

SS John & Monica's Catholic Primary School

Public Sector Equality Duty Policy



Our Mission

'At SS John and Monica we learn through the example of Jesus to love, respect, understand and value each other'

"All human beings are endowed with a rational soul and are created in God's image; they have the same nature and origin and being redeemed in Christ, they enjoy the same divine calling and destiny... forms of social or cultural discrimination in basic personal rights on the grounds of sex, race, colour, social conditions, language or religion, must be curbed and eradicated as incompatible with God's design."

(Gaudium et Spes 1965 para.29)

At Ss. John and Monica Catholic Primary School we live our Mission every day in the belief that we are all equal in God's eyes Christ is central to the lives of our school community and our school Mission This clearly reflected in our Mission Statement.

Aims of this Policy

- To ensure awareness about the importance of Equality and to ensure a shared understanding of the legal implications of the Equality Act (2010) and the Public Sector Equality Duty (2011)
- To develop the abilities and strengths of each pupil as an individual
- To ensure that the child's development is celebrated through issues of gender, race, characteristic or difference
- To ensure that stereotyping does not take place; that the individual's options are not closed due to expectations of conformity
- To ensure that the all curriculum and extra curriculum provision is accessible to all To ensure that disciplinary procedures apply equally
- To eliminate unlawful discrimination, harassment, victimisation and conduct
- To advance equality of opportunity
- To foster good relations between people who share a protected characteristics and those who do not
- To ensure that the school's budget is allocated so that resources are available to all and inclusion and access are discussed at Governor level
- To ensure that staff are aware of their rights under this duty

Public Sector Equality Duty (2011)

The PSED or Public Sector Equality Duty came into effect in April 2011 as a direct result of the Equality Act 2010. This Policy discusses the key points of interest within the 2010 Act and the implications for Ss. John and Monica Catholic primary School within the requirements of the 2011 duty. The PSED has three main parts.

This duty replaces all previous duties and considers other legislation (for example the Disability Discrimination Act, 2001 and Disability Equality Duty, 2005, Equality Act 2006 (Gender), Race Relations (Amendment) Act 2000, Equal Pay Act 1970, Equal Pay (Amendments) Regulations 1983).

Public bodies, including schools are required to have 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, and between people who share a protected characteristic and people who do not share it

We have due regard for the duty. Due regard means:

- Removing or minimising disadvantages suffered by people due to their protected characteristic
- Taking steps to meet the needs of people from protected groups where these are different from the needs of 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 makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a pupil or potential pupil:

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

The Equality Act further sets out that:

- Meeting different needs involves taking steps to take account of disabled persons' disabilities
- Fostering good relations involves tackling prejudice and promoting understanding between those who share a relevant protected characteristic and those who do not
- Compliance with the duties may involve treating some persons more favourably than others, although this is not to be taken as permitting conduct otherwise prohibited by the Act It is unlawful for a school to discriminate against a pupil or prospective pupil (or member of staff) by treating them less favourably because of their:
 - Age
 - Sex
 - Race
 - Disability
 - Religion or belief
 - Sexual orientation
 - Gender reassignment
 - Pregnancy or maternity
 - Marriage & Civil Partnership

'Prohibited Conduct' (acts that are unlawful)

Discrimination arising from disability

(1) A person (A) discriminates against a disabled person (B) if—

- (a) A treats B unfavourably because of something arising in consequence of B's disability, and
- (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

(2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

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

Combined discrimination: dual characteristics

(1) A person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.

(2) The relevant protected characteristics are—

- (a) age;
- (b) disability;
- (c) gender reassignment;
- (d) race
- (e) religion or belief;
- (f) sex;
- (g) sexual orientation.

(3) For the purposes of establishing a contravention of this Act by virtue of subsection (1), B need not show that A's treatment of B is direct discrimination because of each of the characteristics in the combination (taken separately).

(4) But B cannot establish a contravention of this Act by virtue of subsection (1) if, in reliance on another provision of this Act or any other enactment, A shows that A's treatment of B is not direct discrimination because of either or both of the characteristics in the combination.

(5) Subsection (1) does not apply to a combination of characteristics that includes disability in circumstances where, if a claim of direct discrimination because of disability were to be brought, it would come within section 116 (special educational needs).

(6) A Minister of the Crown may by order amend this section so as to—

- (a) make further provision about circumstances in which B can, or in which B cannot, establish a contravention of this Act by virtue of subsection (1);
- (b) specify other circumstances in which subsection (1) does not apply.

(7) The references to direct discrimination are to a contravention of this Act by virtue of section 13.

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 and failure to make reasonable adjustments

Age

(1) In relation to the protected characteristic of age—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

(2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

Sex

In relation to the protected characteristic of sex—

- (a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

Race

(1) Race includes—

- (a) colour;
- (b) nationality;
- (c) ethnic or national origins.

(2) In relation to the protected characteristic of race—

- (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.

(3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.

(4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.

(5) A Minister of the Crown Enterprise & Regulatory Reform Act 2013

- (a) [Enterprise & Regulatory Reform Act 2013] amend this section so as to provide for caste to be an aspect of race;
- (b) Enterprise & Regulatory Enterprise Reform Act 2013 amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.

(6) The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act

Disability

(1) A person (P) has a disability if—

- (a) P has a physical or mental impairment, and
- (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

(2) A reference to a disabled person is a reference to a person who has a disability.

(3) In relation to the protected characteristic of disability—

- (a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;
- (b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.

(4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—

- (a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and
- (b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.

(5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).

(6) Schedule 1 (disability: supplementary provision) has effect.

Religion or belief

- (1) Religion means any religion and a reference to religion includes a reference to a lack of religion.
- (2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
- (3) In relation to the protected characteristic of religion or belief—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

Sexual orientation

- (1) Sexual orientation means a person's sexual orientation towards—
 - (a) persons of the same sex,
 - (b) persons of the opposite sex, or
 - (c) persons of either sex.
- (2) In relation to the protected characteristic of sexual orientation—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.

Gender reassignment

- (1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
- (2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.
- (3) In relation to the protected characteristic of gender reassignment—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;
 - (b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

Marriage and civil partnership

- (1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.
- (2) In relation to the protected characteristic of marriage and civil partnership—
 - (a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;
 - (b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners

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

Direct discrimination

- (1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

- (2) If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim.
- (3) If the protected characteristic is disability, and B is not a disabled person, A does not discriminate against B only because A treats or would treat disabled persons more favourably than A treats B.
- (4) If the protected characteristic is marriage and civil partnership, this section applies to a contravention of Part 5 (work) only if the treatment is because it is B who is married or a civil partner.
- (5) If the protected characteristic is race, less favourable treatment includes segregating B from others.
- (6) If the protected characteristic is sex—
- (a) less favourable treatment of a woman includes less favourable treatment of her because she is breast-feeding;
 - (b) in a case where B is a man, no account is to be taken of special treatment afforded to a woman in connection with pregnancy or childbirth.
- (7) Subsection (6)(a) does not apply for the purposes of Part 5 (work).
- (8) This section is subject to sections 17(6) and 18(7).

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

Schools with a religious character

Ss. John and Monica is a School with a Religious Character. Schools with a religious character commonly known as faith schools have certain exceptions to the religion or belief provisions which allow them to discriminate because of religion or belief in relation to admissions and in access to any benefit, facility or service.

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

Information about the admissions criteria at Ss. John and Monica Primary School is available on our website.

In addition, as a Catholic School we can offer services, resources and pastoral support that is specifically indicated for children and staff of the Catholic Faith without it being construed as discriminatory.

The Equality Duty at Ss. John and Monica Catholic Primary School

We have an accessibility plan in place which forms part of the policies we have in school to ensure that pupils, staff and other stakeholders such as parents and visitors to school receive equal opportunities within the protected characteristics (e.g. age, race, disability, gender).

Reasonable Adjustments and Accessibility Plans

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
- Increase disabled pupils access to the school curriculum
- Improve the physical environment
- Improve provision of information.

We are continually trying to improve the school environment and curriculum to make it easier for all pupils, parents, staff and visitors to access the building and services we provide. In addition we are looking at ways to improve our spoken and written communication between the school and our pupils, parents and other interested parties.

As part of the explicit requirements of the Equality Act (2010) and PSED (2011) Ss. John and Monica Catholic Primary School has set itself some targets to support the inclusion of all pupils, staff and Stakeholders. This means advancing equality of opportunities as follows...

- a) Removing or minimising disadvantages suffered by people which are connected to a particular characteristic they have (for example disabled pupils, or gay pupils who are being subjected to homophobic bullying)
- b) Taking steps to meet the particular needs of people who have a particular characteristic (for example enabling Muslim pupils to pray at prescribed times)
- c) Encouraging people who have a particular characteristic to participate fully in any activities (for example encouraging both boys and girls, and pupils from different ethnic backgrounds, to be involved in the full range of school societies)

We have set ourselves these medium term targets:

- To monitor and analyse pupil achievement by ethnicity, gender and special educational need or disability and act on any trends or patterns in the data that require additional support for pupils so that we are ensuring fair and equal access to the curriculum for all
- To raise levels of attainment in the core subjects for vulnerable learners. For vulnerable/disadvantaged learners (FSM/ PP) to achieve national expectation or better in Reading, Writing, EGPS and Maths and to narrow the gap with their non-disadvantaged peers
- To ensure that attendance rates for pupils with protected characteristics is in line with those pupils without said characteristics
- Training for staff to extend their skills and knowledge in managing Special Educational Needs and Disabilities (SEND) and ensuring that all pupils have the best opportunities to achieve and succeed
- Improve our methods of spoken and written communication with all stakeholders so that through our spoken communication, website, newsletters, letters to parents and Twitter we are

promoting open and clear communication with all stakeholders and meeting their communication access requirements (such as enlarged documents etc.)

Responsibilities

Governing Body

- Ensure that the school complies with equality-related legislation
- Ensure that the policy and its procedures are implemented by the Head Teacher
- Ensure all other school policies promote equality
- Give due regard to the Public Sector Equality Duty when making decisions

Head Teacher

- 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 pupils 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 Pupils
- Refrain from engaging in discriminatory behaviour or any other behaviour that contravenes this policy

Visitors (e.g. parent helpers, contractors)

- To be aware of, and comply with, the school's equality policy
- To refrain from engaging in discriminatory behaviour (for example, racist language) on school premises

Staff Issues

In the case of Voluntary Aided Schools, the Governors themselves are the employers of staff and are responsible for equal opportunity matters in employment. They intend that, consistent with their obligation to secure, preserve and develop the religious character of the school, no job applicant or employee shall receive less favourable treatment because of his or her gender, race, disability, age or difference. This applies to all people employed by the Governing Body whether full or part time.

All persons involved with selection, interview and appointments shall be made aware of the Act and their obligations. Applicants for vacancies will be made aware of their entitlements by appropriate means. The Governors will continue to apply the CES conditions of service and all national and local agreements as appropriate.

Governing Body will develop a programme of action to ensure implementation of the policy through provision of training and monitoring.

There are cases when the schools Catholic Trust Deed qualifies the Governors to make exceptions to the law with regard to recruitment. In order to avoid breaches in the Act, advice will be sought from HR or the Diocese in matters of staff recruitment. With regard to employment, it is a condition of employment that the member of staff is able to sign the CES Contract stating that they will support and uphold the values and teachings of the Catholic Church in their personal and professional life.

Recruitment

We may apply religious criteria when recruiting or dismissing any member of the teaching staff. In recruitment, remuneration and promotion, although we seek to appoint the person most suitable for the post, we may give preference to persons

- Whose religious opinions are in accordance with the Catholic faith
- Who attends religious worship
- Who give, or are willing to give religious education

In considering dismissals, the governing body may have regard to any conduct that is incompatible with the precepts

Health related questions for Staff

It is unlawful for employers to ask health-related questions of applicants before a job offer, unless the questions are specifically related to an intrinsic function of the work. This means that schools should no longer, as a matter of course, require job applicants to complete a generic health questionnaire as part of the application procedure. There are potential implications in relation to establishing teachers' fitness and ability to teach (as required by the Health Standards (England) Regulations 2003). Schools may decide to ask necessary health questions after job offer. In any case, they should ensure that any health-related questions are targeted, necessary and relevant to the job applied for.

Monitoring

Monitoring of this Policy is the responsibility of the Governing Body and through delegated responsibility the Head Teacher.

Conclusion

If there is anything we can do to make it easier for you to visit, work or learn at our school or so that you can access the information we provide then please ask us and we will do our best to help you.

April 2026

To be reviewed April 2028