



# **Loughton School**

## **Equality Duty Policy**

## 1. Introduction

The Equality Duty is a duty on all public bodies including schools.

The aim of the Equality Duty is to embed equality considerations into the day to day work of schools, so that they tackle discrimination and inequality, and contribute to making society fairer. The Equality Duty supports us to ensure children and young people reach their full potential in educational attainment, and have secured their safeguarding and wellbeing.

## 2. Types of discrimination

The Equality Act contains a number of prohibited activities. These include:

**2.1 Direct Discrimination:** This can occur when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see discrimination by perception below), or because they associate with someone who has a protected characteristic (see discrimination by association below). Direct discrimination has been extended to cover disability.

**2.1.1 Discrimination by Association:** Treating people less favourably because they associate with another person who possesses a protected characteristic is unlawful. Previously the protections applied to race, religion or belief and sexual orientation, but have been extended to cover age, disability, gender reassignment and sex.

**2.1.2 Discrimination based on Perception:** Treating people less favourably because they are perceived to possess a particular protected characteristic is unlawful. The protection applies even if the person does not actually possess that characteristic. Previously the protections applied to: age, race, religion or belief, sexual orientation, but have been extended to cover disability, gender reassignment and sex.

**2.2 Indirect Discrimination:** This can occur when you have a condition, rule, policy or practice that applies to everyone, but particularly disadvantages people who have a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably, i.e. that it is a proportionate means of achieving a legitimate aim. Previously the protections applied to: age, race, religion or belief, sex, sexual orientation and marriage and civil partnership but has been extended to cover disability and gender reassignment.

**2.3 Harassment:** Harassment is unwanted conduct relating to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading or offensive environment for that individual. Pupils, parents, or members of staff can now complain of behaviour that they find offensive, even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. Pupils, parents and members of staff are also protected from harassment because of perception and association.

Harassment applies to all protected characteristics, except for pregnancy and maternity and marriage and civil partnerships.

**2.4 Harassment by a Third Party:** Already applies to sex, but has now been extended to cover age, disability, gender, reassignment, race, religion or belief and sexual orientation. The school can be held responsible for (a) harassment by pupils, parents, or members of staff (e.g. towards other pupils or staff) or (b) for harassment of them by people (third parties) who are not members of the council or school, such as customers or clients where:

- the school is aware of the harassment;
- it has taken place on at least two previous occasions;
- no reasonable steps have been taken to prevent it happening again.

This includes sexual violence and harassment as defined in KCSIE 2018

**2.5 Victimisation:** Victimisation occurs when someone, including a pupils, parent, or member of staff, is treated badly because they have made a complaint or raised a grievance which is covered by the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the act.

**2.6 Disability Discrimination changes:** The act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which could include things like using a telephone, reading a book or using public transport. As before, the act requires the council or school to make reasonable adjustments.

### **3. Responsibilities**

Loughton School has a responsibility for how we go about responding to the obligations, rather than just following government specific duties.

In order to meet these responsibilities, all staff and governors know about and understand the general and specific duties. Complying with these duties requires active consideration of equality across the school.

Staff and governors need to access training, information and tools to help them embed consideration of equality into their work.

Staff are actively encouraged to report any inequalities to the Designated Safeguarding Lead, who will liaise with the Nominated Governor for Safeguarding.