



## Contents

1. How This Policy Was Developed	page 1
2. School Context	page 1
3. Definition	page 2
4. Our Guiding Principles	page 2
5. Current Equality Objectives to Meet These Principles	page 4
6. The curriculum	page 4
7. Otley Family of Schools Equality and Diversity Charter	page 5
8. Other Policies and Practices	page 5
9. Addressing Prejudice and Prejudice Related Bullying	page 5
10. Roles and Responsibilities	page 6
11. Information and Resources	page 6
12. Religious Observance	page 6
13. Staff Development and Training	page 6
14. Equality Considerations in Decision Making	page 7
15. Breaches of this Policy	page 7
16. Monitoring and Evaluation	page 7
<b>Appendices</b>	<b>pages 8-16</b>
i) Appendix Legal duties we are taking	page 8
ii) Appendix Disability Equality	page 8
iii) Appendix Race Equality	page 9
iv) Appendix Gender Equality	page 10
v) Appendix Community Cohesion	page 10
vi) Appendix Equality Act 2010 and other legislation	page 12
vii) Appendix Glossary of Terms	page 15

### **1. How this policy was developed**

This policy was based closely on the Leeds model policy and action plan for the Single Equality Scheme. Consultation with staff, governors, parents and children took place prior to approval.

Related policies are:

- ~~xxx~~ Visions and Values
- ~~xxx~~ Sex and Relationships Education
- ~~xxx~~ Behaviour Policy

### **2. School context**

Ashfield Primary School has 227 pupils on roll. It is situated in Otley, a small town north of Leeds. Children come from both single and dual parent families. Most children are of white British heritage, though there are numbers from a range of other ethnic backgrounds. The proportion of children eligible for pupil premium is above average at 24%.

### 3. Definition

At Ashfield Primary School, we understand equality to mean treating everyone with equal dignity and worth, valuing their particular characteristics such as their age, disability, special educational need, gender, ethnicity, religion or belief, sexual orientation and socio-economic circumstances.

We further understand that people have different needs, situations and goals and therefore achieving equality requires the removal of discriminatory barriers that limit what people, especially children and young people, can do and can be. We recognise that inequality can be experienced in a variety of ways such as through:

- outcomes,
- access to services,
- the degree of independence to make decisions affecting lives and inequality of treatment, including in relation to employment,
- direct and indirect discrimination or disadvantage imposed by other individuals, groups, institutions or systems intentionally or inadvertently.

'Discriminatory barriers' includes stereotypes. We seek to combat stereotypes as much as possible eg avoiding choosing boys to carry chairs and girls to tidy trays.

See also Appendix for a **glossary of terms**.

### 4. Our Guiding Principles

In fulfilling the legal obligations outlined further on in this scheme, we are guided by six principles.

#### 1. All members of the school and wider community are of equal value.

We see all members of the school and wider community of equal value,

- whether or not they are disabled
- whatever their ethnicity, culture, religious affiliation, national origin or socio-economic circumstances
- whichever their gender and sexual orientation
- whatever their age
- whatever their educational ability

#### 2. We recognise and respect diversity.

Treating people equally does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate, but are differentiated, as appropriate, to take account of differences of life-experience, outlook and background, and in the kinds of barrier and disadvantage which people may face, in relation to:

- disability, so that reasonable adjustments are made
- ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised
- gender and sexual orientation, so that the different needs and experiences of girls and boys, women and men are recognised
- age
- additional educational need

### **3. We foster positive attitudes and relationships and a shared sense of cohesion and belonging.**

We intend that our policies, procedures and activities should promote:

- positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people
- positive interaction, good relations and dialogue between groups and communities different from each other in terms of ethnicity, culture, religious affiliation, national origin or socio-economic circumstances, and an absence of prejudice-related bullying and incidents
- mutual respect and good relations between boys and girls, women and men, and an absence of sexual harassment
- promote positive intergenerational attitudes and relationships.
- The policies, procedures and activities that relate to PSHE are especially relevant in promoting cohesion and belonging.

### **4. We will ensure that the recruitment, retention and ongoing development of staff is undertaken in a fair and equitable manner to support our school's vision and values.**

Policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing professional development:

- whether or not they are disabled
- whatever their ethnicity, culture, religious affiliation, national origin or socio-economic circumstance
- whichever their gender and sexual orientation
- whatever their age

### **5. We aim to reduce and remove inequalities and barriers that already exist and we consult widely with groups who are affected by a policy or activity should be consulted and involved in the design of new policies, and in the review of existing ones.**

In addition to avoiding or minimising possible negative impacts, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between:

- disabled and non-disabled people
- people of different ethnic, cultural, religious and socio-economic backgrounds
- girls and boys, women and men
- lesbian, gay, bisexual and transgender
- age (where appropriate)
- additional special educational need

Inequalities and barriers include stereotypes.

### **6. We feel that the community as a whole should benefit.**

We intend that our 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:

- disabled people as well as non-disabled
- people of a wide range of ethnic, cultural, religious and socio-economic backgrounds
- both women and men, girls and boys
- gay, bisexual and transgender
- people of different ages and between generations
- additional special educational need

## 5. Our Current Equality Objectives to meet these principles are:

- I. To improve attitudes from all children in school towards those with disabilities through PSHE, assembly ethos and celebration of Ashfield's Golden Rules
- II. To build staff confidence across school in designing learning environments and teaching strategies which support the inclusion of pupils with neurodiversity, enabling access to the curriculum and diminishing outcome gaps
- III. Improving knowledge, skills and attitudes to enable pupils to appreciate and value difference and diversity, e.g. increasing understanding between pupils from different faith communities and cultures

## 6. The curriculum

We aim to provide all our pupils with the opportunity to succeed and to reach the highest possible level. To achieve this, we will ensure:

- Our curriculum planning reflects a commitment to equality
- The curriculum prepares pupils for life in a diverse society and uses opportunities to reflect the background and experience of pupils and families in the school and wider communities; including supporting British Values and celebrating multi-cultural diversity
- The promotion of attitudes and values that challenge discriminatory behaviour and language; Golden Rules woven through curriculum and school life
- The promotion of British Values through PSHE and assembly ethos- democracy, the rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs
- The ongoing review of Safeguarding and Child Protection and E-Safety Policies and Procedures reflect our commitment to equality and diversity;
- The use of non-stereotyped materials which reflect accurately a range of cultures, identities and lifestyles
- When regularly monitoring and evaluating, we seek opportunities to review the curriculum (including the hidden curriculum) and curriculum subject or areas in order to ensure that teaching and learning reflect the six principles outlined above. For example, we will analyse attainment data to assess the performance of different groups in school e.g. gender, SEND, pupil premium.

## **7. Otley Family of Schools Equality & Diversity Charter**

The staff and governors in the Otley family have agreed to work in partnership to combat all forms of discrimination, celebrate diversity and promote community cohesion:

- We will ensure that everyone in our community is treated with respect as an individual.
- We will challenge stereotypes, prejudices and behaviours which divide our society.
- We will teach our pupils to celebrate differences, champion equality and stand up to injustice.
- We will encourage everyone in our schools to play an active part in our local community, and to create a society where everyone is equally important.
- We will promote good relationships between different groups of people, including those from different faiths and ethnic groups.
- We will broaden our pupils' cultural horizons and ensure that the rich diversity of our world is valued and celebrated.
- We will help our young people to develop the values they need to become responsible global citizens who help to make the world a fairer place.

## **8. Other policies and practices**

The principles listed above apply also to the full range of our policies and practices, including those that are concerned with:

- learners' progress, attainment and assessment
- learners' and staff personal development, welfare and well-being
- teaching styles and strategies
- admissions and attendance
- staff and governor recruitment, retention and professional development
- care, guidance and support
- behaviour, discipline and exclusions
- working in partnership with parents, carers and guardians
- working with the wider community
- participation of groups in wider school activities
- preparing all members of the learning community for living and positively contributing to a diverse society

## **9. Addressing prejudice and prejudice-related bullying**

Ashfield Primary School is opposed to all forms of prejudice which stand in the way of equality:

- prejudices around disability and special educational needs
- prejudices around racism and xenophobia, including those that are directed towards religious groups and communities, for example anti-Semitism and Islamophobia, and those that are directed against Travellers, refugees and people seeking asylum
- prejudices reflecting sexism and homophobia

All prejudice-related incidents should be reported to the headteacher so that they may be assessed, recorded and dealt with eg racist / homophobic incidents must be recorded using the form available to all staff.

We take seriously our obligation to report regularly to the local authority about the numbers, types and seriousness of prejudice-related incidents at our school and how they were dealt with in-line with existing and future legal requirements.

#### 10. **Roles and responsibilities**

The **governing body** is responsible for ensuring that the school complies with current legislation and that this policy and its related procedures and strategies are implemented. The Pupil Support sub-committee is responsible for inclusion with a watching brief regarding the implementation of this policy.

The **headteacher** is responsible for implementing the policy; for ensuring that all staff, governors and visitors are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination. The **headteacher** and **senior managers** have shared day-to-day responsibility for co-ordinating implementation of the policy.

All **staff** are expected to:

- promote an inclusive and collaborative ethos in their classroom
- challenge, deal with (to a certain extent, in-line with our Behaviour Policy) and report any prejudice-related incidents that may occur
- identify and challenge bias and stereotyping in the curriculum
- support pupils in their class for whom English is an additional language
- keep up-to-date with equalities legislation relevant to their work
- ensure that pupils have the opportunity to have their voices heard with regards to equality issues

After consultation, **pupils** told us their roles and responsibilities:

- make every new person feel welcome
- report and stop any bullying they see
- get on with anybody if they're a different colour or age

#### 11. **Information and resources**

We ensure that the content of this policy is known to all staff and governors and, as appropriate, to all pupils and parents and carers. Staff and governors have access to CPD and resources which discuss and explain concepts of equality, diversity and community cohesion in appropriate detail.

In the first instance, stakeholders are encouraged to refer to

<http://www.equalityhumanrights.com/advice-and-guidance/>

#### 12. **Religious observance**

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

#### 13. **Staff development and training**

We ensure that all staff, including support and administrative staff and governors, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams to support the achievement of the six principles.

#### 14. **Equality considerations in decision-making**

We always considers the impact of significant decisions on particular groups. For example, when a school trip or activity is being planned, the school considers whether the trip:

- *Is accessible to pupils with disabilities*
- *Is affordable to all families*

#### 15. **Breaches of the policy**

Breaches of this scheme will be dealt with in the same ways that breaches of other school policies are dealt with, as determined by the headteacher and governing body.

#### 16. **Monitoring and evaluation**

We collect, study and use quantitative and qualitative data relating to the implementation of this policy, and make adjustments as appropriate. In particular we collect, analyse and use data relating to achievement, broken down as appropriate according to disabilities and special educational needs, ethnicity, culture, language, religious affiliation, national origin, socio-economic circumstances, gender and age.

We continually consider 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). This is in order to ensure that there is no unlawful discrimination against certain individuals or groups and those positive duties are promoted equally. The ultimate way is to meet the diverse needs of all stakeholders - pupils, parents / carers and staff - and that diversity, equality and inclusion run through all areas of school life.

## Appendices:

### i) **Legal duties and actions we are taking**

We welcome our duties under the:

- Race Relations 1976 as amended by the Race Relations Amendment Act 2000
- Disability Discrimination Acts 1995 and 2005
- Sex Discrimination Act 1975 as amended by the Equality Act 2006 and the Equalities Act 2010
- Education and Inspections Act 2006 to promote community cohesion

These four sets of duties are essential for achieving the five outcomes of the Every Child Matters framework, and that they reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

Summaries of our legal obligations are outlined below. After each of the strands, we have also outlined the outstanding key issues for our school to address as priorities for the forthcoming three years, which will be included in our action plan as well highlighting the successful impact we have already had in our school.

#### **Summary of legislative requirements**

Equality impact assessments of new policies have been required since 2002 in the case of ethnicity, since 2006 in the case of disability, and since 2007 in the case of gender. The requirements are contained within frameworks which distinguish between 'the general duty' and 'specific duties'.

A further distinction is drawn between:

- specific duties concerned with policy development and service delivery, and
- those concerned with employment

The three main frameworks are summarised in below. As first published, they are:

- 1. The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005**  
Statutory Instrument 2005 No. 2966
- 2. The Race Relations Act 1976 (Statutory Duties) Order 2001**  
Statutory Instrument 2003 No. 3458
- 3. The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006**  
Statutory Instrument 2006 No. 29

### ii) **Disability equality**

#### **The general duty**

The Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005, places a general duty on public authorities to promote disability equality. The duty came into force on 04 December 2006 and requires public authorities to:

- promote equality of opportunity between disabled persons and other persons
- eliminate unlawful discrimination
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life



- take steps to take account of disabled persons' disabilities, even where that involves treating disabled people more favourably

### **Specific duties**

The specific duties relating to policy development and service delivery require public authorities to:

- produce and publish a disability equality scheme (DES) demonstrating how they intend to fulfil their general and specific duties
- involve disabled people in the development of the scheme
- produce an action plan setting out the key actions an authority will take to promote disability equality
- explain the methods they use for assessing the impact of their policies and practices, or the likely impact of their proposed policies and practices, on equality for disabled persons
- assess and consult on the likely impact of proposed policies on the promotion of disability equality
- monitor policies for any adverse impact on the promotion of disability equality
- publish the results of these assessments, consultation and monitoring
- report annually on the progress of the action plan
- review the scheme every three years

The specific duty covering an authority's role as an employer is to monitor the effect of its policies and practices on disabled persons, and in particular the effect on the recruitment, development and retention of disabled employees.

### **iii) Race equality**

#### **The general duty**

In 2001, the Race Relations Act 1976 was amended to give public authorities a new statutory duty to promote race equality. The general duty requires public authorities to have due regard to the need to eliminate unlawful racial discrimination; promote equality of opportunity; and promote good relations between persons of different racial groups.

### **Specific duties**

The specific duties relating to policy development and service delivery are to do with the content of a race equality scheme (RES). Schemes should set out an authority's functions and policies, or proposed policies that are assessed as relevant to the general duty to promote ethnicity equality and should set out an authority's arrangements for:

- assessing and consulting on the likely impact of its proposed policies on the promotion of race equality
- monitoring its policies for any adverse impact on the promotion of race equality
- publishing the results of such assessments and consultation
- ensuring public access to information about the services that it provides
- training staff in connection with the general and specific duties
- reviewing the scheme every three years
- The specific duties covering an authority's role as an employer are to:
- monitor by ethnicity the numbers of staff in post and the applicants for employment, training and promotion

- monitor by ethnicity the numbers of staff who receive training; benefit or suffer detriment as a result of performance assessment procedures; are involved in grievance procedures; are the subject of disciplinary procedures; cease employment
- report and publish annually the results of staff monitoring, and actions taken towards achievement of overall ethnicity equality objectives

#### **iv) Gender equality**

##### **The general duty**

The Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to eliminate unlawful discrimination and harassment, and to promote equality of opportunity between men and women.

##### **Specific duties**

The specific duties relating to policy development and service delivery require public authorities to:

- produce and publish a gender equality scheme (GES) showing how they will meet the general and specific duties and setting out their gender equality objectives
- gather and use information on how their policies and practices affect gender equality
- assess the impact of their policies and practices, or the likely impact of their proposed policies and practices, on equality between women and men
- consult stakeholders in the development of the scheme
- assess functions and policies, or proposed policies, which are relevant to gender equality
- implement the actions set out in the scheme within three years
- report annually on the progress of the action plan
- review the scheme every three years

The specific duties covering an authority's role as an employer are to:

- consider the need to have objectives that address the causes of any differences between the pay of men and women that are related to their sex
- gather and use information on how its policies and functions affect gender equality in the workforce

#### **v) Community cohesion**

Since September 2007, all schools have had a duty to contribute to working towards a society in which there is a common vision and sense of belonging by all communities; a society in which the diversity of people's backgrounds and circumstances is appreciated and valued; a society in which similar life opportunities are available to all; and a society in which strong and positive relationships exist and continue to be developed in the work place, in schools and in the wider community.

We at Ashfield Primary make this contribution by creating opportunities, through the curriculum and otherwise, for pupils to interact with those from different backgrounds to themselves to enrich their understanding of community and diversity.

Our community is defined in four dimensions:

- school community
- community within which the school is located
- UK community
- global community

We understand that there are links between this duty and the duty to promote equality, although each has a distinctive focus.

Our school's contribution to community cohesion is organised under three main headings:

#### **Teaching, learning and curriculum**

- to help children and young people to learn to understand others
- to value diversity whilst also promoting shared values
- to promote awareness of human rights and to apply and defend them
- to develop the skills of participation and responsible action

#### **Equity and excellence**

- to ensure equal opportunities for all to succeed at the highest level possible
- to strive to remove barriers to access and participation in learning and wider activities
- to work to eliminate variations in outcomes for different groups

#### **Engagement and extended services**

- to provide reasonable means for children, young people, their friends and families to interact with people from different backgrounds
- to build positive relations
- to receive services which build positive interaction and achievement for all groups

Appendix:

vi) **Equality Act 2010 and other equality legislation**

We at Ashfield Primary School will also comply with and have due regard to the following equalities legislation:

**Equality Act 2010**

The Equality Bill has recently gone through Parliament and became an Act on 08 April 2010. It takes effect from Autumn 2010. The Equality Act has put a new single equality duty on public bodies. The duty requires public bodies to think about the needs of everyone who uses their services or works for them, regardless of race or ethnicity, or any other protected characteristic such as disability or religion.

The act protects people from discrimination on the basis of **protected characteristics** (which previously used to be called grounds). The relevant characteristics for services and public functions are:

**Disability** (definition changed)

The protected characteristic of disability applies to a person who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

To qualify for protection from discrimination a disabled person no longer has to show that their impairment affects a particular 'capacity' such as mobility or speech, hearing or eyesight. Direct discrimination has been extended to cover disability.

**Gender re-assignment** (definition changed)

The protected characteristic of gender re-assignment will apply to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex.

To qualify for protection from discrimination a transsexual person no longer has to show that they are under medical supervision as it is considered a personal process rather than a medical process which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex with which they were born.

**Pregnancy and maternity** (no change)

Pregnancy and maternity is not a protected characteristic for the purposes of the schools provisions but it is covered by other requirements which means that schools are prohibited from restricting access to education on the grounds of pregnancy and maternity status.

**Race** (no change)

Race includes ethnic or national origins, colour or nationality. People can belong to one or more of these groups at the same time and the one which is relevant to a particular situation depends on the circumstances.

**Religion or belief** (no change)

The protected characteristic of religion or belief includes any religion or belief and any religious or philosophical belief. It also includes any lack of such religion or belief. A religion need not be mainstream or well known to gain protection as a religion, although it must be identifiable and have a clear structure and belief system.

Faith schools and educational institutions with a religious ethos may in some limited circumstances favour pupils or students because of their religion.

**Sex (no change)**

A person's sex refers to the fact that they are male or female. You must not treat a woman or a girl worse than you would treat a man or boy. You must not treat a man or boy worse than you would treat a woman or a girl in the same circumstances.

**Sexual orientation (no change)**

Everyone is protected from being treated worse because of sexual orientation whether they are straight, gay, lesbian, or bisexual. Sexual orientation discrimination also covers discrimination connected with expressions or manifestations of a person's sexual orientation. This may include someone's appearance, the places they visit or the people they associate with.

**Age (no change)**

Under the schools provisions, age is excluded from the list of protected characteristics.

An integrated public sector equality duty encourages public bodies to address the needs of groups experiencing disadvantage or discrimination on a number of grounds including the new socio-economic duty. It also extends the use of positive action in the workplace. The Equality Act also introduces a dual discrimination provision which enables people to bring claims where they have experienced less favourable treatment because of a combination of two protected characteristics.

**Employment Equality Regulations 2003** protects employees from discrimination because of their actual or perceived religion or belief.

Discrimination is unlawful in relation to:

- recruitment and selection
- terms and conditions of employment offered and or applied
- opportunities for training, training itself, job promotions and transfers
- harassment and victimisation
- dismissal, including redundancy
- post employment eg provision of references

**Employment Equality (Sexual Orientation) Regulations 2003** and the subsequent Equality Act (Sexual Orientation) Regulations 2007 protect employees and consumers from discrimination because of their actual or perceived sexual orientation.

Once seen as a peripheral issue of little relevance to the core business of public bodies, sexual identity has been brought centre stage by legislative and societal developments.

**Gender Recognition Act 2004** provides transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate (GRC) by a gender recognition panel. The holder of a GRC is not obliged to inform their employer that they have one, but if they choose to do so this information on their gender history must be established as protected information. Transsexual people are protected by the Sex Discrimination Act 1975, as amended by the Sex Discrimination (Gender Reassignment) Regulations 1999 and the Sex Discrimination (Amendment of Legislation) Regulations 2008.

**Human Rights Act 1998 and Article 14 of the European Convention on Human Rights** refers to the prohibition of discrimination and states that the enjoyment of the rights and freedoms set

forth in the Convention shall be secured without discrimination on any grounds such as 'sex, race, colour, language, religion, political, or other opinion, national or social origin, association with a national minority, property, birth or other status'.

**Part 2 of the Equality Act 2006** came into force in April 2007 and makes it unlawful for providers of goods, facilities and services to discriminate in grounds of religion or belief.

**Employment Equality (Age) Regulation 2006** came into force in October 2006 and protects against discrimination on grounds of age in employment and vocational training. It prohibits direct and indirect discrimination, victimisation, harassment and instructions to discriminate. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training.

**Equality Act (Sexual Orientation) Regulations 2007** makes it unlawful for providers of goods, facilities or services to discriminate under grounds of sexual identity.

Appendix:

vii) **Glossary of terms**

(Mainly defined in context of an educational provider)

### **Diversity**

Diversity is all about including everyone and valuing differences. It includes harnessing differences in individuals to the benefit of both the organisation and the individual, by allowing people with different perspectives and views to use their unique blend of skills and character to improve the quality and performance of the organisation. Diversity entails having a better understanding of the diverse needs of our community

### **Duty**

A duty is a mandatory and legal obligation to do something

### **Promote**

To promote means to contribute to the progress and growth of something; make publicity for something

### **Equality and Human Rights Commission (EHRC)**

This is a national body which brings together the Equal Opportunities Commission, Disability Rights Commission and Commission for Race Equality; it serves as a national body for age, religion and belief and sexual discrimination as well as human rights

### **Discrimination**

Discrimination is treating someone with a characteristic worse than someone who does not have this characteristic would be treated in the same situation; the worse treatment must be because of that characteristic. It can take a number of forms:

- direct (see below)
- combined (see below)
- indirect (see below)
- failure to make reasonable adjustments for disabled people
- discrimination arising from disability
- discrimination because of association with someone who has a protected characteristic
- discrimination because a person is thought to have a protected characteristic whether correctly or incorrectly (perceived)

People are also protected from:

- harassment related to a protected characteristic
- victimisation because they have, or their education provider thinks they have, made or helped make a complaint about discrimination, unless they know the complaint was not true

### **Direct discrimination**

Direct discrimination happens when an education provider treats a pupil or student (or an applicant for admission) worse than they treat or would treat another pupil or student (or applicant) because of a protected characteristic.

Direct discrimination also includes less favourable treatment of a person based on a stereotype relating to a protected characteristic, whether or not the stereotype is accurate.

It is not direct discrimination against a non-disabled person to treat a disabled person better.

### **Combined discrimination**

Sometimes, a person may experience worse treatment than someone else because of combination of the protected characteristics they have. There may be an interaction between two or more than two of a person's characteristics, but a claim for combined discrimination will only look at a combination of two of them.

Education providers must not treat someone worse because of a combination of two protected characteristics than they would treat someone who did not have either of these characteristics.

### **Indirect discrimination**

People's experiences and opportunities in education can be affected by an education provider's rules or ways of doing things. Indirect discrimination takes place when the same rule or way of doing things is applied to everyone. The rule or way of doing things may not appear to have a different or worse impact on people with a protected characteristic but does so in reality.

### **Protected characteristic**

See previous Appendix.

### **Victimisation**

If an education provider treats a person badly because they have taken a particular action related to the Equality Act 2010 (or because they suspect the person has taken or will be taking such action), this will be victimisation and is against the law. The protection covers anyone, whether or not they have a protected characteristic, if they do something in relation to making a complaint of discrimination and they are treated badly.

### **Harassment**

Harassment in the Equality Act 2010 means unwanted behaviour which has purpose or effect of violating the dignity of another person or creating for that person an intimidating, hostile, degrading and humiliating or offensive environment. Unwanted behaviour can include any kind of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

### **Positive action**

Positive action refers to the steps that an education provider is allowed (but not required) to take to encourage people with protected characteristics from groups with different needs or a past track record of disadvantage or low participation to access education.

### **SEND**

Special educational needs and disability