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<tr>
<th>POLICY DOCUMENT</th>
<th>Equalities Scheme for Schools</th>
</tr>
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<tr>
<td>STATUTORY FOR ACADEMY SCHOOLS</td>
<td>Standard</td>
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<tr>
<td>Legislation: Education/Other</td>
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<td></td>
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<td>Lead Governors (monitoring)</td>
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<tr>
<td>Publication /Revision Date</td>
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<td>Committee Approval Date</td>
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<td>Full Governors Ratification Date</td>
<td>12 July 2012</td>
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<td>Race Equality Policy</td>
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<td>Anti Bullying Policy</td>
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<td>Promoting Diversity and Equality of Opportunity in Employment</td>
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East Sussex
Equality Exemplar Scheme
for Schools
Link Governor: Tove Sorensen-Bentham
Updated Version October 2010

Adapted for The Cavendish School
June 2011 – Draft Year 1, to be reviewed and updated annually

This is a working document which will be monitored and reviewed annually.
Adopted by Governors 12 July 2011

East Sussex Children’s Services Equality and Engagement team.
Contact equalityandengagementteam@eastsussex.gov.uk
01273 482302
Any comments will be welcomed by the Equality and Engagement team.
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Section 1

Introduction

The purpose of this document is to:

- provide a practical tool which will support schools in amalgamating their individual policies relating to equality

Schools can opt to produce a single coherent and meaningful equality scheme. Whether separate or joint schemes are produced, they should be cross-referenced within the School Improvement Plan (SIP) and specific actions may be included in a range of other documents.

Background and influences

Over recent years, schools have (in line with other institutions and public bodies) been working towards an improved understanding of the diverse nature of their communities. Much of this work is in response to legislation that places an increased duty on schools and other settings. Legislation requires schools both to eliminate direct or indirect discrimination, victimisation or harassment and to promote equality for pupils/students, staff and others who use school facilities. These developments reflect the growing awareness of the need to view different equality strands beneath one umbrella, rather than seeing them as separate factions competing with each other for time and resources.

Furthermore, narrowing (and ultimately closing) the gap between the progress and attainment of children from disadvantaged backgrounds and their peers is central to the Children Plan: Building Brighter Futures\(^1\) and the recognition of diversity and promotion of inclusive and equality practices will be central to achieving this vision.

East Sussex has produced an Equalities Framework for Schools\(^2\) which provides comprehensive background information about legal duties and links with local and national drivers. This is available to download on CZONE.

How to use this exemplar scheme

This document provides schools with a template from which to develop and customise their own single equality policy. Schools will want to produce a document which accurately reflects their own character, ethos and individuality.

Use the questions in the blue boxes to help your thinking about your school and its unique approach

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\(^1\) Building Brighter Futures. Department of Children, Schools and Families, 2007

\(^2\) East Sussex Equalities Framework for Schools 2007
Equality Scheme

Why we have developed this Equality Scheme

This Equality Scheme for Cavendish School brings together schemes and action plans for Race, Gender and Disability equality, meeting the current statutory duties in these areas. However, it goes far beyond these strands to include sexual orientation, religion or belief, gender reassignment and every aspect which has the potential to discriminate against or to devalue any individuals within our community such as against those with special educational needs or potential language barriers. We are further committed to the development of cohesive communities both within our physical boundaries and within our local, national and global environments. Our school embraces the aims of the Every Child Matters agenda and these have informed and shaped this document.

The Cavendish School Equalities Policy was updated in January 2011. The Cavendish Mission Statement “Outstanding in all we do” document demonstrates our philosophy on inclusion for all within the school and the greater community.

Our equality scheme is inclusive of our whole school community – pupils/students, staff, parents/carers/governors and visitors.

The purpose of this Scheme is to set out how our practice and policies can address discrimination, promote inclusive practice and ensure that those in our community requiring extra support receive it.

This scheme will be monitored annually, its impact measured against identified outcomes and reviewed every three years.

Our school within the wider context

The national demographic presents an ever-changing picture in terms of age, ethnicity, disability and social deprivation.

The school addresses the needs of all learners through intervention and tracking. Data regarding ethnicity, SEN is used as part of our tracking process. The school holds data on students and staff regarding age, gender, medical conditions, culture and ethnicity. Data is published and evidence by RAISE on line, our school monitoring processes, the Annual Census and the Schools Workforce Return.
Overall aims of our scheme

- To eliminate discrimination and harassment.
- To promote equality of access within our school and within our wider community.
- To promote positive attitudes to difference and good relationships between people with different backgrounds, cultures, faiths, abilities and ethnic origins.

To ensure that equality and inclusive practice are embedded across all aspects of school life the scheme is organised using the five Every Child Matters themes:

- Being healthy
- Staying safe
- Enjoying and achieving
- Making a positive contribution
- Achieving economic well-being

Issues relating to adults within the school community can be embraced under these themes and reflected in the action plan.

Our approach

We seek to embed equality of access, opportunity and outcome for all members of our school community, within all aspects of school life.

We actively seek out opportunities to embrace the following key concepts:

- Shared Humanity. Identifying commonality and shared values, aspirations and needs underpins our approach to equality. We value our fundamental similarities and universality
- Valuing difference and diversity. We appreciate the richness within our differences and look for ways of celebrating and understanding them better
- Interdependence, interaction and influence. We recognise that, as they evolve, distinct cultures, beliefs and lifestyles will impact on and inform each other
- Social cohesion within our school and within our local community
- Excellence. We aim to inspire and recognise high personal and collective achievement throughout our community, the UK and the wider world. Excellence is to be found everywhere
- Personal and cultural identity. We will provide opportunities to explore and value the complexity of our personal and cultural identities
- Fairness and social justice. We will develop our understanding of the inequality that exists in society and explore ways of individually and collectively promoting a more equitable society

Please refer to our Mission Statement
Our vision statement

Cavendish School seeks to foster warm, welcoming and respectful environments, which allow us to question and challenge discrimination and inequality, resolve conflicts peacefully and work and learn free from harassment and violence.

We recognise that there are similarities and differences between individuals and groups but we will strive to ensure that our differences do not become barriers to participation, access and learning and to create inclusive processes and practices, where the varying needs of individuals and groups are identified and met. We therefore cannot achieve equality for all by treating everyone the same.

We will build on our similarities and seek enrichment from our differences and so promote understanding and learning between and towards others to create cohesive communities.

Our duties

We recognise and accept our duties and responsibilities to eliminate discrimination and promote equality, including the requirement to involve the whole school community in the process in order to ensure better outcomes for all.

Our statutory duties are contained within:

- The Equality Act 2010
- Equality Act 2006 (which introduced the gender equality duty)
- Race Relations (amendment) Act 2000
- Disability Discrimination Act 2005
- Education and Inspections Act 2006
- Education and Inspection Act 2006 (which introduced the Community Cohesion duty)

See Appendix A for further information about legislation

They are also guided and shaped by a range of other national and local initiatives such as Every Child Matters – Change for Children and The Children’s Plan.

We will ensure we identify opportunities for promoting our vision, the key concepts and our duties on equality legislation across all aspects of school life, including the provision of extended services.

These opportunities are likely to include all or some of the following, dependent on our current priorities.

- the participation and involvement of a broad and diverse range of children and young people and their parents
- preparation for entry to the school
- school policies
- breaks and lunchtimes
- the provision of school meals

---

3 Every Child Matters – Change for Children
• interaction with peers
• opportunities for assessment and accreditation
• exam arrangements
• behaviour management approach and sanctions
• exclusion procedures
• school clubs, activities and school trips
• the school's arrangements for working with other agencies
• preparation of pupils for the next phase of education
• learning and teaching and the planned curriculum
• classroom organisation
• timetabling
• grouping of pupils
• homework
• access to school facilities
• activities to enrich the curriculum, for example, a visitor to the school or Theatre in Education (TIE).
• school sports
• employees’ and staff welfare

The roles and responsibilities within our school community

Our Headteacher will:

• ensure that staff, parents/carers, pupils/students and visitors and contractors are informed about the Equality Scheme
• oversee the effective implementation of the scheme
• ensure staff have access to training which helps to implement the scheme
• develop partnerships with external agencies regarding the policy so that the school’s actions are in line with the best advice available
• monitor the scheme and report to the Governing Body at least annually on the effectiveness of the policy
• ensure that the Senior Leadership team (SLT) is kept up to date with any development affecting the policy or actions arising from it

Our governing body will:

• designate a governor with specific responsibility for the Equality Scheme who will work with the School Leadership to review this Scheme as an ongoing working document.
• ensure that the action plans arising from the policy are part of the School Improvement Plan (SIP)
• support the headteacher in implementing any actions necessary
• inform and consult with parents about the scheme
• evaluate and review this scheme every two years

Our Senior Leadership Team will:

• have responsibility for supporting other staff in implementing this scheme
• provide a lead in the dissemination of information relating to the scheme
• with the Headteacher, provide advice/support in dealing with any incidents/issues
assist in implementing reviews of this scheme as detailed in the SIP

Our pupils/students will:

- be involved in the ongoing development of the scheme and will understand how it relates to them, appropriate to age and ability
- be expected to act in accordance with the scheme

Our parents/carers will:

- be given accessible opportunities to become involved in the ongoing development of the scheme
- have access to the scheme through a range of different media appropriate to their requirements
- be encouraged to actively support the scheme
- be encouraged to attend any relevant meetings and activities related to the scheme
- be informed of any incident related to this scheme which could directly affect their child

Our school staff will:

- be involved in the ongoing development of the scheme
- be fully aware of the Equality Scheme and how it relates to them
- understand that this is a whole school issue and support the Equality Scheme
- make known any queries or training requirements

How we will develop our scheme

In line with our equality duties, the development of this scheme will involve the whole of our school community. We will discuss it with them and listen to what they have to say including people from broad and diverse backgrounds and of different abilities and taking account of:

Ethnic and cultural background
Gender
Gender reassignment
Disability
Sexual orientation
Religion or belief
Pregnancy and maternity
Socio-economic background

We will consult with:

- Our students

We will access our student’s views through Student Voice eg working parties: EAL Working Party, Girls’ Participation Working Party.

- Our staff

We follow equal opportunities procedures in recruiting and selecting staff.
Our INSET programme will in future include training in equalities and this scheme will be published to colleagues for comment.

- Our school governors

Governors will review this scheme alongside our Equalities Policy in the summer term annually and review and monitor annually.

- Parents/carers

Parents will be consulted through Parents Forum meetings in the first instance and through the school website and newsletter.

- Minority, marginalised and potentially vulnerable groups

Vulnerable groups have been identified as a school priority. We are an inclusive school and encourage all students to participate in Student Voice

- Our partners in the community

We liaise with the community through:
- Extended schools
- Learning Support Board
- Networking
- Surveys

We will continue to involve and communicate with the wider community.

- Finally:

How are you going to keep the dialogue open? What plans do you have for involving your whole community in your review and monitoring processes?

This scheme will be published on our website in September 2011. We will set up an equalities group involving students, governors, parents, staff and the wider community.

How we identify actions attached to the scheme and prioritise them

Key to this process will be the implementation of Equality Impact Assessments (EQIAs)

We use this tool as a common sense measure of determining whether a policy, practice or project will impact on all groups equally or whether it potentially may have a differential impact on one or more particular group (either positively or negatively). It helps us to ensure that there is no unlawful discrimination against certain individuals or groups and that positive duties are promoted equally. It is a way to ensure we meet the diverse needs of our pupils/students and staff and that diversity, equality and inclusion run through all areas of school life.
Further information about EQIAs can be found in Appendix C

In addition, we know our school well because we regularly collect information about ourselves in a variety of ways and other people help us to do this.

OfSTED inspectors visit us regularly and report on equality issues during our inspection. We collect a range of information relating to incidents of harassment and bullying including those relating to racism, homophobia, disability and gender. Our action plan directly reflects this consultation.

We also complete a Self-Evaluation Framework (SEF) which means we are constantly monitoring the make-up and needs of our staff and pupils/students – and assessing how well we are meeting those needs.

We also value more qualitative information which may be given to us through pupil/learner voice mechanisms, less formally or even anonymously.

The Local Authority provides us with a range of services which support the equality agenda and helps us to identify our strengths and those areas requiring action.

The school makes consistent use of the Anti-bullying service, health partners, Under 19s Substance Misuse service (U19s SMS), Inclusive Learning Consultants, Sussex Police, Children’s Centres, the Traveller Education and English as an additional language (TEAL) and other agencies. We also encourage involvement in school through use of practitioners, consultants and volunteers.

We have established good links with our local and our wider community. We welcome them into our school. From them, we learn about equality issues outside school and can establish mechanisms for addressing them within school.

By listening to those within our community and to our partners, we are able to identify new areas of work, improve existing approaches and focus our energy where it is required.

Commissioned services (procurement)

Increasingly we are directly responsible for the purchase of goods and services such as maintenance, cleaning and security. We work closely with the local authority on procurement to ensure that equality issues are given full regard. When procuring goods and services from external suppliers, we ask the following questions to help ensure that equality issues and duties are taken into account:

- Could the proposed procurement affect the duty to eliminate discrimination and harassment and to promote equality of opportunity amongst the school community?
- If so, is there a need to include some equality requirement within the contract and what would this be?

We ensure that contract conditions require contractors to comply with the relevant legislation and with our equality policy and we require similar compliance by any sub-contractors.
Our Staff

We comply fully with legislation which protects our staff from discrimination on the grounds of gender, transsexual status, race, disability, sexual orientation, religion or belief, or age. With regard to disability, we make such reasonable adjustments as are necessary to prevent a disabled person being at a substantial disadvantage in comparison with people who are not disabled.

This includes discrimination in relation to recruitment, terms and conditions, promotions, transfers, dismissals, training and employment practices (such as dress codes) and disciplinary procedures. We make efforts to ensure that the diversity of our workforce reflects that of our local community and wider society.

We will ensure the safety and well-being of our staff and take seriously and act on incidents of harassment and discrimination recognising that our staff may be either victims or perpetrators.

We interpret our duties positively, take the necessary actions to remove barriers to inclusion and work hard to ensure a safe, positive and inclusive environment.

Responding to equality-related incidents

We recognise that prejudice-based harassment or bullying behaviour is driven by negative assumptions, stereotypes or misinformation. These are then directed against an individual or group, based on difference (real or perceived), and linked to, for example, racism, homophobia, ageism or sexism. We will take action to prevent, challenge and eliminate any such behaviour.

We recognise that we as individuals and society often struggle with difference of any kind (perceived or actual), which can result in seizing upon the most visible sign of difference e.g. skin colour or disability.

Through our school ethos and curriculum, we want our pupils/students to understand better the diversity that exists in society. We want to provide opportunities for them to explore the subtleties and complexities in order to prevent and respond to incidents and situations. We will address the experience, understanding and needs of the victim, the perpetrator, bystanders and the wider school community through our actions and responses.

We will record all incidents that are motivated by racism and report to the Local Authority as requested. We and the County Council will use this information to identify trends and patterns, so that we have approaches in place to provide appropriate responses in terms of support for victims and their families, sanctions and support for perpetrators and their families and education for our children, young people and communities.

The school complies with local authority guidance and protocols.

Implementation, monitoring and reviewing

September – December 2010 Four schools have taken part in a pilot to report all hate incidents to Victim Support
This scheme has been a Working Document since January 2011. It will be submitted to Governors in Summer 2011 and then actively promoted and disseminated.

Implementation, monitoring and review are the responsibility of our Senior Leadership Team and our governors who have agreed and published this scheme which sets out our priorities and supports these within the detailed action plan.

The scheme will be implemented within three years at which point it will be reviewed and revised appropriately. We will report annually on the scheme and will assess the impact of our actions on improving Equality (and in particular educational outcomes) for all within our school community with particular reference to race and faith, gender, disability, sexual orientation, and age.

Action Plan attached
<table>
<thead>
<tr>
<th>ECM Aim:</th>
<th>Duty addressed:</th>
<th>Aim and how it was identified:</th>
<th>Target group(s): e.g. whole school, girls, boys, SEN, staff etc</th>
<th>Action:</th>
<th>Who’s responsible?</th>
<th>Dates from and to:</th>
<th>Outcome(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Being healthy</strong></td>
<td>Gender</td>
<td>To increase the confidence of some female students in accessing sexual health services. Students requesting some single sex SRE</td>
<td>Targeted female students</td>
<td>Establish and run small group sessions for targeted students</td>
<td>Guidance and Welfare/School Nurse</td>
<td>September 2011 – Jan 2012</td>
<td>Reported increase in female pupils/students accessing local sexual health services</td>
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<tr>
<td></td>
<td>Disability/ All</td>
<td>To increase social and emotional skills for pupils/students with BESD (Behavioural, emotional and social difficulties)</td>
<td>Pupils/students with BESD</td>
<td>Train lead staff in guidance and welfare to deliver small group work sessions to support targeted pupils/students in developing social and emotional skills (SEAL Training)</td>
<td>Guidance and Welfare: SEAL (Social and emotional aspects of learning) co-ordinator</td>
<td>June 2011</td>
<td>Improved ability by pupils/students to handle difficult situations and a reduction in classroom disruption</td>
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<tr>
<td></td>
<td>Disability/ Race/ Disability</td>
<td>To increase awareness of social, emotional aspects for learning</td>
<td>All Pupils</td>
<td>Develop schemes of work to include SEAL for all pupils</td>
<td>MP/ BGr</td>
<td>September 2012-2013</td>
<td>Improved classroom behaviours and reduction in incidents with pupils</td>
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<tr>
<td></td>
<td>Race/ Disability</td>
<td>Establish an understanding of language and its effect and the impact negative language has on marginalised groups in society</td>
<td>All pupils</td>
<td>Assemblies to all year groups</td>
<td>BGr</td>
<td>May 2011</td>
<td>Reduction in race/ homophobic language etc. incidents</td>
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<tr>
<td></td>
<td></td>
<td>Further develop an understanding of Inclusive Language</td>
<td>All Pupils</td>
<td>Develop a tutor session revisiting the ‘Inclusive Language’ issue</td>
<td>Lead SEAL/BGr/ Progress Leaders</td>
<td>September – December 2011</td>
<td>Reduction of non inclusive language across the school</td>
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<tr>
<td><strong>Staying safe</strong></td>
<td>Race</td>
<td>To prevent and respond to all incidents of racism and racist bullying</td>
<td>Whole school and specifically pupils/students from BME</td>
<td>To review and update existing policies and practice relating to race equality and racism. Develop an action plan.</td>
<td>SLT</td>
<td>May 2011 – July 2011</td>
<td>New policy in place for equality and Racial equality, re-launch of system for recording racist incidents in line with county</td>
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<tr>
<td>ECM Aim:</td>
<td>Duty addressed:</td>
<td>Aim and how it was identified:</td>
<td>Target group(s): e.g. whole school, girls, boys, SEN, staff etc</td>
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<td>Enjoying and achieving</td>
<td>Disability</td>
<td>To better understand the needs of disabled children</td>
<td>All Disabled pupils</td>
<td>Review SEND policy in line with the ‘Green Paper’</td>
<td>SENCO</td>
<td>October 2011 – Dec 2011</td>
<td>Improved communication with parents/carers regarding their children's needs</td>
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<tr>
<td>Social deprivation</td>
<td>To improve the attainment of pupils eligible for free school meals “Narrowing the Gap” with regard to achievement</td>
<td>Children eligible for free school meals</td>
<td>Collate and analyse data relating to attainment by target group</td>
<td>SLT</td>
<td>Jan 2011 – July 2013</td>
<td>Improved attainment</td>
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<tr>
<td>Making a positive contribution</td>
<td>Community cohesion</td>
<td>To improve parental engagement</td>
<td>Year 7 FSM, EAL, SEND pupils and parents</td>
<td>CPD for year 7 tutors ‘Structured Conversations’</td>
<td>Year 7 Tutors</td>
<td>May 2011 – July 2012</td>
<td>Increased parental engagement and fewer issues emerging later in the school year.</td>
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<tr>
<td>Community Cohesion</td>
<td>To develop links with local primary schools</td>
<td>Vulnerable pupils</td>
<td>Pupils vulnerable to underachievement to visit Motcombe Primary School to work with the young pupils.</td>
<td>Gaynor Lyons</td>
<td>May 2011 – July 2011</td>
<td>Positive links with primary schools and raising self esteem and aspirations of young people</td>
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<tr>
<td>Achieving economic</td>
<td>All</td>
<td>To improve access to funding for families of Pupils eligible for FSM</td>
<td>Send out translated letters to families where English is an Additional Language highlighting</td>
<td>G&amp;W</td>
<td>Sept 2011 –</td>
<td>Increased numbers of FSM children</td>
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<td>ECM Aim:</td>
<td>Duty addressed:</td>
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<tr>
<td>well-being</td>
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<td>pupils eligible for free school meals “Narrowing the Gap” with regard to achievement</td>
<td>the funding that families have access to. Supporting families to complete the paperwork to access FSM</td>
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<td></td>
<td>December 2011</td>
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<tr>
<td>Achieve economic wellbeing</td>
<td>SEN Progress Agenda 2010-11</td>
<td>Head of Learing Support presentation to staff Septembe 2010 – identifying vulnerable groups</td>
<td>Priority One&lt;br&gt;• School Action Plus&lt;br&gt;• NC Level 3a English in Year 6&lt;br&gt;• FSM Priority Two&lt;br&gt;• Middle Ability&lt;br&gt;• Lower Ability Priority Three&lt;br&gt;• LAC&lt;br&gt;• EAL&lt;br&gt;• School Action&lt;br&gt;• Summer Births&lt;br&gt;• Late Arrivals to School</td>
<td>Progress Interventions&lt;br&gt;• The means: The Learning Support Coordinator has an overview but we are all responsible. Wave 1 quality teaching &quot;High-quality inclusive teaching supported by effective whole-school policies and frameworks, clearly targeted on all pupils needs and prior learning….based in planning and schemes of work that are designed to move all pupils from where they are to where they need to be.&quot;&lt;br&gt;• working with department colleagues to share planning, ideas, resources, expertise and CDP to build skills&lt;br&gt;• working with pupils and parents to voice concerns and identify joint approaches&lt;br&gt;• working with form tutors and progress leaders to build knowledge and strengthen expectations&lt;br&gt;• utilising support teams’ knowledge and input and wave 2/3 approaches</td>
<td>SENCO/BGr All staff</td>
<td>Sept 2010 - ongoing</td>
<td>Improved progress for pupils in all vulnerable groups</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td>To promote opportunities for boys and girls to learn more about career opportunities which</td>
<td>AIG that allow pupils/students to explore gender stereotyping in careers To ensure curriculum meets the needs of boys and girls</td>
<td></td>
<td>MPI/BGr</td>
<td>Jan 2011 – July 2012</td>
<td>Positive changes in options choice</td>
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<tr>
<td>ECM Aim:</td>
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<td></td>
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<td>challenge gender stereotyping</td>
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Appendix A Key legislation

<table>
<thead>
<tr>
<th>Area</th>
<th>Legislation</th>
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<tbody>
<tr>
<td>All equality strands</td>
<td>Equality Act 2010</td>
</tr>
<tr>
<td>Age</td>
<td>Employment Equality (Age) Regulations 2006</td>
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<tr>
<td>Gender</td>
<td>Sex Discrimination Act 1975, as amended Equality Act 2006 Sex Discrimination (Gender Reassignment) Regulations 1999</td>
</tr>
<tr>
<td>Race</td>
<td>Race Relations Act 1976, as amended Race Relations Amendment Act 2000</td>
</tr>
<tr>
<td>Religion or belief</td>
<td>Employment Equality (Religion or Belief) Regulations 2003, as amended Equality Act 2006</td>
</tr>
</tbody>
</table>

Equality Act 2010

The Act protects pupils from discrimination and harassment based on 'protected characteristics':

- Disability.
- Gender reassignment.
- Pregnancy and maternity.
- Race.
- Religion or belief.
- Sex.
- Sexual orientation.

This relates to:
• prospective pupils
• pupils at the school
• in some limited circumstances, former pupils

The Act also contains positive action provisions which enable schools to take proportionate action to address disadvantage faced by particular pupils. Such action could include targeted provision, resources or putting in place additional or bespoke provision to benefit a particular disadvantaged pupil group.

Further duties for schools will be implemented in April 2011 with the introduction of the Single Public Sector Equality Duty. Until this commences schools must continue with their existing duties in relation to race, disability and gender as set out below.

There are exceptions to enable single-sex schools to admit only pupils of one sex and for schools with a religious character to enable them to have admissions criteria which give preference to members of their own religion.

For more information:


Race - Race Relations (Amendment) Act 2000

General duties

• To eliminate unlawful racial discrimination
• To promote equality of opportunity
• To promote good relations between people of different racial groups

Specific duties

• To prepare a written race equalities policy
• To implement the policy
• To monitor and evaluate the policy’s impact

Disability - Disability Discrimination Act 2005

The SEN and Disability Act 2001 amended the SEN framework set out in the Education Act 1996, and extended the Disability Discrimination Act (DDA) 1995 to cover the provision of education. Since 2002, three sets of duties have combined to provide the statutory framework that underpins equality of opportunity for disabled pupils in accessing school education. The duties around discrimination, planning, SEN and promotion of equalities combine to provide the statutory framework underpinning equality of opportunity for disabled pupils.

Funding is available to help schools comply with accessibility and planning.
General duties

• To promote equality of opportunity between disabled people and other people
• To eliminate discrimination that is unlawful under the Disability Discrimination Act
• To eliminate harassment of disabled people that is related to their disability
• To promote positive attitudes towards disabled people
• To encourage participation by disabled people in public life
• To take steps to meet disabled people’s needs, even if this requires more favourable treatment

Specific duties

• To prepare and publish a disability equality scheme
• To involve disabled people in the development of a scheme
• To implement the scheme
• To report on the scheme annually
• To review the scheme every three years
• To develop an accessibility plan

Accessibility planning

Accessibility planning is a statutory duty and can be incorporated into the Disability Equality Scheme. Schools must plan for:

• Increasing access for disabled children and young people to the school curriculum
• Improving access to the physical environment of schools, and
• Improving the delivery of written information to disabled children and young people

The first plans were required to be in place by April 2003. Therefore as schools come to review their accessibility plans they should consider building these actions into their Disability Equality Scheme. A comprehensive Access Resource Pack to support schools with accessibility has been developed by the Development Planning Team at ESCC and sent out to all schools. Schools should contact Darren Guyett (01273 481314) if they require a copy.

Community Cohesion – Education and Inspection Act 2006

General duty

• To promote community cohesion

Specific duties

• Teaching, learning and curriculum – helping children to learn to understand others, to value diversity while also promoting shared values
• Equity and excellence – to ensure equal opportunities for all to succeed at the highest possible level
• Engagement and extended services – to provide reasonable means for children, young people, their friends and families to interact with people from different
backgrounds and build positive relations with different schools and communities locally, regionally, nationally and internationally.

**Gender - Equality Act 2006**

**General duties**

- To take action to eliminate unlawful sex discrimination between men and women
- To promote equality of opportunity between men and women including transgender people.

**Specific duties**

- To publish a gender equalities scheme with agreed gender equalities action
- To ensure equal pay by gender
- To gather and use information on how policies and practices affect gender equality
- To consult stakeholders and use that information to identify objectives
- To implement identified actions within three years and to report annually on the scheme

**Sexual orientation**

**The Equality Act 2006 (Sexual Orientation) Regulations 2007**

The regulations make it unlawful for a school to discriminate against a person on the grounds of their sexual orientation:

- In the terms on which it offers to admit him or her as a pupil or to accept him or her as a member of staff
- By refusing to accept an application either to admit him or her as a pupil or as a member of staff
- In the way in which any member of the school community is afforded access to any benefit, facility or service
- By refusing access to any benefit, facility or service
- By excluding, suspending or dismissing him or her
- By subjecting him or her to any other detriment

Discrimination is unlawful in civil law rather than being an offence.

**Religion or belief**

**The Equality Act 2006 Part 2: Discrimination on Grounds of Religion or Belief**

The Act provides that schools (unless in relation to certain exempted areas which are expanded on in Appendix D) will not be allowed to admit or refuse to admit pupils on the basis of religion or belief; and must treat pupils equally, irrespective of their own or their parents' religion or belief or lack of it. Furthermore, the Act makes illegal either direct discrimination (by treating a person less favourably on the grounds of their religion or belief) or indirect discrimination through the application of a provision, criterion or practice which, although it is applied equally to everybody, puts people of a particular religion or belief at a disadvantage. These regulations apply to both adults and young people within the school community. To enable faith schools to
continue to operate in accordance with their particular religious ethos, limited exceptions to the non-discrimination provisions have been introduced. There are also exemptions relating to the curriculum and collective worship. Go to www.govrnomet.co.uk for more detail, including examples of best practice.

Age - The Employment Equality (Age) Regulations 2006

The Regulations came into force on 1 October 2006 and provide protection for all age groups: young, old and middle-aged. They provide four key areas of protection: direct discrimination, indirect discrimination, harassment and victimisation.

**Direct Age Discrimination:** This amounts to less favourable treatment on the grounds of an individual's age, which can be a person's actual or perceived age.

**Indirect Age Discrimination:** The Regulations protect those who suffer from discrimination as a result of the application of a criteria, policy rule or practice, which although applied to all employees, has the effect of disadvantaging people of a particular age. An example here is the criminal statement that an applicant must have 15 years’ experience, which disadvantages younger people.

**Harassment and Victimisation:** In addition to compliance with these regulations, schools can support their duty to promote community cohesion by ensuring that volunteers and visitors (including those invited to enrich the curriculum) are representative of all ages, including older people. They should ensure that all parents/carers and visitors are aware of and able to uphold the school’s equal opportunities policy.
Appendix B  Process chart for the development and review of Equality Scheme and action plan

Form an equality working party. Membership to be drawn from across the school community and should include:

- School staff (including governors and SLT)
- Students/pupils
- Parents and carers
- Wider school community

Propose a date for formal presentation and adoption by the governing body.

Draw up timetable for the development of the policy identifying meeting dates

Consider local and national guidance

**Key Tasks (with deadlines)**

<table>
<thead>
<tr>
<th>Action Plan</th>
<th>Equality Scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assign named staff to collect data and information including the views of all in the school community</td>
<td>Assign one person to write-up the school context section of the policy Core SLT</td>
</tr>
<tr>
<td>Consider further involvement of those representing the various equality strands. Use EQIA (see Appendix C)</td>
<td>Gather all information specific to the school (as described within the blue boxes in this East Sussex guidance) Core SLT</td>
</tr>
<tr>
<td>Consider all existing equality schemes and include identified actions in the action plan. Must include RACE, GENDER and DISABILITY</td>
<td>Draft (1st year) or review (every 1-3 years) the Equality Scheme Core SLT/Governors</td>
</tr>
</tbody>
</table>

Devise Action Plan redraft as required

Present scheme and action plan to governors/ratified by governors. Action Plan review date set

Make sure the Scheme and Action Plan are effectively communicated to the whole school community. Consider producing summary versions for students/pupils and parents/carers

ONGOING – Monitor action plan and gather evidence for outcomes
Appendix C Equality Impact Assessments (EQIA)

A suggested approach for carrying out Equality Impact Assessments in schools.

What is an Equality Impact Assessment?

An EQIA is a considered way of determining whether a policy, practice or project will affect all groups equally or whether it potentially may have a disproportionate impact on one or more particular groups.

EQIAs should help us ensure we are not unlawfully discriminating against certain individuals or groups and that we are promoting our positive duties on equality. It is a way to ensure we are meeting the diverse needs of all our pupils and staff.

EQIAs should help ensure that diversity, equality and inclusion run through all areas of school life.

This does not mean undertaking EQIAs for all policies and practices as of now. It is a process of thinking that can be included in the review of policies as part of the policy review cycle. EQIAs can also be considered for all new policies and specific projects, e.g. use of the school playground.

It is not about more paperwork. It is a common sense approach to thinking through how policies and actions will impact on race, disability, gender and other equality areas.

Impact on these areas could be positive, neutral or negative.

If the impact on different groups is not justifiable, what solutions can we come up with to overcome this situation?

Key questions:

What are the aims of the policy, practice or project?

What are the specific outcomes you hope to see?

Who are the intended beneficiaries of this policy or practice? (e.g. all staff/students?)

Can you identify any potential adverse or negative impacts in the implementation of this policy, practice or project for certain individuals or groups – on the basis of their ethnic origin, cultural background, faith, disability, SEN, gender, sexual orientation, age, and other criteria (for example EAL, asylum seekers)?

Identify whom and how?

Are there any positive impacts? On whom and how?

What evidence do you have to inform your thinking? This can include data, e.g. attainment data.
If you think there may be negative impact on certain individuals or groups it is important to draw together relevant, reliable data and information.

Who can you involve in your policy/practice review or project proposal which will help you identify any differential impact?

Involving the children, young people, staff and members of the community who may be affected by your policy, practice or project will provide the best opportunity of identifying impact, exploring solutions and supporting implementation.

If you have thought through the impact of a policy or action and involved people in this thinking, you may still not have uncovered the likely differential impact on certain individuals or groups. That is OK, that will happen. The point is to bear this in mind in the monitoring and review process and allow flexibility to respond to new information.
Appendix D  Additional information on Discrimination on Grounds of Religion or Belief

Discrimination on grounds of religion or belief means treating a person less favourably than another person is or would be treated, because of their religion or belief, or the religion or belief they are perceived to have, their lack of religion or belief, or the religion or belief, or lack of it, of someone else with whom they are associated.

Discrimination can be either direct or indirect:

The Act sets out that it is unlawful for maintained schools, independent schools and special schools to discriminate against a person in the following ways:

(a) in the terms on which it offers to admit him/her as a pupil
(b) by refusing to accept an application to admit him/her as a pupil or
(c) where he/she is a pupil of the establishment:

(i) in the way in which it affords him/her access to any benefit, facility or service
(ii) by refusing him/her access to a benefit, facility or service
(iii) by excluding him/her from the establishment or
(iv) by subjecting him/her to any other detriment

The body responsible for ensuring that no discrimination takes place depends on the type of school. For maintained schools, it will be the LA or governing body, depending on who took the decision or action complained of; whereas, for independent schools and special schools not maintained by the LA, the responsible body will be the proprietor of the school.

Many schools will already have in place fair, non-discriminatory policies for dealing with pupils and their parents. They may not need to make any change to these in order to comply with the Act. Indeed, schools often lead the way in our society, which is home to people of many cultures, religions and beliefs, by practising and teaching about equality, inclusion and recognising diversity.

The Act provides that schools (unless exempted as detailed later in this guidance) will not be allowed to admit or refuse to admit pupils on the basis of religion or belief and must treat pupils equally, irrespective of their own or their parents’ religion or belief or lack of it. This also applies to access to benefits, facilities or services. In addition pupils cannot be excluded from school or subjected to any detriment on the basis of their (or their parents’) religion or belief or lack of it.

However, there is a long tradition in this country of schools with a religious ethos and character. In addition, there are requirements on all schools to provide religious education, and daily acts of collective worship, most of which in any term must be wholly or mainly of a broadly Christian character (with limited exceptions). Taken alone, the prohibition of discrimination on grounds of religion or belief would create certain difficulties for schools in their proper day-to-day operation. Some limited exceptions were, therefore, written into the Act.

By their very nature, faith schools attract applications from pupils on the basis of religion. To enable faith schools to continue to operate in accordance with their particular religious ethos, limited exceptions to the non-discrimination provisions have been introduced.
It is good practice for faith schools to open a number of places each year for children who themselves, or whose parents are of other faiths or no faith, in order to ensure a diverse mix of pupils and to reflect the wider community – and many schools already do this. For the precise wording of the exceptions in this area you will need to refer to section 49 of the Act http://www.opsi.gov.uk/acts/acts2006/20060003.htm but, in summary, the exceptions mean that maintained schools which have a religious character and independent schools which have a religious ethos (and are registered as such) are not subject to the provisions relating to admissions and pupils’ access to benefits, facilities and services.

This means that faith schools will still be able to give priority in admissions to children on the basis of their faith. Schools can also restrict certain services and benefits that they offer to pupils sharing the faith of the school, or can offer them in a different way to pupils of different beliefs or religions - or none. However, it is unlawful for a maintained faith school to leave places unfilled where there are fewer applications than places available. Undersubscribed faith schools must admit all children who apply, regardless of their faith. Similarly, where a school gives priority to a proportion of children not of the faith and there are insufficient applicants in this category, places must not be left open and must be filled by children of the faith (and vice versa).

However, once pupils have been admitted, schools may not exclude them or subject them to any other detriment, on grounds of their religion or belief, or lack of it, or that of their parents. Detriment is a wide concept and is not precisely defined by law. It is open to interpretation by the courts on a case-by-case basis.

There is a broad exemption in the Act for anything to do with the content of the curriculum. This is to ensure that all schools can continue to deliver the broad-based and inclusive curriculum to which all children are entitled without fear of challenge based on the religious views of particular parents or children.

For the precise wording of the exemption please refer to section 50 of the Act http://www.opsi.gov.uk/acts/acts2006/20060003.htm.

The exemption covers anything done by schools in connection with the content of the curriculum. It accordingly covers the National Curriculum, together with elements such as RE which is not part of the National Curriculum but which is required by law to be taught in maintained schools. It includes elements such as the provision of school library books, which are aimed at the delivery of a broad-based and balanced education to pupils. It also extends to independent schools, which do not have to teach the National Curriculum.

Under existing education legislation, all pupils in maintained schools are normally required to participate in a daily act of collective worship, the majority of which in any term must be wholly or mainly of a broadly Christian character. Parents have the right to withdraw their children from this activity so that they need not take part in the practising of another (or any) religion if they do not wish it. Schools must comply with this request by excusing those children.

This right also extends to parents of children in maintained faith schools which provide religious education and activities more closely reflecting the school’s ethos.

The right also extends to the parents of children in Academies, although it should be noted that this right is by virtue of the Academy funding agreement and is not set in legislation as it is for maintained schools.
Parents of children in independent schools do not have the same statutory rights to withdraw their children from collective worship, although a school might well permit them to do so.

Section 55 of the Education and Inspections Act 2006 also gives sixth form pupils of maintained schools the right to withdraw from the daily act of collective worship without parental consent.

All acts of collective worship provided by any school are exempted from the prohibition of discrimination under the Act. Please refer to section 50 of the Act for the precise wording [http://www.opsi.gov.uk/acts/acts2006/20060003.htm](http://www.opsi.gov.uk/acts/acts2006/20060003.htm).

This exemption ensures that all schools can continue to provide collective worship in the way legislation requires them to. It also extends to activities organised by or on behalf of the school. Schools can, therefore, continue to arrange, for example, for children to attend the local church to participate in a harvest festival or Christmas carol service, although parents would, of course, be expected to be informed of this and the likely content of the service, so that they may elect to withdraw their child from that particular activity. Schools will not be required to provide equivalent worship or assemblies for children of all religions and beliefs, although they would be able to do so with agreement from their local SACRE (Standing Advisory Council on Religious Education).