

Equality and Diversity Policy

(Revised February 2018)

Prepared with reference to:

- Equality Act 2010
- DFE document 'The Equality Act 2010 and schools -Departmental advice for school leaders, school staff, governing bodies and local authorities' May 2014
- Education Act 1996, the Children Act 1989 and the Child and Families Act 2014
- Education (Wales) Measure 2009
- SEN and Disability Act 2001
- The SEN Code of Practice for Wales
- Social Services and Wellbeing Wales Act 2014

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2. Introduction

Cardiff Steiner School (hereafter 'the School') is wholeheartedly committed to embracing the principles of promoting equality and of inviting diversity, and to respect and protect all children, employees, trustees and volunteers of the School community in this way. The School has replaced the narrower principle of equality of opportunity with the more meaningful principle of equality of consideration, to underlie all School processes relating to equality and diversity.

In adhering to the duties and guidance of the Equalities Act 2010, the School will prevent unfair, unjust treatment and unlawful discrimination. The School is mindful of preventing the prejudice and discrimination of the social 'protected characteristics' (s4) of gender or sex, age, ability, ethnicity or race, sexual orientation, religion or belief, gender reassignment, marital status, and those who are pregnant or in the period of maternity, *of any children, staff, trustees or volunteers* of the School. In addition, the School will seek to prevent prejudice and discrimination on the grounds of the socio-economic class, size and appearance of School members.

In practice this means that the School is opposed to personal prejudice as well as to negative systemic discriminatory attitudes, so that all pupils, employees, trustees and volunteers can expect to be treated with respect and can also expect to maintain their dignity at all times.

The School will legally discriminate relating to recognised categories of 'parent' and 'carer', in order to comply with prescribed legislation and individual court decisions.

The School will particularly focus on ensuring that the rights of children with a disability are met, also that pupils' cultural, social and religious positions are respected, and that all pupils are afforded moral protection and dignity. The School will also ensure that children's diversity is fully acknowledged. The safeguarding of all pupils is core to the School's philosophy and practice.

Permitted discrimination of positive action and genuine occupational requirement are incorporated in this policy. The School can also welcome the widest range of families possible to join our School community.

Issues of equality and diversity relating to health and safety, pregnancy and maternity, and paternity, part-time working and parental leave are included in the related policies and Staff Handbook. Issues of harassment and victimisation are also included in the Behaviour Policy.

3. The principle of equality

The Equality and Diversity Policy is underpinned by the philosophical principle of equality of consideration, which is adopted by the School. This takes into account all people's types of need. People are encouraged and supported to fulfill the capacities and potential that they have. For example, the School recognises and fully addresses the pupil categories of More Able and Talented (MAT), Additional Learning Needs (ALN), English as an Additional Language (EAL), and Looked After Children (LAC). This principle is in keeping with the values of Steiner education, in terms of focusing on the individual child.

4. The Legislation

The Equality Act 2010 replaces previous anti-discrimination legislation, and brings all equality and diversity legislation under a single law. Extended rights are also implemented. The Equality Act 2010 thereby supersedes the following legislation:

Equal Pay Act 1970

Sex Discrimination Act 1975 and 1986

Race Relations Act 1976

Disability Discrimination Act 1995

Sex Discrimination Act (Gender Reassignment Regulations) 1999

Race Relations (Amendment) Act 2000

Race Regulations 2003

Employment Equality (Religion or Belief) Regulations 2003

Employment Equality (Sexual Orientation) Regulations 2003

Employment Equality (Age) Regulations 2006

Equality Act (Sexual Orientation) Regulations 2007

5. The whole School community

5.1 Illegal discrimination

5.1.1 Direct Discrimination

A person (A) discriminates against a person (B) if because of a protected characteristic A treats B less favourably than A would treat others' (Equality Act 2010 section 13(1)).

This is interpreted by the School to mean that direct discrimination consists of a School pupil, staff member or trustee treating another peer or colleague less favourably than others on the grounds of: gender or sex, age, ability, ethnicity or race, sexual orientation, class, religion or belief, gender reassignment, marital status, and those who are pregnant or in the period of maternity (Equalities Act 2010 'protected characteristics').

A pupil, member of staff or trustee who is treated less favourably or who has their dignity violated under these conditions incurs disadvantage, inequality and injustice, and this is not morally justified. Where this is identified, the School will endeavour to intervene and to restore a situation of justice, equality and access.

5.1.2 Indirect Discrimination

"A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's" (Equality Act 2010 section 19(1)).

This is interpreted by the School to mean that indirect discrimination is a condition or requirement that applies to all, but in practice has a detrimental effect upon a group or individuals to a disproportionate impact. That is, where a School or community provision inadvertently excludes a certain group or groups as listed under the Equality Act 2010 'protected characteristics' from involvement or inclusion.

The cause of this discrimination according to the above condition causes disadvantage, inequality and injustice where this is not morally justified by the School. Where this is found to be the case, the School will make every effort to restore a situation of justice, equality and access.

5.2 Illegal categories of discrimination in practice

Both direct and indirect discrimination against pupils, staff and trustees with protected characteristics is illegal and indefensible within the School. This means that the School will not discriminate negatively relating to any aspects of individual pupil experience, staff employment or trustee positioning according to their: gender, age, ability, ethnicity including nationality, sexual orientation, class, religion, culture, gender reassignment, marital status, and to those who are pregnant or in the period of maternity.

6. Parents and carers

6.1 Permitted discrimination relating to 'parents' and 'carers' of pupils

The School defines the categories of 'parent' and 'carer' as according to the legal definitions provided within the Education Act 1996, the Children Act 1989 and the Child and Families Act 2014. Accordingly, the School reserves the right to legally discriminate in recognising the rights of *certain* parent and carer categories, rights and responsibilities. Where a parent or carer has legal or partnership responsibility towards a relevant child, the School will provide relevant pupil information and accept their position as School community member.

6.1.1 Education Act 1996 Section 576

The meaning of "parent": 'In relation to a child or young person, (a parent) includes any person (a) who is not a parent of hers /his but who has parental responsibility for her /him, or (b) who has care of her /him. Here "parental responsibility" has the same meaning as in the Children Act 1989.'

6.1.2 Children Act 1989 Section 3

The meaning of "parental responsibility": 'In this Act "parental responsibility" means all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and her /his property.'

Mothers normally have parental responsibility, but not where this has been removed or restricted by a court. Fathers have conditional parental responsibility where the father's name is on the relevant child's birth certificate. 'Natural' parents therefore *do not* necessarily have any legal rights or responsibilities towards a relevant child, and the School will respect this. Equally, where a person with parental responsibility has had their legal parental rights restricted by a court, the School will respect this and act according to legal advice.

Parents such as adoptive parents and 'special guardian' parents have clear parental responsibility where this is awarded by a court; this is fully accepted by the School. Such persons will be accepted and addressed as 'parents'. This information should *only* be disclosed to any member of the community where the parent/s or pupil/s concerned choose to do so.

'Where a person does *not* have parental responsibility for a child ... yet has a statutory duty to maintain the child, (where they are for example a foster carer), this person may do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare.' Such a carer will be provided information and respected by the School accordingly.

6.1.3 Child and Families Act 2014 Section 12

'A 'child arrangements order' means an order regulating arrangements relating to any of the following (a) with whom a child is to live, spend time or otherwise have contact, and (b) when a child is to live, spend time or otherwise have contact with any person.' Such family court decisions will direct the actions of the School in recognising such parents.

7. Pupils and staff

7.1 Disability discrimination relating to pupils

More specifically, wherever possible and reasonable, disabled pupils should have the same opportunities as non-disabled pupils in their access to education. A pupil has a disability if s/he has a physical or mental difficulty that has a substantial and long term adverse effect on their ability to carry out normal day to day activities. The School will not discriminate against a disabled child /pupil in relation to admissions to, or fixed term or permanent exclusions from, school.

7.2 The spiritual, moral, social and cultural development of pupils

The School ensures that it plans and provides effectively in order to develop pupils' spiritual, moral, social and cultural awareness. Subject areas such as personal, social and education (PSE) and religious education can make strong contributions, but work within all other subjects can also contribute.

Pupils are led towards distinguishing right from wrong and towards acting consistently with their beliefs and with a view to the consequences of their own and others' actions. In addition the School: leads pupils towards becoming confident and positive contributors to their community and effective users of its services and facilities according to their maturity; enables pupils to gain insights into the origins and practices of their own cultures, and into those of the wider community; and takes steps to ensure that pupils appreciate racial and cultural diversity and avoid and resist all racism. If there is a child complaint about another child, the Behaviour and Complaints policies will be used. Issues of e-safety, privacy and inappropriate use of technology are dealt with in PSE, and the School refers to its E-Safety Policy.

7.3 The acknowledgement of diversity

Difference and diversity are valued, as stated throughout this policy. Where a child has diverse 'protected characteristics', as well as aspects outside of the Equality Act, such as certain food requirements, these will be accepted, and pupils will be individually respected accordingly.

The legally protected characteristic of 'gender reassignment' is understood and respected. This policy extends its protection and respect to members of the community with an orientating or fluid gender, where one's gender identity shifts, or is not fixed.

7.4 The safeguarding of pupils

The welfare and safeguarding of pupils at the School is taken seriously. Under the SSWWA2014 s130 the School has a duty to report a child at risk. The School monitors pupil wellbeing and attendance, and risk assesses, in culturally proportionate consideration of the 'protected characteristics' of the Equality Act. The school similarly proportionately manages and monitors the health and safety of pupils whilst at school. Good behaviour is promoted amongst pupils. Appropriate sanctions are adopted in the event of unacceptable behaviour of pupils (see safeguarding policies and Behaviour Policy).

7.5 Accessibility plans for disabled pupils

The School has prepared accessibility plans for: increasing the extent to which disabled pupils can participate in the School's curriculum; improving the physical environment of the School in order to increase the extent to which disabled pupils are able to take advantage of education and associated services offered by the school; and improving the delivery to disabled pupils of information that is already provided in writing to non-disabled pupils. The School's accessibility plans are available in written documents, are within our available resources, and cover a period of three years.

8. Pupils and parents/carers

8.1 Special educational needs and the disability tribunals (SENTW)

The School recognises that the SENTW determines claims of unlawful treatment of disability. It may hear claims about admissions and exclusions (in some circumstances) and education and associated services in schools. Under the Education (Wales) Measure 2009 children and young people share the same rights as parents to appeal in respect of SEN and the right to make a claim in respect of disability discrimination in schools, to the SENTW themselves.

9. Staff and trustees

9.1 Permitted discrimination relating to staff employment

9.1.1 Positive action

Where the School reasonably thinks that individuals who, on merit, are qualified to compete for a post, and with a particular protected characteristic are disproportionately under-represented, the School can take proportionate measures to enable such individuals to overcome that under-representation, through encouraging or enabling their employment and /or increased participation.

9.1.2 Genuine occupational requirement

Posts which require a particular type of staff will advertise for that post under the category of 'genuine occupational requirement', according to the category of authenticity and promotion of welfare, in the Equalities Act 2010.

9.2 School operation and strategy

The staff management of the School have particular responsibility to ensure that School staff act morally, legally and appropriately in relation to equality and diversity in all operational aspects, and that staff are fully knowledgeable of this policy. The spirit of the policy is to be maintained and promoted in all aspects of operation and strategy. The School Management Team (and HR) will monitor the staff work arena and challenge any unacceptable behaviour immediately. The operational aspects of recruitment, advertising, monitoring, complaints procedure and disciplinary action will commit specific attention to considering equality and diversity at all levels.

9.3 Individual responsibility

Each individual School staff member and trustee is responsible for their own actions and is to respect and commit to the moral and legal obligations of this policy. All staff and trustees are expected to treat fellow staff and the School community with respect at all times, and to adhere to Steiner values of positivity, cooperation and respect for all individuals.

Any individual staff member whose behaviour at the School causes distress or fear will be subject to an investigation and possible disciplinary investigation (see Staff Conduct Policy and Disciplinary Policy). The School expects each individual staff member to report any incident/s of discrimination or harassment they may encounter or observe.

Crucially, this policy ought to be a sufficient framework for any discriminatory practices to be challenged. Accordingly, the School has a robust range of policies which jointly satisfy legal and moral expectations in matters of equality and diversity.

Issue date

This policy takes effect from Feb 2018

Review date

This policy will be reviewed and revised by the Trustee for Equality and Diversity on an annual basis

Endorsement

Full endorsement to this policy is given by:

Name: Julia Griffiths

Position: Chair of Trustees, Cardiff Steiner School

Signed: 

Date: 27.02.18

Related policies

This policy should be cross-referenced to related School policies including:

- Admissions Policy
- Bursary Policy
- Behaviour Policies for Kindergarten and Class
- Anti-Bullying Policy
- ALN Policy
- School Access Plan
- Disciplinary policy
- Grievance policy
- Staff Conduct Policy
- Staff Recruitment Policy
- Staff contract