



# Equality Policy Statement

| <b>Policy Review</b> |                         |
|----------------------|-------------------------|
| Review Schedule      | Annual                  |
| Reviewed by:         | Trust Board (Standards) |
| Accepted by:         | Local Governing Bodies  |
| Reviewed:            | October 2023            |
| Date of Next Review: | October 2024            |

The Ridgeway Learning Partnership is committed to equality of opportunity for all pupils, staff, parents and carers. Policies have been written and reviewed with due regard to the Equalities Act 2010.

## **Scope**

The RLP is at the heart of the community delivering an inclusive education to students of all ages. Our mission is to embrace challenge and to celebrate success in all that we do by striving for every learner to reach their full potential. The culture that we have in our schools means that they each retain their distinctiveness but learn and grow together and remain collectively responsible for providing all students with exciting and inspiring opportunities.

## **Introduction**

We believe that students thrive in a happy, secure and caring environment. It is an essential part of a school ethos that the values of peace, love and caring for others should be core values that we respect and agree.

**For Church Schools in the Ridgeway Learning Partnership the following biblical narrative applies:**

*'For the Lord your God is God of gods and Lord of lords, the great God, mighty and awesome, who shows no partiality and accepts no bribes.'* Deuteronomy 10:17

*'May the nations be glad and sing for joy, for you rule the peoples with equity and guide the nations of the earth.'* Psalm 67

**Linked Policies - these can be found on the RLP schools' websites:**

*Accessibility Policy and Accessibility Plan*

*Equality Schemes*

*Special Educational Needs and Disabilities Policy*

## **Equality Policy Statement**

We are committed to ensuring equality of education and opportunity for all students, staff, parents and carers receiving services from the school, irrespective of age, disability, ethnicity and race, gender, gender identity and reassignment, pregnancy, maternity and breastfeeding, religion and belief or sexual orientation. We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and are able to participate fully in school life.

## **Policy Information**

The Equality Act 2010 replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act, and provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful.

This Equality Policy and Plan sets out the Trust's approach to promoting equality and diversity in-line with legislative requirements of the 2010 Equality Act. This act links in with the Children's and Families Act 2014.

This Plan sets out some of the ways in which, as a school, we are going to tackle inequality and promote equality, to raise standards and narrow gaps.

The Trust recognises that new Positive Action provisions in the Equalities Act 2010 allow us to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics. If we decide to use these we will ensure that it is a proportionate response to achieve the relevant aim.

The schools within the Ridgeway Learning Trust are popular, oversubscribed schools, with most children living within the catchment area which although largely prosperous does have areas of economic disadvantage.

The Trust is committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers receiving services from the school, irrespective of race, sex, disability, religion and belief or socio-economic background.

## **Aims**

We aim to develop a culture of inclusion and diversity in which all those connected to the schools feel proud of their identity and able to participate fully in school life.

The Trust recognises that protective characteristics are included within the RLP Schools and Sports Centre. These include (and are not exhaustive):

## Age

A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds). See advice and guidance on [age discrimination](#).

## Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

See [disability advice and guidance](#) section.

## Gender reassignment

The process of transitioning from one sex to another.

Marriage and civil partnership - not applicable to pupils.

Marriage is a union between a man and a woman or between a same-sex couple.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

See advice and guidance on [marriage and civil partnership discrimination](#).

## Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

## Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

## Religion and belief

Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

## Gender

Gender binary.

## Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

The achievement of students will be monitored by race, gender and disability and we will use this data to support pupils, raise standards and ensure inclusive teaching. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all. As a Trust we believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

## **Roles and Responsibilities**

### **The Role of Trustees and Governors**

- The Trust has set out its commitment to equal opportunities in this plan and it will continue to do all it can to ensure that the school is fully inclusive to all stakeholders and responsive to their needs based on race, gender and disability.
- The Trust seeks to ensure that people are not discriminated against when applying for jobs at our school on grounds of race, gender or disability.
- The Trust takes all reasonable steps to ensure that the school environment gives access to people with disabilities, and also strives to make school communications as inclusive as possible for parents, carers and pupils.
- The Trust welcomes all applications to join the schools, whatever a child's socio-economic background, race, gender or disability.
- The Trust ensures that no child is discriminated against whilst in our school on account of their race, sex or disability.

### **The Role of the Head of School/Headteachers**

- It is the Head of School/Headteachers' role to implement the schools' Equality Plans and they are supported by the Trust in doing so.
- It is the Head of School/Headteacher's role to ensure that all staff are aware of the Equality Plan, and that teachers apply these guidelines fairly in all situations.
- The Head of School/Headteachers ensure that all appointment panels give due regard to this plan, so that no-one is discriminated against when it comes to employment or training opportunities.
- The Head of School/Headteachers promote the principle of equal opportunity when developing the curriculum, and promote respect for other people and equal opportunities to participate in all aspects of school life.
- The Head of School/Headteachers treat all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents, with due seriousness.

### **The Role of Staff: Teaching and Non-teaching**

- All staff will ensure that all stakeholders are treated fairly, equally and with respect, and will maintain awareness of the school's Equality Plan.
- All staff will strive to provide resources that include positive and representative images based on race, gender and disability; that challenges stereotypical images and unconscious bias.
- All staff will challenge any incidents of prejudice, racism or homophobia, and record any serious incidents, drawing them to the attention of the Headteacher.
- Teachers support the work of ancillary or support staff and encourage them to intervene in a positive way against any discriminatory incidents.

## **Contents / Procedures**

### **Tackling Discrimination**

Bullying and harassment on account of race, gender, disability or sexual orientation are unacceptable and are not tolerated within the school environment. The RLP abhorrence of such behaviours is communicated to students, parents and staff. All parents and students have access to the school's behaviour expectations and Anti-bullying policy.

All staff are expected to deal with any discriminatory incidents that may occur. They are expected to know how to identify and challenge prejudice and stereotyping; and to support the full range of diverse needs according to a pupil's individual circumstances.

Racist and homophobic incidents and other incidents of harassment or bullying are dealt with by the member of staff present, escalating to a class teacher / Head of School / Headteacher where necessary. All incidents are reported to the Head of School / Headteacher and racist incidents are reported to the Governing Body on a termly basis. All incidents are discussed as part of regular safeguarding monitoring by the link governor and form part of each HT report to LGB and Trustees. Incidents are monitored to ensure that they are dealt with effectively and to track any patterns or trends.

### **Responding to and reporting incidents**

It should be clear to students and staff how they report incidents. All staff, teaching and non-teaching, should view dealing with incidents as vital to the well-being of the whole school, and ensure that incidents are reported and addressed swiftly and effectively. The agreed procedure follows the schools policies for Bullying and Harassment or the school disciplinary procedures.

### **The Trust has identified the following issues that may be barriers to effective learning and successful working at the school:**

- Low self esteem, low expectations and peer group pressure
- Experience of bullying, harassment or social exclusion
- Low income leading to difficulty in participating in some aspects of school life and no adequate home study space
- Low parental support or different parental expectations
- Frequent moves and lack of stability in life leading to time out of school or low attendance
- Lack of help with emotional, mental and physical well-being, and poor behaviour including exclusions
- Language difficulties
- Special Educational Needs
- Lack of physical access to school facilities or services
- Inappropriate curriculum
- Recruitment, management and development of staff and governors

### **Supporting Learners with Particular Needs**

Recognising that some of the groups covered in this policy are more likely to have particular needs, the schools in the Trust:

- will provide opportunities for learning for students who are identified as requiring additional support out of school.

- will prepare Personal Education Plans to focus on learning priorities for any child in care.
- Additional support as appropriate and available will be provided for children identified through Provision Mapping
- will arrange language support as required.
- will support vulnerable students through Nurture Groups.
- will provide a resourced room for quiet reflection/prayer, with pastoral support on-hand.
- will draw on the expertise of outside professional services to meet the individual needs of pupils.

### **Listening to Students, Staff, Parents and Others**

Students are encouraged to express their views during Life Skills & PSHCE lessons and through regular surveys including a regular student voice programme.

The school actively seeks staff views and listens to staff concerns, for example through department, staff meetings and questionnaires.

The school seeks the views of parents through parent/teacher consultations, questionnaires and regular newsletters.

### **Equity of Opportunities**

Recognising that some of the groups covered in this policy are likely to be economically disadvantaged, the schools in the Trust:

- Ensure school uniforms are affordable by avoiding expensive clothing and minimising elements that need to be branded.
- Avoid putting parents under unnecessary financial pressure by offering subsidies for certain activities where families qualify for support, for example the cost of school trips and visits.
- Promote the take-up of extra-curricular opportunities by making no charge for clubs run by the school, subsidising those pupils who cannot afford other chargeable activities. Attendance at clubs is monitored to ensure equality of opportunity.

### **Admissions and Exclusions**

We follow Hertfordshire County Council's admissions arrangements which are fair and transparent, and do not discriminate on race, gender, disability or socio-economic factors. Exclusions and suspensions will always be based on the individual school's Behaviour Policy. We will closely monitor exclusions to avoid any potential adverse impact and ensure any discrepancies are identified and dealt with.

### **Ensuring Fair and Equal Treatment for Staff and Others**

Recognising that the RLP needs to ensure that its policies and practices do not discriminate, directly or indirectly, against adults as well as students in school and that positive role models and a wider perspective will strengthen the school, we will:

- Demonstrate our commitment to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing, recruitment and employment practices.

- Ensure that all staff appointments and promotions are made on the basis of merit and ability and in compliance with the law.

### **Employer Duties**

As an employer we need to ensure that we eliminate discrimination and harassment in our employment practice and actively promote equality across all groups within our workforce. Equality aspects such as gender, race, disability, sexual orientation, gender re-assignment and faith or religion are considered when appointing staff and particularly when allocating Teaching and Learning Responsibilities (TLR) or re-evaluating staff structures, to ensure decisions are free of discrimination.

Actions to ensure this commitment is met include:

- Monitoring recruitment, retention and exit interviews information including bullying and harassment of staff.
- Continued professional development opportunities for all staff.
- Promoting dignity at work.
- Leadership Team support to ensure equality of opportunity for all.

### **Ensuring Fair and Equal Treatment for Students**

Recognising that the RLP needs to ensure that its policies and practice do not discriminate, directly or indirectly, against students, the Trust

- Will accommodate the needs of different cultures, races and religions where reasonably possible
- Monitor the use of sanctions to ensure that members of staff do not impose stricter disciplinary penalties on one group than they do in similar circumstances to others.
- Will ensure, where relevant, that teaching about religious beliefs regarding same sex relationships is conveyed responsibly and sensitively.

### **Informing and Involving Parents and Carers**

Recognising that some of the groups covered in this policy are more likely to find school intimidating, strange or inaccessible, the schools will:

- Explains how they operate through a range of means eg: its regular newsletter, Prospectus, information evenings for parents, and its website.
- Offer a range of ways of communicating between school and parents that meet parents' circumstances and needs
- Actively encourage parents to attend consultation evenings
- Have designated parking spaces for disabled drivers.
- Ensures that parents understand how well their child is progressing through regular progress checks

### **Encourage Participation of Under-Represented Groups**

Recognising that the RLP has an opportunity to model empowerment of all groups including disabled, ethnic, religious and socially and emotionally disadvantaged groups, the schools will:

- Recruit governors/trustees representative of the pupil population and/or community.
- Encourage the widest participation in school activities by running events that appeal to a cross section of the school community.
- Support individuals and community groups to express their case on matters affecting themselves and their community through newsletters, invitations to speak in assemblies, through distribution of previously agreed information and school representation at events.

## **Making the Schools Accessible for All**

The schools:

- Meet the needs of students, staff and others with physical and or sensory disabilities eg: by providing designated toilets, and adaptations made to the school buildings as appropriate
- Ensures that curricular and extracurricular opportunities are available for students with disabilities by assessing access issues and putting risk assessments in place.
- Provides closer supervision at break, on visits out of school, and other times for children for whom it requires.
- Identifies further developments by keeping in regular touch with representatives of disability groups in order to update provision.

## **Publishing the policy**

The policy will be published via the Trust's and schools' websites.

## **Appendix 1**

### **Equality and the Law**

The Equality Act 2010 has replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. It also provides some changes that schools need to be aware of.

The Equality Act 2010 provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. It simplifies the law by removing anomalies and inconsistencies that had developed over time in the existing legislation, and it extends the protection from discrimination in certain areas.

As far as schools are concerned, for the most part, the effect of the law is the same as it has been in the past – meaning that schools cannot unlawfully discriminate against students because of their sex, race, disability, religion or belief and sexual orientation. Protection is now extended to pupils who are pregnant or undergoing gender reassignment. However, schools that are already complying with the law should not find major differences in what they need to do.

The exceptions to the discrimination provisions for schools that existed under previous legislation – such as the content of the curriculum, collective worship and admissions to single-sex schools and schools of a religious character, are all replicated in the act. However, there are some changes that will have an impact on schools as follows:

It is now unlawful for employers to ask health-related questions of applicants before a job offer, unless the questions are specifically related to an intrinsic function of the work. This means that schools should no longer, as a matter of course, require job applicants to complete a generic health questionnaire as part of the application procedure. Schools are advised to review their existing practices to ensure they are complying with both the Health Standards Regulations and Section 60 of the Equality Act.

- It is now unlawful to discriminate against a transgender pupil.
- It is now unlawful to discriminate against a pupil who is pregnant or has recently had a baby.



- New “Positive Action” provisions will allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics. Such measures will need to be a proportionate way of achieving the relevant aim – for example providing special catch-up classes for Roma children or a project to engage specifically with alienated Asian boys.
- Extending the reasonable adjustment duty to require schools to provide auxiliary aids and services to disabled pupils. However this duty is not due to come into effect until a later date, following consultation on implementation and approach.

## **Race Equality**

The definition of race includes colour, nationality and ethnic or national origins.

The 2010 Act states that, *‘Schools need to make sure that pupils of all races are not singled out for different and less favourable treatment from that given to other pupils. Schools should check that there are no practices which could result in unfair, less favourable treatment of such pupils. For example, it would be unlawful for a selective school to impose a higher standard for admission to applicants from an ethnic minority background, or for a school to impose stricter disciplinary penalties on African Caribbean boys than they do in similar circumstances to children from other backgrounds.*

*‘Segregation of pupils by race is always direct discrimination. It would thus be unlawful for a school to put children into sets, or into different sports in PE classes, according to their ethnicity. This stipulation in the Act is to make it clear that claims that segregated treatment is “separate but equal” cannot be sustained where race is concerned. It does not mean that schools cannot take positive action to deal with particular disadvantages affecting children of one racial or ethnic group, where this can be shown to be a proportionate way of dealing with such issues.’*

## **Disability**

The Equality Act 2010 states, *‘the overriding principle of equality legislation is generally one of equal treatment - i.e. that you must treat a black person no less well than a white person, or a man as favourably as a woman. However, the provisions relating to disability discrimination are different in that you may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to your practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what you offer to the same extent that a person without that disability can. So in a school setting the general principle is that you have to treat male and female, black and white, gay and straight pupils equally - but you may be required to treat disabled pupils differently. Discrimination is also defined rather differently in relation to disability*

## **Provisions Relating to Disability**

The disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA). There are some minor differences:

- Unlike the DDA the Equality Act does not list the types of day to day activities which a disabled person must demonstrate that they cannot carry out, thus making the definition of disability less restrictive for disabled people to meet.
- Failure to make a reasonable adjustment can no longer be defended as justified. The fact that it must be *reasonable* provides the necessary test.
- Direct discrimination against a disabled person can no longer be defended as justified – bringing it into line with the definition of direct discrimination generally.

- Schools and local authorities will (when provisions are implemented) be under a duty to supply auxiliary aids and services as reasonable adjustments where these are not being supplied through Special Educational Needs (SEN) Statements.

### **Definition of Disability**

The Act defines disability as when a person has a ‘physical or mental impairment that has a “substantial” and “long term” negative effect on that person’s ability to do daily normal activities.’ Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

The Act sets out details of matters that may be relevant when determining whether a person meets the definition of disability. Long term is defined as lasting, or likely to last, for at least 12 months.

### **Unlawful Behaviour with Regard to Disabled Pupils**

#### **Direct Discrimination:**

A school must not treat a disabled pupil less favourably simply because that pupil is disabled – for example by having an admission bar on disabled applicants.

A change for schools in this Act is that there can no longer be justification for direct discrimination in any circumstances. Under the DDA schools could justify some direct discrimination – if was a proportionate means of meeting a legitimate aim. What the change means is that if a school discriminates against a person purely because of his or her disability (even if they are trying to achieve a legitimate aim) then it would be unlawful discrimination as there can be no justification for their actions.

#### **Indirect Discrimination:**

A school must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only – for example having a rule that all pupils must demonstrate physical fitness levels before being admitted to the school – unless they can show that it is done for a legitimate reason, and is a proportionate way of achieving that legitimate aim.

#### **Discrimination arising from disability:**

A school must not discriminate against a disabled pupil because of something that is a consequence of their disability – for example by not allowing a disabled pupil on crutches outside at break time because it would take too long for her to get out and back. Like indirect discrimination, discrimination arising from disability can potentially be justified.

#### **Harassment:**

A school must not harass a pupil because of his disability – for example, a teacher shouting at the pupil because the disability means that he is constantly struggling with class-work or unable to concentrate.

#### **Reasonable adjustments and when they have to be made:**

The duty to make reasonable adjustments applies only to disabled people. For schools the duty is summarised as follows:

- Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.

- Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.
- Schools are not subject to the other reasonable adjustment duty to make alterations to physical features because this is already considered as part of their planning duties.

**The duty to provide auxiliary aids is new to schools and will not be introduced until a later date to allow time for planning and informed implementation.**

A minor change for schools is that a failure to make a reasonable adjustment cannot now be justified, whereas under the DDA it could be. However this change should not have any practical effect due to the application of the reasonableness test – i.e. if an adjustment is reasonable then it should be made and there can be no justification for why it is not made. Schools will not be expected to make adjustments that are not reasonable.

In addition to having a duty to consider reasonable adjustments for particular individual disabled pupils, schools will also have to consider potential adjustments which may be needed for disabled pupils generally as it is likely that any school will have a disabled pupil at some point. However, schools are not obliged to anticipate and make adjustments for every imaginable disability and need only consider general reasonable adjustments - e.g. being prepared to produce large font papers for pupils with a visual impairment even though there are no such pupils currently admitted to the school. Such a strategic and wider view of the school's approach to planning for disabled pupils will also link closely with its planning duties.

The Act does **not** set out what would be a reasonable adjustment or a list of factors to consider in determining what is reasonable although a code of practice produced by the Equality and Human Rights Commission (EHRC) will include factors that should be taken into account. It will be for schools to consider the reasonableness of adjustments based on the circumstances of each case. However, factors a school may consider when assessing the reasonableness of an adjustment may include the financial or other resources required for the adjustment, its effectiveness, its effect on other pupils, health and safety requirements and whether aids have been made available through the Special Educational Needs route.

Cost will inevitably play a major part in determining what is reasonable and it is more likely to be reasonable for a school with substantial financial resources to have to make an adjustment with a significant cost, than for a school with fewer resources. The Act gives the example, *'a small rural primary school may not be able to provide specialised IT equipment for any disabled pupils who may need it and it may not be reasonable for the school to provide that equipment. On the other hand, a much larger school might reasonably be expected to provide it. Often, though, effective and practicable adjustments for disabled pupils will involve little or no cost or disruption and are therefore very likely to be reasonable for a school to have to make'*.

Schools generally will try to ensure that disabled pupils can play as full a part as possible in school life and the reasonable adjustments duty will help support that. However, there will be times when adjustments cannot be made because to do so would have a detrimental effect on other pupils and would therefore not be reasonable – for example, if a school put on a geology field trip which necessarily involved climbing and walking over rough ground and after fully considering alternatives to accommodate a disabled pupil in a wheelchair who could not take part it determined that there was no viable alternative or way of enabling the disabled pupil to participate or be involved, it would not have to cancel

the trip as originally planned. This is unlikely to constitute direct discrimination or failure to make a reasonable adjustment.

The reasonable adjustment duties on schools are intended to complement the accessibility planning duties and the existing SEND Statement provisions which are part of education legislation, under which Local Authorities have to provide auxiliary aids to pupils with a Statement of special educational need.

The duty applies in respect of all disabled pupils but many will have an SEN Statement and auxiliary aids provided by the LA and so may not require anything further. However, if the disabled pupil does not have a statement (or the statement doesn't provide the necessary aid) then the duty to consider reasonable adjustments and provide such auxiliary aids will fall to the school.

### **Schools' duties around accessibility for disabled pupils**

The Equality Act states that, '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.

- 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.
- Improving the availability of accessible information to disabled pupils.

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.

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

### **Religion or Belief**

The Equality Act defines, '*religion*' as being any religion, and '*belief*' as any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics. These definitions are fairly broad and the concepts of religion and belief therefore must be construed in accordance with Article 9 of the European Convention on Human Rights and with existing case law. This means that to benefit from protection under the Act, a religion or belief must have a clear structure and belief system, and should have a certain level of cogency, seriousness and cohesion, and not be incompatible with human dignity.

*Religion* 'will include for example all the major faith groups' and '*belief*' will include non-religious worldviews such as humanism. Religion will also include denominations or sects within a religion, such as Catholicism or Protestantism within Christianity. It is not however intended to include political beliefs such as Communism or support for any particular political party.

*Lack of religion or belief* is also included in the definition of '*religion or belief*'. This means it will be unlawful to discriminate against someone on the grounds that they do not adhere, or sufficiently adhere, to a particular religion or belief (even one shared by the discriminator), or indeed any religion or belief at all – such as, for example, an atheist.

*Discrimination because of religion or belief means treating a person less favourably than another person is or would be treated, because of their religion or belief, or the religion or belief they are perceived to have, their lack of religion or belief, or the religion or belief, or lack of it, of someone else with whom they are associated.*

The Equality Act makes it clear that, ‘unlawful religious discrimination’ can include discrimination against another person of the same religion or belief as the discriminator. This is to ensure that any potential discrimination between, e.g. Orthodox and Reform Jews, or Shia and Sunni Muslims, would also be unlawful. So if a Muslim pupil is not chosen for a part in a school play because it is thought to be inappropriate for a girl of that faith, that will be discrimination even if the decision was taken by a Muslim teacher. Nor could a Muslim teacher choose one Muslim pupil over another for a part in the play because he thinks the chosen pupil is a more observant member of his faith and should be rewarded’.

The definition of discrimination on grounds of religion or belief does not address discrimination on any other ground (such as race, sex or sexual orientation). The Act does not allow a teacher to discriminate against a pupil because of his own personal religious views about homosexuality or the role of women for example.

### **Sex/Gender**

The 2010 Act states that, ‘Schools need to make sure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of boys or girls. For example, it would be unlawful for a school to require girls to learn needlework while giving boys the choice between needlework and woodwork classes.’

Although the Equality Act forbids discrimination in access to benefits, facilities and services; the Act does contain an exception which permits single sex sports. It applies to participation in any sport or game, or other activity of a competitive nature, where the physical strength, stamina or physique of the average woman (or girl) would put her at a disadvantage in competition with the average man (or boy). But while this exception might permit a mixed school to have a boy’s only football team, the school would still have to allow girls equal opportunities to participate in comparable sporting activities. The judgement on whether girls would be at a physical disadvantage needs to take into account the particular group in question, so it is much less likely to justify segregated sports for younger children. Where separate teams exist, it would be unlawful discrimination for a school to treat one group less favourably – for example by providing the boys’ hockey or cricket team with much better resources than the girls’.

### **Sexual Orientation**

The Equality Act places a requirement on schools, ‘to make sure that all gay, lesbian or bi-sexual pupils, or the children of gay, lesbian or bi-sexual parents, are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of such pupils. For example, it would be unlawful for a school to refuse to let a gay pupil become a prefect because of his sexual orientation.’