Dealing with reports on racist, sexist, homophobic, xenophobic incidents following the LA reporting procedures dealing with each individual incident appropriately.
- Ensuring that the equality policy and procedures are followed by all and monitor that this policy is alive in the school and is in practise.

## **7. Roles and responsibilities**

### The governing board

The governing board will ensure that the equality information and objectives are published and communicated throughout the school, including to staff, pupils and parents, and that they are reviewed and updated at least once every four years. The equality policy will be reviewed and updated annually. They will delegate responsibility for monitoring the achievement of the objectives on a daily basis to the headteacher.

The governors are responsible for:

- Making sure that the school complies with the Equality Laws.
- Making sure that the Equality Policy and its procedures are followed.
- Ensuring, with the Headteacher that the Equality Policy and procedures are regularly reviewed and their effectiveness evaluated and that the views of all sections of the school community, including children are sought.
- Ensuring that the results of all groups are tracked with equality in mind.

### The Headteacher

The headteacher will promote knowledge and understanding of the equality objectives amongst staff and pupils and monitor success in achieving the objectives – reporting back to governors.

The Head teacher is responsible for:

- Implementing the Equality Policy.
- Assessing and monitoring the impact of the policy through the various Action Plans specifically related to this policy.
- Ensuring that curriculum planning takes account of ethnicity, religion, gender, ability/disability, and the language needs of all pupils.
- Working with the Senior Leadership team in tracking all under-performance and ensuring programmes are in place to ensure all children make progress.
- Ensuring that all staff are fully aware of their responsibilities, that equality thinking is developed and that they are given the opportunity to attend training.

- Taking steps to ensure that everyone associated with the school is kept informed about the school's equality and harassment policies and that they abide by them.
- Ensuring that efforts are made to recruit staff from all communities.
- Ensuring that there is equality of opportunity for access to all staff promotion and training opportunities.
- Making regular reports about equality to governors referring to the impact assessment process of attainment levels and in policy development and review.
- Ensuring the school's monitoring methods from consultation through meetings, surveys, questionnaires, statistics and analysis of data and policies all impacts upon improving attainment, service and school procedures.
- Dealing with harassment and following procedures for handling complaints and incidents.

### All Staff

All school staff are expected to have regard to this document and to work to achieve the objectives set out in the Equality Statement and Objectives document. In addition, it is crucial that everyone is clear about what is expected of them. Promoting equality and raising the achievement of all pupils is the responsibility of everyone, including non-teaching staff and governors.

All staff are responsible for:

- Dealing with racist, sexist, homophobic, xenophobic incidents and reporting these to the Headteacher.
- Eliminating discrimination.
- Promoting Equality and not discriminating on racial, gender, religious, sexual orientation, disability grounds.
- Tracking the progress of individuals and groups, assessing impact.
- Meeting with parents, arranging for interpreters, when necessary and informing them of their child's progress and agreeing targets to support the child's progress.
- Ensuring that they use an inclusive approach via curriculum delivery and teaching strategies.
- Taking up opportunities for training.

## **8. Procedures for review and evaluation**

*The Governing Body has a duty to ensure that policies are regularly monitored and reviewed. Monitoring is an essential aspect of this policy, as it should provide important information by which the school can measure its performance against its aims and objectives. Statistical information can also enable the governors and head teacher to detect where potential or actual imbalances exist and to take steps to correct them.*

*Governors should ensure that the Equality Policy is reviewed every year. The Equality Objectives will be updated at least every four years.*

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