



THE WESTLEIGH SCHOOL
Aspiring & Achieving Together

Equality and Disability Policy

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At The Westleigh School we aim to promote equality and diversity and tackle any form of discrimination. We seek to remove any barriers to access, participation, attainment and achievement. We will promote community cohesion at school, national and global levels and implement all necessary actions in relation to ethnicity, religion or belief and socio-economic background.

1. Values and ethos

We encourage students to:

- Reach the highest possible standard in all areas of the curriculum.
- Develop high esteem and the self-confidence to become flexible and adaptable in order to meet the challenges of the modern world.
- Become independent, critical thinkers.
- Respect themselves, others and the environment in which they live.
- Develop self-discipline and take responsibility for their own actions and learning.

The School will provide:

- A stimulating learning environment where students are supported, challenged and encouraged to succeed through a broad balanced curriculum, supported by varied extra-curricular activities.
- Teaching of the highest standard.
- A caring and secure place of learning.

The School will promote:

- A strong and healthy three way partnership between school, home and the wider community.
- An effective and sensitive leadership style, that seeks to develop the potential in all members of the school community.

An ethos of continuous improvement in which all people are expected to contribute to the achievement of these aims.

To meet its duties in respect of Equality Schemes for Disability, Race and Gender, the school will aim to:

- Provide a secure environment in which all our students can flourish and achieve in order to be healthy, stay safe, enjoy and achieve, make a positive contribution, and enjoy economic well-being.
 - If required, eliminate unlawful gender discrimination and harassment;
 - If required, eliminate discrimination that is unlawful under the DDA;
 - Promote positive attitudes towards disabled people;
 - Encourage participation by disabled people in public life;
 - Prepare students for participation in Britain's multi-ethnic, diverse society;
 - Help all students develop a sense of personal and cultural identity that is confident and open to change;
 - Acknowledge the existence of racism and take steps to prevent it;
 - Oppose all forms of racism, xenophobia, racial prejudice and racial harassment;
 - Work with parents and the wider school community to promote equality of opportunity for all.
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To achieve these aims we will:

- Involve stakeholders in the development and review of policy relating to Equality and Diversity.
- Publish and share our policy with the school and wider community.
- Collect and analyse data to ensure all groups are progressing well and no group is subject to disadvantage.
- Use all available information to set suitable learning challenges for all, respond to students' diverse needs and overcome any potential barriers to learning.
- Have high expectations of behaviour which demonstrate respect to others.

2. Responsibilities

The Governing Body

The Governing Body is responsible for:

- The school's compliance with Equality and Diversity legislation.
- The school's implementation of an admissions policy which is fair and equitable in its treatment of all groups.
- Being involved, as appropriate, in dealing with serious breaches of the policy.

The Headteacher

It is the Headteacher's responsibility, in conjunction with the Senior Leadership Team, to:

- Implement the policy and its strategies and procedures.
- Ensure that all staff receive appropriate and relevant Continuous Professional Development (CPD).
- Actively challenge and take appropriate action in any cases of discriminatory practice.
- Deal with any reported incidents of harassment or bullying in line with guidance.
- The Headteacher will report annually to the Governing Body on the school's compliance with the Equality and Disability Policy.

All staff

It is the responsibility of all staff to:

- Be vigilant in all areas of the school for any type of harassment and bullying.
- Deal effectively with all incidents of victimisation caused by perceived differences.
- Promote an inclusive curriculum and whole school ethos which reflects our diverse society and challenges bias and stereotyping.
- Promote equality and good relations and not discriminate on grounds of age, gender, race, colour, religion, disability or sexual orientation.
- Keep up to date with equality legislation, development and issues by attending relevant training and accessing information from appropriate sources.

3. Monitoring and Evaluation

Data will be used to monitor the attainment and progress of students by gender, special educational need, free school meals (FSM), Pupil Premium and ethnic group; The results of review and evaluation procedures will inform planning, target setting and school improvement objectives.

The site issues relevant within the Accessibility Plan are incorporated within the DES, published on the school website. The policy and plans will be reviewed every three years.

4. Disability Equality and Accessibility Plan

Definition of disability

A disabled person (child or adult) is someone who has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. A physical or mental impairment includes sensory impairments; impairments relating to mental functioning, including learning disabilities; and long term health conditions such as diabetes, epilepsy, HIV infection, cancer or multiple sclerosis.

- Substantial means more than minor or trivial.
- Long-term means an impairment that has lasted at least 12 months, or is likely to last 12 months or for the rest of the person's life.
- Normal day-to-day activities cover the following categories: mobility; manual dexterity; physical coordination; continence; ability to lift carry or otherwise move everyday objects; speech, hearing or eyesight; memory or ability to concentrate, learn or understand; perception of the risk of physical danger.

Someone with impairment may be receiving medical or other treatment which alleviates or removes the effects of that impairment (but not the impairment itself). In such cases the treatment should be disregarded and the impairment is taken to have the effect it would have had without the treatment. Some people are automatically deemed to have a disability covered by the Act – those with HIV, cancer, MS, and severe disfigurements. There are special provisions for people with progressive or recurring conditions.

New provisions relating to disability

The disability provisions in the Equality Act 2010 mainly replicate those in the former Disability Discrimination Act (DDA). There are some minor differences as follows:

Unlike the DDA the Equality Act does not list the types of day to day activities which a disabled person must demonstrate that they cannot carry out, thus making the definition of disability less restrictive for disabled people to meet.

Failure to make a reasonable adjustment can no longer be defended as justified. The fact that it must be reasonable provides the necessary test. Direct discrimination against a disabled person can no longer be defended as justified – bringing it into line with the definition of direct discrimination generally.

From September 2012, schools and local authorities have a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through Special Educational Needs (SEN) statements or from other sources. In practice this will already be being done in many cases.

Equality Act - Definition of disability

The Equality Act defines disability as when a person has a 'physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities.' Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

The Act sets out details of matters that may be relevant when determining whether a person meets the definition of disability. Long term is defined as lasting, or likely to last, for at least 12 months.

Unlawful behaviour with regard to disabled pupils

Direct Discrimination: A school must not treat a disabled pupil less favourably simply because that pupil is disabled – for example by having an admission bar on disabled applicants.

A change for schools in this Act is that there can no longer be justification for direct discrimination in any circumstances. Under the DDA schools could justify some direct discrimination – if it was a proportionate means of meeting a legitimate aim. What the change means is that if a school discriminates against a person purely because of his or her disability (even if they are trying to achieve a legitimate aim) then it would be unlawful discrimination as there can be no justification for their actions.

Indirect Discrimination: A school must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only – for example having a rule that all pupils must demonstrate physical fitness levels before being admitted to the school – unless they can show that it is done for a legitimate reason, and is a proportionate way of achieving that legitimate aim.

Discrimination arising from disability: A school must not discriminate against a disabled pupil because of something that is a consequence of their disability – for example by not allowing a disabled pupil on crutches outside at break time because it would take too long for her to get out and back. Like indirect discrimination, discrimination arising from disability can potentially be justified.

Harassment: A school must not harass a pupil because of his disability – for example, a teacher shouting at the pupil because the disability means that he is constantly struggling with class-work or unable to concentrate.

Disability Equality Duty: Schools previously had a statutory duty which required them to take proactive steps to tackle disability discrimination, and promote equality of opportunity for disabled pupils. Under the Equality Act, this has been replaced by the general equality duty and the new specific duties – covered in chapter 5 of this guidance.

Reasonable adjustments and when they have to be made: The duty to make reasonable adjustments applies only to disabled people. For schools the duty is summarised as follows: Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.

Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.

Schools are not subject to the other reasonable adjustment duty to make alterations to physical features because this is already considered as part of their planning duties.

Achievements:

A detailed analysis of outcome data for disabled students will focus on:

- Exams
- Accredited learning
- End of key stage outcomes
- Achievements in extra-curricular activities
- Broader outcomes such as those set out in Every Child Matters.

Promoting equality of opportunity

The DES indicates many of the reasonable adjustments that will be made to secure equality of opportunity. In addition, staff will consider the reasonable adjustments required to involve all students in educational trips and visits with appropriate risk assessments.

Eliminating discrimination and harassment

The following actions are planned:

- Training opportunities for teaching assistants and other staff in meeting the needs of students with SEND and general learning difficulties;
- Information on all students with disabilities to be made available digitally and securely for staff;
- Awareness raising of disability-related harassment through assemblies and SMSC /PSHE programmes;
- Review of anti-bullying policy

Promoting positive attitudes

We will seek to promote positive attitudes to disability in a number of ways including:

- Staff modelling respectful attitudes to disabled students, staff and parents.
- Representation of disabled people in positions of responsibility in the school.
- Ensuring there are positive images of disability in school books and other materials.

Racial Equality

The school currently draws its students from a mixed catchment area and has a genuinely comprehensive intake.

Aims and Values

Our commitment to promoting racial equality and cultural diversity is encapsulated in the aims of the school.

In addition we aim:

- To respect and value the differences between people.
 - To prepare students for participation in Britain's multi-ethnic, diverse society.
 - To make the school a place where everyone, taking account of race, colour, language, religion, ethnic or national origin, feels welcomed and valued and feels a sense of collective and community identity.
 - To help students develop a sense of personal and cultural identity.
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- To promote good relations between different racial, cultural and religious groups within the school and within the wider community.
- To acknowledge the existence of racism and takes steps to prevent it.
- To oppose all forms of racism, xenophobia, racial prejudice and racial harassment.
- To be proactive in tackling and eliminating unlawful discrimination. Our commitment to racial equality and cultural diversity involves all members of the school community – students, staff, parents/carers, governors and visitors, and applies to all areas of school life.

Commitments

We are committed to:

- Actively tackling racial discrimination and promoting equal opportunities.
 - Promoting positive approaches to diversity.
 - Involving students, parents/carers, staff and governors in developing policies, procedures and practices which tackle racial discrimination and promote inclusion.
 - Monitoring teaching and curriculum development to ensure high expectations of all students
 - Encouraging and supporting all students and staff to achieve their best.
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ANNEX 1

EQUALITY ACT 2010 (Summary Guide)

Summary

The Equality Act came into force from October 2010 providing a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination. The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

Many pieces of legislation were merged into this one act, including the former Disability Discrimination Act 1995. The Equality Act aims to:

- Strengthen disabled people's protection from discrimination.
- Protect people from discrimination by association and perception.
- Operate a Single Public Sector Equality Duty covering 8 protected characteristics. The protected characteristics are: Age Disability Gender reassignment Pregnancy and maternity Race Religion and belief Sex Sexual orientation.
- Promote Positive Action in recruitment and promotion which gives greater scope to address deficits in the workforce.
- Strengthen the powers of employment tribunals.
- Strengthen the protection for pregnant women and breastfeeding mothers.
- Ban discrimination in private members' clubs.

Employers Responsibilities

As an employer you must **not**:

- Treat a job applicant worse than another job applicant because of disability (this is called direct discrimination).
- Do something which has (or would have) a worse impact on them and other people who share a particular protected characteristic than on people who do not have that characteristic. Unless you can show that what you have done, or intend to do, is objectively justified, this will be indirect discrimination. 'Doing something' can include making a decision, or applying a rule or way of doing things.
- Ask questions about health or disability before a job offer has been made, **UNLESS** you are asking in case the applicant needs any reasonable adjustments making in order to help in the recruitment process e.g. a ramp to get into the interview office, or having a specific impairment is a requirement of the job.

Reasonable Adjustments

Equality law recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker.

The duty to make reasonable adjustments aims to make sure that, as far as is reasonable, a disabled worker has the same access to everything that is involved in doing and keeping a job as a non-disabled person.

In particular, the need to make adjustments for an individual worker:

- Must not be a reason not to promote a worker if they are the best person for the job with the adjustments in place.
- Must not be a reason to dismiss a worker.
- Must be considered in relation to every aspect of a worker's job provided the adjustments are reasonable for you to make.
- Many factors will be involved in deciding what adjustments to make and they will depend on individual circumstances. Different people will need different changes, even if they appear to have similar impairments.

Schools Responsibilities

The Equality Act 2010 prohibits schools from discriminating against, harassing or victimising:

- Prospective pupils
- Pupils at the school
- In some limited circumstances, former pupils.

The main new provisions in the Act regarding disability are to help stop:

- Direct disability discrimination
- Indirect disability discrimination
- Discrimination arising from disability

Schools must also not victimise parents who make complaints. Victimisation is defined in the Act as: Treating someone badly because they have done a 'protected act' (or because the school believes 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 Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that the school or someone else has breached the Act.
- Doing anything else in connection with the Act.
- There is also protection for pupils who are victimised because their parent or sibling has carried out a protected act.

Positive action; Pupils with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions which enable schools to take action to tackle the particular disadvantage, different needs or disproportionately low participation of a particular pupil group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) schools to take proportionate action to address the disadvantage faced by particular groups of pupils. Such action could include targeted provision, resources or putting in place additional or bespoke provision to benefit a particular disadvantaged pupil group.

Positive action is intended to be a measure that will allow schools to provide additional benefits to some pupils to address disadvantage and is not the same as positive discrimination. Positive discrimination would be providing preferential treatment for a particular disadvantaged pupil group that exceeded the positive action conditions. It is never unlawful to treat disabled pupils (or applicants) more favourably than nondisabled pupils (or applicants). That is, a school is permitted to positively discriminate in favour of disabled pupils (applicants).

Annex 2: EQUALITIES OBJECTIVES ACTION PLAN

Objective Please give an end date/timescale to each action (i.e. by.....)	Which protected group(s) will this most affect/influence	How will we know we have achieved the objective?	Lead and other key players	Actions Please give an end date/timescale to each action (i.e. by....)	Annual Red/Amber/Green rating
To impact assess key policies – Behaviour policy in the first instance	All pupils	Adoption of revised policies	TKS/GJS		
To provide training to staff on hidden disabilities – raise awareness and provide T&L strategies	SEND	Training programmes, CPD evaluation	GJS	GJS to develop a whole staff training programme.	
Develop the equality culture at school.	LGBT Vulnerable students	Student voice is positive Bully rates remain low	TKS	Set up the LGBT group – Achieve the rainbow award Set up the anti-bullying group – achieve the Princess Diana Award.	