

MIHSG
Equality in Education policy statement
Applies to all staff, students and any other persons associated with the school

Introductory notes

This summary is based on the draft non-statutory guidance *What the Equality Act 2010 means for you as an education provider* (Equality and Human Rights Commission). This document, and additional information on the Equality Act, can be found on the Equality and Human Rights Commission website <http://www.equalityhumanrights.com/>. Final guidance will be published in July 2010.

For schools, the Equality Act comes into force in October 2010.

The new single public sector equality duty comes into force in April 2011. Guidance on this will also relate to schools (due to be published December 2010).

The Equality Act 2010 has been drawn up to tackle inequality and prevent discrimination against people on the basis of 'protected characteristics'. It brings together several existing laws and aims to make understanding the law simpler. It also introduces a new single public sector equality duty, which requires public bodies to actively advance equality.

These provisions protect students at the school and in the case of admissions, those applying or wishing to apply for admission. Former students are also protected from discrimination or harassment.

'Protected characteristics'

The Equality Act lists a number of characteristics which must not be used as a reason to treat some people worse than others. These are:

- age;
- disability;
- race;
- sex;
- pregnancy, maternity and breastfeeding;
- gender reassignment;
- religion or belief;
- Sexual orientation.

A person can experience direct discrimination because of a protected characteristic, even if the person does not have the characteristic himself/herself:

- Discrimination because of **perception** takes place where someone is treated worse than others because they have been perceived to have a characteristic.
- Discrimination because of **association** takes place when a person is treated worse than another person because they associate with a person with a protected characteristic.

Exceptions

There are some limited exceptions to the general requirement not to treat anyone worse than someone else because of a protected characteristic.

Exceptions that apply to all protected characteristics:

- **Positive action** – encouraging people with a protected characteristic from groups with different needs or a past record of disadvantage or low participation to access education e.g. the school council is made up of girls from various culture and background, the school can encourage all girls to stand as class reps (but the students still vote to decide who is elected even if the elected students do not represent the culture background of them).
- **Statutory provisions** – this only applies where there is no other choice but to discriminate or break another law (but does not apply to race discrimination).
- National security.
- Charities – there are specific exceptions permitting charities in some circumstances to restrict benefits to persons who share a particular protected characteristic).

There are also some exceptions that relate to particular protected characteristics:

- Disability – it is not discrimination against a non-disabled person to treat a disabled person more favourably or make reasonable adjustments for the disabled person.
- Age – not relevant to schools.

MIHSG duty

As a school, we will not:

- discriminate against a student or prospective student because of their disability, race, sex, gender reassignment, religion or belief, or sexual orientation;
- harass or victimise a student or prospective student.
- discriminate against a person in relation to the following activities:
 - admission to your school;
 - the provision of education to students;
 - access to any benefit, facility or service;
 - exclusion from school;
- by subjecting a student to any other detriment.

Reasonable adjustments for disabled people

MIHSG have a continuing duty to 'make reasonable adjustments'. This may involve treating disabled students 'more favourably' than non-disabled students.

To fulfill this duty, we will:

- change our provisions, criteria or practices;
- make changes to overcome barriers created by the physical features of the premises when possible;
- provide auxiliary aids and services –**if possible**

Admissions

MIHSG will not:

- discriminate in the arrangements that it makes for deciding who is offered a place; on any of the other prohibited grounds such as race or sexual orientation;
- refuse a place for discriminatory reasons;
- harass a person who has applied for a place at our school;
- victimise a person in relation to admission to school.

Exceptions:

- As an independent ,selective school we are using permitted forms of selection on the basis of academic ability or aptitude are not discriminating by applying these forms of selection to disabled students who apply.

Providing education and access to any benefit, service or facility

MIHSG will not:

- discriminate in the way it provides education for a student;
- discriminate in the way it gives a student access to any benefit, facility or service;
- refuse to provide education for a student for discriminatory reasons;
- refuse to give a student access to a benefit, facility or service;
- harass a student;
- victimise a student.

This covers 'all activities covering the life of the school', for example:

- preparation for school;
- teaching and learning;
- classroom organisation;
- timetabling;
- grouping of students;

- homework;
- access to school facilities;
- activities to supplement the curriculum;
- school sports;
- school policies;
- breaks and lunchtimes;
- assessment and exam arrangements;
- school discipline and exclusions;
- school clubs and activities;
- school trips;
- school uniform;
- bullying;
- careers education, information, advice and guidance;
- work experience opportunities.

This means that everything our school does will be non-discriminatory and we would apply regular reviews of practices, policies and procedures to ensure they do not discriminate against students with a protected characteristic.

Equality and diversity is now a 'limiting judgement' in Ofsted inspections. This means that if equality measures are not being implemented effectively, this will restrict the overall inspection grade.

Exceptions:

- **curriculum** – these requirements do not apply to anything done in connection with the content of the curriculum, however the way in which the curriculum is taught is covered by the Act, so MIHSG will ensure that issues are taught in a way that does not subject students to discrimination;
- **acts of worship** and other religious observance organised by the school, are not covered by the provisions prohibiting religious discrimination;
- MIHSG as a faith school will not allow discrimination on any of the other prohibited grounds such as sex, race or sexual orientation.

Exclusions

MIHSG will not discriminate against students when making exclusion decisions. Reasons for exclusion must not be the protected characteristic. Any exclusions based on behaviour, should be consistently applied to those with or without a protected characteristic.

The procedures used for deciding what punishment a student will receive and for investigating incidents must not discriminate against students with a particular protected characteristic.

MIHSG will observe good equalities practice in staff recruitment, retention and development.

We ensure that policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing professional development:

- Whatever their age
- Whether or not they are disabled
- Whatever their ethnicity, culture, religious affiliation, national origin or national status
- Whatever their gender and sexual identity, and with full respect for legal rights relating to pregnancy and maternity.

MIHSG will aim to benefit the Society as a whole:

MIHSG intend that its policies and activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion and greater participation in public life of all humans equally.

Roles and responsibilities

The Trustees are responsible for ensuring that the school complies with legislation, and that this policy and its related procedures and action plans are implemented. The Chairman of the Trustees has a watching brief regarding the implementation of this policy

The Head Teacher is responsible for implementing the policy; for ensuring that all staff are aware of their responsibilities and are given appropriate training and support, and for taking appropriate action in any cases of unlawful discrimination.

A senior member of staff on a daily duty will be responsible for co-ordinating implementation of the policy.

All staff are expected to:

- Promote an inclusive and collaborative ethos in their classroom
- Deal with any prejudice-related incidents that may occur
- Plan and deliver curricula and lessons that reflect the principles stated in this policy
- Keep up-to-date with equalities legislation relevant to their work.

Information

MIHSG will ensure that the content of this policy is known to all staff and Trustees and, as appropriate, to all students and their parents and carers.

Religious observance

MIHSG respect the religious beliefs and practice of all staff, students and parents, and comply with reasonable requests relating to religious observance and practice.

Staff development and training

MIHSG ensure that all staff, including support and administrative staff, receives appropriate training and opportunities for professional development, both as individuals and as groups or teams.

Breaches of the policy

Breaches of this policy will be dealt with in the same ways that breaches of other school policies are dealt with, as determined by the head teacher and Trustees.

Monitoring and review

MIHSG review the implementation of this policy, and make adjustments as appropriate.

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