



Contextual Statement

As a school that has been recognised by Surrey LEA as 'providing for some of the county's most vulnerable children many of whom have been difficult to place' and recognised by Ofsted as 'unique' we are very aware of the importance of our context. We take students with a variety of complex needs, including issues around body dysmorphia, identity, those who are transgender and those who identify as gender neutral. With a small staff it is difficult to create a group of adults, with the right qualifications, to truly represent the complexities of the student population however through posters, resources and information we try very hard to do so. Seeing positive images of your own identity is key when growing up.

This policy must be reviewed annually by EMAT. Next review is: April 2021

Equalities and SEND Policy (please read with our disability access plan)

- To ensure good mental and physical health it is essential to feel valued and wanted. We aim to support staff and students to develop new skills in a safe, welcoming environment. We welcome individuals from all ethnic backgrounds, religions and those with specific needs.
- Unfortunately some of our school provision is not suitable for wheelchair access. We go out of our way to try to accommodate such situations, especially for visiting parents who are wheelchair users, with exhibitions and parent meetings at other local buildings and venues. We have started a long term disability equality plan with a view to being able to improve disabled access.
- Sadly, the registered exam centre is accessed by stairs and due to the nature of the building we are unable to install a lift. We are therefore unable to accept external candidates that are wheelchair bound, however we will do everything that we can to accommodate other physical disabilities and mental health disabilities in line with the Equalities Act 2010. This includes supporting applications for students in line with exam board guidance for extra time, use of technology, use of large print, use of a scribe and other adjustments laid out in the examining body documentation. We also seek to ensure that information regarding exams is provided in a

range of formats to enable students and their families to be clear about procedures and the help available to them.

- We do not discriminate and we aim to ensure that children get a wide range of experiences and develop a tolerant attitude.
- Throughout the school we ensure that resources are available that represent a wide range of age groups, religion, ethnicity and ability.
- In our advertising materials we aim to represent the varied nature of the UK population.
- We would never discriminate at interview on grounds of race, religion, age, sexuality or gender, and aim to have a workforce that is reflective of UK society
- We reserve the right to **terminate using the services** of staff immediately if we suspect discrimination or bullying has taken place towards a staff member or student. We will also report to the Surrey LADO and the police in terms of suitability to work with young people.

Our attitudes above are embedded in the relevant legislation, and we acknowledge the following legal duties and adapt our procedures appropriately, ensuring we act within the law:

Our Legal Duties

Legislation relating to equality and discrimination is laid out in the Equality Act 2010.

This legislation covers employment (work), the provision of services and public functions, and education.

Employers (schools) are liable for discriminatory acts of their employees if they did not take reasonable steps to prevent such acts. Employees can be liable for acts (where an employer took reasonable steps to prevent such acts).

The 'Protected Characteristics' within equality law are:

Age - A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). Age discrimination does not apply to the provision of education, but it does apply to work.

Disability - A person has a disability if s/he has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. It includes discrimination arising from something connected with their disability such as use of aids or medical conditions. HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

Gender reassignment - A person (usually with 'gender dysphoria') who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male). 'Trans' is an umbrella term to describe people with this 'Gender Identity'. 'Intersex' or 'Third Sex' is not covered by the Act but the school will treat Intersex children with the same degree of equality as children with gender dysphoria. Children as young as five may begin to show signs of gender dysphoria and therefore it is relevant in any school environment. (The Intercom Trust in Devon supports schools in supporting children undergoing gender reassignment).

Marriage and civil partnership - Marriage and civil partnership discrimination does not apply to the provision of education, but it does apply to work.

Pregnancy and maternity - Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.

Race - A person's colour, nationality, ethnic or national origin. It includes Travellers and Gypsies as well as White British people.

Religion and belief - Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Religion and belief discrimination does not prevent a school from carrying out collective worship or other curriculum-based activities, but students may withdraw from acts of collective worship.

Sex - A man or a woman. □ Sexual orientation - A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). Although children may not identify as gay or lesbian when very young, promotion of sexual orientation equality is as relevant in a primary school environment as it is in a secondary school. For example, a child may have an older sibling or parent who is gay. Children may experience friends 'questioning' or 'coming out' when they are in secondary school or college. Schools with a particular religious ethos cannot discriminate against lesbian, gay or bisexual students.

It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated. So, for example, a facility must not discriminate by refusing to admit a pupil because his parents are gay men or lesbians. It would be race discrimination to treat a white pupil less favourably because she has a black boyfriend.

'Prohibited Conduct' (acts that are unlawful):

Direct discrimination - Less favourable treatment because of a protected characteristic. □ Indirect discrimination - A provision, criteria or practice that puts a person at a particular disadvantage and is not a proportionate means of achieving a legitimate aim.

Harassment - Conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It includes harassment by a third party (e.g. customer or contractor) in the employment context.

Victimisation - Subjecting a person to a detriment because of their involvement with proceedings (a complaint) brought in connection with this Act.

Discrimination arising from disability - Treating someone unfavourably because of something connected with their disability (such as periods of absence from work or medical conditions) and failure to make reasonable adjustments.

Gender re-assignment discrimination - Not allowing reasonable absence from work for the purpose of gender-reassignment in line with normal provision (such as sick leave).

Pregnancy/maternity related discrimination - unfavourable treatment because of pregnancy or maternity. It includes unfavourable treatment of a woman or girl because she is breastfeeding. □

Discrimination by association or perception - For example, discriminating against someone because they “look gay”, or because they have a gay brother; discriminating against someone because they care for a disabled relative.

Schools are allowed to treat disabled students more favourably than non-disabled students, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with students without disabilities.

Public Sector Duties (applies to schools & exam centres):

A school must, in the exercise of its functions, have due regard to the need to:-

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned above.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

tackle prejudice, and promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

The relevant protected characteristics are:-

▯ age;

▯ disability;

▯ gender reassignment;

▯ pregnancy and maternity;

▯ race;

□ religion or belief;

□ sex;

□ sexual orientation.

A reference to conduct that is prohibited by or under this Act includes a reference to:-

□ a breach of an equality clause or rule;

□ a breach of a non-discrimination rule.

Reasonable Adjustments and Accessibility Plans (Schedule 10) Schools are required to: □

Take reasonable steps to avoid disadvantage caused by a provision, criteria or practice or a physical feature that puts a disabled person at a substantial disadvantage compared to a non-disabled person. This involves removing or avoiding a physical feature, for example steps and lifts. □

Take reasonable steps to provide auxiliary aids/services.

Provide information in an accessible format.

Develop and implement (by allocating appropriate resources) Accessibility Plans which will

Increase students with disabilities access to the school curriculum and cocurricular activities

Improve the physical environment

Improve provision of information.

For more information download guidance from the DfE:

http://www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0_064570/the-equality-act-2010

and Equality Human Rights website:

<http://www.equalityhumanrights.com> which includes the guidance for education providers (schools)

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