

# **Ysgol Y Bont Faen Cowbridge Comprehensive School**



## **Equality Policy**

**Formulated by: Mrs Thomas, Headteacher**

**Adopted by: The Wellbeing Committee**

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**Review: every 3 years subject to changes in legislation**

**Next Review: Autumn 2021**

**Date of any amendments made to policy & brief points:**

<b>Date</b>	<b>Section</b>

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## 1. Equality and Diversity Statement

Cowbridge Comprehensive School is committed to encouraging equality and diversity and eliminating unlawful discrimination.

The aim is for all in our school community to be truly representative of all sections of society and for each person to feel respected and able to give their best.

This policy can be used in liaison with DFE Guidance which applies to England and Wales:

- (i) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315587/Equality\\_Act\\_Advice\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf)
- (ii) The following Framework specifically for Wales:  
<https://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=408>

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

## 2. Monitor and Review

Every three years, we will review our objectives in relation to any changes in our school profile. Our objectives will sit in our overall school improvement plan and therefore will be reviewed as part of this process.

## 3. Legal Duties

As a School we welcome our duties under the Equality Act 2010. The general duties are to:

- Eliminate discrimination;
- Advance equality of opportunity;
- Foster good relations.

We understand the principal of the act and the work needed to ensure that those with protected characteristics are not discriminated against and are given equality of opportunity.

A protected characteristic, under the act, covers the groups listed below:

- Age (for employees only);
- Disability;
- Race (includes ethnic or national origins, colour or nationality);
- Sex (including issues of transgender);
- Gender reassignment;
- Maternity and pregnancy;
- Religion and belief (includes lack of belief);
- Sexual orientation;
- Marriage and Civil Partnership (for employees).

## 4. Welsh Language

The Welsh language is not part of the Equality Act 2010, as it is covered by its own specific legislation, namely Welsh Language Act 1993 and Welsh Language Measure 2011.

## 5. Specific Duties

In order to meet our general duties, listed above, the law requires us to do some specific duties to demonstrate how we meet the general duties. These are to:

- Publish equality information – to demonstrate compliance with the general duty across its functions.  
**We will not publish any information that can specifically identify any child;**
- Prepare and publish equality objectives.

To do this, we will collect data related to the protected characteristics above and analyse this data to determine our focus for our equality objectives. The data will be assessed across our core provisions as a School. This will include the following functions:

- Attendance;
- Attainment;
- Exclusions;
- Prejudice related incidents.

Our objectives will detail how we will ensure equality is applied to the services listed above however, where we find evidence that other functions have a significant impact on any particular group we will include work in this area.

We recognise that these duties 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.

In fulfilling our legal obligations, we will:

- Recognise and respect diversity;
- Foster positive attitudes and relationships, and a shared sense of belonging;
- Observe good equalities practice, including staff recruitment, retention and development;
- Aim to reduce and remove existing inequalities and barriers;
- Consult and involve widely.

We recognise the need to:

- eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act;
- provide equality of opportunity between people who share a relevant protected characteristic and those who do not; and
- foster good relations between people who share a relevant protected characteristic and those who do not;

Having due regard for promoting and ensuring equality includes:

- removing or minimising disadvantages experienced by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- encouraging people with protected characteristics to participate in public life or in other activities where they participate less than other groups.

## 6. Our Ethos

We have high aspirations and we are committed to excellence, equality and wellbeing for all. Our strategy is to further develop our curriculum, resources and teaching to achieve and sustain excellence. We see our core purpose as providing engaging, exciting and challenging learning opportunities which result in ambitious, capable learners, committed to lifelong learning. We aim to develop our students' knowledge, skills and qualities to enable them to be successful, happy, resilient and healthy citizens of Wales and the world.

We continually strive to develop and improve at all levels so that we are the first choice for families and their children, not just for academic success but because we care about every child and wish for them to feel valued members of society.

<b>School Community</b>	<b>Responsibility</b>
Governing Body	Involving and engaging the whole school community in identifying and understanding equality barriers and in the setting of objectives to address these.
Head teacher and Senior Staff	As above including: Promoting key messages to staff, parents and pupils about equality and what is expected of them and can be expected from the School in carrying out its day to day duties. Ensure that staff have appropriate skills to deliver equality, including pupil awareness. Ensure that all staff are aware of their responsibility to record and report prejudice related incidents.
Teaching Staff	Help in delivering the right outcomes for pupils. Uphold the commitment made to pupils and parents/carers on how they can be expected to be treated. Design and deliver an inclusive curriculum Ensure that you are aware of your responsibility to record and report prejudice related incidents.
Support Staff	Support the School and the governing body in delivering a fair and equitable service to all stakeholders. Uphold the commitment made by the Headteacher on how pupils and parents/carers can be expected to be treated. Support colleagues within the School community. Ensure that you are aware of your responsibility to record and report prejudice related incidents.
Parents	Take an active part in identifying barriers for the School community and in informing the Headteacher of actions that can be taken to eradicate these. Take an active role in supporting and challenging the School to achieve the commitment given to the School community in tackling inequality and achieving equality of opportunity for all.
Pupils	Supporting the School to achieve the commitment made to tackling inequality. Uphold the commitment made by the Headteacher on how pupils and parents/carers, staff and the wider school community can be expected to be treated.
Local Community Members	Take an active part in identifying barriers for the School community and in informing the governing body of actions that can be taken to eradicate these. Take an active role in supporting and challenging the School to achieve the commitment made to the School community in tackling inequality and achieving equality of opportunity for all.

Our young people demonstrate high quality relationships with us and our wider community. We are committed to sustaining and further developing high quality partnerships so that students develop into enterprising, creative and positive role models for others in our community and beyond.

We are committed to developing a high-quality education profession where the best teachers and support staff work effectively together, for the ultimate benefit of every individual student. We believe that we are more than just a school; we provide a venue where a broad range of enrichment activities, community activities and educational visits enable young people to gain experiences that may otherwise be inaccessible to them.

## 7. Addressing Prejudice Related Incidents

This school is opposed to all forms of prejudice and we recognise that children and young people who experience any form of prejudice related discrimination may fair less well in the education system. We provide both our pupils and staff with an awareness of the impact of prejudice in order to prevent any incidents. If incidents still occur, we address them immediately and report them to the Governors and Local Authority every term.

## 8. Responsibility

We believe that promoting Equality is the whole school's responsibility:

## 9. Equality Objectives

**We will ensure that the whole school community is aware of the Single Equality Policy and our published equality information and equality objectives by publishing them on the School's website. The current objectives (2018 – 2020) are as follows:**

- (i) Improve performance of e-FSM pupils
- (ii) Improve performance of ALN Pupils
- (iii) Capture the extent and nature of bullying in school and create an anti-bullying charter (see SIP for specific objectives)

## 10. Information Gathering

To develop our equality objectives, we have reviewed and will continue to review issues arising from the analysis of:

- Pupil attainment and progress data relating to different protected groups;
- Exclusions data analysed by group;
- Records of bullying and harassment on the grounds of any equality issue;
- Information about how different groups access the whole curriculum and how they make choices between subject options;
- Sports and activities choices of all groups;
- Uptake of enrichment activities;
- Views expressed by our School Council;
- Views expressed by our Governing Body;
- Outcomes of activities promoting community engagement;
- Outcomes of actions taken to secure the involvement of parents and others who have been identified as difficult to engage;
- Parent questionnaires;
- Pupil questionnaires;
- Data on the recruitment, development and retention of employees;
- Feedback from external assessors e.g. Estyn .

## 11. Action or behaviour that may constitute a discriminatory incident

All discriminatory incidents need to be recognised and dealt with. Any occurrence of such an incident must not be ignored. A firm but supportive initial response to an incident may prevent escalation.

- incitement of others to behave in a discriminatory way;
- physical assault against a person or group;
- derogatory name-calling, insults, jokes and language including racist and homophobic language;
- graffiti;
- provocative behaviour such as wearing offensive badges or insignia;
- bringing discriminatory materials such as leaflet, comics, magazines or computer software into school;
- using any electronic systems to threaten, harass and discriminate;
- verbal abuse and threats;
- discriminatory comments in the course of discussions in lessons;
- attempts to recruit other pupils and students to discriminatory organisations and groups;
- ridicule of an individual for perceived differences;
- refusal to co-operate with other pupils because of their perceived difference;
- discrimination by association;
- sexual harassment;
- discrimination in connection with recruitment, employment and performance review of staff; and
- discrimination in connection with the recruitment of governors.

## 12. Responding to incidents

How an incident is dealt with will depend on the seriousness of the situation, the age and understanding of the children involved, and the context. All incidents need to be acknowledged, investigated and talked through, whatever the age of the children. Very young children may not understand the terms they use but may recognise their power to provoke or upset. It is important to explain to young children why the language is hurtful and why it should not be used. Staff should not downplay the feelings of victims by stating that the perpetrator 'did not mean it', the perpetrator must take responsibility for the outcomes of their behaviour.

The processes should incorporate the following steps:

1. Alleged incident Initial response;
2. Investigation Record Take Action;
3. Follow up action;
4. Termly report to LA ;
5. Annual report to governing body.

### Initial response

Responding to these incidents is the responsibility **of all** members of staff. Possible responses to an incident include:

- acknowledgement of the incident;
- treat incident seriously;
- respond immediately;
- reinforce the school's policy;
- support for the victim and express understanding and concern for what happened to them;
- explain both to the child/children responsible and to any onlookers what is unacceptable about the incident;
- report incident to Headteacher and/or nominated person.

### With the perpetrator(s)

- Contact the parents of those involved to explain what happened, what you are doing about it and how it relates to our school policy;
- Consider what the most appropriate action should be. In the case of first offences or of young children, encouraging the perpetrator to acknowledge and apologise for what has happened is often the most effective way to mend relationships and prevent reoccurrence;
- Repeat offences or more serious actions will require further sanctions in line with the School's Anti-bullying/Behaviour Policy;
- Correct any misconceptions that may be revealed.

Record and report all reported incidents. These should be recorded using SIMS or the example recording form (Appendix 1):

- A note of what happened, the outcome of the investigation and what actions were taken should all be kept on record. This record enables the School to monitor incidents and is vital should an incident need to be followed up at a later date;
- The summary report form must be completed and sent to the local authority at the end of each term;
- Contact the Senior Leaders or Headteacher immediately if you need further advice or support. In the case of serious incidents, advice and support can be co-ordinated quickly in order to prevent reoccurrence;
- Depending on the severity of the issue in an assault situation, consideration should be given to contacting the Police;
- Report annually to governing body in the autumn term. Advise of incidents in previous academic year; include details of actions taken.

An allegation of discriminatory behaviour on the part of any member of staff is a serious disciplinary matter and will be a matter for consideration in line with the Grievance Procedure.

### **13. Incidents outside School**

We consider that incidents outside of school are generally the responsibility of parents and where necessary, the Police.

However, there may well be occasions when incidents outside school, or involving outside perpetrators are brought to the attention of the Headteacher. Schools have the right to discipline pupils for their behaviour outside the school gates where the pupils are in the charge of staff or it is reasonable for the School to regulate the pupils' conduct. This rule of law has been clarified and put on a statutory basis by section 90(2)(a) of the Education and Inspection Act 2006.

### **14. Complaints**

Complaints with regard to this policy will be dealt with via the School's complaints procedure, a copy of which is available from the Headteacher's PA or the School's website.





## Factors to help determine if incident constitutes bullying

### Incident was bullying (all 3 amber warnings confirmed):

- Hurt has been deliberately/knowingly caused (physically or emotionally)
- It is a repeated incident or experience e.g. multiple incidents, cyberbullying or the involvement of a group
- Involves an imbalance of power:
  - target feels s/he cannot defend her/himself, or
  - perpetrator/s exploiting their power (size, age, popularity, coolness, abusive language, labelling/name-calling, etc.)

### Incident was not bullying on this occasion because it was:

- the first hurtful incident between these children
- teasing/banter between friends without intention to cause hurt (should not happen again)
- falling out between friends after a quarrel, disagreement or misunderstanding
- conflict that got out of hand (should not happen again)
- activities that all parties have consented to and enjoyed (check for subtle coercion)
  - got out of hand
  - parental concern
- Other: \_\_\_\_\_

## The definition of a prejudice related incident

**A prejudice related incident** is any incident which is perceived by the victim, or any other person, to be prejudiced towards an individual due to one or more of the protected characteristics of age, disability, faith, gender identity/reassignment, marriage and civil partnership status, pregnancy and maternity status, race, sex or sexual orientation.

**Resolution process agreed:** \_\_\_\_\_

**Support and/or sanction for those causing hurt or offence:** \_\_\_\_\_

**Support needed for the hurt party:** \_\_\_\_\_

### Focus of Bullying/Hurtful Behaviour

Please tick all elements which apply in your understanding of the incident(s) and record specific language:

	Definitely applies	Possibly applies
Age/ Maturity		
Appearance		
Size/weight		
Class/Socio-economic		
Family circumstance (e.g. caring role)		
Ethnicity/Race		
Religion/Belief/faith		
Gender		
Transphobia/Gender identity		
Homophobia/sexuality		
Sexualised		
SEN and Disability		
Ability/application		

# Understanding legal definitions of discrimination and unlawful behaviour in the Equality Act 2010

Source:

[https://www.equalityhumanrights.com/sites/default/files/ea\\_legal\\_definitions\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/ea_legal_definitions_0.pdf)

## What behaviour is unlawful?

Under the Act, it is unlawful to discriminate, harass or victimise someone because they have or are perceived to have a “protected characteristic” or are associated with someone who has a protected characteristic.

## Discrimination

There are several types of discrimination:

### Direct discrimination

This means treating someone less favourably than someone else because of a protected characteristic. In the case of age, treating someone less favourably than someone else may be justified.

### Direct discrimination by perception

This means treating one person less favourably than someone else, because you incorrectly think they have a protected characteristic.

### Discrimination arising from disability

This means treating a disabled person unfavourably because of something connected with their disability when this cannot be objectively justified.

### Direct discrimination by association

This means treating someone less favourably than another person because they are associated with a person who has a protected characteristic.

### Failing to make reasonable adjustments

To do this for disabled people is also a form of discrimination.

## Harassment

Harassment is unwanted behaviour related to a protected characteristic which has the purpose or effect of violating someone’s dignity or which creates a hostile, degrading, humiliating or offensive environment.

## Victimisation

Victimisation is treating someone unfavourably because they have taken some form of action relating to the Equality Act, e.g. made a complaint under the Act or supported somebody who is doing so, such as appearing as a witness.

## Objective justification

It is possible to defend certain discrimination claims by arguing that the treatment or practice is justified. Those claims are:

- Indirect discrimination
- Direct age discrimination
- Discrimination arising from disability

In these claims, if an employer or service provider can show that the treatment or practice is a proportionate means of achieving a legitimate aim then the claim will not succeed.

***The test is best applied in two stages:***

- (i) Does the aim of the treatment or policy represent a real need, which is not discriminatory?
- (ii) Are the means of achieving the aim proportionate - are there less discriminatory ways of achieving it? If the aim is legitimate and there are no less discriminatory ways of achieving it, then in some instances discrimination may be objectively justified.