



Equality and Diversity Policy

(Revised April 2023)

Prepared with reference to:

- Additional Learning Needs and Education Tribunal (Wales) Act 2018
- 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, Children Act 1989 and Children and Families Act 2014
- Education (Wales) Measure 2009
- Social Services and Well-being (Wales) Act 2014

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2. Introduction

At the School we are committed to giving all of our children every opportunity to achieve the highest of standards. We do this by taking account of pupils' varied life experiences and needs. We offer a broad and balanced curriculum and have high expectations for all children. The achievements, attitudes and well-being of all of our children matter. The School promotes the individuality of all of our children, irrespective of their ethnicity, faith, age, disability, gender, transgender, LGB (lesbian, gay and bisexual) status, class, appearance, size, and pregnancy and maternity.

Our school strives to be an inclusive school. We actively seek to remove the barriers to learning and participation that can hinder or exclude individual pupils, or groups of pupils. This means that equality of consideration must be a reality for our children, in recognising a modern interpretation of equality and of diversity. We therefore define equality in line with the Equality Act 2010 and recognise, and afford consideration to the following protected characteristics as stated in the Equality Act 2010, Part 2, Chapter 1, Section 4:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

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 also recognises and affords individual consideration to all pupils whose identity falls outside of the protected characteristics, and where their vulnerability could result in their having an additional learning need, for example in terms of their: attainment, ability, class, culture, size, appearance, and identity fluidity for example in relation to sexual orientation or transgender or faith.

The School also recognises other groups such as gypsies and travellers, refugees and asylum seekers, young parents and pregnant young women, pupils at risk of homophobic bullying, pupils with mental health needs, children of migrant workers, children and families in difficult circumstances, young carers, pupils who are at risk of exclusion and /or criminal activity, care experienced pupils, and pupils who are adopted, or who live with equivalent special arrangements.

The School also respects and affords individual consideration to all pupils with the identities of: having additional learning needs (ALN) (and disability), those who are more able and talented (MAT), and those who have English as an additional language (EAL).

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 (please see the School safeguarding policies).

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 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

4. The whole School community

4.1 Illegal discrimination

4.1.1 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, 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.

4.1.2 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.

4.2 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, religion, culture, gender reassignment, marital status, and to those who are pregnant or in the period of maternity.

5. Parents and carers

5.1 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, Children Act 1989 and Children 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.

5.1.1 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.’

5.1.2 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 automatic parental responsibility, but not where this has been removed or restricted by a court. Fathers normally have parental responsibility automatically if married to, or the

civil partner of, the mother, at the time of the child's birth. Otherwise, it can be acquired by the father such as where the father's name is on the relevant child's birth certificate (see Children Act 1989, section 4). '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.

5.1.3 Children Act 1989, Section 8 (child arrangements orders)

'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.

6. Pupils and staff

6.1 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 they have 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 (Equality Act 2010, section 6(1)). The School will not discriminate against a disabled child /pupil in relation to admissions to, or fixed term or permanent exclusions from, school. (Please see the School Access Plan for further information).

6.2 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. (Please see the PSE and RSE policy for further information).

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 and Student Acceptable Use Policy.

6.3 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.

6.4 The safeguarding of pupils

The welfare and safeguarding of pupils at the School is taken seriously. Under the Social Services and Well-being (Wales) Act 2014, section 130, 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 2010. The School similarly proportionately manages and monitors the health and safety of pupils whilst at school. Good behaviour is promoted among pupils. Appropriate sanctions are adopted in the event of unacceptable behaviour of pupils (please see Safeguarding policies and Behaviour Policy for further information).

6.5 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 a written document, are within our available resources, and cover a period of three years. (Please see the School Action Plan for further information).

7. Staff and trustees

7.1 Permitted discrimination relating to staff employment

7.1.1 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.

7.1.2 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 Equality Act 2010.

7.2 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.

7.3 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

for further information). 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 originally took effect from February 2019 and was last reviewed and revised on 18 April 2023

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: Dr Kate Attfield

Position: Trustee, Cardiff Steiner School

Signed:



Date: 18 April 2023

Related policies

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

- Admissions Policy
- Bursary Policy
- Positive Learning Policies for Kindergarten and Class
- Anti-Bullying Policy
- ALN Policy
- School Access Plan
- Disciplinary Policy
- Grievance Policy
- PSE and RSE policy
- Staff Conduct Policy
- Staff Recruitment Policy
- Statements of Main Terms of Employment
- Student Acceptable Use of IT policy