

Cannon Park Primary School

Encouraging Excellence



Single Equality Scheme

In conjunction with Coventry City Council

Our Scheme cover a three year period from November 2018 to November 2021

<u>Review Programme:</u>	Updated Policy from 2015 - 2018
Policy Review Date	12th November 2018
Date of Next Review	12th November 2021
Ratified by Governors	10th December 2018
Reviewed by	Chair of Governors and Head Teacher
Head Teacher	Mrs Vanessa MacDonald
Chair of Governors	Dr Ling Wu

Introduction

The purpose of this Equality and Cohesion Scheme at **Cannon Park Primary School** is to achieve equality and excellence for all in order to promote the highest possible standards. It will support our outcomes for [Every Child Matters](#). The principles of this Scheme apply to all members of the school community – pupils, staff, governors, parents/carers and community.

Cannon Park Primary School has produced this scheme to meet its responsibilities under the Race Relations Amendment Act 2000, the Disability Discrimination Act 2005 and the Equality Act 2006 and [accompanying regulations](#).

This legislation requires us to fulfil both [general and specific duties](#). Our scheme fulfils the specific duties, and in turn, will demonstrate how we intend to ensure we meet the general duties.

These are;

- To eliminate unlawful discrimination and harassment
- To promote equality of opportunity
- To promote good relations between people of different ethnicities
- To promote positive attitudes towards disabled people
- To encourage participation by disabled people in public life
- To take account of disabled people's impairments, even when that involves treating disabled people more favourably.

Duties in part 4 of the DDA require the governing body to plan to increase access to education for disabled pupils in 3 ways

- Increasing the extent to which disabled pupils can participate in the school curriculum
- Improving the environment of the school to increase the extent to which disabled pupils can take advantage of education and associated services
- Improving the delivery to disabled pupils of information which is provided in writing for pupils who are not disabled.

The duty to promote community cohesion in the Education and Inspections Act 2006 will also be incorporated into this Scheme.

While this Scheme meets these legislative requirements, the school also recognises the importance of ensuring that its policies and procedures are effective in promoting equality, cohesion and tackling discrimination.

At **Cannon Park Primary School** we are committed to ensuring equality for all pupils, staff and those accessing the school. At **Cannon Park Primary School** we believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here. We aim to develop a culture of inclusion and diversity where people feel able to participate fully in school life and contribute to the community. This school will not tolerate harassment, discrimination or prejudice driven bullying.

We aim to create a school community that promotes social inclusion, community cohesion and equality; that respects diversity and which challenges and acts upon discrimination and inequality. This school is committed to equality, and will work consistently to ensure that all pupils and staff are encouraged to achieve their full potential; a culture of respect for others is created and difference between people is recognised and celebrated. The school will endeavour to create a community where pupils, and others, are well prepared for life in a diverse society.

Our school aims to ensure that no pupil, staff, parent or carers or any other person receives less favourable treatment on any grounds which cannot be shown to be justified through their contact with our school. This covers race, ethnic or national origin, religion or belief, gender, marital status, responsibility for children or other dependants, disability, sexual orientation, gender identity, age, trade union or political activities, or social class.

This Scheme sets out:

- information about our school and the local area;
- our plans to meet our general and specific duties;
- how we will promote community cohesion within the school;
- how we have involved people in the development of this scheme;
- what consultation has taken place;
- what our plans are to gather and use information;
- how we intend to ensure our policies are fair;
- how we will report on our progress;
- who is responsible for making our scheme a reality; and,
- an action plan addressing our equality priorities

Our Scheme covers a three year period from November 2018 to November 2021

The School Context

- Geographical location
- Disability data
- Ethnic composition of pupils and staff
- Gender data
- Special educational needs of pupils
- Socio-economic background of pupils
- Attainment levels of different groups of pupils
- Religious and linguistic diversity of pupils
- Other disadvantaged groups of pupils
- Pupil mobility
- Refugees and asylum seekers
- Gypsy, Roma Traveller pupils

School Mission Statement

At Cannon Park School

We Encourage Excellence and Enjoyment by.....

Being our Best

Caring for All

In a Safe Environment

Every Day

- Achievement and attainment of pupils
- Equality and cohesion in the curriculum
- Developing a voice for pupils, staff and parents
- Removing barriers – physical, communication and curriculum
- Lettings and use by community
- Eliminating harassment and bullying
- Employing, paying, promoting and training staff
- Monitoring
- Assessment
- Governance and relations with parents
- Breaks, lunchtimes, after schools activities and trips
- Teaching and learning e.g. – see below;

Teaching and Learning

Classroom staff will ensure that pupils are taught in an inclusive environment where pupils feel safe, included and their contributions are valued.

Staff will challenge stereotypes and foster pupils' critical awareness and concepts of fairness, enabling them to detect bias and challenge inequalities.

Resources and displays will reflect the experience and backgrounds of the range of people living in the UK. We will ensure they celebrate diversity and challenge stereotypes in all curriculum areas.

The curriculum and its delivery will be differentiated appropriately to ensure the inclusion of, boys and girls; pupils who are disabled; pupils learning English as an additional language; pupils from minority groups; pupils who are gifted and talented; pupils with special educational needs; pupils who are looked after by the local authority and pupils who are at risk of disaffection and exclusion.

Our commitment to equality and cohesion will be demonstrated by our work to;

- promote equality, by assessing the impact of our policies on different groups
- challenge and eradicate discrimination and harassment, for example, by acting quickly to deal with all bullying
- promote community cohesion, for example, through involvement with school linking and other activities
- encourage greater participation in public life, through involvement with schools councils, PTA's and Governing bodies
- ensure our curriculum reflects the society we want to encourage, that respects diversity and reinforces positive community values

- take care to ensure all pupils can access an appropriately designed curriculum
- promote human rights and equality through the Citizenship Curriculum
- ensure all children can access, and participate in, out of school activity
- develop and report our equality work as part of our business planning, school improvement, and school self evaluation processes
- develop and supporting our workforce, providing a working environment free from harassment
- work together with pupils, parents, staff, stakeholders and the wider community to develop and make real our equality aims and objectives
- review and audit all our Equality and Cohesion activities

Community Cohesion

We will undertake an [audit](#) of the current activity within the whole school to understand where we contribute to community cohesion. We will build on this work to ensure that throughout the school we are utilising opportunities to enable pupils and staff to understand the contribution they can make to enhancing their communities and making connections with others.

Governors

The Governing Body acknowledges that it has overall responsibility to ensure that equality and community cohesion is promoted throughout the organisation; however it may delegate day to day responsibility to the school leadership team.

The Governing Body will ensure that all staff are aware of, and understand, their responsibilities regarding equality legislation and guidance.

The Governing Body will audit progress on this Scheme, receiving regular reports from the leadership team on progress made, incidents reported and targets reached. They will ensure that challenges are set to enable the school to reach its aims.

The governing body will ensure, through the process of impact assessment, that all relevant policies and procedures reflect the school's commitment to the principles of equality.

Involvement and consultation

At this school the following mechanisms will ensure the views of **pupils** inform the Equality Scheme and action plan:

- School council;
- E-forums;
- Individual interviews with pupils involved in incidents of a discriminatory nature;
- Individual interviews with pupils experiencing reasonable adjustments;
- Parental questionnaires
- Pupil questionnaires
- 'Open door' policy

At this school the following mechanisms will ensure the views of **staff** inform the Equality Scheme and action plan:

- Regular staff meetings with specific agenda items;
- Individual discussions with staff as a part of performance management.
- Senior management meetings
- 'Open door policy

At this school the following mechanisms will ensure the views of **parents/carers and the community** inform the Equality Scheme and action plan:

- Feedback through the Governing Body meetings;
- Feedback from adults using the school beyond the school day;
- Open Evenings
- Parent Voice
- Parent questionnaires

The school's action plan will focus on developing the involvement of pupils, staff and parents from different social identity backgrounds over the three years of this Scheme. We will consider varying the times, methods and the venues for this involvement to ensure the best possible attendance and ensure views can be heard. This way the school will learn what works and the involvement of pupils, staff and parents will improve and deepen over time.

Action Planning

This scheme is supported by an action plan, the progress of which is monitored and evaluated by the Governing Body.

The action plan that identifies the equality objectives for the school arising from this scheme has:

- clear allocation of responsibility;
- clear allocation of resources, human and financial;
- clear timescales;
- expected outcomes and performance criteria;
- specified dates for review;

The effectiveness of this Scheme will be evaluated and reflected in:

- the School Self-evaluation Form;
- discussions with the Education Improvement Advisor/School Improvement Partner.

In creating this scheme we have been grateful for the involvement and support of pupils, parents/carers, ex-pupils, staff and members of the local community in developing this scheme.

Partnership with parents/carers

Our school will endeavour to provide all information for parents/carers in accessible, user-friendly language and formats. We will also aim to provide information in community languages and alternative formats when requested.

Progress reports to parents/carers will be provided in a range of formats in order to ensure that all parents/carers are enabled to participate.

All parents/carers will be encouraged to participate at all levels in the full life of the school. Information and meetings for parents will be accessible. Parental involvement will be monitored to ensure the participation of parents from all groups whose children are pupils at the school. Actions will be included in the school's action plan to address any inconsistencies if found.

Gathering information

To support our goal of achieving equality and cohesion it is essential that we have accurate and clear information. We can then aim to see where there are any differences in outcomes, attainment or experience. We will collect data on pupils, staff and other users of the school. We will consider the results of our monitoring and use the data to target, plan and deliver more effectively to those experiencing differential outcomes.

The data we have collected will be utilised to develop the scheme and action plan. Any gaps in data that we have discovered will also be addressed through the action plan.

Once this initial scheme has been developed the data gathered will be used to monitor and evaluate our actions against our targets.

The data will also be used to develop our next scheme.

Reporting

The school will report annually on the progress of the scheme and the action plan, this will happen through meeting with the P, Q and S Committee. The results of reviews will be published in formats that give the widest accessibility.

The action plan will be monitored termly to ensure that we are measuring improvements and addressing any issues of slow progress and adjusting targets where new information becomes available.

Responsibility

The Scheme reflects our school's commitment to equality and community cohesion, as such, there is an expectation that the whole school community takes responsibility for making it a reality, specifically;

Governing Body

The governors are responsible for:

- making sure the school complies with the equality duties;
- ensuring effective activity is undertaken to promote community cohesion;
- making sure the school and its procedures are followed.

Head Teacher

The Head Teacher is responsible for:

- making sure the scheme is readily available and that the governors, staff, pupils, and their parents and carers know about it;
- making sure the scheme and associated plans are followed;
- producing regular information for staff and governors about the scheme and how it is working, and providing training, if necessary;
- making sure all staff know their responsibilities and receive training and support in carrying these out; and
- taking appropriate action in cases of harassment and discrimination.

All staff

All staff are responsible for:

- dealing with hate incidents, and being able to recognise and tackle bias and stereotyping;
- promoting equal opportunities, good community relations and preventing discrimination; and
- keeping up to date with the law on discrimination, and taking up training and learning opportunities.

Staff with specific responsibilities

Vanessa MacDonald and Alan Pearse (Safeguarding Governor) responsible overall for:

- coordinating work on equality and community cohesion; and
- responding to reports of hate incidents.

Visitors and contractors

Visitors and contractors are responsible for:

- knowing, and following your equality policies.

Pupils

All pupils are responsible for:

- abiding by the equality and cohesion scheme;
- reporting any hate incidents.

Parents and carers

All parents and carers are responsible for:

- supporting the school's ethos in challenging discrimination and harassment;
- raising issues of concern.

Local Authority

Our school will work closely with Coventry Local Authority where our responsibilities have shared elements. Issues that may require particular attention are:

- Employment, where the respective responsibilities of school and the Local Authority will vary according to; the status of the school, the delegation of responsibilities locally and the extent to which schools buy back services from the authority.
- Procurement, which is regulated by the Local Authority. Local authority

- regulations will be amended to reflect the requirements of the DDA
- The provision of extended services

Strategic Priorities

The priorities the school has defined for this first scheme include, for;

Equality Legislation

This equality scheme responds to the current equalities legislation.

- The Equality Act 2010 is the overarching legislation for all equality duties.

The act serves two main purposes:

- a) To harmonise discrimination law;
- b) To strengthen the law to support progress on equality.

The act supersedes or strengthens the following acts and regulations:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Employment Equality (Religion & Belief and Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006 Part 2
- The Equality Act (Sexual Orientation) Regulations 2007

Overview of previous equalities legislation which has been harmonised and strengthened by Equality Act 2010:

- Race Relations Act (RRA) 1976/2000
statutory positive duty to promote racial equality, promote good race relations and eliminate unlawful racial discrimination;
- Sex Discrimination Act (SDA) 1975 (and Regulations 1999), Gender Equality Duty 2007
statutory positive duty to promote gender equality and eliminate unlawful gender discrimination;
- Employment Equality (religion or belief) (sexual orientation) Regulations 2003
extended to education, Equality Act (Part 2) 2007

The Act sets out that is unlawful for schools to discriminate against a person:

- 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:
 - d) in the way in which it affords him/her access to any benefit, facility or service,
 - e) by refusing him/her access to a benefit, facility or service,
 - f) by excluding him/her from the establishment,
 - g) by subjecting him/her to any other detriment.
- Disability Discrimination Act (DDA) 1995/2005
statutory positive duty to promote equality of opportunity for disabled people: pupils, staff, parents, carers and other people who use the school or may wish to, and eliminate unlawful discrimination;
 - Education and Inspections Act 2006, duty to promote community cohesion.

By 'community cohesion' the school is endorsing and adopting the definition provided by Alan Johnson, 2006, as:

"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 workplace, in schools and in the wider community."

What is discrimination?

The Equality Act 2010 consolidates existing law into a single legal framework and while many of the concepts of discrimination remain the same as in previous equality legislation there are some areas that were not previously covered. This appendix describes the various types of discrimination and how they apply to the schools provisions.

Direct discrimination

Direct discrimination occurs when you treat a pupil less favourably than you treat (or would treat) another pupil because of a protected characteristic. So a very basic example would be refusing to admit a child to a school as a pupil because of their race, for example, because they are Roma.

It is not possible to justify direct discrimination, so it will always be unlawful.

In order for someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected characteristic is receiving or would receive. So a gay pupil cannot claim that excluding them for fighting is direct discrimination on grounds of sexual orientation unless they can show that a heterosexual or bisexual pupil would not be excluded for fighting. A pupil does not need to find an actual person to compare their

treatment with but can rely on a hypothetical person if they can show there is evidence that such a person would be treated differently.

There is no need for someone claiming direct discrimination because of racial segregation or pregnancy or maternity to find a person to compare themselves to:

- Racial segregation is deliberately separating people by race or colour or ethnic or national origin and will always be unlawful direct discrimination.
- To claim pregnancy or maternity discrimination a female pupil must show that she has been treated unfavourably because of her pregnancy or maternity and does not have to compare her treatment to the treatment of someone who was not pregnant or a new mother.

It is not direct discrimination against a male pupil to offer a female pupil special treatment in connection with her pregnancy or childbirth.

It is not direct discrimination against a non-disabled pupil to treat a disabled pupil more favourably.

For example:

- A female pupil is actively discouraged from participating in the football club.
- A pupil with Asperger's Syndrome can sometimes act in a disruptive manner in class. The school does not take disciplinary action but uses agreed strategies to manage his behaviour. A non-disabled pupil who is also disruptive in class is punished for his behaviour. This difference in treatment would not be direct discrimination against the non-disabled pupil.

Discrimination based on association

Direct discrimination also occurs when you treat a pupil less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).

This might occur when you treat a pupil less favourably because their sibling, parent, carer or friend has a protected characteristic.

Discrimination based on perception

Direct discrimination also occurs when you treat a pupil less favourably because you mistakenly think that they have a protected characteristic.

Discrimination because of pregnancy and maternity

It is discrimination to treat a woman less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger.

It is direct sex discrimination to treat a woman (including a female pupil of any age) less favourably because she is breastfeeding a child who is more than 26 weeks old.

Indirect discrimination

Indirect discrimination occurs when you apply a provision, criterion or practice in the same way for all pupils or a particular pupil group, such as A-level physics students, but this has the effect of putting pupils sharing a protected characteristic within the general student group at a particular disadvantage. It doesn't matter that you did not intend to disadvantage the pupils with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such pupils compared with pupils who do not share that characteristic.

'Disadvantage' is not defined in the Act but a rule of thumb is that a reasonable person would consider that disadvantage has occurred. It can take many different forms, such as denial of an opportunity or choice, deterrence, rejection or exclusion.

'Provision', 'criterion' or 'practice' are not defined in the Act but can be interpreted widely and include:

- arrangements (for example, for deciding who to admit)
- the way that education or access to any benefit, service or facility is offered or provided
- one-off decisions
- proposals or directions to do something in a particular way.

They may be written out formally or they may just have developed as the school worked out the best way of achieving what it wanted to do.

Indirect discrimination will occur if the following four conditions are met:

1. You apply (or would apply) the provision, criterion or practice equally to all relevant pupils, including a particular pupil with a protected characteristic, and
2. The provision, criterion or practice puts or would put pupils sharing a protected characteristic at a particular disadvantage compared to relevant pupils who do not share that characteristic, and
3. The provision, criteria, practice or rule puts or would put the particular pupil at that disadvantage, and
4. You cannot show that the provision, criteria of practice is justified as a 'proportionate means of achieving a legitimate aim'.

For example:

A school requires male pupils to wear a cap as part of the school uniform. Although this requirement is applied equally to all pupils, it has the effect of excluding Sikh boys whose religion requires them to wear a turban. This would be indirect discrimination based on religion and belief as it is unlikely that the school would be able to justify this action.

What is a 'proportionate means of achieving a legitimate aim'?

To be legitimate the aim of the provision, criterion or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of school education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health and safety and welfare of pupils.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim.

Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the school's justification, if there are other good reasons for adopting the chosen practice.

The more serious the disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be.

In a case involving disability, if you have not complied with your duty to make relevant reasonable adjustments it will be difficult for you to show that the treatment was proportionate.

Discrimination arising from disability

Discrimination arising from disability occurs when you treat a disabled pupil unfavourably because of something connected with their disability and cannot justify such treatment.

Discrimination arising from disability is different from direct discrimination. Direct discrimination occurs because of the protected characteristic of disability. For discrimination arising from disability, the motive for the treatment does not matter; the question is whether the disabled pupil has been treated unfavourably because of something connected with their disability.

Discrimination arising from disability is also different from indirect discrimination. There is no need to show that other people have been affected alongside the individual disabled pupil or for the disabled pupil to compare themselves with anyone else.

Discrimination arising from disability will occur if the following three conditions are met:

- you treat a disabled pupil unfavourably, that is putting them at a disadvantage, even if this was not your intention, and
- this treatment is because of something connected with the disabled pupil's disability (which could be the result, effect or outcome of that disability) such as an inability to walk unaided or disability-related behaviour, and

- you cannot justify the treatment by showing that it is ‘a proportionate means of achieving a legitimate aim’. This is explained above.

For example:

A pupil with cerebral palsy who is a wheelchair user is told she will be unable to attend a school trip to a local theatre putting on a production of a play she is currently studying in English because the building is not wheelchair accessible. The pupil and her parents are aware that the play is also on at a theatre in a neighbouring city which is accessible but the school does not investigate this option. This is likely to be discrimination arising from a disability.

Knowledge of disability

If you can show that you:

- did not know that the disabled pupil had the disability in question, and
- could not reasonably have been expected to know that the disabled pupil had the disability

then the unfavourable treatment would not amount to unlawful discrimination arising from disability.

If your agent (someone who undertakes tasks on your behalf) or employee knows of a pupil’s disability, you will not usually be able to claim that you do not know of the disability.

For example:

A pupil tells the school secretary that she has diabetes and that she needs to carry biscuits to eat when her blood sugar levels fall. A teacher has no information about her disability and refuses to allow pupils to bring food into the classroom. The pupil has a hypoglycaemic attack. In this case, the school is unlikely to be able to argue that it did not know about her condition.

Relevance of reasonable adjustments

By acting quickly to identify and put in place reasonable adjustments for disabled pupils, you can often avoid discrimination arising from disability, although there may be cases where an adjustment is unrelated to the unfavourable treatment in question.

If you fail to make an appropriate reasonable adjustment, it is likely to be very difficult for you to argue that unfavourable treatment is justified.

Reasonable adjustments

You should be familiar with the reasonable adjustments duty as this was first introduced under the Disability Discrimination Act 1995. The reasonable adjustments duty under the Equality Act operates slightly differently and has been extended to

cover the provision by a school of auxiliary aids and services; however, this element of the duty will not come into force until a later date yet to be confirmed. The object of the duty is the same: to avoid as far as possible by reasonable means, the disadvantage which a disabled pupil experiences because of their disability.

This duty sits alongside your duties and those of local authorities under Part 4 of the Education Act 1996. In some cases, the support a disabled pupil may receive under the special educational needs framework may mean that they do not suffer a substantial disadvantage (see below) and so there is no need for additional reasonable adjustments to be made for them. In other cases, disabled pupils may require reasonable adjustments in addition to the special educational provision they are receiving. There are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a pupil is receiving under Part 4 of the Education Act 1996 is one of the factors to be taken into account when you consider what it would be reasonable for you to have to do.

What is the reasonable adjustments duty?

You are required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled pupils at a substantial disadvantage.

You owe this duty to existing pupils, applicants and, in limited circumstances, to disabled former pupils in relation to the following areas:

- deciding who is offered admission as a pupil
- the provision of education
- access to any benefit, service or facility.

The duty does not require you to make reasonable adjustments to avoid the disadvantage caused by physical features as this is covered by the planning duties.

You cannot justify a failure to make a reasonable adjustment; where the duty arises, the issue will be whether or not to make the adjustment is 'reasonable' and this is an objective question for the tribunals to ultimately determine.

The duty is an anticipatory and continuing one that you owe to disabled pupils generally, regardless of whether you know that a particular pupil is disabled or whether you currently have any disabled pupils. You should not wait until an individual disabled pupil approaches you before you consider how to meet the duty. Instead, you should plan ahead for the reasonable adjustments you may need to make, regardless of whether you currently have any disabled pupils. By anticipating the need for an adjustment you will be best placed to help disabled pupils who come to your school. You are not expected to anticipate the needs of every prospective pupil but you are required to think about and take reasonable and proportionate steps to overcome barriers that may impede pupils with different kinds of disabilities. For example, while it may be appropriate for you to provide large print for a pupil with a visual impairment, you would not be expected to have Braille devices standing ready.

What is a substantial disadvantage?

A disadvantage that is more than minor or trivial is called a 'substantial disadvantage'. The level of disadvantage created by a lack of reasonable adjustments is measured in comparison with what the position would be if the disabled pupil in question did not have a disability.

You will need to take into account a number of factors when considering whether or not the disadvantage is substantial such as:

- the time and effort that might need to be expended by a disabled child
- the inconvenience, indignity or discomfort a disabled child might suffer
- the loss of opportunity, or the diminished progress a disabled child might make in comparison with his or her peers who are not disabled.

For example:

A deaf pupil is advised by the school that it would be better for her to remain at school rather than go on a residential trip as it might be 'too difficult' for her to manage. The school does not make reasonable adjustments.

The duty to change a provision, criterion or practice

These terms are not defined but in general, they relate to how the education and other benefits, facilities and services are provided and cover all of your arrangements, policies, procedures and activities.

Where a provision, criterion or practice places disabled pupils at a substantial disadvantage in accessing education and any benefit, facility or service, you must take such steps as it is reasonable to take in all the circumstances to ensure the provision, criterion or practice no longer has such an effect. This might mean waiving a criterion or abandoning a practice altogether but often will involve just an extension of the flexibility and individual approach that most schools already show to their pupils.

For example:

A school has been allocated three places for students to represent the school at a national conference on the environment. The school decides to hold a debate on the topic to select the three pupils who will attend the conference. This places a pupil with a nervous system disorder at a significant disadvantage as he has trouble communicating verbally. The school modifies the criteria to enable that pupil to submit his views and ideas on the issue in writing. This is likely to be a reasonable adjustment to the school's practice.

When is it reasonable for a school to have to make adjustments?

A useful starting point when determining what a reasonable adjustment might be is to consider how to ensure that disabled pupils can be involved in every aspect of school life. Often effective and practical adjustments involve little or no cost or disruption.

For example:

- A teacher always addresses the class facing forward to ensure that a pupil with hearing difficulties is able to lip-read. This is an example of a simple reasonable adjustment.
- A primary school introduces a playground buddy system and a friendship bench which creates a supportive and friendly place for disabled pupils during breaks. This is an example of an effective but easy reasonable adjustment.

Where disabled pupils are placed at a substantial disadvantage by a provision, criterion or practice or the absence of an auxiliary aid, you must consider whether any reasonable adjustment can be made to overcome that disadvantage.

You should not expect disabled pupils to suggest adjustments but if they do you should consider whether those adjustments would help to overcome the disadvantage and whether the suggestions are reasonable. It is good practice for schools to work with pupils and their parents in determining what reasonable adjustments can be made.

2.2 Harassment

There are three types of harassment which are unlawful under the Equality Act:

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of an employee because they submit to or reject sexual harassment or harassment related to sex.
-

The relevant protected characteristics for the school's provisions are:

- Disability.
- Race.
- Sex.

Pregnancy and maternity are not protected directly under the harassment provisions, however, unwanted behaviour (as described below) will amount to harassment related to sex.

Harassment related to a protected characteristic

Harassment occurs when you engage in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- violating a pupil's/employee's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil/employee.

The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for the pupil to say that they object to the behaviour for it to be unwanted.

In this context 'related to' has a broad meaning and includes situations where the pupil who is on the receiving end of the unwanted behaviour does not have the protected characteristic himself or herself, provided there is a connection between the behaviour and a protected characteristic.

This would also include situations where the pupil is associated with someone who has a protected characteristic or is wrongly perceived as having a particular protected characteristic.

For example:

A pupil from an Irish Traveller background overhears a teacher making racial slurs about gypsy and traveller people stating their site should be shut down and they were 'trouble'. This would constitute harassment related to a protected characteristic (race).

The definition of harassment as described above does not apply to the protected characteristics of gender reassignment, sexual orientation or religion or belief in relation to schools. However, where unwanted conduct related to any of these protected characteristics results in a pupil/employee suffering disadvantage that would constitute direct discrimination.

For example:

During a PSHE (personal, social, health and economic education) lesson, a teacher describes homosexuality as 'unnatural' and 'depraved' and states he will only be covering heterosexual relationships in the lesson. A bisexual pupil in the class is upset and offended by these comments. This may be unlawful direct discrimination on the grounds of sexual orientation.

Sexual harassment

Sexual harassment occurs when you engage in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- violating a pupil's/employee's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil/employee.

'Of a sexual nature' can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with the material of a sexual nature.

For example:

A female member of staff is asked intimate questions about her personal life and subjected to sexual innuendos by a parent or other member of staff. This would be sexual harassment.

Less favourable treatment of a pupil/employee because they submit to or reject sexual harassment or harassment related to sex

It is unlawful to treat a pupil/employee less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

2.3 Victimization

Victimization is defined in the Act as:

Treating someone badly because they have done a 'protected act' (or because the school believes that a person has done or is going to do a protected act).

There are additional victimisation provisions for schools which extend the protection to pupils who are victimised because their parent or sibling has carried out a protected act.

A 'protected act' is:

- Making a claim or complaint of discrimination (under the Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that the school or someone else has breached the Act.
- Doing anything else in connection with the Act.

If you do treat a pupil less favourably because they have taken such action then this will be unlawful victimisation. There must be a link between what the pupil (or parent or sibling) did and your treatment of them.

The less favourable treatment does not need to be linked to a protected characteristic.

For example:

A teacher shouts at another member of staff because he thinks she intends to support another pupil's/employee's sexual harassment claim. This would amount to victimisation.

Who is not protected?

A pupil who in bad faith gives false information or evidence (that is, that they knew was false) or makes an allegation that was false and given in bad faith would not be protected against victimisation. The original complaint/claim would not be affected providing it was not made in bad faith.

For example:

A pupil at an independent school with a grudge against his teacher knowingly gives false evidence in another pupil's discrimination claim against the school. He is subsequently excluded from the school for supporting the claim. This treatment could not amount to victimisation because his evidence was untrue and given in bad faith.

Victimisation for actions of parents or siblings

You must not treat a pupil less favourably because of something their parent(s) or sibling has done in relation to the making of a complaint of discrimination.

A parent of a pupil complains to the school that her daughter is suffering discrimination by not being allowed to participate in a sports club. If the daughter is treated less favourably as a result of the complaint this would be unlawful victimisation.

This applies to a child in relation to whom the parent(s) were making a complaint in relation to and also to any other children who are pupils at the school. This also applies if a parent supports a teacher's complaint against the school under Part 5 of the Act.

If the information or evidence was false and given in bad faith (that is, the parent/sibling knew it was false) or the allegation was false and given in bad faith then this protection for the pupil will still apply, provided that the pupil did not act in bad faith.

For example:

A pupil makes a complaint against his school claiming that he has suffered discrimination by a member of staff. The pupil's younger brother, at the same school, is protected against any less favourable treatment by the school because of this complaint, even if it is later found out that the older brother was not acting in good faith.

There must be a link between what the parent(s) or their child has done and you treating the child/sibling badly.

The child who is being treated badly does not need to have any of the protected characteristics.

The fact that a complaint/claim is not upheld does not mean that it was made in bad faith.

2.4 Obligations to former pupils

Even after a person has left your school you must not discriminate against them or harass or victimise them. This only applies if the discrimination or harassment arises out of and is closely connected to their previous relationship with you and would have been unlawful if they were still a pupil. For example, if an ex-pupil asks for a reference from the school it would be unlawful for the reference to be unflattering because of a protected characteristic of the ex-pupil, or because they at one time brought or supported a discrimination complaint against the school.

This obligation to former pupils would include the duty to make reasonable adjustments for disabled former pupils if they continue to be at a substantial disadvantage in comparison to former pupils without a disability. This obligation only applies if the substantial disadvantage arises out of and is closely connected with them having been a pupil.

For example:

A school sends an annual newsletter to former pupils and one former pupil who has a visual impairment requests that it is sent to him by email rather than in hard copy. The school does not provide him with an electronic copy. This is likely to be an unlawful failure to make a reasonable adjustment.

If someone believes that they are being discriminated against after they have stopped studying with you, they can take the same steps to have things put right as if they were still a pupil. These steps are explained in Section 6.

2.5 When are you responsible for what other people do?

Liability for employees and agents

As an employer you are legally responsible for acts of discrimination, harassment and victimisation carried out by your employees in the course of employment or by people who take action for you (agents).

It does not matter whether you knew about or approved of those acts.

However, if you can show that you took all reasonable steps to prevent your employees or agents from acting unlawfully, you will not be held legally responsible.

It is important that you take steps to make sure your employees and agents understand that they must not discriminate against pupils, or harass them or victimise them and that they understand your duties in relation to making reasonable adjustments for disabled pupils.

Personal liability of your employees and agents

An employee (of a school) is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable. However, an employee is not personally liable in relation to disability discrimination in schools.

For example, a teaching assistant racially discriminated against a pupil. The school is able to show that it took all reasonable steps to prevent the harassment and therefore was not liable. The pupil can still make a claim of discrimination against the teaching assistant.

However, if this was a case of discrimination on the grounds of disability, the pupil would not be able to make a claim against the teaching assistant because the personal liability provisions do not cover disability discrimination in schools.

If the relationship is one of a person paying for someone else to take action for them and someone taking action for them (their 'agent') rather than employer and employee, the agent is personally responsible in the same circumstances.

Employees or agents will still be responsible for their acts of discrimination, harassment or victimisation even if they did not know their actions were against the law.

But there is an exception to this. An employee or agent will not be responsible if their employer or principal has told them that there is nothing wrong with what they are doing and he or she reasonably believes this to be true.

It is a criminal offence, punishable by a fine of up to £5,000, for an employer or principal to make a false statement in order to try to get an employee or agent to carry out an unlawful act.

Instructing and causing discrimination

As a school, you must not instruct, cause or induce someone to discriminate against, harass or victimise another person, or to attempt to do so.

Both the person who receives the instruction and the intended victim will have a claim against whoever gave the instructions. This applies whether or not the instruction is carried out, provided the recipient or intended victim suffers loss or harm as a result.

It only applies where the person giving the instruction is in a legal relationship with the person receiving the instruction such as employer and employee or agent and principal.

Employment Tribunals will deal with complaints from an employee or agent who has received the instructions and the victim can make a claim in the same way as they would for any other claim under the act. So if you instruct a member of staff to discriminate against a pupil on grounds of their sex then the member of staff can make a claim to an Employment Tribunal and the pupil can make a claim to a county or sheriff court.

The Equality and Human Rights Commission can also take action for unlawful instructions to discriminate.

Aiding contraventions

It is unlawful for you to help someone else carry out an act which you know is unlawful under the Equality Act.

However, if the person giving assistance has been told by the person he or she assists that the act is lawful and he or she reasonably believes this to be true, he or she will not be legally responsible.

It is a criminal offence, punishable by a fine of (currently) up to £5,000, to make a false statement in order to get another person's help to carry out an unlawful act under the Equality Act.

For further information visit:-

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

While the school has achieved a great deal, it acknowledges that there is always more that can be done to promote equality and community cohesion. It will use this Equality and Cohesion Scheme to help drive this work forward. Our commitments under this scheme will also be included in our other school planning processes.

The school recognises that it has finite resources and will be unable to achieve all the desired changes at once. In practice, this means that the school will need to continue to give the greatest consideration and resources to those areas it assesses as having the greatest need. Improving pupil achievement where differential outcomes have been found to exist and promoting an inclusive environment are areas where particular attention, therefore, might be focussed.

Date of Scheme: 12th November 2018

Date of first review: 12th November 2021

This Scheme will be the responsibility of the Head Teacher from the Senior Leadership Team and the Chair of Governors from the Governing Body.

If you have any feedback or comments about the scheme you can contact Mrs V. MacDonald – Head Teacher on 024 76414684

If you require this scheme in another format or language, please contact admin@cannonpark.coventry.sch.uk

Action Plan

Through its auditing process and the development of this scheme, taking account of the views of those consulted, the school governing body have identified a range of equality and cohesion priorities for action over the three years of the Scheme. These are detailed in the attached action plan.

Aim	Action	Resource Implications	Success criteria	Timescale	Responsible person/report to
To have up to date information on pupils/parents/carers	Update prospective pupil, parent/carer information held by the school	Use of entry questionnaire	Data held on 100% parents/pupils	Autumn 18 then annually	Admin. staff
To have up-to date workforce data	Ask staff, by providing information and support, whether they are disabled. Collate ethnicity and gender data.	Where possible supported by Coventry City Council	Data held on 100% staff	Autumn 2018 then annually	Admin. staff
To have up- to -date information on pupil harassment	Complete reports of prejudice based bullying	Time, additional training	All incidents of prejudice reported on	Autumn 2018 then ongoing	Head Teacher Deputy Head

Aim	Action	Resource Implications	Success criteria	Timescale	Responsible person/report to
To engage people in the monitoring and evaluation of the scheme	To ensure all those involved with the school are familiar with the schools ethos regarding equality.	Costs of disseminating scheme, other publicity costs	All those connected with the school have the same understanding of equality	Autumn 2018 and then as new employee's commence work	Admin staff SMT Teachers
To ensure disabled children's representation on the school council and it is representative of the school population in terms of gender, race	To ensure a child with SEND is always on the school council.		Disabled children are able to be heard within existing school organisations	Autumn 2018 and then annually	Teacher Linked to School Council
To increase the participation in extra curriculum activities of those children in receipt of the pupil premium			Increase in proportion of pupil premium children attending extra-curricular activities	Summer 2018	PE Co-Ordinator