

St Luke's RC Primary School

Equality and Diversity Policy



“At St. Luke’s School we follow the example of Christ by being God’s disciples here on Earth. We strive to be the best that we can be, to do the best that we can do and to make God proud.”

Policy Number	2
Target Audience	All Stakeholders
Approving Committee	FGB
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Policy Author	Mrs C Kerrane

Version Control			
Version No	Date Approved	Reviewed By	Changes
V1	September 2017	Mr P Jameson	New Policy
V2	September 2021	Mrs C Kerrane	New format of Policy.

Overview

1.1 This policy reflects the Single Equality Act 2010 which harmonises and replaces previous legislation including the Race Relations Act 1976, Disability Discrimination Act 1995, Gender Recognition Act 2004 and Sex Discrimination Act 1975. This policy therefore supersedes all previous school policies on Disability, Ethnicity (ie Race) and Gender. However, as St Luke's RC Primary School is a Voluntary Aided school with a registered, religious character there are some general exceptions to the Act which are followed by our school. These are identified in Appendix 2.

1.2 The Single Equality Act combines the existing three duties into one new Equality Duty that covers all seven of the equality strands: age, disability, gender, gender identity, race, religion or belief and sexual orientation. In this school we will ensure that at every level, in all our work and throughout all aspects of the school community and its life, everyone will be treated equally. This Single Equality Policy summarises the school's approach in ensuring equality for all.

Objectives

2.1 To ensure that all learners have equal access to a rich, broad, balanced and relevant curriculum.

2.2 To advance equality of opportunity by ensuring that teaching, learning and the curriculum promote equality, celebrate diversity and promote community cohesion by fostering good relations.

2.3 To eliminate any discrimination, harassment and victimisation. To ensure that no-one is unfairly or illegally disadvantaged as a consequence of their age, disability, gender, gender identity, sexual orientation, colour, race, ethnic or national origin, disability or religious beliefs.

2.4 To recognise and celebrate diversity within our community whilst promoting community cohesion.

2.5 To ensure that this policy is applied to all we do

2.6 To ensure that pupils and parents are fully involved in the provision made by the school.

2.7 To ensure that within the school budget, adequate funding is provided to underpin this policy and that intervention, positive and preventative action is funded where necessary.

Good Practice

3.1 We strive to achieve a cohesive community and expect that children respect one another and behave with respect to one another, and that their parents feel fully engaged in the school.

3.2 We aim to enhance a wider sense of community locally, as well as in the context of the UK and the World communities.

3.3 We support 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. Through our policies and actions we undertake to ensure that every child and young person is healthy, safe, is able to enjoy and achieve in their learning experience, and is able to contribute to the wider community.

3.4 We consider it prudent and sensible to maintain the practice of logging racist incidents and reporting them to the local authority. We monitor and log incidents that discriminate against children and young people or adults in our school with protected characteristics, eg homophobic bullying. We also monitor and log bullying incidents, particularly those directed towards those with special educational needs.

Strategies

4.1 Monitoring, evaluation and review carried out by the Leadership Team will ensure that procedures and practices within the school reflect the objectives of this policy.

4.2 Parents and governors will be involved and consulted about the provision being offered by the school.

4.3 Teachers will ensure that the teaching and learning takes account of this policy.

4.4 The diversity within our school and the wider community will be viewed positively by all.

4.5 Diversity will be recognised as a positive, rich resource for teaching, learning and the curriculum.

4.6 Professional development opportunities will be provided for staff to provide them with the knowledge, skills and understanding they need to meet the requirements of this policy.

4.7 Contributions will be sought from parents and others to enrich teaching, learning and the curriculum.

4.8 The positive achievements of all pupils will be celebrated and recognised.

Outcomes

5.1 This policy will play an important part in the educational development of individual pupils.

5.2 It will ensure that all pupils are treated equally and as favourably as others.

5.3 The school will make all reasonable adjustments to promote equal opportunity and equal treatment of all members of the school community.

5.4 We are committed to meeting the individual needs of each child and will take full account of their age, disability, gender, gender-identity, race, religion or belief and sexual orientation in accordance with the requirements of The Single Equality Act 2010

Equality Objective

6.1 The Equality Act 2010 requires schools to publish specific and measurable equality objectives. Our equality objectives are based on our analysis of data and other evidence.

6.2 Our equality objectives focus on those areas where we have agreed to take action to improve equality and tackle disadvantages.

6.3 We will regularly review the progress we are making to meet our equality objectives.

Appendix 1 Legal and Local Framework

The legal and local framework for this policy is:

- Race Relations Act 1976 (as amended in 2000)
- Disability Discrimination Act 1995 (as amended in 2005)
- Children Act 2004
- Equality Act 2010
- Education and Inspections Act 2006
- Duty to Promote Community Cohesion, Education and Inspections Act 2006
- Salford Diversity and Equality Policy and Comprehensive Equality Scheme

Appendix 2 General Exceptions to the 2010 Act: Catholic Schools

The general exceptions to the Act as laid down for schools with a religious character or a registered religious ethos can be identified thus;

Acts of Worship

The Act contains a general exception to the religion or belief provisions which allows all schools to have acts of worship or other forms of collective religious observance. The daily act of collective worship is not covered by the religion or belief provisions, which means that schools are acting lawfully where provision of an equivalent act of worship for other faiths is not undertaken.

The character and content of collective worship in a Voluntary Aided school continues to be determined by the Governing Body and for a VA school with a religious character such will

be in accordance with the school's Trust Deed or in accordance with the beliefs of the religion or denomination specified for the school. For Catholic schools this means compliance with the teachings of the Roman Catholic Church.

Schools are also free to celebrate religious festivals particular to their tradition and would not be discriminating against children of other faiths by, for example in a Catholic school, putting on a nativity play.

Employment

All of the current characteristics in Catholic schools are covered by the employment provisions of the Act. It provides that for schools with a religious character it will not be unlawful discrimination to do things permitted by the School Standards and Framework Act 1998 and the 2006 Education and Inspections Act. The existing exemptions as they relate to schools with a religious character are therefore retained.

This means for Catholic schools that, in common with other Voluntary Aided schools with a religious character, they may give preference in connection with the appointment, remuneration or promotion of teachers at the school, to those whose religious beliefs or religious practice is in accordance with the tenets of their denomination, i.e. the Roman Catholic faith. This extends to the posts of Headteacher, Deputy Headteacher and Head or Coordinator of Religious Education which (cross reference the Bishops' memorandum on Appointment of Teachers to Catholic Schools) must be filled by baptised and practising Catholics ¹. Likewise they may give similar preference to those who give or who are willing to give religious education at the school in accordance with the tenets of the Catholic Church ².

Preference can be given to practising Catholics in non-teaching posts where there is a genuine occupation requirement ³.

The conduct of a teacher which is incompatible with the precepts of the Church, or which fails to uphold its tenets, may be taken into consideration in determining whether the teacher's employment should be terminated ⁴. In addition, the Governing Body of a Voluntary Aided school, (like other schools with a religious character) has the power to dismiss a Religious Education teacher, without the consent of the Local Authority, on the grounds that s/he fails to give religious education efficiently and suitably ⁵.

Legal Data:

¹ *Section 60, School Standards and Framework Act 1998*

² *Section 60, School Standards and Framework Act 1998*

³ *Section 37, Education and Inspections Act 2006*

⁴ *Section 60, School Standards and Framework Act 1998*

⁵ *Section 58, School Standards and Framework Act 1998]*

For reference a genuine occupational requirement means that discrimination is permitted in cases where a person's sex, race or religion is a genuine occupational requirement for the job. For Catholic schools these are itemised here under the continued general exceptions to the Act. Examples from the sex discrimination legislation are where a job had to be held by a man and not a woman or vice versa to preserve decency or privacy, such as where the job involved visiting changing rooms while they are in use. Further exemptions relate to single sex sport.

Admissions

In Catholic Schools the Governing Body is the Admissions Authority for the school and makes decisions on admissions arrangements. It is their duty to ensure that such arrangements are compliant with the Admissions Codes and other relevant legislation. Further that:

- admissions criteria are clear, fair, objective and transparent
- arrangements are as simple as possible
- all parents' preferences are treated on an equal basis
- no discrimination is applied on the basis of race, sex (save in single sex schools), disability religion or belief, sexual orientation, gender reassignment, pregnancy or maternity.

However, in a Catholic school priority can be afforded to Baptised Catholic children where the school is oversubscribed and that action is in accordance with the school's published admissions policy. In addition, and for all schools, age is not a protected characteristic in relation to pupils so allowing schools to admit and organise pupils in age groups.

Delivery of the Curriculum

The content of the curriculum has never been caught by discrimination law and the Act states that it is specifically excluded. The delivery of the curriculum is however explicitly included.

The DfE guidance highlights the relationship between protection because of sexual orientation and protection of religious freedom. It states that many people's views on sexual orientation/sexual activity are grounded in religious belief. It refers to concerns of schools with a religious character that they may be prevented from teaching in line with their religious ethos. It also refers to teachers having expressed concerns that they may be

subject to legal action if they do not voice positive views on same sex relationships, whether or not this view accords with their faith. The guidance also refers to concerns that such schools may teach and act in ways unacceptable to lesbian, gay and bisexual pupils and parents when same sex relationships are discussed because there are no express provisions to prevent this occurring.

The guidance makes clear that, like all schools, those with a religious character have a responsibility to the welfare of children in their care and to adhere to curriculum guidance, it goes on to say that, provided their beliefs are explained in an appropriate way in an educational context that takes into account existing guidance on the delivery of Sex and Religious Education (SRE), then schools should not be acting unlawfully. Further that it would not be unlawful for a teacher in any school to express personal views on sexual orientation provided that it is done in an appropriate manner and context. The guidance however provides a note of caution about the influential role of a teacher and that their actions and responsibilities extend beyond the requirements of the equality legislation and that expressing personal views should not extend to allowing unlawful discrimination.

Gender Reassignment

In reality many of the protected characteristics within the 2010 Equality Act were already in place. However one that is new is the extension of the gender reassignment regulations to pupils. It may be that cases are relatively rare but to assist colleagues the CES has provided guidance on such which is provided as an Appendix to the Briefing Notes.

Appendix 3 Equality Act 2010: Guidance Note for Catholic Schools

The CES has updated their original guidance on the 2010 Equality Act to reflect the Equality and Human Rights Commission's (EHRC) publication of *Technical Guidance for Schools in England* which deals with the Equality Act 2010 in the light of schools' legal obligations. CES updated guidance can be accessed here:

<http://www.catholiceducation.org.uk/schools/guidance-for-schools/item/1000069-equality>