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<b>Signed By:</b>
<b>Approval Committee: Governing Body</b>



**GILLINGHAM SCHOOL**  
**Hardings Lane, Gillingham**  
**Dorset SP8 4QP**

**Equality Policy**

## The legal background

All public bodies have a legal duty to assess the impact of their policies and practices, and the likely impact of any proposed policies and practices, on the furtherance of the three aims set out in equalities legislation, namely:

- eliminate discrimination;
- advance equality of opportunity;
- foster good relations.

Public bodies are affected in all their functions, particularly:

- as employers;
- as purchasers;
- in policy development;
- in service delivery.

Equality Impact Assessments (EqIAs) have been recommended since 2002 in the case of ethnicity, since 2006 in the case of disability, and since 2007 in the case of gender. From 5 April 2011, the Equality Act 2010 extends the duty to age (pupils in schools are exempt from the 'age' component but not the employees at a school for which the Governing Body has full employer duties), religion or belief, gender identity and sexual identity. These are known as 'Protected Characteristics' and are listed on the Equality Impact Assessment and Initial Screening Report forms.

The purpose of an Equality Impact Assessment is to give due consideration to each of the protected characteristics with view to identifying any negative or detrimental impact upon groups having one or more protected characteristic – **this is a legal requirement**. An assessment prompts questions that we might not otherwise have thought about and focuses upon achievable possibilities and opportunities. Although using the DCC recommended forms (or similar) is not compulsory, systematic use of such a tool does **provide evidence that all protected characteristics have been considered formally**. Assessments should be conducted whenever new or existing policies, protocols or significant decisions are proposed, developed or reviewed. This task may be eased by use of an Initial Screening Record that would indicate whether a full Equality Impact Assessment is needed.

In essence there are only two questions, but they have to be answered with regard for each of the protected characteristics – age, disability, ethnicity, gender, gender identity, religion or belief, and sexual identity. Although not a part of the Equalities Act 2010 currently, (this element was due to be included by April 2012 but has been dropped by government) it is considered good

practice if rurality and socio-economic factors are evaluated. Those responsible for structuring policies, procedures and practice should examine the full range of evidence available and be confident that consideration has been given to each protected characteristics in turn.

The questions are:

1. Is there a negative impact on one or more of the dimensions of equality – namely, could it increase the inequalities that already exist?

If so, how can any impact be minimised or can the impact be justified?

2. Is there potential to have a positive impact on equality, by reducing and removing inequalities and barriers that already exist?

If so, is it possible to maximise the potential?

Groups with more than one protected characteristic are likely to be adversely affected (or have greater inequality than already exists) unless careful thought is given to ways in which any potential impact can be eliminated or reduced.

### **The process of Equality Impact Assessment**

Ideally school would have nominated a governor to cover and oversee equality issues. In order to evidence compliance with required duties and the Equality Act 2010, it is proposed that policies, procedures and all significant decisions are accompanied either by an Equality Impact Assessment initial screening record, or a full Equality Impact Assessment. This can be done in the normal life cycle of review and does not require covering all school documents immediately.

#### **1. Equality Impact Assessment – Initial Screening Record**

The Initial Screening Record is a tool designed to minimise formal paperwork yet, at the time, provide evidence that schools have considered all equality protected characteristics systematically. The intended audience for Equality Impact Assessment – Initial Screening Records are Senior Managers, Headteachers and Governors.

**Section 3** requires a tick response – if it is not possible to provide an answer to any of these questions, it may require a full Equality Impact Assessment to be completed in order to consider the position comprehensively. If the majority of responses are *Positive Impact* or *No Impact* then it is possible to

agree that a policy, procedure or decision is accepted provided that statistical or qualitative information is available to support the screening process. If the screening exercise indicates *Negative Impact* issues then it would be wise to proceed to conducting a full Equality Impact Assessment.

**Section 4** refines the data / information held relating to the protected characteristics. This might be found from evidence schools already possess in relation to performance – the sort of information that forms a school profile or is requested by Ofsted. It might be that there is a shortfall in the information known about one or more of the protected characteristics, in which case schools may wish to add this to the Equality Objectives and focus upon how to accumulate more comprehensive knowledge in relation to those protected characteristics.

It is important to evaluate whether the screening process indicates **any potential illegal situation**, if it does, a plan should be drawn up that enables the school to **remedy the situation immediately**.

## **2. Equality Impact Assessment Form**

Use of the full Equality Impact Assessment form is a comprehensive way of ensuring that all aspects of the Equality Act 2010 and the duties on schools (and all public bodies) are met and that the schools is compliant with the law.

**Section 5** of the form allows known statistical information to be set out so that full consideration can be given to each question relating to a protected characteristic. Information for responses may be gathered from existing data held in various documents within schools. It enables an in depth evaluation of the present situation experienced by school and will indicate positive actions in the schools activities and planning, and indicate any shortfall in provision that could potentially impact upon those pupils or employees with protected characteristics.

**Sections 8 and 9** will conclude the outcome of the Equality Impact Assessment process.

**Section 12** of the Equality Impact Assessment form should indicate any potential **illegal situation**; a plan should be structured to **remedy the situation immediately**.

## **Suggestions on how Equality Impact Assessments might be summarised**

You may like to copy and paste one of the following statements into your document, and then expand and explain it as appropriate.

- A positive impact is explicitly intended and very likely.
- B An adverse impact is unlikely, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist.
- C An adverse impact is unlikely. On the contrary there is potential to reduce barriers and inequalities that currently exist. There is insufficient evidence, however, for this assessment to be made with as much confidence as is desirable.
- D Adverse impact is unlikely, but positive impact is also unlikely.
- E Adverse impact is probable or certain, since certain groups will be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary.
- F Adverse impact is probable or certain for certain groups but the policy as a whole can nevertheless be justified.

### **Strapline that can be added to the end of policies:-**

*This policy has been reviewed in line with the 9 principles set out in the Single Equality Policy and an initial screening Equality Impact Assessment has been carried out.*

## **Semantics and terminology** Equality in Education)

(Insted Consultancy – paper 9 –

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### **Introductory notes**

Words change in their meanings and implications over time, and mean different things to different people.

Changes of language occur partly because the outer world changes; partly because understandings of the world change; and partly because various groups and communities gain greater power and influence than hitherto and are in consequence able to insist their voices, viewpoints and self-definitions are listened to and taken into account.

In consequence, there are worries and concerns about avoiding offence, and about so called political correctness.

This paper recalls some of the principal debates and discussions which have taken place in relation to equalities over the years.

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### **GENERAL**

#### ***Equality / diversity***

As moral and political values, these may be seen as two sides of the same coin – neither without the other is complete. But they can be current in different contexts, since discourse of diversity may be preferred by those who do not wish talk about racism and unequal power relations. In UK and European law, the preferred term is equality. A phrase using both words is in increasing use.

### **DISABILITY**

#### **Disability / impairment**

In the field of disability equality, words vary in their meaning and implications according to the context, framework or theoretical model within which they are used.

The term social model of disability has been developed by disabled campaigners and their non-disabled allies over the last 30 years to emphasise that disability should be seen as a social process, not as a characteristic of an individual. The social model sees disability as arising from barriers, beyond the person, of attitude, organisation and environment. An **impairment** is a long term loss of physical or mental function.

Through the Disability Discrimination Act duties to promote disability equality and to provide reasonable adjustments, and through subsequent guidance issued by the Disability Rights Commission and the Office for Disability Issues, the social model of disability is enshrined in UK legislation.

The UN Convention on the Rights of People with Disabilities enshrines this paradigm shift from medical model to social model thinking. It was ratified by the UK government on 8 June 2009.

According to the social model, someone who has an impairment is disabled by barriers in society, essentially, not by the impairment itself. The effects of these can be ameliorated by reasonable adjustments and changing attitudes and practices, but to be fully included disabled people need activities, services and environments to be planned and designed to be barrier-free. For this reason the term disabled people is increasingly preferred in the UK to the term people with disabilities.

The term disabled, it has been said, should be seen as a verb not as an adjective – it refers to things being done to people, not to what or who they are.

The term disablement is sometimes used to refer to the social, physical and attitudinal processes which lead to certain people becoming seen and treated in disabling ways.

### ***Special educational needs***

SEN and SEND are nouns and should never be used as adjectives (as in 'SEN children').

However, it has also been argued they should never be used at all, for they risk locating problems in children and young people rather than in barriers, including attitudinal barriers, in the social and school environment. From the point of view of the social model of disability (see above), children who have what are called special educational needs may be more accurately described as disabled.

## ETHNICITY

### *Race/ethnicity*

The term race appears in legislation, as for example in the terms race equality, race relations and racial group, and also therefore in much administrative usage. There is no scientific basis for dividing the human species into races, however. The term **ethnicity**, which implies cultural, linguistic and religious aspects of identity as well as (sometimes but not always) visible differences, more accurately reflects the intentions in race relations legislation. Also, it is more consistent with the understanding that forms of cultural racism (for example, Islamophobia and antisemitism) can be as serious in their effects as colour racism. It is increasingly the preferred term in DCSF usage.

Statistical breakdowns published by the DCSF in recent years have always used the term by ethnicity in their titles, if appropriate, not by race or by racial group. This is also the established practice in other government departments.

The Equality and Human Rights Commission, amongst others, often uses the composite term race/ethnicity implying it sees the two terms as interchangeable, or considers that neither term is sufficient if unaccompanied by the other.

### *The term 'BME'*

The term BME (short for 'black and minority ethnic') can be useful for providing a broad-brush overview in order to refer to all people not categorised as 'white British'. It is seldom if ever helpful, however, for clarifying the practical measures which need to be introduced to make improvements in provision.



Further objections to the term include:

- ◇ it runs the risk of dehumanising, as does any such use of an abbreviation
- ◇ it implies Black people are not of a minority or minoritised background
- ◇ it cannot be used grammatically as an adjective before a noun such as 'person' or 'people'
- ◇ it reflects a simplistic majority/minority distinction that is frequently inaccurate or inappropriate
- ◇ it is arguably no more than code for the discredited term 'coloured'.

### **'Group'**

The term group is used by statisticians when referring to tabulations based on the categories in the 2001 Census (as, for example, in 'the Black Caribbean group'). It also appears in legislation ('racial group'). In most or all other contexts, however, it can be subtly demeaning. Terms such as background, heritage and community are preferable.

### ***Racism / xenophobia***

Arguably the same, though also corresponding to visible/invisible differences amongst those who are targeted by racist prejudice and discrimination, and to the distinction between colour racism and culture racism. The term xenophobia is much more used in other European countries than in UK.

### ***Islamophobia / anti-Muslim racism***

The latter term is arguably clearer, since it does not imply a mental disorder. But the former is now current and is useful for referring to a general climate of opinion. Like anti-Semitism, it refers to a form of racism. In certain international organisations the preferred term is intolerance and discrimination against Muslims.

### *The term 'Asian'*

- Publications sometimes use the term *Asian* as a blanket reference to Bangladeshi, Indian and Pakistani communities. However, these communities vary considerably in terms of social class and migration history; recent economic trends; the geographical area within Britain where they are mainly settled; religious tradition, culture and language; and the nature of the prejudice, hostility and discrimination they may encounter. There are few if any practical policies and measures that are relevant to all 'Asian' communities without exception.

### *The term 'Black'*

- In an analogous way, publications sometimes use the blanket term *black*, without distinguishing between African and African-Caribbean communities. Occasionally, further, reports use the term *black* to refer to all people who may experience racism based on their physical appearance. Racism based on colour is a serious matter, most certainly. But the blanket term *black* can mask rather than clarify patterns of disadvantage and discrimination.

### *The term 'white'*

- Similarly the word *white* is used in different ways in different studies. Sometimes it refers to all people who describe themselves as white in the categories of the 2001 census. At other times, however, it refers only to those who *in addition* describe themselves as British. Since terms such as 'ethnic minority' and 'BME' are usually defined as 'not white', it follows that they too vary in their meaning according to who is and is not classified as white.

### *The term 'African'*

- Communities of African backgrounds in Britain are different from each other in terms of in terms of social class and educational levels in the countries from which they came; the length of time they have been in Britain; the mix of push and pull factors affecting their decision to move to Britain; religious tradition, culture and language. Because of these differences, there are few if any practical policies and measures that are relevant to all 'African' communities without exception.

## **FAITH**

### ***Religion / faith / belief***

Historically, religion has referred to a general tradition and ethno-religious identity, whereas faith has referred to inner beliefs and commitments (as in 'faith, hope and charity'). Recently, this distinction has been changing, with faith being used increasingly to refer to ethno-religious tradition or to institutions with religious connections (as for example in 'faith schools') rather than, necessarily, to inner beliefs.

However, the term in legislation, derived from EU directives, is religion or belief.

## **GENDER**

### ***Gender / sex***

The former term refers to social and cultural roles and expectations, the latter to biological differences. The original legislation in the UK refers to 'sex discrimination' but more recently the legal duty is to promote 'gender equality'.

## **SEXUAL IDENTITY**

The self-definition preferred by people who are targeted by homophobia and trans-phobia, and who are now protected by anti-discrimination legislation, is lesbian, gay, bisexual and trans, frequently abbreviated to LGBT. The term homosexual is not seen as acceptable, since it was originally coined to imply deviance or a medical condition. Older members of the LGBT community, however, may be more comfortable with its use than younger.

Sourced from documentation from conference material provided by EDU and  
DCSF, 2009