



Three Towers

An Alternative Provision Academy

Expanding Horizons

Equality Information & Objectives 2024 - 2028

Adopted: September 2024

Review: Every 4 years

Progress Report: Annually

1 Introduction

Together with the Rowan Learning Trust (RLT) we are committed to providing a first-class education which meets the needs of individual learners and prepares them for life beyond school by removing barriers to participation and achievement. We aim to promote respect for difference and diversity in accordance with our whole school ethos.

Our vision is to be a safe, caring, happy and nurturing community where:

- everyone can learn through supportive interaction, experience and success;
- emphasis is placed upon personal development, learning and fulfilling the potential that exists in each one of us;
- each learner is supported holistically;
- each learner receive provision that is tailored to meet their individual academic and social-emotional needs, giving them the skills they need to improve their life chances;
- learners take responsibility for their lives, their learning and their decisions;
- working in partnership with stakeholders is a high priority;
- the concerns of parents/carers are listened to and acted upon where possible so that the needs of their children are effectively met.

Our aim is for each and every member of our community to gain an understanding of their inherent value and the value of others and to enable them to go on to become independent people ready and able to meet the challenges of the 21st Century. By putting the interests of the learners at the core of all that we do we aim to:

- foster high expectations, aspirations and a 'can do' approach in all members of our community;
- provide a nurturing, restorative and structured learning environment where everyone can feel safe, secure, and valued;
- develop all learners academic potential and emotional literacy by meeting their individual needs;
- identify and change aspects of behaviour that are contributory to difficulties experienced in school;
- support learners to make good progress in all aspects of learning enabling them to move on in their learning journey either returning to mainstream school; transferring to specialist provision or accessing post-16 opportunities and the world of work;
- provide opportunities for learners to gain appropriate qualifications for future pathways;
- support mainstream schools in the development and delivery of effective strategies to support positive behaviour;
- develop learners resilience, integrity, self-esteem, self-confidence and citizenship in a climate of mutual respect and tolerance;
- provide learning opportunities that are fun where we are able to laugh and enjoy each other's sense of humour.

We value each other as unique members of our school community. We show this through:

- Creativity – being curious about the world and developing independent thinking skills;
- Integrity – being truthful, reliable, trustworthy, and sincere;
- Kindness – to ourselves and each other;
- Leadership - leading by example and modelling the behaviours we wish to see in others;
- Resilience – many things in life are not easy but we do not give up or give in;
- Respect – for ourselves, for each other, our family & friends, our community and the environment;
- Responsibility – taking responsibility for our own learning, our behaviour and our future;
- Tolerance – learning to accept others often allows us to become accepted in return.

We are committed to ensuring equality of education and opportunity for all learners, staff, parents and carers receiving services from the school, irrespective of race, gender, disability, faith or religion or socio-economic background.

We endeavour to create a culture of inclusion and diversity in which all those connected to the school feel proud of their identity, able to participate fully in school life and feel valued, cared for and listened to. The development of a positive self-image, self-advocacy, respect for others and an awareness of the value of each individual's contribution to the school community is an integral part of our ethos.

The achievement of learners will be monitored by race, gender and disability and we will use this data to support learners, 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. We believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.

Three Towers (TTAPA) aims to meet its obligations under the **Public Sector Equality Duty (PSED)** by having due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.

2 Legislation and Guidance

This document meets the requirements under the following legislation:

- [The Equality Act 2010](#), which introduced the Public Sector Equality Duty and protects people from discrimination
- [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#), which require schools to publish information to demonstrate how they are complying with the Public Sector Equality Duty and to publish equality objectives

This document is also based on Department for Education (DfE) guidance:

➤ [The Equality Act 2010 and schools.](#)

This document also complies with our funding agreement and articles of association.

2.1 The Equality Act (2010) unifies, supersedes or updates much of the previous law relating to equality. The general duties are to:

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

It also enshrines existing duties already established in law as follows:

- Disability General Duty;
- Gender General Duty;
- Race General Duty;
- Community Cohesion Duty;
- Sexual Orientation.

Schools are required to ensure that learners are protected from discrimination and harassment based on '**protected characteristics**' which are:

- disability;
- gender (including issues of transgender);
- gender reassignment;
- maternity and pregnancy;
- race (includes ethnic or national origins, colour or nationality);
- religion or belief (including lack of belief);
- sexual identity;
- age (employees only);
- marriage and civil partnership (employees only)

Schools are prohibited from discriminating against, harassing or victimising:

- prospective learners;
- learners at the school;
- in some limited circumstances, former learners.

The Act establishes three principles intended to focus on outcomes judged against local rather than imposed priorities:

- setting of equality objectives based on local data;
- schools to be judged on outcomes related to their identified equality objectives not on processes or action plans;
- greater transparency in allowing public access to data.

2.2 Wider legislation

We recognise that these duties reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

In fulfilling our legal obligations we will:

- recognise and respect diversity;
- foster positive attitudes and relationships, and a shared sense of belonging;
- observe good equalities practice, including staff recruitment, retention and development;
- aim to reduce and remove existing inequalities and barriers;
- consult and involve widely;
- strive to ensure that society will benefit.

Other groups who will benefit from this policy as they may suffer from discrimination are:

- children from single parent or estranged families;
- children and families in crisis;
- children in care;
- children who are Gifted and Talented;
- pregnant school girls/teenage parents;
- Young Carers;
- transient and mobile learners;
- learners with EAL;
- refugees and asylum seekers;
- poor attenders;
- disaffected learners;
- learners who are home tutored;
- learners who misuse illegal substances;
- learners with pronounced medical needs;
- learners with mental health difficulties and those who self-harm.

3 Roles & Responsibilities

3.1 Governors are responsible for:

- ensuring the school complies with relevant legislation;
- ensuring that the equality information and objectives set out in this statement are published and communicated throughout school to all stakeholders;
- ensuring that the published equality information is updated annually and that the objectives are reviewed and updated at least every 4 years;
- ensuring they complete regular equality and diversity training pertinent to their role;
- ensuring they are familiar with the relevant legislation and the contents of this document;
- delegating responsibility for monitoring the achievement of objectives on an operational basis to the headteacher.

3.2 The Headteacher will:

- promote knowledge and understanding of the equality information and objectives among staff and learners;

- promote respect for other people and equal opportunities to participate in all aspects of school life;
- devise and implement any action plans required to meet the objectives;
- devise effective processes of development, consultation, review and revision of policies and procedures relating to equalities;
- ensure that guidelines are applied fairly in all situations;
- promote the principle of equal opportunity when developing the curriculum;
- ensure that all appointments panels give due regard to this plan, so that no-one is discriminated against when it comes to employment or training opportunities;
- treat all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents, with due seriousness;
- monitor success in achieving the objectives and report back to governors regularly;
- publish an annual update on the school website.

3.3 Staff will:

- maintain awareness of the equality information and objections;
- ensure that all learners are treated fairly, equally and with respect, and to
- deal with racist and other discriminatory incidents, and recognise and tackle racial bias and stereotyping;
- promote equal opportunities and good race relations, and avoiding discrimination against anyone for reasons of race, colour, nationality, ethnic, religious, cultural or linguistic reasons;
- promote understanding of different disabilities and avoiding discrimination against anyone for reasons of disability;
- support the Equality Impact Assessment processes;
- keep up to date with changes in the law on discrimination as set out in this document;
- provide material that gives positive images based on race, gender and disability, and challenges stereotypical images;
- challenge any incidents of prejudice, racism or homophobia, and record any serious incidents, drawing them to the attention of the CLT.

3.4 Learners will be expected and supported to:

- treat everyone with respect;
- explore diversity with a healthy, positive open mind
- value and respect diversity and difference;
- speak out if they witness / are subjected to any inappropriate language and/or behaviour or feel they have been treated unfairly.

3.5 Visitors / contractors are expected to:

- support the implementation of TTAPA's policies;
- treat everyone with respect;
- value and respect diversity and difference;

- speak out if they witness / are subjected to any inappropriate language and/or behaviour or feel they have been treated unfairly.

4 Eliminating Discrimination

We are aware of our obligations under the Equality Act 2010 and comply with non-discrimination provisions and where relevant, our policies include reference to the importance of avoiding discrimination and other prohibited conduct. Where responsibilities under the Equality Act are discussed in meetings, it is recorded in the minutes of that meeting.

5 Advancing Equality of Opportunity

We aim to advance equality of opportunity by:

- removing or minimising disadvantages suffered by people that are connected to a particular characteristic they have;
- taking steps to meet the particular needs of people who have a particular characteristic;
- encouraging people who have a particular characteristic to participate fully in any activities.

In fulfilling this aspect of the duty, we analyse the attainment data of learners to identify strengths and areas for improvement and implement actions in response.

In line with guidance from the Information Commissioners Office (ICO) we do not publish data for groups/cohorts of less than 10 learners. This is because when publishing such data individual learners may become identifiable.

6 Fostering Good Relations

We aim to foster good relations between those who share a protected characteristic and those who do not share it by:

- promoting tolerance, friendship and understanding of a range of religions and cultures through different aspects of our curriculum. This includes teaching in humanities/world studies, citizenship and personal, social, health and economic (PSHE) education, but also activities in other curriculum areas e.g. in English/reading, learners will be introduced to literature from a range of cultures;
- encouraging and implementing initiatives to deal with any tensions between different groups of learners within the school should they arise. We also work with parents/carers to promote knowledge and understanding of different cultures;
- using external agencies/professionals who have specialist knowledge about particular characteristics, which helps inform and develop our understanding and approach.

7 Due Regard to Equality Considerations in Decision Making

Having due regard means that when significant decisions are made, we always give thought to the equality implications. This means decision makers are aware that they must pay due regard to equality when making a decision or taking any action. They are aware that they must assess whether the decision or action may have implications for people with particular protected characteristics.

For example, when a school trip or activity is being planned, the school considers whether the trip:

- cuts across any religious holidays;
- is accessible to learners with disabilities;
- has equivalent facilities for boys and girls.

TTAPA always considers equality implications when writing and reviewing its policies.

8 Equality in Action at Three Towers

Our objective are set out in [Appendix 1](#).

TTAPA has clear, embedded values that we expect all our staff, learners and their families and all stakeholders to be mindful of, thus ensuring that everyone is treated equally.

We understand that it is unlawful to fail to make reasonable adjustments to overcoming barriers to using services caused by disability. Anyone involved in recruitment will avoid unlawful discrimination in all aspects of employment in line with our Trust's policies and procedures.

We actively promote positive, inclusive values. These include democracy, the rule of law, individual liberty and mutual respect for and tolerance of those of different faiths and beliefs. We believe Modern British Values are those expected of everyone living in Britain, regardless of their nationality, culture or religious belief. Our policies are reviewed regularly and set out a clear message that discrimination is not tolerated.

We encourage inclusiveness through our day-to-day practice in the following ways.

8.1 For learners

8.1.1 Admissions, Behaviour and Exclusions

Our admissions arrangements are fair and transparent. They are set out in our service level agreement with Wigan Council and explained on our website.

We provide appropriate and early interventions for learners to promote positive behaviour and a sense of belonging following their referral to TTAPA. Behaviour management strategies are always put in place to meet the needs of any child who may be at risk of frequent sanctions or possible exclusion, especially for those groups over-represented in behaviour data.

We monitor behaviour management plans to avoid any potential adverse impact and ensure any discrepancies are identified and dealt with.

Decisions to suspend and/or exclude learners will always be made in line with the DfE statutory guidance and our Suspensions & Exclusions Policy.

8.1.2 Teaching & Learning

We aim to provide all our learners with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, we:

- provide a broad, balanced, rich curriculum that is accessible and relevant to the needs of each individual learner through a range of activities, technologies and opportunities;
- use whatever specialist techniques and teaching approaches which may motivate support the needs, or improve access of any individual learner;

- create a total communication environment that features signs, symbols, tactile and object clues as required by individual need;
- ensure learners have the time needed for them to acquire, develop, practise and apply skills;
- use contextual data to improve the ways in which we provide support to individuals and groups of learners;
- monitor achievement data by ethnicity, gender and disability and take action to address any gaps;
- take account of the achievement of all learners when planning for future learning and setting challenging targets;
- ensure equality of access for all learners and prepare them for life in a diverse society;
- use materials and activities that reflect the diversity of the school, population and local community in terms of race, gender and disability, without stereotyping;
- promote attitudes and values that will challenge racist and other discriminatory behaviour or prejudice;
- provide opportunities for learners to appreciate their own culture and celebrate the diversity of other cultures;
- ensure pastoral support takes account of religious and ethnic differences and the experiences and needs of particular groups of learners, including refugees and asylum seekers;
- seek to involve all parents/carers in supporting their child's education;
- encourage staffroom discussion of equality issues which reflect on social stereotypes, expectations and the impact on learning;
- ensure teaching and classroom-based approaches are appropriate to meet the individual needs of learners, maximising opportunities for progression and future economic wellbeing for all;
- challenge any behaviour (verbal or written, e.g. graffiti, literature/propaganda) that differentiates, degrades or isolates an individual or group due to race, religion, language or culture including:
 - racist comments or name calling;
 - comments about appearance;
 - rejection by colour;
 - mocking language or accent;
 - denigrating religious observances or cultural traditions.

8.1.3 Outcomes

We make regular assessments of learners and use this information to track progress and take appropriate action to address any gaps.

We collect and analyse the following equality information for our learners:

- the progress and attainment of boys and girls against National expectations for learners with learning difficulties; from ethnic backgrounds; and children who are Looked After (CLA);

- the progress of each key stage including length of time since admission;
- constant monitoring of attendance and exclusions of individual learners against personal targets as well as groups of learners against national data;
- monitoring of learner pen portraits containing personalised targets;
- targets set in Education, Health Care plans (EHCPs) / statement annual reviews.

We have identified the following issues that persist due to the ever-changing profile of our cohorts:

- learners have a high proportion of suspensions particularly when the first join the academy - this continues to be monitored and analysed frequently;
- attendance & punctuality of individual learners needs to increase, particularly at secondary where all are persistent absentees and many are severely absentees at the point of referral;
- an increase in the need to use bespoke timetables for learners who have been out of formal education for a long time and/or have mental health difficulties.

These form part of our personalised work with learners and are not identified as specific equality objectives in this policy or scheme.

8.2 For employees

Three Towers fully complies with the Equality Scheme and expectations of The Rowan Learning Trust.

8.2.1 Our commitment

We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment.

All staff appointments and promotions are made on the basis of merit and ability and in compliance with the law. However, we endeavour to ensure wherever possible that the staffing of the school reflects the diversity of our community.

8.2.2 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, full respect for legal rights relating to pregnancy and maternity, 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 and retention including bullying and harassment of staff;
- continued professional development opportunities for all staff;
- Core Leadership Team support to ensure equality of opportunity for all.

9 Responding to & Reporting Incidents

Harassment on account of race, gender, religion, disability or sexual orientation is unacceptable and will not be tolerated within the school environment. All staff, teaching and non-teaching, should view dealing with incidents as vital to the well-being of the whole school.

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

Racist and homophobic incidents and other incidents of harassment or bullying will be dealt with using the Behaviour & Relationships and Anti-bullying policies. All incidents are reported to the Headteacher and racist and homophobic incidents are reported to the Local Governing Committee (LGC) each term.

Harassment on grounds of race, gender, disability, sexual orientation or other factors such as socio-economic status, can take many forms including:

- physical assault against a person or group because of their colour, ethnicity, nationality, disability, sexual orientation or gender;
- exclusion from groups and games;
- use of derogatory names, insults and jokes;
- unwanted looks or comments;
- racist, sexist, homophobic or discriminatory graffiti;
- provocative behaviour such as wearing racist, sexist, homophobic or discriminatory badges or insignia;
- bringing discriminatory material into school;
- verbal abuse and threats;
- incitement of others to discriminate or bully due to victim's race, disability, gender or sexual orientation;
- discriminatory comments in the course of discussion;
- attempts to recruit others to discriminatory organisations and groups;
- ridicule of an individual for difference e.g. food, music, religion, dress etc.;
- refusal to co-operate with other people on grounds of race, gender, disability or sexual orientation.

10 Monitoring & Evaluation

This document will be reviewed by the Headteacher and approved by governors at least every 4 years.

We will update the equality information we publish (in line with ICO guidelines) at least every year.

In order to meet the statutory requirements, we will:

- publish our annual objectives on our website;
- raise awareness of the plan through the school newsletter, assemblies, staff meetings and other communications;
- make sure hard copies are available.

We have a rolling programme for reviewing our school policies and their impact. **In addition we will monitor and review the following:**

10.1 As a provider of education

- achievement and attainment of different learner groups against National expectations and the variation of these groups within school;
- provision and progress of Children with Special Educational Need;
- behaviour and rewards received by different learner groups and the variations between these groups within school;
- provision and progress of Children who are Looked After;
- attendance & suspension/exclusion data for all groups of learners;
- changes in learner attitudes;
- bullying incidents;
- racial incidents.

10.2 As an employer

- applications for employment & staff profile
- staff recruitment, retention and professional development including attendance at staff training events
- disciplinary and grievance cases
- staff performance management
- signposting of this document as part of our induction process for new employees.

11 Links to other policies

This policy should be read alongside the [Rowan Learning Trust Equality Statement and other centrally generated policies](#) plus:

- *Accessibility Plan;*
- *Anti-Bullying Procedures;*
- *Attendance Policy;*
- *Behaviour & Relationships Policy;*
- *SEND Policy & Information Report;*
- *SMSC Policy.*

UNICEF - UNCRC

The UN Convention of the Rights of the Child sets out human rights of every person under 18 (Article 1) and applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background (Article 2). Articles directly relating to this policy are:

03 (Best interests of the child)	23 (Children with a disability)
06 (Life, survival & development)	24 (Health & health services)
08 (Protection & preservation of identity)	28 (Right to education)
12 (Respect the views of the child)	29 (Goals of education)
13 (Freedom of expression)	30 (Children from minority or indigenous groups)
14 (Freedom of thought, belief & religion)	31 (Leisure, play & cultures)
15 (Freedom of association)	34 (Sexual exploitation)
16 (Right to privacy)	35 (Abduction, sale & trafficking)
19 (Protection from violence, abuse & neglect)	36 (Other forms of exploitation)
20 (Child unable to live with their family)	37 (Inhumane treatment & detention)
21 (Adoption)	39 (Recovery from trauma & reintegration)
22 (Refugee children)	

Appendix 1: Objectives

- **Objective 1:**
To ensure an inclusive ethos and culture, actively opposing all forms of discrimination.
- **Objective 2:**
To ensure that all learners, staff and governors are aware of the current legislation surrounding equality and diversity and understand their responsibilities.
- **Objective 3:**
To actively promote cultural understanding and awareness, inclusivity and diversity for all, ensuring community cohesion and engendering a sense of belonging for all.
- **Objective 4:**
To acknowledge the existence of mental health issues, signposting and actively offering support and guidance, ensuring mental health challenges are not stigmatised.
- **Objective 5:**
To endeavour to close gaps in attainment and achievement between learners for all groups of learners, particularly those eligible for learner premium, those with SEN, looked after learners and learners from minority ethnic groups.
- **Objective 6:**
To monitor and reduce the incidence of the use of discriminatory language and prejudice-based bullying and harassment of learners and staff ensuring consistent recording, reporting and action by staff following incidents of discriminatory language and/or behaviour.
- **Objective 7:**
To allow equal access to information for all parents/carers. This to take into account parents/carers possible additional needs and any further barriers to accessing written information. Where logistical issues are noted, we will work with families to provide support in accessing pertinent information.
- **Objective 8:**
To continue to ensure the school environment is as accessible as possible to learners, staff and visitors to the school.
- **Objective 9:**
To endeavour to ensure that any future decisions necessitated by funding changes do not adversely affect anyone, nor disproportionately affect any of the protected groups.

Appendix 2: Definitions & Guidance

The Equality Act (2010) harmonises existing legislation and creates a new list of people who share a protected characteristic under the law. The Act includes secondary legislation setting out the **Public Sector Equality Duty (PSED)** that consists of a *general* and a *specific duty*. Both The Act and the PSED apply to all aspects of employment, goods & services, partnerships and procurement. This includes school and education.

There is no longer a requirement for an Equality Scheme, though the Duty sets out requirements for publication of information, as well as setting Equality objectives. The Duty requires information to be published to include the effects of policies and practices on people who are protected by the Act.

The Equality and Human Rights Commission (EHRC) recommend that this should take the form of Equality Impact Assessments (EIAs) in organisations that have embedded them as standard practice but there is no statutory requirement to use them at present.

The following definitions and legal duties describe the school's understanding of legislation prior to and including the Equality Act 2010 in relation to the protected characteristics.

Discrimination

Unlawful discrimination is defined in the Act as:

- Direct discrimination (including discrimination based on perception or association);
- Indirect discrimination;
- Discrimination arising from disability;
- Failure to make reasonable adjustments (for disabled people).

Direct discrimination: treating a person less favourably than others in comparable circumstances because of a 'protected characteristic'. There are however exceptions to school provisions that allow, for example, single-sex schools to only admit learners of one sex without this being unlawful direct discrimination.

Associative discrimination: direct discrimination against a person who associates with another person with a protected characteristic.

Indirect discrimination: occurs when a provision, criterion or practice is applied equally to all but has the effect of putting people sharing a protected characteristic within the general learner group at a particular disadvantage. It does not matter if there was no intention to disadvantage the person with the protected characteristic; what does matter is whether the action did/would cause disadvantage compared to those not sharing the protected characteristic.

"Disadvantage" is not defined in the Act but a rule of thumb is that a reasonable person would consider that disadvantage has occurred.

Victimisation: treating a person less favourably because they have taken action in respect of discrimination e.g. by bringing a complaint or giving evidence for a colleague, is unlawful.

Harassment: unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them, on grounds of one of the relevant characteristics such as sex or race – is also unlawful in many of the situations covered by discrimination law.

Harassment by a third party: harassment by people not employed by the school e.g. contractors.

Discrimination by perception: discrimination against someone because others think they have a protected characteristic (even if they don't).

Protected Characteristics

Schools are now required to ensure that learners are protected from discrimination and harassment based on '*protected characteristics*' which are:

- disability;
- gender (including issues of transgender);
- gender reassignment;
- maternity and pregnancy;
- race (includes ethnic or national origins, colour or nationality);
- religion or belief (including lack of belief);
- sexual identity;
- age (employees only);
- marriage and civil partnership (employees only).

Disability

The Disability Discrimination Act (DDA) defines a person with a disability as someone who has

“a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities”

Physical or mental impairment includes sensory impairments and also hidden impairments. In the DDA “substantial” means ‘more than minor or trivial’. “Long-term” means has lasted or is likely to last more than 12 months.

The definition is broad and includes a wide range of impairments, including learning disabilities, dyslexia, diabetes or epilepsy where the effect of impairment on the person's ability to carry out normal day-to-day activities is adverse, substantial and long-term.

The definition can include a wide range of impairments, including hidden impairments such as dyslexia, autism, speech & language impairments, Attention Deficit Hyperactivity Disorder (ADHA). An impairment does not of itself mean a person is disabled. It is the effect on the person's ability to carry out normal day-to-day activities that has to be considered.

Positive action

The Act contains provisions which enable schools to take proportionate action to tackle particular disadvantage, different needs or disproportionately low participation of a particular group. This is not the same as positive discrimination, which means providing preferential treatment that exceeds positive action conditions. However, in the case of disabled learners, it is never unlawful to positively discriminate in their favour.

What is Reasonable adjustment?

“The **reasonable adjustments** duty is owed to **disabled learners**, as defined in the Equality Act 2010. The Act says that a **learner** has a **disability** if he or she has a physical or mental impairment that has a long-term and substantial adverse effect on his or her ability to carry out normal day-to-day activities.”

(Reasonable Adjustments for Disabled Learners –EHRC 2015)

https://www.equalityhumanrights.com/sites/default/files/reasonable_adjustments_for_disabled_learners_1.pdf

In the Equality Act 2010 as a whole, there are three elements to the reasonable adjustments duty that relate to:

- provisions, criteria and practices;
- auxiliary aids and services;
- physical features.

The physical features element does not apply to schools in relation to disabled learners; instead, they have a duty to plan better access for disabled learners generally, including in relation to the physical environment of the school.

The duty to make reasonable adjustments in relation to provisions, criteria and practices is not a new duty for schools and is the same as the duty under the DDA 1995. The new element of the duty for schools is the provision of auxiliary aids and services for disabled learners.

Many of the reasonable adjustments that schools are already making for disabled learners undoubtedly include the use of some auxiliary aids, such as coloured overlays for dyslexic learners, pen grips, adapted PE equipment, adapted keyboards and computer software.

The duty to make reasonable adjustments requires a school to take positive steps to ensure that disabled learners can fully participate in the education provided by the school, and that they can enjoy the other benefits, facilities and services that the school provides for learners.

Many reasonable adjustments are inexpensive and will often involve a change in practice rather than the provision of expensive pieces of equipment or additional staff.

A school's duty to make reasonable adjustments is an anticipatory one owed to disabled learners generally, and therefore schools need to think in advance about what disabled learners might require and what adjustments might need to be made for them.

Further Information

www.direct.gov.uk

www.equalities.gov.uk

www.equalityhumanrights.com

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Appendix 3: Legal Requirements

What is required by law in relation to learners?

- Schools must not discriminate against children seeking admission or with regard to how learners are treated, on grounds of sex, race, disability, religion or belief. They must not discriminate against learners or potential learners on the grounds of their sexual orientation or that of their parents, carers or other associates. Learners or potential learners must not be discriminated against on the grounds of the marital status or gender reassignment of parents, carers or other associates.
- This includes discrimination in provision of teaching or allocating the learner to certain classes, applying different standards of behaviour, dress and appearance, excluding learners or subjecting them to any other detriment, and conferring benefits, facilities or services.
- With regard to disability, schools must make such reasonable adjustments as are necessary to prevent disabled learners being at a substantial disadvantage in comparison with people who are not disabled, even if it means treating them more favourably.
- Age discrimination legislation does not apply to the treatment of learners or the delivery of education.

What is required by law in employing staff?

- According to law, schools must not discriminate in the employment of staff on grounds of gender, gender reassignment, race, disability, sexual orientation (including perceived orientation), religion or belief, age, marriage and civil partnership and pregnancy and maternity. Employers are no longer allowed to ask candidates about their sickness record in an interview unless they can prove that this is to check whether they can complete an essential task e.g. heavy lifting.
- With regard to disability, schools must make such reasonable adjustments as are necessary to prevent a disabled person being at a substantial disadvantage in comparison with people who are not disabled.
- The requirement to avoid discrimination relates to recruitment, terms and conditions, promotions, transfers, dismissals, training and employment practices such as dress codes and disciplinary procedures.

Appendix 4: Equality Impact Assessment (EIA)

Guidance on Equality Impact Assessment

In order to ensure that our current provision and procedures comply with the requirements of the Equality Act we should ask the following key questions whenever we introduce, change or remove provision or practice:

- Is this change likely to affect one group (particularly, but not exclusively, any protected group) unfairly?
- Is this change likely to be **seen** as discriminatory in any way (for example favouring or prejudicing any particular group, including protected groups).
- If any change is deemed to present a discriminatory risk, should the change be cancelled, amended or continued with?
- If the proposed change is continued with, could any negative effects be mitigated through other actions?
- How will the impact of the change be monitored to guard against unintended consequences?

Part 1: EIA Screening

Policy, Criterion or Practice	
EIA completed by	
Date completed	
EIA approved by	

Groups that may be affected

Are there concerns that the policy, criterion or practice could have a different impact on any of the following groups? (tick the relevant boxes)	Existing or potential impact		
	Positive	Neutral	Adverse
Age			
Disability			
Gender reassignment			
Marriage or civil partnership			
Pregnancy & Maternity			
Race			
Religion or belief			
Sex			
Sexual orientation			

Parts 2: Full EIA

Identify the aims of the policy / criterion / practice and how it is to be implemented.
Assessment of impact with regards to protected characteristics (please circle): Age; disability; Gender reassignment; Marriage & civil partnerships, Pregnancy & maternity; Race; Religion or belief; Sex; Sexual orientation
Consideration of alternative measures or adjustments
Consultation
Data to support the assessment
Monitor for adverse impact in the future and publication of results of such monitoring
Publication of results of EIA

Part 3: EIA Action Plan

Actions recommended as a result of this impact assessment.

Issue / Objective	Action Required	Who?	When? Timescale	Resource implications	Comments

Note: There is no requirement or expectation to use a formal Equality Impact Assessment (EIA) in part because it may lead to ill-considered judgements through box-ticking exercises. An EIA pro-forma is appended as Appendix 3 in case it is deemed appropriate for significant decisions.