



Lady Lumley's School

Single Equality Scheme

Approver: Interim Executive Board

Review Cycle: 4 yearly

Revision History			
Date	Version	Short Description of Changes	Approved by:
21/01/2021	1	Adapted from NYCC template	IEB

SINGLE EQUALITY SCHEME 2020-24

Adopted by the IEB: 21st January 2021
Previous Review: January 2021

To be reviewed: every 4 years
Review by: Jan 2024

RATIONALE

This Single Equality Scheme for schools in North Yorkshire provides a format for addressing the statutory duties of the Equality Act 2010 and The Children and Families Act 2014. This supersedes and brings together all previous statutory duties in relation to race, gender and disability and also addresses the duty to promote community cohesion, thus meeting the school's statutory duties in these areas.

The Equality Act 2010 provides a modern, single legal framework, and a clearer, more streamlined law that will be more effective at tackling disadvantage and discrimination.

This document sets out how pupils with the following protected characteristics will be protected in our school from harassment and discrimination: disability, gender, race, religion and belief, sexual orientation, gender reassignment, pregnancy and maternity.

AIMS OF THE SINGLE EQUALITY SCHEME

- To articulate the school's commitment to equality which permeates all school policies and practices
- To ensure that everyone who belongs to, or comes into contact with, our school community is valued and respected
- To promote equality of opportunity and eliminate unlawful discrimination, harassment or victimisation
- To comply with statutory duties under equalities legislation in one document

ROLES AND RESPONSIBILITIES

The Governing Body of the school is the responsible body that is liable for any breaches of the Equality Act. The action plan should be understood and implemented by all staff and is available on the school website. It is available in different formats and in different languages on request to the school office.

Lady Lumley's School has regard to the need to provide adequate resources for implementing plans and will regularly review them.

Our school records all prejudice based and hate incidents and reports them to the Local Authority, in line with the guidance. Students and staff are encouraged to report incidents and the school responds effectively, aiming to eliminate all forms of discrimination and prejudiced-based incidents.

MONITORING AND EVALUATING THE POLICY

The impact of this plan is reviewed annually and progress towards the equality objectives within it is reported on three times a year to the governors at the resources meeting. Equality objectives have been identified through consultation with key stakeholders. Our equality objectives are published at least once every four years.

LINKED POLICIES

All school policies meet the requirements of the Single Equality Scheme

APPENDICES

Appendix 1 Impact on schools of the Equality Act 2010

Appendix 2 How the school will implement the Single Equality Scheme

Single Equality Scheme			Lady Lumley's School	Page 2 of 26
Date: January 2021	Version 1	Review Date: January 2022		

Appendix 1 - The Equality Act 2010 – guidance on the impact on schools by the Equality and Human Rights commission, last update March 2014.

1.1 The school's provisions of the Act

This guidance deals with the school's provisions of the Equality Act 2010 which prohibit schools from discriminating against, harassing or victimising:

- prospective pupils
- pupils at the school
- in some limited circumstances, former pupils

Avoiding discrimination and promoting equality supports the agenda of improving attainment and progression for all pupils. Good education and skills are crucial for opening up opportunities and increasing the chance of a successful life. In addition, in England, equality and diversity are specified factors that must be taken into account in Ofsted inspections. This means that if equality measures are not implemented effectively this may restrict the overall inspection grade.

1.2 What is discrimination?

Unlawful discrimination is defined in the Act as:

- Direct discrimination (including discrimination based on perception or association).
- Indirect discrimination.
- Discrimination arising from disability.
- Failure to make reasonable adjustments (for disabled people).

1.3 What else is unlawful under the Act?

Harassment and Victimisation

The Equality Act 2010 also prohibits schools from harassing or victimising: prospective pupils, pupils at the school, in some limited circumstances, former pupils

in relation to the following protected characteristics: disability, race, sex.

Schools must also not victimise parents who make complaints. Victimisation 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).

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.

1.4 Positive action

Pupils with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions which enable schools to take action to tackle the particular disadvantage, different needs or disproportionately low participation of a particular pupil group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) schools to take proportionate action to address the disadvantage faced by particular groups of pupils. Such action could include targeted provision, resources or putting in place additional or bespoke provision to benefit a particular disadvantaged pupil group.

Positive action is intended to be a measure that will allow schools to provide additional benefits to some pupils to address disadvantage and is not the same as positive discrimination. Positive discrimination would be providing preferential treatment for a particular disadvantaged pupil group that exceeded the positive action conditions.

It is never unlawful to treat disabled pupils (or applicants) more favourably than non-disabled pupils (or applicants). That is, a school is permitted to positively discriminate in favour of disabled pupils (applicants).

1.5 Public sector duties

Maintained schools must have 'due regard' to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between people who have particular protected characteristics and those who do not. Where schools are concerned, age is only a relevant protected characteristic in considering their duties as an employer but not in relation to providing education to pupils.

1.6 What happens if a pupil thinks a school has acted unlawfully?

A pupil who believes that they have been discriminated against, harassed or victimised by a school can make a claim under the Equality Act. For a claim of disability discrimination in England and Wales, it is usually the parent of the pupil rather than the pupil themselves who can make the claim.

2.1 What is discrimination?

DIRECT DISCRIMINATION

Direct discrimination occurs when the school treats a pupil less favourably than it treats (or would treat) another pupil because of a protected characteristic. 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.

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. 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.

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.

Single Equality Scheme			Lady Lumley's School	Page 4 of 26
Date: January 2021	Version 1	Review Date: January 2022		

Discrimination based on association

Direct discrimination also occurs when the school treats 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 the school treats a pupil less favourably because their sibling, parent, carer or friend has a protected characteristic.

Discrimination based on perception

Direct discrimination also occurs when the school treats a pupil less favourably because it mistakenly think that they have a protected characteristic.

Discrimination because of pregnancy and maternity

It is discrimination to treat a woman (including a female pupil of any age) 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 the school applies 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 the school did not intend to disadvantage the pupils with a particular protected characteristic in this way. What does matter is whether the 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. The school applies (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. The school cannot show that the provision, criteria or practice is justified as a 'proportionate means of achieving a legitimate aim'.

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 the school has not complied with its duty to make relevant reasonable adjustments it will be difficult for the school to show that the treatment was proportionate.

DISCRIMINATION ARISING FROM DISABILITY

Discrimination arising from disability occurs when the school treats 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 where a person treats another person less favourably because of the protected characteristic of disability. For discrimination arising from disability, the question is the wider one of whether the disabled pupil has been treated unfavourably because of something connected with (arising in consequence of) 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:

- the school treats a disabled pupil unfavourably, that is putting them at a disadvantage, even if this was not the intention, and
- this treatment is because of something connected with (arising in consequence of) 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
- the school cannot justify the treatment by showing that it is 'a proportionate means of achieving a legitimate aim'.

Knowledge of disability

If the school can show that it

- 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. The school does not need to know that the pupil meets the legal definition of 'a disabled person', *just that he or she has an impairment which is likely to meet the definition.*

If the school's agent (someone who undertakes tasks on the school's behalf) or employee knows of a pupil's disability, the school will not usually be able to claim that it did not know of the disability.

Relevance of reasonable adjustments

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

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

Reasonable adjustments

The reasonable adjustments duty 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. 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.

In England this duty sits alongside the school's duties and those of local authorities towards pupils with special educational needs under Part 4 of the Education Act 1996.

In some cases, the support a disabled pupil may receive under the special educational needs or additional support 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 or additional support needs provision they are receiving. There are also disabled pupils who do not have special educational needs or additional support 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 the school considers what it would be reasonable to do.

What is the reasonable adjustments duty?

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

The school owes 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.

What is reasonable is not defined in law. When looking at making a reasonable adjustment, a school can take into account:

- cost
- practicality
- effectiveness of the adjustment
- effect on other pupils
- health and safety considerations
- the need to uphold academic, musical or sporting standards.

Schools 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 the school owes to disabled pupils generally, regardless of whether the school knows that a particular pupil is disabled or whether it currently has any disabled pupils. The school should not wait until an individual disabled pupil approaches it before it considers how to meet the duty. Instead the school should plan ahead for the reasonable adjustments it may need to make, regardless of whether it currently has any disabled pupils. By anticipating the need for an adjustment, the school will be best placed to help disabled pupils who come to the school. The school is not expected to anticipate the needs of every prospective pupil, but it is 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 the school to provide large print for a pupil with a visual impairment, the school would not be expected to have Braille devices standing ready.

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

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.

The school 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.

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 the school's 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, the school 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.

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.

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

The school should not expect disabled pupils to suggest adjustments but, if they do, the school 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 a pupil 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 and 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. The harassment provisions do not explicitly 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 suffering disadvantage, that would constitute direct discrimination.

Harassment related to a protected characteristic

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

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

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.

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 suffering disadvantage that would constitute direct discrimination.

Sexual harassment

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

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

'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 material of a sexual nature.

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

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

2.3 Victimisation

Victimisation 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 the school treats 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 the school’s treatment of them.

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

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.

Victimisation for actions of parents or siblings

Schools 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.

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.

There must be a link between what the parent(s) or their child has done and the school 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 the school, the school 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 the school 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.

2.5 When are schools responsible for what other people do?

Liability for employees and agents

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

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

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

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

Personal liability of 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.

Usually, a school will not be responsible for discrimination, harassment or victimisation by someone other than their employee or agent, however, case law indicates that it is possible that the school could be found to be legally responsible for failing to take action where it has some degree of control over a situation where there is a continuing course of offensive conduct, but does not take action to prevent its recurrence even though the school was aware of it happening.

Section 3: Providing education and access to any benefit, service or facility

3.1 Introduction

The school must not discriminate against a pupil at school in the provision of education or access to any benefit, facility or service. It is the 'responsible body' of a school (the Governing Body) that is responsible for ensuring there is no discrimination in relation to education or access to any benefit, facility or service. Any reference to 'school' in this section means 'responsible body of a school'.

3.2 What does the Act say?

Schools must not discriminate against, or victimise a pupil:

- in the way they provide education for the pupil
- in the way they afford the pupil access to a benefit, facility or service
- by not providing education for the pupil
- by not affording the pupil access to a benefit, facility or service
- by subjecting the pupil to any other detriment.

Schools must not harass a pupil.

3.3 What does this mean?

What is covered?

School's duty to pupils covers everything that they provide for pupils and goes beyond just the formal education they provide. It covers all school activities such as extra-curricular and leisure activities, afterschool and homework clubs, sports activities and school trips, as well as school facilities such as libraries and IT facilities.

What is not covered?

Curriculum content

These obligations do not apply to anything done in connection with the content of the curriculum. This means that schools are not restricted in the range of issues, ideas and materials they use in their syllabus and can expose pupils to thoughts and ideas of all kinds, however controversial. Even if the content of the curriculum causes offence to pupils with certain protected characteristics, this will not make it unlawful unless it is delivered in a way which results in harassment or subjects pupils to discrimination or other detriment.

Curriculum delivery

The way in which the curriculum is delivered is covered by the Act so schools must ensure issues are taught in a way that does not subject pupils to discrimination. In addition, what is taught in the curriculum is crucial to tackling key inequalities for pupils including gender stereotyping, preventing bullying and raising attainment for certain groups.

School trips

School trips, including field trips and residential trips are often an important part of school life for pupils. Schools should seek to ensure that any trips that they arrange do not discriminate against any of their pupils. However, in some limited cases it may be impossible to make a school trip accessible for all pupils and the learning needs of other pupils should be part of the decision-making process. Cancelling the trip because a disabled pupil can't attend where it puts other pupils at a disadvantage may not be the best or only decision.

Identity-based bullying

The school has legal duties to its pupils in relation to bullying and the school must ensure that it treats all bullying on the grounds of a protected characteristic with the same emphasis as any other form of bullying.

School uniform

It is important that the school ensures that the school uniform policies do not discriminate against pupils with a protected characteristic. Schools should review uniform policies and dress codes both to ensure they do not have the effect of unlawfully discriminating against pupils with a protected characteristic and to comply with equality duties. Schools should consider making exceptions to standard policies for certain pupils but also ensure that they are not setting different rules for different categories of pupils that might be discriminatory – for example requiring girls to wear clothing that is much more expensive than that for boys.

Section 4: Exclusion from school

4.1 What does the Act say?

The school must not discriminate against a pupil by excluding the pupil from the school.

The school must not victimise a pupil by excluding the pupil from the school.

4.2 How this fits in with other legal obligations on schools in relation to exclusions from school

Nothing in the Equality Act 2010 requires the school to act in a way which is inconsistent with other legal obligations relating to exclusions from school. In fact, following the exclusion guidance and any other government guidance is likely to reduce the risk of the school discriminating in relation to exclusions.

Maintained schools in England (including grammar schools, Academies, and Pupil Referral Units) must comply with the Department for Education's *Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion*. This sets out the law relating to exclusions. The exclusions guidance makes it clear that pupils should only be excluded from school as a last resort and that exclusions should only be made on grounds of a pupil's behaviour. Nothing in the Act conflicts with this guidance.

4.3 The school must not discriminate against a pupil by excluding them from school

This does not mean that the school cannot exclude a pupil with a protected characteristic and there may of course be occasions when it is appropriate to exclude a pupil with a protected characteristic.

However, it does mean that the school must not exclude a pupil because of their protected characteristic.

Also, pupils with a protected characteristic must not be excluded for behaviour that pupils without the protected characteristic would not be excluded for.

It also means that the procedures the school uses for deciding what punishment a pupil will receive and for investigating incidents must not discriminate against pupils with a particular protected characteristic.

Excluding a disabled pupil for behaviour which arises as a consequence of their disability is likely to result in unlawful disability discrimination unless the school can show that the exclusion was a proportionate means of achieving a legitimate aim.

In addition, the school has a duty to disabled pupils to make reasonable adjustments to its procedures if needed. This might include:

- disregarding behaviour which is a direct consequence of their disability
- making reasonable adjustments to manage such behaviour
- considering alternative, more appropriate punishments, and
- ensuring that a disabled pupil is able to present their case fully where their disability might hinder this.

4.4 How do I avoid discriminating in relation to exclusions from school?

The school should review its behaviour and exclusions policies regularly to ensure that they do not inadvertently discriminate against pupils with a particular protected characteristic by including factors that would make it more likely that pupils with that particular protected characteristic would be disciplined or excluded than those without.

Single Equality Scheme			Lady Lumley's School	Page 14 of 26
Date: January 2021	Version 1	Review Date: January 2022		

Indirect discrimination may occur if behaviour or exclusions policies result in a greater proportion of pupils with protected characteristics being disciplined or excluded. If the school's exclusions and behaviour policies are non-discriminatory (and take into account, the duty to make reasonable adjustments to its policies and procedures for disabled pupils) then it is less likely to exclude a pupil for a discriminatory reason. Those making decisions about discipline and exclusions should be aware of the school's obligations under the Equality Act and take care not to make assumptions that may lead to unlawful discrimination.

The equality duties will assist the school in trying to ensure that its policies and procedures do not discriminate against pupils.

Section 5: Dispute resolution and enforcement

5.1 Resolving disputes

It is usually in everyone's best interests to attempt to resolve disputes without the need for legal action. In many instances, the pupil (or their parent acting on their behalf) who believes the school has discriminated unlawfully against them will approach the school before commencing legal proceedings. The school has a complaints procedure which is able to deal with complaints of discrimination, harassment and victimisation.

5.2 Conciliation/mediation

If the matter cannot be resolved through the school's internal complaints procedure, then there are various mediation and conciliation services that might assist in resolving the dispute.

The Local authorities has in place independent disagreement resolution services to deal with disputes between parents and schools in relation to special educational needs disputes, and in some cases these services are available to help to resolve other disputes.

5.3 Where claims are made

If the matter isn't resolved through internal complaints procedures or mediation, then a pupil (or their parent) may decide to take a legal claim against the school. A claim must normally be started within six months of the alleged discrimination.

5.4 What can the Tribunal order?

The Tribunal may make any order it thinks appropriate in that individual case, often with the intention of trying to remedy the damage done to the disabled person and reduce any future disadvantage. The Tribunal cannot order the payment of compensation but can order the school to apologise to a pupil, to carry out staff training and/or to change its policies and procedures.

5.5 Disability Discrimination Claims against permanent exclusions from maintained schools in England and Wales

Independent Appeal Panels (for exclusion)

Independent Appeal Panels (IAPs) are panels set up by local authorities to hear appeals against permanent exclusions from maintained schools, including Pupil Referral Units, and Academies. They also deal with

Single Equality Scheme			Lady Lumley's School	Page 15 of 26
Date: January 2021	Version 1	Review Date: January 2022		

disability discrimination claims in relation to permanent exclusion from maintained schools though in England a claim can also be made to the Tribunal.

5.6 Time limits

The claim is made as part of the appeal against the permanent exclusion and therefore is made at the same time. The deadline is 15 school days from receipt of the governors' letter confirming the exclusion.

The IAP hearing must take place within 15 school days of the appeal/claim being lodged. In England, where a disability discrimination claim is also made to the Tribunal, the IAP hearing should not be delayed. The Tribunal may however postpone considering the claim until the conclusion of the IAP process.

5.7 What can the panel order?

An IAP can:

- a) uphold the exclusion
- b) recommend that the governing body reconsiders their decision, or
- c) in relatively limited circumstances, overturn the decision and direct that the governing body considers the exclusion again.

5.8 Who can make a claim in England?

The parent of a disabled child can appeal (and make a claim of disability discrimination) against the permanent exclusion of a child from a maintained school, Academy or Pupil Referral Unit.

5.9 Procedure in England

The rules and procedure for IAPs are set out in *Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion*.

All numbers in the paragraph headings above refer to the document "What equality law means for you as an education provider: schools" written by the Equality and Human Rights Commission 2014.

Appendix 2 – How the school will implement the Single Equality Scheme

This scheme extends however to cover all aspects of vulnerability, including those associated with socio-economic factors (e.g. pupils from low income families).

As well as delivering high quality services to our pupils, the school is also committed to being a good employer and as such this scheme outlines how we meet our varied duties in terms of recruitment and employment practices. We are also committed to be fully inclusive of all community users, including parents and carers. As such, this scheme therefore also sets out how we will work to overcome any discrimination related to the other protected characteristics:

- Age*
- Being married or in a civil partnership

*A person's age is also a protected characteristic in relation to employment and the Act extends this (except for children) to the provision of goods and services, but age as a protected characteristic does not apply to pupils in schools. Schools therefore remain free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge, even in the case of pupils over the age of 18.

This Equality Scheme sets out how the school will:

- eliminate discrimination;
- eliminate harassment or victimisation related to any aspect of social identity or diversity;
- promote equality of opportunity;
- promote positive attitudes to all aspects of social identity and diversity;
- encourage participation by disabled people and people representing different aspects of social identity in public life;
- take steps to take account of difference even where that involves treating some people more favourably than others;
- take proportionate action to address the disadvantage faced by particular groups of pupils.

Planning to eliminate discrimination and promote equality of opportunity

This scheme is underpinned by the core belief that all children and young people belong to their local community and share the same rights to membership of that community and a quality education.

It encompasses our duties to promote positive outcomes in relation to race, gender and disability and it encompasses our anticipatory duties to plan ahead for the reasonable adjustments (reasonable and proportionate steps to overcome barriers that may impede some pupils) we need to make to be best placed to help disabled pupils who may come to the school.

We will work towards increasing access to education for disabled pupils, alongside other protected groups, in the three areas required:

- increasing the extent to which disabled pupils can participate in the school curriculum;
- improving the physical environment of the school to enable disabled pupils to take better advantage of education, benefits, facilities and services provided

Single Equality Scheme			Lady Lumley's School	Page 17 of 26
Date: January 2021	Version 1	Review Date: January 2022		

- improving the availability of accessible information to disabled pupils.

The school records all prejudice based and hate incidents and reports them to the Local Authority, in line with the guidance.

Pupils and staff are encouraged to report incidents and the school responds effectively, aiming to eliminate all forms of discrimination and prejudiced based incidents.

School's Vision and Values

Lady Lumley's is an inclusive comprehensive school where every student is given opportunities to develop and excel in academic and non-academic areas. Lessons are planned and delivered to set suitable learning challenges, ensure that there are no barriers to every student making progress and to be responsive to students' diverse learning needs. Assessment is used primarily to improve teaching and learning and to monitor the performance of individuals and groups of students. Staff freely share their experience and expertise so that we continually improve and are better able to help every student achieve and develop a life-long love of learning. Our core values are Equality, Integrity, Respect, Resilience, Kindness and Community

School Context

Lady Lumley's is an inclusive comprehensive school which serves the towns of Pickering, neighbouring villages and other parts of North Yorkshire from where students can access the school. The school is one of the largest employers in the local region and many staff live within catchment of the school.

The local community is mainly a rural one, with many students having a family connection with the land. There are also many small businesses and medium sized industries. The local community is a settled one and predominantly white British in origin.

E.g. the community served (pupils, staff, parents/carers, wider community):

*% of pupil who are from an minority ethnic group; **2.56%***

*% of pupils who speak other languages; **0.96%***

*% of pupils in receipt of Free School Meals (FSM) – eligibility and uptake; **10.28 %***

*% of pupils who have Special Educational Needs (SEN); **11.67%***

*New Arrivals; **37 new students joined the school in academic year 19/20***

0% Asylum Seekers

*% gender; **45.07% Male 54.93% Female***

*% looked after and previously looked after children **0.64%***

The turnover of pupils and staff of staff and students is relatively low

The school's intake is predominantly white British (95.5%)

The school's site is set in the market town of Pickering which is in rural North Yorkshire. The safety of the school site was a concern to some pupils and parents at the time of our last Ofsted Inspection

The significant majority of pupils speak English as a first language (99.8%)

When recruiting staff, the school follows all NYCC guidelines around safer recruitment and the

Single Equality Scheme			Lady Lumley's School	Page 18 of 26
Date: January 2021	Version 1	Review Date: January 2022		

The training taken to position the school well for the equality and diversity agenda.

Staff have undertaken appropriate training in order to better meet the needs of pupils and staff in the school. This has included annual briefings on SEND CoP led by the SENCO and Meeting the Medical Needs of children led by Specialist Nurses and SENCO. Pupil Premium/disadvantaged students Briefings from the Pupil Premium & Champion to all staff

Regular staff meetings and weekly student bulletin to update on pupil needs and training opportunities including meeting the needs of pupils who have ASD/ADHD; governor training on fair recruitment practices and safeguarding.

School Provision

Examples of reasonable adjustments the school makes as a matter of course

From September 2012 schools and local authorities have a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through Special Educational Needs (SEN) statements or from other sources. Additional high needs funding may be available on application to the local authority.

e.g.

- information is provided to parents on the website, via email, electronically and in paper format. Information can be translated if required. Information can be provided in person, face to face.
- The school was until April 20 been the base for the C&L EMS with SPLD specialist teachers in school. They have shared good practice and conducted training for staff. Information can be provided on different coloured paper and in different fonts/sizes. Staff are encouraged to use cream backgrounds on whiteboards/PowerPoints and have minimal copying of text.
- All staff are aware of the students who need a differentiated behaviour continuum and reasonable adjustments are made e.g. alternative sanctions, venues, additional warnings, time out cards etc
- The school has a whole school provision map which includes need specific guidance and strategies (e.g. dyslexia, behaviour, autism, English as an additional language...) and student specific guidance and strategies. This is a live document that all staff have access to and is updated as new information is provided to school and has links to inclusion passports.
- Pupils are asked their views when creating/reviewing provision and are invited to meetings regarding their provision. Where pupils do not wish to attend meetings, their views are gathered by their key worker and included in the meeting. Students from a wide range of groups within school are actively encouraged to participate in whole school student voice so that the views of all are considered.
- Pupils are asked their views when creating/reviewing their individual inclusion passports.

Outcomes for pupils

Single Equality Scheme			Lady Lumley's School	Page 19 of 26
Date: January 2021	Version 1	Review Date: January 2022		

Outcomes for pupils are analysed against social identity issues, i.e. gender, ethnicity, disability, faith background, and aspects of vulnerability identified by the school. This is compared with the outcomes made for all pupils.

These processes form part of the school's equality impact assessment to determine the impact of our provision on improving outcomes for identified pupils. In line with statutory requirements all new policies as well as existing policies and functions are evaluated for the impact they have, in consultation with identified pupils and parents/carers

For Example:

- *pupils' attainment - analysis of end of key stage results for pupils of particular groups*
- *the quality of particular groups of pupils' learning and the progress they make throughout the school*
- *the extent to which different groups of pupils feel safe (e.g. Incidents of racism, 'hate' and bullying involving particular groups of pupils)*
- *the behaviour of particular groups of pupils (e.g. exclusion data for particular groups of pupils)*
- *the extent to which pupils from particular groups adopt healthy lifestyles*
- *the extent to which pupils from particular groups contribute to the school and the wider community (e.g. participation and achievement on extra-curricular/extended school activities, participation on school trips for particular groups of pupils)*
- *attendance data for all pupils and for particular groups (e.g. extended leave/mobility issues for particular groups of pupils)*
- *the effectiveness of the school's engagement with parents/carers of particular groups of pupils (e.g. attendance at parents' meetings, involvement in planning provision, consultation with, results of parental feedback)*
- *impact of the use of specific individual budgets e.g. Pupil Premium report SEN information report*
- *the number of hate incidents reported and action taken to address any concerns*
- *the impact of the use and impact of specific individual budgets, e.g. Pupil Premium Strategy Report*

Equalities objectives

Our Equalities Objectives, based on needs analysis, for the period 2019-2023 are:

Lady Lumley's School objectives:

- *to increase understanding of different religious groups;*
- *to reduce the number of homophobic, biphobic and transphobic incidents;*
- *to eradicate the use of homophobic language*
- *to ensure all forms of bullying are effectively dealt with*
- *to ensure all students feel safe at school*
- *to improve outcomes for disadvantaged students*
- *to improve outcomes for students with SEND*

Single Equality Scheme			Lady Lumley's School	Page 20 of 26
Date: January 2021	Version 1	Review Date: January 2022		

We have identified these objectives because:

Our Ofsted Inspection in 2019 identified the following areas for improvement:

- 1. Leaders and governors have failed to understand the reasons why a large minority of pupils do not feel safe in school. Some pupils and parents are not confident that the school site is safe.*
- 2. Leaders should review and evaluate the ways in which they manage bullying so that pupils and parents can have confidence that leaders protect pupils from bullying.*
- 3. Pupils reported widespread use of homophobic and racist language. Some pupils do not report this because they do not expect staff or leaders to act. Some pupils have become hardened to such abusive language. Leaders should act to address the school culture in which such language is endemic and considered normal.*

Ofsted also commented that “pupils’ knowledge of faiths and cultures beyond Christianity is variable”

Our Examination results over time indicate that:

- 1. Disadvantaged students do not make strong enough progress when compared with their non disadvantaged peers*
- 2. Students with SEND make slower progress than their peers*

Roles and Responsibilities in Implementing the Single Equality Scheme and Equalities Objectives

The Head Teacher will:

- ensure that staff and parents are informed about the Single Equality Scheme and equality objectives;*
- ensure that the scheme is implemented effectively;*
- manage any day to day issues arising from the policy whether for pupils or for the school as an employer;*
- ensure all hate incidents are recorded, appropriately responded to and reported to the Local Authority;*
- ensure staff have access to training which helps to implement the scheme;*
- liaise with external agencies regarding the policy so that the school’s actions are in line with the best advice available;*
- monitor the scheme and report to the Governing Body at least annually, on the effectiveness of the policy and progress towards the equalities objectives;*
- ensure that the SLT are kept up to date with any development affecting the policy/action plan arising from the scheme;*
- provide appropriate support and monitoring for all pupils and specific and targeted pupils to whom the scheme and equality objectives has direct relevance, with assistance from relevant agencies.*

The Governing Body will:

- ensure that the school complies with all relevant equalities legislation;*
- recommend all governors receive up to date training in all the equalities and SEND duties;*

Single Equality Scheme			Lady Lumley’s School	Page 21 of 26
Date: January 2021	Version 1	Review Date: January 2022		

- *designate a governor with specific responsibility for the Single Equality Scheme and equalities objectives;*
- *establish that the action plans arising from the scheme are part of the School Development Plan;*
- *support the Headteacher in implementing any actions necessary;*
- *inform and consult with parents about the scheme;*
- *publish equality objectives every four years*
- *evaluate the action plan annually*
- *publish information at least annually.*

The Senior Leadership Team will:

- *have general responsibility for supporting other staff in implementing this scheme;*
- *provide a lead in the dissemination of information relating to the scheme;*
- *identify good quality resources and CPD opportunities to support the scheme;*
- *with the Headteacher, provide advice/support in dealing with any incidents/issues;*
- *assist in implementing reviews of this scheme as detailed in the School Development Plan.*

People with specific responsibilities (named):

- *details of the person responsible for maintaining and sharing with all the staff those vulnerable pupils and how their needs will be met; Mr D Fairclough and Mrs T Elsworth*
- *details of the person responsible for ensuring the specific needs of staff members are addressed; Mr S Cleary*
- *details of the person responsible for gathering and analysing the information on outcomes of vulnerable pupils and staff; Ms S Squibb*
- *details of the person responsible for recording, reporting and monitoring prejudice based and hate incidents; Mrs T Elsworth*
- *Nicki Joyce is the governor responsible for publishing the SEN information report*

Parents/Carers will:

- *have access to the scheme and equalities objectives;*
- *be encouraged to support the scheme;*
- *have the opportunity to attend and contribute to the development of the scheme;*
- *have the right to a personalised approach to meeting additional needs and a right to have their views taken into account.*
- *have the right to be informed of any incident related to this scheme which could directly affect their child.*

School Staff will:

- *accept that this is a whole school issue and support the Single Equality Scheme and equalities objectives;*
- *be aware of the Single Equality Scheme and how it relates to them;*
- *be encouraged to express their views through regular dialogue with senior staff;*

- *make known any queries or training requirements*
- *know how to deal with incidents of concern, including bullying and how to identify and challenge bias and stereotyping;*
- *know procedures for reporting prejudice based and hate incidents;*
- *not discriminate on racial, disability or other grounds;*
- *keep themselves up to date with relevant legislation and attend training and information events organised by the school or LA;*
- *ensure that pupils from all groups are included in all activities and have full access to the curriculum;*
- *promote equality and diversity through teaching and through relations with pupils, staff, parents, and the wider community.*

Pupils will:

- *be encouraged to express their views and contribute where possible to the formulation of policy*
- *be made aware of any relevant part of the scheme, appropriate to age and ability;*
- *be expected to act in accordance with any relevant part of the scheme*
- *experience a curriculum and environment which is respectful of diversity and difference and prepares them well for life in a diverse society;*
- *understand the importance of reporting discriminatory bullying and racially motivated incidents;*
- *ensure the peer support programme within the school promotes understanding and supports pupils who are experiencing discrimination.*

Visitors and contractors are responsible for complying with the school's Equality Scheme – non-compliance will be dealt with by the Headteacher.

Involvement Processes

Policies are vital to identify and consolidate thinking regarding appropriate provision for pupils, however, they are often viewed as an end, when they should be seen as a process - always evolving in response to changes and evidence from impact assessments. When developing this Equality Scheme and the equalities objectives, the school is clear that this is a process which must be informed by the involvement of all participants such as pupils, parents, school staff, governors and external agencies. This will ensure that the school gleans insights into the barriers faced by people from different social identity backgrounds and learns the best ways to overcome such barriers.

This Scheme and equalities objectives will be informed, therefore, by:

- *the views and aspirations of pupils themselves from different social identity backgrounds;*
- *the views and aspirations of parents of pupils from different social identity backgrounds;*
- *the views and aspirations of staff from different social identity backgrounds;*

Single Equality Scheme			Lady Lumley's School	Page 23 of 26
Date: January 2021	Version 1	Review Date: January 2022		

- *the views and aspirations of members of the community and other agencies, including voluntary organisations, representing different social identity backgrounds;*
- *the priorities in the North Yorkshire Children and Young People’s Plan.*

Mechanisms for involvement

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

e.g.

- *Exit interviews with pupils;*
- *Student Round Table*
- *Student Leadership Teams*
- *Students interviews*
- *Students surveys using Itslearning*
- *Individual interviews with pupils involved in incidents of a discriminatory nature or bullying related to discrimination;*
- *Individual interviews with pupils experiencing reasonable adjustments;*
- *Growing Up in North Yorkshire Pupil Survey*

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

e.g.

- *Exit interviews with staff;*
- *Through Itslearning staff surveys*
- *Regular staff meetings with specific agenda items;*
- *Individual discussions with staff as a part of performance management*
- *Through line management and Departmental meetings*

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

- *Welcoming parents and the community into school so that they are critical drivers in policy development.*
- *Through SEND review meetings*
- *Feedback through our Parents Evening Surveys*
- *Feedback through our Parents Forum*
- *Feedback through the Governing Body meetings;*

Making it happen

Action Planning

Single Equality Scheme			Lady Lumley’s School	Page 24 of 26
Date: January 2021	Version 1	Review Date: January 2022		

Although it is no longer a requirement for schools to have an equality action plan, those schools which do already have one (or more) of these in place, may find it helpful to continue with this approach and adapt it to take into account the extent of the duty.(5.27 DfE Equalities Guidance May 2014)

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 and the impact assessment (schools could use the Inclusion Quality Mark) 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 and progress with the equalities objectives will be evaluated and reflected in:

- *school self-evaluation;*
- *pupil progress, outcomes and engagement,*
- *feedback e.g. pupil and parent questionnaires, student voice forums and parents' forum*

Reporting

This Scheme and equalities objectives will be reported on annually. Progress against the action plan will be evaluated and the impact of the action and activities assessed. Copies will be displayed in the school reception area and the school website and it will be referenced in school newsletters and in the school's prospectus.

Publication

Equalities objectives will be published and available to anyone requesting a copy. Copies will be displayed in the school reception area and it will be referenced in school newsletters, the school prospectus and on the school's website.

Information is published demonstrating how the school is complying with the Public Sector Equality Duty and the school's equality objectives. The school updates its published information at least annually and publishes the equality objectives at least every four years.

It will be up to schools themselves to decide in what format they publish equality information. For most schools, the simplest approach may be to set up an equalities page on their website where all this information is present or links to it are available. The regulations are not prescriptive, and it will be entirely up to schools to decide how they publish the information, so long as it is accessible to those members of the school community and the public who want to see it. (5.25 DfE Equalities Guidance May 2014)

Single Equality Scheme			Lady Lumley's School	Page 25 of 26
Date: January 2021	Version 1	Review Date: January 2022		

Schools' duties around accessibility for disabled pupils

4.28 Schools and LAs need to carry out accessibility planning for disabled pupils. These are the same duties as previously existed under the DDA and have been replicated in the Equality Act 2010.

4.29 Schools must implement accessibility plans which are aimed at:

- increasing the extent to which disabled pupils can participate in the curriculum;
- improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided; and
- improving the availability of accessible information to disabled pupils.

4.30 Schools will also need to have regard to the need to provide adequate resources for implementing plans and must regularly review them. An accessibility plan may be a freestanding document but may also be published as part of another document such as the school development plan.

4.31 OFSTED inspections may include a school's accessibility plan as part of their review

See <http://cyps.northyorks.gov.uk/equalities-and-diversity> for an example of an accessibility plan.