

Oswaldtwistle School

Equality and Diversity Policy

2020-2023



Introduction

The purpose of this policy is to eliminate discrimination, advance equality of opportunity and foster good relations at Oswaldtwistle School. It reflects the legal duties set out in the **Equality Act 2010** and **non-statutory guidance** set out by the government in May 2014. Part One sets out the school's aims to promote equality of opportunity and comply with the Act; Part Two sets out the legal duties which are referred to in Part One.

Part One

Oswaldtwistle School provides education for students who are permanently excluded from their mainstream secondary school and serves the Hyndburn, Rossendale and Ribble Valley areas of East Lancashire. Referrals for permanently excluded students come via the Local Authority's Student Access Team. We also accept referrals for young people working with the East Lancashire Child and Adolescent Service (ELCAS) and experiencing a range of medical conditions and anxieties which make attendance at mainstream school difficult for part their secondary school career. Referrals must be supported by a consultant's letter and completed by the mainstream school where the young person is on roll. Secondary schools in Hyndburn, Rossendale and Ribble Valley can also refer students, who are experiencing behaviour difficulties and may be at risk of permanent exclusion, for an intervention place. The duration and focus of the intervention is agreed at the point of referral with the young person remaining on the roll of both the referring school and Oswaldtwistle School during the placement and until reintegration takes place back to the same school or to a different mainstream school if this is agreed.

At Oswaldtwistle School we have high expectations of all our students, regardless of race, culture, beliefs, gender or special educational needs, and aim to create a supportive and nurturing environment in which our students can engage and learn in safe, secure and stimulating surroundings. We aim to make a difference to the lives of our young people and our core values of 'Respect, Believe, Achieve, Become.' are key to providing equality of opportunity and raising aspiration. Providing equal opportunities allows all students to fulfil their potential. Oswaldtwistle School will take steps to advance equality of opportunity, foster good relations and eliminate discrimination or harassment across all the protected characteristics (age, race, gender reassignment, disability, marriage and civil partnership, religion and belief, pregnancy and maternity, gender, sexual orientation) within the wider community.

Helping students to manage their feelings and behaviour is an important element of our support, providing encouragement and the support they need to help them reach their potential and either re-integrate into mainstream school or take up a place in college or training post 16. Each young person referred to us will access a timetable which will meet their needs, including those who need support that is additional to or different from that of their peers.

- We will take responsibility and necessary steps to meet all students' needs by providing a more personalised curriculum and approach where this is needed, planning reasonable adjustments to enable them to partake as fully as possible within all activities within the school.
- We will make reasonable adjustments to ensure the school environment and activities are as accessible and engaging as possible for students, staff and visitors to the school.
- We are also committed to ensuring staff with a disability have equality of opportunity.



At Oswaldtwistle School:

- We will actively encourage positive attitudes towards students, staff, parents/ carers, mainstream school staff and the wide variety of other agencies working with Oswaldtwistle School and expect everyone to treat others with dignity and respect.
- We will regularly consider the ways in which our teaching and the curriculum provision will support high standards of attainment, promote common values, and help children understand and value the diversity that surrounds them, and challenge prejudice and stereotyping.
- We will monitor the progress and achievement of students by the relevant and appropriate protected characteristics. This information will help the school to ensure that individual students are achieving their potential, the school is being inclusive in practice, and trends are identified. Any trends identified will inform the setting of our equality objectives in the School Continuous Improvement Plan.
- We will collect and analyse information about protected characteristics in relation to staff recruitment, retention, training opportunities and promotions in order to ensure all staff have equality of opportunity
- We will not ask health-related questions to job applicants before offering a job, unless it relates to an intrinsic function of the work they do.
- We will make reasonable adjustments such as providing auxiliary aids for our disabled staff.
- Staff will ensure the curriculum is accessible to all students with special educational needs and disabilities (SEND) or those for whom English is not their first language.
- Auxiliary aids and services will be provided for them, where reasonable adjustments are required.
- By planning ahead, staff will ensure that all students can take part in extracurricular activities and the school will monitor the uptake of these activities to ensure no one is disadvantaged on the grounds of a protected characteristic
- We will work in close partnership with families, community schools and where appropriate further professionals and outside agencies.
- In planning the curriculum and resources the school will take every opportunity to promote and advance equality.
- Bullying and prejudice related Incidents will be carefully monitored and dealt with effectively.
- Regular training will be given to both existing and new staff to ensure that they are aware of the process for reporting and following up incidents of prejudice related bullying.
- We expect that all staff will be role models for equal opportunities, deal with bullying and discriminatory incidents and be able to identify and challenge prejudice and stereotyping.
- Oswaldtwistle School will ensure that the curriculum will include opportunities to raise awareness of equality and diversity.
- We will seek the views of students, parents, community schools, managers and any other outside agencies and visitors to the school to ensure that the school environment is as safe and accessible as possible to all school users.
- We will regularly review our accessibility plans – producing an accessibility action plan to outline how the unit will plan to address any areas for development.
- We will ensure that all staff are aware of their legal duties under the Equality Act 2010, the different forms of discrimination and what 'reasonable adjustments' mean in practice. With training opportunities planned to support this.

- The school will consult with stakeholders i.e. students, families and community schools, to establish equality objectives and draw up a plan based on information collected from protected groups and accessibility planning. These equality objectives will be reviewed and reported on annually.
- When drawing up policies, it is best practice to carry out an equality impact assessment (EIA) to ensure a policy does not, even inadvertently, disadvantage groups of students with protected characteristics. As a minimum, the Management Committee must consider to what extent a new/ revised policy, practice or plan meets the Public Sector Equality Duties (eliminates discrimination, advances equality and fosters good relations for all the protected characteristics) and recommend changes/mitigations should it feel the policy, practice or plan could be improved to fulfil the Duties.

Part Two

Our Legal Duties

Legislation relating to equality and discrimination is laid out in the Equality Act 2010. This legislation covers employment (work), the provision of services and public functions, and education. Employers (schools) are liable for discriminatory acts of their employees if they did not take reasonable steps to prevent such acts. Employees can be liable for acts (where an employer took reasonable steps to prevent such acts).

The Act makes it unlawful for the responsible body (Management Committee) of Oswaldtwistle School to discriminate against, harass, or victimise a student or potential student:

- In relation to admissions
- In the way it provides education for students
- In the way it provides students access to any benefit, facility or service, or
- By excluding a student or subjecting them to any other detriment.

The 'Protected Characteristics' within equality law are:

Age - A person of a particular age (e.g. 32-year-old) or a range of ages (e.g. 18 – 30-year olds). Age discrimination does not apply to the provision of education, but it does apply to work.

Disability - A person has a disability if s/he has, or has had, 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. It includes discrimination arising from something connected with their disability such as use of aids or medical conditions. HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

Gender reassignment - A person (usually with 'gender dysphoria') who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male). 'Trans' is an umbrella term to describe people with this 'Gender Identity'. 'Intersex' or 'Third Sex' is not covered by the Act but the school will treat Intersex children with the same degree of equality as children with gender dysphoria. Children as young as five may begin to show signs of gender dysphoria and therefore it is relevant in any school environment.

Marriage and civil partnership – Marriage and civil partnership discrimination does not apply to the provision of education, but it does apply to work.



Pregnancy and maternity - Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.

Race - A person's colour, nationality, ethnic or national origin. It includes Travellers and Gypsies as well as White British people.

Religion and belief - Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Religion and belief discrimination do not prevent a school from carrying out collective worship or other curriculum-based activities, but students may withdraw from acts of collective worship.

Sex - A man or a woman.

Sexual orientation - A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). Although children may not identify as gay or lesbian when very young, promotion of sexual orientation equality is as relevant in a primary school environment as it is in a secondary school. For example, a child may have an older sibling or parent who is gay. Schools with a particular religious ethos cannot discriminate against lesbian, gay or bisexual students.

It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the student is associated. So, for example, a school must not discriminate by refusing to admit a student because his parents are gay men or lesbians. It would be race discrimination to treat a white student less favourably because she has a black boyfriend.

Definition of Prohibited Conduct' (acts that are unlawful):

Direct discrimination - Less favourable treatment because of a protected characteristic.

Indirect discrimination - A provision, criteria or practice that puts a person at a particular disadvantage and is not a proportionate means of achieving a legitimate aim.

Harassment - Conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It includes harassment by a third party (e.g. customer or contractor) in the employment context.

Victimisation - Subjecting a person to a detriment because of their involvement with proceedings (a complaint) brought in connection with this Act.

Discrimination arising from disability - Treating someone unfavourably because of something connected with their disability (such as periods of absence from work or medical conditions) and failure to make reasonable adjustments.

Gender re-assignment discrimination - Not allowing reasonable absence from work for the purpose of gender-reassignment in line with normal provision such as sick leave).

Pregnancy/maternity related discrimination - Unfavourable treatment because of pregnancy or maternity. It includes unfavourable treatment of a woman or girl because she is breastfeeding.

Discrimination by association or perception - For example, discriminating against someone because they “look gay”, or because they have a gay brother; discriminating against someone because they care for a disabled relative.

Schools are allowed to treat disabled students more favourably than non-disabled students, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with students without disabilities.

Public Sector Duties (applies to schools):

A school must, in the exercise of its functions, give due regard to the need to (in relation to protected characteristics above):

1. Eliminate discrimination, harassment, victimisation and any other prohibited conduct.
2. Advance equality of opportunity (remove or minimise disadvantage; meet people’s needs; take account of disabilities; encourage participation in public life).
3. Foster good relations between people (tackle prejudice and promote understanding).

In practice, ‘due regard’ means giving relevant and proportionate consideration to the duty, so decision makers in schools must have due regard when making a decision, developing a policy or taking an action as to whether it may have implications for people because of their protected characteristics.

Reasonable Adjustments and Accessibility Plans (Schedule 10)

Schools are required to:

- Take reasonable steps to avoid disadvantage caused by a provision, criteria or practice or a physical feature that puts a disabled person at a substantial disadvantage compared to a non-disabled person. This involves removing or avoiding a physical feature, for example steps and lifts.
- Take reasonable steps to provide auxiliary aids/services.
- Provide information in an accessible format.
- Develop and implement (by allocating appropriate resources) Accessibility Plans which will
 1. Increase disabled students’ access to the school curriculum
 2. Improve the physical environment
 3. Improve provision of information.

The duty is an anticipatory and continuing one that schools owe to disabled students generally, regardless of whether the school knows that a particular student is disabled or whether the school currently has disabled students. The school will need to plan ahead for the reasonable adjustments that it may need to make, working with the relevant admissions authority as appropriate.

Aspects of educational legislation have also promoted equal opportunities, for example the Education Act includes a duty for local authorities to educate children with special educational needs in mainstream schools wherever possible.

Responsibilities

Management Committee

- Ensure that the school complies with equality-related legislation.
- Ensure that the policy and its procedures are implemented by the Headteacher.



- Ensure all other Oswaldtwistle School policies promote equality.
- Give due regard to the Public Sector Equality Duty when making decisions.

Headteacher

- Implement the policy and its related procedures.
- Make all staff aware of their responsibilities and provide training as appropriate to enable them to effectively deliver this policy.
- Take appropriate action in any case of actual or potential discrimination.
- Ensure that all staff understand their duties regarding recruitment and providing reasonable adjustments to staff. It is unlawful for an employer to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function of the work - for example ensuring that applicants for a PE teaching post have the physical capability to carry out the duties. Schools should no longer require job applicants to complete a generic health questionnaire. Neither should a school seek out past sickness records until they have made a job offer.
- Ensure that all staff and students are aware of the process for reporting and following up bullying and prejudice-related incidents.

All staff

- Enact this policy, its commitments and procedures, and their responsibilities associated with this policy.
- Deal with bullying and discriminatory incidents, and know how to identify and challenge prejudice and stereotyping.
- Promote equality and good relations and not discriminate on any grounds.
- Attend such training and information opportunities as necessary to enact this policy and keep up to date with equality legislation.
- To be models of equal opportunities through their words and actions.
- Refrain from engaging in discriminatory behaviour or any other behaviour that contravenes this policy.

Visitors (e.g. contractors, parent/carers)

- To be aware of, and comply with, the schools Equality Policy.
- To refrain from engaging in discriminatory behaviour (for example, racist language) on school premises.

Appendix

Definitions:

Equality. This is more clearly defined as equality of opportunity and outcome, rather than equality of treatment. This means treating people fairly and according to their needs as some people may need to be treated differently in order to achieve an equal outcome.

Inclusive Making sure everyone can participate, whatever their background or circumstances.

Diversity. Recognising that we are all different. Diversity is an outcome of equality and inclusion.

Cohesion. People from different backgrounds getting on well together (good community relations). There is a shared vision and sense of purpose or belonging. Diversity is valued. Relationships are strong, supportive and sustainable. Cohesion is an outcome of equality and inclusion.

Community. From the school's perspective, the term "community" has a number of meanings: The school community – the students we serve, their families and the school staff.



The community within which the school is located – in its geographical community, and the people who live and/or work in that area.

The community of Britain – all schools by definition are part of it.

The global community – formed by European and international links.

Gender Dysphoria. Gender dysphoria is a recognised condition in which a person feels that there is a mismatch between their biological sex and their gender identity.

Biological sex is assigned at birth, depending on the appearance of the infant. Gender identity is the gender that a person “identifies” with, or feels themselves to be.