



Together in truth and faith we learn and grow as God's family

Equalities policy

VISION AND VALUES

At St. Francis Catholic Primary School Morley, as a family, we embrace a shared vision of the values of the gospel as taught by the Catholic Church, as we increasingly know the person of Jesus. We seek to provide a stimulating learning environment which celebrates the achievements of every child and adult and enable them to reach their full spiritual, academic, social, creative and physical potential as a valued member of our Christian community.

WHAT WE MEAN BY EQUALITY?

At the heart of Catholic education is the Christian vision of the human person. We at St Francis believe that the human individual is created '*in the image of God*' (*Genesis 1: 27*) and that '*being in the image of God, the human individual possesses the dignity of a person, who is not just something but someone*' (CCC. 357). '*We believe each person possesses a basic dignity that comes from God*' and from Christ Jesus, the Son of God, who became one of us (*John 1: 14*) '*and not from any human quality or accomplishment, not from race, or gender, age or economic status*' (The Common Good in Education, Catholic Education Service, p. 6, 1997).

This Christian vision, derived from Christ, his Church and Scripture, is expressed and explored in the Catholic life of our school and understood as a '*work of love*' (The Catholic School on the Threshold of the Third Millennium, §15). Through Christ's command to '*love one another as I have loved you*' (*John 15: 12*) we understand equality to mean treating everyone with equal dignity and worth valuing their particular characteristics such as their age, disability, gender, ethnicity, religion or belief, sexual orientation and socio-economic circumstances.

In his teachings and actions, Christ focused on the poor and vulnerable in society and purposely included in his ministry those who were excluded by prejudice and discrimination. Following Christ's example 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, through direct and indirect discrimination or disadvantage imposed by other individuals, groups, institutions or systems intentionally or inadvertently.

OUR GUIDING PRINCIPLES

In fulfilling the legal obligations outlined further on in this scheme, we at St Francis are guided by seven principles which are underwritten by the theological foundations outlined above.

Principle 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

Principle 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 in 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

Principle 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
- positive intergenerational attitudes and relationships.

Principle 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

'The Catholic Church has always deplored the treatment of employment as nothing more than a form of commercial contract. This leads to a sense of alienation between the worker and his or her labour ... Work is more than just a way of making a living: it is a vocation, a participation in God's creative activity. When properly organised and respectful of the humanity of the worker, it is also a source of fulfillment and satisfaction.' (The Common Good in Education, Catholic Education Service, p. 18, 1997)

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

*Employment: the Equality Act 2010 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. 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.

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.

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. In addition, the governing body of a voluntary aided school, (like other schools with a religious character) has the power to dismiss an RE teacher, without the consent of the local authority, on the grounds that s/he fails to give religious education efficiently and suitably.

Preference can therefore be given to practising Catholics in appointments to teaching posts and this has also been extended to allow preference to be given to practising Catholics in non-teaching posts where there is a genuine Occupational Requirement. This latter point in relation to support staff is set out in Schedule 9(3) of the Equality Act 2010 which states that 'where the employer has an ethos based on religion or belief they do not contravene the Act by applying a requirement to be of a particular religion or belief if having regard to the nature of the work it is an occupational requirement and is a proportionate means of achieving a legitimate aim.' This right was termed a 'genuine occupational requirement' in previous guidance see Diversity and Equality Guidelines, Appendix II, p. 16, Catholic Bishops' Conference of England & Wales, 2005.

At St Francis it is an occupational requirement that the most senior roles i.e. the posts of Headteacher, Deputy Headteacher, Head of RE, RE Co-ordinator, filled by a baptised and practising Catholic in good standing with the Church.

Principle 5: we aim to reduce and remove inequalities and barriers that already exist

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 and religious and socio-economic backgrounds
- girls and boys, women and men
- people of different sexual orientation
- people whatever their age (where appropriate)

Principle 6: we consult widely

People affected by a policy or activity should be consulted and involved in the design of new policies, and in the review of existing ones. We involve:

- disabled people as well as non-disabled
- people from a range of ethnic, cultural and religious and socio-economic backgrounds
- both women and men, and girls and boys.
- people of different sexual orientation
- people from different age groups

Principle 7: 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 and religious and socio-economic backgrounds
- both women and men, girls and boys.
- people of different sexual orientation
- people of different ages and between generations

Principles in themselves are not enough

In the light of the principles stated above, we have identified practical priorities and plans of specific action, in order to promote equality in:

- disability
- ethnicity
- gender
- sexual orientation*
- religion and belief
- age
- socio-economic circumstances

**'The Catholic community includes people of heterosexual, homosexual and bi-sexual orientation. Every human being, whatever his or her sexual orientation, has the right to live a life free from discrimination and harassment ... Moreover, people of all sexual orientations have a right to take a full and active part in the life of the Catholic community. Catholic teaching, of course, makes a distinction between sexual orientation and sexual activity, and it holds that all men and women are called to a life of chastity, and to fidelity if they choose to marry. Catholic organisations and institutions ask their members and staff to respect this teaching.'* (Diversity and Equality Guidelines, paragraphs 28-29, Catholic Bishops' Conference of England & Wales, 2005)

These are outlined in our Single Equalities Action Plan

ACTION PLANS

1. We recognise that the actions resulting from a policy are what make a difference.
2. Each year we draw up an action plan within the framework of the overall school improvement plan, setting out the specific actions and projects we shall undertake to implement the principles above.
3. Our current action plan is set out in our Single Equality Scheme Action Plan

THE CURRICULUM

4. We will actively 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 seven principles outlined above.*

*Curriculum: the content of the curriculum is excluded from discrimination law following the Equality Act 2010. The Act does, however, explicitly include the delivery of the curriculum i.e. the way in which education is provided. Schools will need to ensure that the way in which issues are taught does not subject individual pupils to discrimination. Catholic schools can, as before, teach in line with their religious ethos and 'provided that their beliefs are explained in an appropriate way in an educational context that takes into account existing guidance on the delivery of Sex and Relationship Education and Religious Education 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.' (draft guidance from the DfE cited in Equality Act 2010, Guidance Note, CES, July 2011).

5. We will ensure staff are offered the opportunity to engage in appropriate training and development to support the achievement of the seven principles.

ETHOS AND ORGANISATION

6. We ensure that 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

*Admissions: under the provisions of the Equality Act 2010, Catholic schools may continue to give priority to Catholics where the school is oversubscribed in accordance with the provisions of the School Admission Code.

ADDRESSING PREJUDICE AND PREJUDICE-RELATED BULLYING

7. The school is opposed to all forms of prejudice which stand in the way of fulfilling legal duties for all aspects 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.
8. There is guidance in the staff handbook on how prejudice-related incidents should be identified, assessed, recorded and dealt with.
9. 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.

ROLES AND RESPONSIBILITIES

- 10.** 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.
- 11.** A dedicated member of the governing body has a watching brief regarding the implementation of this policy.
- 12.** The head teacher 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.
- 13.** A senior member of staff has day-to-day responsibility for co-ordinating implementation of the policy.
- 14.** All staff are expected to:
 - promote an inclusive and collaborative ethos in their classroom
 - challenge and deal with 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.
 - Pupil's have the opportunity to have their voices heard with regards to equality issues

INFORMATION AND RESOURCES

- 15.** 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.
- 16.** All staff and governors have access to a selection of resources which discuss and explain concepts of equality, diversity and community cohesion in appropriate detail.

RELIGIOUS OBSERVANCE

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

*The daily act of collective worship is not covered by the religion or belief provisions of the Act, which means that schools will not be acting unlawfully if they do not provide an equivalent act of worship for other faiths. For maintained schools a daily act of collective worship remains a mandatory requirement. It continues to be the case that in any maintained school collective

worship is to be *wholly or mainly of a broadly Christian character* except where a determination otherwise has been successfully obtained.

A school must of course comply with any request by a parent for a pupil to be wholly or partly excused from attending RE. Parents have the right to withdraw their children from collective worship and sixth form pupils have the right to withdraw themselves.

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 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 will be in accordance with the teachings of the Catholic Church.

Schools are also free to celebrate religious festivals and would not be discriminating against children of other faiths e.g. putting on a nativity play. Further, Catholic schools will still be able to mark or celebrate events specific to their religion and ethos. Parents, guardians or carers will not be able to claim that their children have been discriminated against simply because an equivalent celebration of events of significance to their particular religion is not arranged.

STAFF DEVELOPMENT AND TRAINING

18. 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.

BREACHES OF THE POLICY

19. 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 head teacher and governing body.

MONITORING AND EVALUATION

20. We collect study and use quantitative and qualitative data relating to the implementation of this policy, and make adjustments as appropriate.
21. In particular we collect, analyse and use data relation 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.
22. To review good practice we make use of a range of auditing schedules.

We use this tool as a common sense measure of determining 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). It helps us to ensure that there is no unlawful discrimination against certain individuals or groups and those positive duties are promoted equally. It is a way to ensure we meet the diverse needs of our pupils/students and staff and that diversity, equality and inclusion run through all areas of school life.

LEGAL DUTIES

1. We welcome our duties under the Race Relations 1976 as amended by the Race Relations Amendment Act 2000; the Disability Discrimination Acts 1995 and 2005; and the Sex Discrimination Act 1975 as amended by the Equality Act 2006 and the Equalities Act 2010.
2. We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.
3. We recognise that 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.
4. Summaries of our legal obligations under the three main equality strands of disability, ethnicity and gender are outlined below. After each of the three equality strand 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

The legal frameworks

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 a) 'the general duty' and b) 'specific duties'.

A further distinction is drawn between a) specific duties concerned with policy development and service delivery and b) those concerned with employment.

The three main frameworks are summarised in below. As first published, they are:
[The Disability Discrimination \(Public Authorities\) \(Statutory Duties\) Regulations 2005](#)
Statutory Instrument 2005 No. 2966
[The Race Relations Act 1976 \(Statutory Duties\) Order 2001](#)
Statutory Instrument 2003 No. 3458
[The Sex Discrimination Act 1975 \(Public Authorities\) \(Statutory Duties\) Order 2006](#)
Statutory Instrument 2006 No. 29

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 4 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.

As an employer, the local authority has a specific duty to monitor the effect of its policies and practices on disabled people and in particular, the effect on the recruitment, development and retention of disabled employees.

RACE EQUALITY

In 2001, the Race Relations Act 1976 was amended to give public authorities a new statutory duty to promote race equality.

The general duty

The general duty requires public authorities to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- 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.

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
- 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.

COMMUNITY COHESION

'An insight of Christian faith in the Trinity is the knowledge that the desire to belong to human society is God-given. Human beings are made in the image of God, and within the one God is a divine society of three Persons, Father, Son and Holy Spirit. Communities are brought into being by the participation of individual men and women, responding to this divine impulse towards social relationships – essentially, the impulse to love and to be loved – which was implanted by the God who created them.' (The Common Good in Education, p.6, 1997)

'Christ taught us that our neighbourhood is universal: so loving our neighbour has global', as well as local and regional, 'dimensions... Christ challenges us to see his presence in our neighbour, especially the neighbour who suffers or who lacks what is essential to human flourishing... In meeting our neighbour's needs, we are also serving Christ. For the Christian, therefore, there can be no higher privilege and duty'. The Common Good and the Catholic Church's Social Teaching, Bishops' Conference of England & Wales, paragraphs 12 & 14, 1996.

Consequently, for the Catholic community, striving for a cohesive society is essential to human flourishing. 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' (Guidance on the duty to promote community cohesion, Department for Children, Schools & Families, 2007).

We at St Francis school, in light of our Catholic life and character and the insights gained from Catholic social teaching, 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.

We recognise that a school's community is defined through 4 dimensions:

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

We at St Francis school understand that there are links between the duty to promote community cohesion and the duty to promote equality through the interplay of *subsidiarity* and *solidarity*, although each has a distinctive focus. Through subsidiarity equality can be increased when people at every level of an organisation are given power to make decisions. *'Solidarity means the willingness to see others as another self, and so to regard injustice committed against another as no less serious than an injustice against oneself'* (The Common Good and the Catholic Church's Social Teaching, paragraph 22 & 23).

We recognise that our school's contribution to community cohesion should be organised under three main headings:

EQUALITY ACT 2010 AND OTHER EXISTING EQUALITY LEGISLATION

We at St Francis school will also comply with, and have due regard to, the following equalities legislation:

New Equality Act 2010

The Equality Bill has recently gone through parliament and became an Act on the 8th 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 they were born with.

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 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. That may include someone's appearance, the places they visit or the people they associate with.

Age (no change)

Under the schools provisions of the Act 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. Further clarity regarding these issues and many others, particularly in relation to employment matters are likely to be much clearer when the codes of practice are published in January 2011.

The [Employment Equality Regulations 2003](#) protect 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, for example provision of references

The [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. The Equality

Bill will mean that public authorities will have a single public duty, which will extend the current public duties to age, sexual orientation, religion or belief, gender reassignment. It also includes pregnancy and maternity. Public authorities will have a duty to promote 'positive action'.

Gender Recognition Act 2004

The purpose of the Act is to provide 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. Trans 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

Article 14 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

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

This came into force in October 2006 and it protects against discrimination on grounds of age in employment and vocational training. The regulations prohibit direct and indirect discrimination, victimisation, harassment and instructions to discriminate. The regulations cover recruitment, terms and conditions, promotions, transfers, dismissals and training.

The Equality Act (Sexual Orientation) Regulations 2007

Made under section 81 of the Equality act 2006, the Equality Act (Sexual Orientation) Regulations 2007, make it unlawful for providers of goods, facilities or services to discriminate on grounds of sexual identity.

Glossary:

Diversity is

- about including everyone
- valuing differences
- 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
- having a better understanding of the diverse needs of our community

Duty

A mandatory and legal obligation to do something

Promote

Contribute to the progress and growth of....

Make publicity for.....

Equality and Human Rights Commission (EHRC)

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

What is meant by discrimination?

Generally “discrimination” means treating someone with a protected 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.

Discrimination can take a number of forms:

- “direct” or
- “indirect” or
- failure to make reasonable adjustments for disabled people or
- “discrimination arising from disability” or
- discrimination because of “association” with someone who has a protected characteristic, or
- 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 made 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.

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; this is known as combined characteristics.

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.

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.

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