

**DOVE HOUSE SCHOOL ACADEMY TRUST**

**Equality and Diversity Policy**

Policy issued July 2014
Approved by Colin House, Headteacher, Gail Everson Vice-Chair of Governors
Signed .....Colin House.....Gail Everson.....
Approved at Governing Body – 15 <sup>th</sup> July 2014 Next Review to be July 2018

*The following Equality and Diversity Policy should be read and used to assist in identifying and reviewing specific arrangements and responsibilities for Equality and Diversity at Dove House School and adapted as necessary.*

*The purpose of this policy is to ensure that there is a plan in place for how Equality and Diversity is managed, and to ensure that staff are aware of their responsibilities and arrangements.*

**Policy Statement**

The policy outlines the commitment of the staff and Governors of Dove House School to ensure that equality of opportunity is available to all members of the school community. For our school this means, not simply treating everybody the same but; understanding and tackling the different barriers which could lead to unequal outcomes for different groups of pupils in school; celebrating and valuing the equal opportunity achievements and strengths of all members of the school community.

These include:

- Pupils
- Teaching staff
- Support staff
- Parents/carers
- Community governors

- Multi-agency staff linked to the school
- Visitors to school
- Trainees on placement

We believe that equality at our school should permeate all aspects of school life and is the responsibility of every member of the school and wider community. Every member of the school community should feel safe, secure, valued and of equal worth.

At Dove House School, equality is a key principle for treating all people the same irrespective of their gender, ethnicity, disability, religious beliefs, sexual orientations, age or any other recognised area of discrimination.

## **Mission Statement – Making a Difference**

In partnership with the parents and the community, our aim is to make a positive difference to the lives of all the pupils in the school. This can be expressed in the following general aims:

### **1. Aims for the Pupils**

1.1 To develop their knowledge, skills, experience and imagination to their maximum.

1.2 To be able, by the end of their school careers, to take a full and active part in society as independently as possible.

### **2. Aims for Teaching and Learning**

2.1 To provide educational experiences which are more effective than that offered in a mainstream school for children with learning difficulties.

2.2 To provide learning situations and tasks which are stimulating, informative, planned and relevant.

2.3 To minimise the effect of, or compensate for any disabilities.

2.4 To provide the best in teaching and resources.

2.5 To provide a curriculum which goes beyond the classroom and prepares the pupil for the adult world of work, leisure and potential parenthood.

### **3. Aims for the School**

- 3.1 To be a place in which the children feel confident, safe and secure.
- 3.2 To be a place where the pupils and their parents feel individually known and with which they are proud to be connected.
- 3.3 To be an organisation, which is highly regarded and valued by the pupils, parents and the community.
- 3.4 To be an environment in which it is a pleasure to work.

### **Philosophy**

We are committed to giving all our pupils every opportunity to achieve the highest of standards. Within this ethos of achievement, we do not tolerate bullying and harassment of any kind. We actively tackle discrimination against those with a disability, racial discrimination, sexual harassment and discrimination and promote equal opportunities and good relations between and amongst all. We aim to ensure that the school promotes the individuality of all our pupils, irrespective of ethnicity, attainment, age, disability, gender or background. We are committed to ensuring that positive action is taken where necessary to redress the balance of inequality that may exist. We aim to reflect the diversity of our local community and society and ensure that the education we offer fosters positive attitudes to all people. Our school admissions policy is equally open to pupils of all groups.

### **Comments from Ofsted**

Dove House is an outstanding school where pupils thrive and make exceptionally good progress. They clearly thoroughly enjoy their lessons. Parents are very pleased about the changes in their children's lives since they joined the school. Several commented on how their children's self worth and independence have improved. Pupils are exceptionally well-behaved and are very keen to learn. Through the excellent life skills course, which combines a number of subjects, they learn how to look after themselves and keep safe. Pupils make an excellent contribution to the community. One pupil talked enthusiastically about visits to an elderly persons' home and the help he provided to an elderly lady. Robust safeguarding arrangements contribute to the outstanding care, guidance and support provided. Form tutors play an important role in monitoring how well pupils are doing in their lessons. As a result, the progress and well-being of looked after children are tracked on a daily basis as well as through regular meetings. The reward system is very effective in encouraging pupils to work hard. Excellent careers education and guidance and work related activities contribute to the very good preparation for the world of work.

Although most pupils join the school with low standards, they make significant gains in their learning because the quality of the teaching is very high. It is especially notable that pupils with ASD make outstanding progress. Those who initially have

the most difficulty in working with others gradually join with their peer group for their lessons. Pupils with SpLD improve their literacy skills considerably through the work of the pupil assessment and learning service (PALS) which has been recently established in the school.

The curriculum is outstanding. It is enriched with visits, many residential experiences and clubs and activities. There is a good range of accreditation which is being extended to provide more opportunities for the less able to gain further awards. At present, due to timetable constraints, most Year 11 pupils do not have lessons in life skills or personal social and health education (PSHE) and citizenship.

## **School Context**

Hampshire is a large and diverse county with over a million residents. There is a mix of urban and rural areas but the majority of the population live in urban areas. The 2001 census show that 2.3% of the population of Hampshire are from ethnic communities, although in recent years there has been an increase in migrant workers particularly from the EU. In 2008, 7.1% of school pupils were from ethnic communities. Approximately 15% of the population have declared a disability. For 2007/08, there were 732 reported incidents of hate crime; 83.5% were related to race and the remaining 16.5% were related to sexual orientation and transsexual issues. Nearly half the population are aged between 25 and 59, with an increasing number of people over the age of 75. The main religious group is Christian (8%), followed by Muslim (0.4%), Hindu (0.3%), and Sikh (0.1%).

- Dove House is a secondary school for pupils with moderate learning difficulties. Many have a formal diagnosis of autistic spectrum disorder (ASD) as their main special need. Approximately a third of pupils have specific learning difficulties (SpLD). There are nearly three times as many boys as girls and three are from minority ethnic backgrounds. Six pupils are looked after children. The school gained specialist school status in mathematics and computing in January 2007 commencing September 2007 and then became an Academy in November 2012.

Please see Appendix 1 for information on the legislation that we as a school used as our guidance when preparing this policy.

## **Policy Development**

This policy reflects the consensus of opinion of the whole school community. It has been drawn up as a result of discussing within a working party make up of representatives of teaching and support staff, parents, governors, pupil representatives and community representatives.

## **Monitoring and Review**

Equality is identified as an area requiring careful and ongoing monitoring in the School Development plan and due regard is given promotion of all aspects of equality within the SDP. The person on the staff responsible for co-ordinating the monitoring and evaluation is Colin House he will be responsible for:

- Leading discussions, arranging training, keeping staff updated in designated staff meetings which will include support to discuss equalities within the school community.
- Working closely with the all governors.
- Supporting positively the evaluation activities that moderate the impact and success of the policy.

We regularly review the impact of our policies on the needs, entitlements and outcomes for pupils, staff and parents from the equality strands referred to in this policy. We pay specific reference to the impact that our policies have on the attainment of pupils from different groups.

We make regular assessments of pupils' learning and use this information to track pupils' progress, as they move through the school. As part of this process, we regularly monitor the performance of different groups, to ensure that all groups of pupils are making the best possible progress. We use this information to adjust future teaching and learning plans, as necessary. Resources are available to support groups of pupils where the information suggests that progress is not as good as it should be.

The governing body receives regular updates on pupil performance information.

School performance information is compared to national data and Local Authority data, to ensure that pupils are making appropriate progress when compared to all schools, and to schools in similar circumstances.

As well as monitoring pupil performance information, we also regularly monitor a range of other information. This relates to:

- Exclusions and truancy
- Incidents of racism, disability, sexist incidents and all forms of bullying;
- Parental involvement
- Participation in extra curriculum activities
- Attendance

Our monitoring activities enable us to identify any differences in pupil performance.

This allows us to take appropriate action to meet the needs of specific groups and to set targets in our strategic plan, in order to make the necessary improvements.

## **Promoting Equality through the Curriculum**

### **Learning and Teaching**

We aim to provide all our pupils with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, teaching and learning will:

- Ensure quality of access for all pupils and prepare them for life in a diverse society.
- Use materials that reflect a range of cultural backgrounds, without stereotyping.
- Promote attitudes and values that will challenge discriminatory behaviour.
- Provide opportunities for pupils to appreciate their own culture and religions and celebrate the diversity of other cultures.
- Use a range of sensitive teaching strategies when teaching about different cultural and religious traditions.

- Develop pupils' advocacy skills so that they can detect bias, challenge discrimination, leading to justice and equality.
- Ensure that the PSHE and Citizenship curriculum cover issues of equalities, diversity, religion, human rights and inclusion.
- All subject departments, where appropriate, promote and celebrate the contribution of different ethnic groups to the subject matter.
- Seek to involve all parents in supporting their child's education.
- Provide educational visits and extra-curricular activities that involve all pupil groupings.
- Take account of the performance of all pupils when planning for future learning and setting challenging targets.
- Make best use of all available resources to support the learning of all groups of pupils.
- Identify resources that support staff development.

## **Learning Environment**

There is a consistently high expectation of all pupils regardless of age, gender, ethnicity, ability or social background. All pupils are encouraged to improve on their own achievements and not to measure themselves against others. Parents are also encouraged to view their own children's achievements in this light.

To secure the desired outcomes we recognise:

- Teacher enthusiasm is a vital factor in achieving a high level of motivation and good results from all pupils;
- Adults in the school will try to provide good, positive role models in their approach to all issues relating to equality of opportunity;
- The school should place a very high priority on the provision for special educational needs and disability. We aim to meet all pupils' learning needs including the more able by carefully assessed and administered programmes of work.

The school must provide an environment in which all pupils have equal access to all facilities and resources;

- All pupils are to be encouraged to be actively involved in their own learning.
- A range of teaching methods are to be used throughout the school to ensure that effective learning takes place at all stages for all pupils.

## **Curriculum**

At Dove House School, we aim to ensure that our:

- Planning reflects our commitment to equality in all subject areas and cross curricular themes promoting positive attitudes to equality and diversity.
- Pupils will have opportunities to explore concepts and issues relating to identity and equality.
- All steps are taken to ensure that all pupils have access to mainstream curriculum by taking into account the cultural and lifestyle backgrounds of all

pupils, their linguistic needs are taken into account and their learning styles are considered.

- All pupils have access to qualifications which recognise attainment and achievement and promote progression.

### **Ethos and Atmosphere**

- At Dove House School we are aware that those involved in the leadership of the school community are instrumental in demonstrating mutual respect between all members of the school community.
- There should be an 'openness' of atmosphere which welcomes everyone to the school.
- The children are encouraged to greet visitors to the school with friendliness and respect.
- The displays around the school are of a high quality and reflect diversity across all aspects of equality of opportunity and are frequently monitored.
- Although physical access to the school is difficult under normal circumstances, vehicular access to a school door can be easily arranged for disabled visitors.
- Provision is made to cater for the spiritual needs of all the children through planning of both assemblies, classroom based and externally based activities.

### **Resources and Materials**

The provision of good quality resources and materials within Dove House School is a high priority. These resources should:

- Reflect "the reality of an ethnically, culturally and sexual diverse society".
- Reflect a variety of viewpoints.
- Show positive images of males and females in society including people with disabilities.
- Reflect non-stereotypical images of all groups in a global context.
- Include materials to raise awareness of equal opportunity issues.
- Be equally accessible to all members of the school community consistent with health and safety.
- Not include explicitly and implicitly racist, sexist, homophobic or ageist materials.

### **Language**

We recognise that it is important at Dove House School that all members of the school community use appropriate language which:

- Does not transmit or confirm stereotypes.
- Does not offend.
- Creates and enhances positive images of particular groups identified at the beginning of this document.
- Creates the conditions for all people to develop their self esteem.

- Uses correct terminology in referring to particular groups or individuals e.g. Inuit rather Eskimo, Native Americans rather than Red Indians.
- Use first language effectively for learning.

### **Extra-Curricular Provision**

It is the policy of this school to provide equal access to all activities from an early age e.g. girls playing football, boys playing netball and mixed teams wherever possible. We undertake responsibility for making contributors to extra-curricular activities aware of the school's commitment to equality of opportunity (e.g. sports helpers, coach drivers) by providing them with written guidelines drawn from this policy. We try to ensure that all such non staff members who have contact with children adhere to these guidelines and are CRB checked.

### **Provision for Bilingual Pupils**

We undertake at Dove House School to make appropriate provision for all EAL/bilingual children/groups to ensure access to the whole curriculum. These groups may include:

- Traveller and Gypsy Roma children.
- Those from refugee families.
- Pupils whom English is an additional language.
- Pupils who are new to the United Kingdom.

### **Personal Development and Pastoral Guidance**

- All staff takes account of disability needs, gender, religious and ethnic differences and the experience and needs of particular groups such as Gypsy Roma and Traveller, refugee and asylum seeker pupils.
- All pupils are encouraged to consider the full range of career opportunities available to them with no discriminatory boundaries placed on them due to their disability, gender or race.
- All pupils/staff/parents/carers are given support as appropriate when they experience discrimination. We also recognise that the perpetrators of discrimination are themselves sometimes victims of their personal circumstances and therefore where appropriate remedial work is done to ensure that the actions do not occur again.
- Positive role models are used throughout the school to ensure that different groups of pupils can see themselves reflected in the school community.
- Emphasis is placed on the value that diversity brings to the school community rather than the challenges.

### **Staffing and Staff Development**

We recognise the need for positive role models and distribution of responsibility among staff. This must include pupil's access to a balance of male and female staff at both key stages.

We undertake to encourage the career development and aspirations of all individuals.

It is our policy to provide staff with training and development, which will increase awareness of the needs of different groups of pupils in the various dimensions of equality of opportunity.

### **Staff Recruitment and Professional Development**

- All posts are advertised formally and open to the widest pool of applicants.
- All those involved in recruitment and selection are trained and aware of what they should do avoid discrimination and ensure equality good practice through the recruitment and selection process.
- Steps are taken to encourage people from under - represented groups to apply for positions at all levels of the school.
- Access to opportunities for professional development is monitored on equality grounds.
- Equalities policies and practices are covered in all staff inductions.
- All supply staff are made aware of equalities policies and practices.
- Employment policy and procedures are reviewed regularly to check conformity with legislation and impact.

### **Harassment and Bullying**

It is the duty of this school to challenge all types of discriminatory behaviour e.g:

- Unwanted attentions (verbal or physical).
- Unwelcome or offensive remarks or suggestions about another person's appearance, character, race, ability or disability, sexuality, gender (or transgender).

The school has a clear, agreed procedure for dealing with incidents such as these.

### **Partnerships with Parents/Carers and the Wider Community**

We aim to work in partnership with parents to help all pupils to achieve their potential.

We wish to affirm our continuing commitment to reach out to all diverse groups within our immediate community and beyond. We would do this by:

- All parents/carers being encouraged to participate at all levels in the full life of the school.
- Setting up as part of the schools commitment to equality and diversity, a group made up of members of the school community including pupils, staff, local community members, parents/carers, local faith groups and local disability groups has been developed to support the school with matters related to its equalities duties.
- Encouraging members of the local community to regularly join in school activities e.g. school fair, black history month celebrations, harvest festival etc.
- Exploring the possibility of the school having a role to play in supporting new and settled communities.

## Responsibility for the Policy

In our school, all members of the school community have a responsibility towards supporting the equality agenda. Responsibilities are laid out as follows:

**The Governing Body** is responsible for ensuring that:

- The school complies with all equalities legislation relevant to the school community.
- The school's Equality and Diversity Policy is maintained and updated regularly.
- That procedures and strategies related to the policy are implemented.
- The named Equality and Diversity Governor will have an overview, on behalf of the governing body, on all racist incidents or incidents which are a breach of this policy and ensure that appropriate action is taken in relation to all said incidents.

**The Head teacher and Senior Management** are responsible for:

- Along with the Governing body, providing leadership and vision in respect of equality.
- Overseeing the implementation of the Equality and Diversity Policy.
- Co-ordinating the activities related to equality and evaluating impact.
- Ensuring that all who enter the school are aware of, and comply with, the Equality and Diversity Policy.
- Ensuring that staff are aware of their responsibilities and are given relevant training and support.
- Taking appropriate action in response to racist incidents, discrimination against persons with a disability and sexual harassment and discrimination.

**All staff** are responsible for:

- Dealing with incidents of discrimination and knowing how to identify and challenge bias and stereotyping.
- Not discriminating on grounds of race, disability, or other equality issues.
- Keeping up to date with equalities legislation by attending training events organised by the school or Local Authority or recognised training provider.

We ensure that the commitments embodied in our mission statement for equality permeate the full range of our policies and practices:

- Equal opportunities.
- Pupils' progress attainment and assessment.
- Behaviour discipline and exclusions.
- Pupils' personal development and pastoral care.
- Teaching and learning.
- Induction.
- Admissions and attendance.
- The curriculum.
- All subjects.

- Teaching and learning.
- Staff recruitment and retention.
- Governor/staff training and professional development.
- Partnerships with parents/carers and communities.
- Visits and visitors.

## **The Measurement of Impact of the Policy**

Each policy, and any other relevant policies as outlined in the specific duties placed upon us by the relevant legislation, will be evaluated and monitored for its impact on pupils, staff, parents and carers from the different groups that make up our school.

## **Appendix 1**

### **LEGISLATIVE FRAMEWORK**

#### **RACE**

##### **Race Relations Act 1976 (Amendment) Regulation 2000**

The Act makes it unlawful to discriminate on the grounds of colour, race and national or ethnic origin (including citizenship) in areas of employment, the provision of services and housing/accommodation. It also includes the concept of “indirect discrimination” to the area of race.

##### **Race Relations Act 1976 (Amendment) Regulation 2000**

The Race Relations Act 1976 (Amendment) Regulations 2003 enhanced the RRA by, for example, amending the definition of indirect discrimination, removing a number of exceptions from the legislation and extending protection from discrimination on the grounds of race and ethnic or national origin.

From May 2002 public authorities have a statutory duty to promote race equality and publish a Race Equality Scheme. The College has an action plan for the implementation of the Race Equality Policy.

#### **SEX/GENDER**

##### **Sex Discrimination Act 1975 (UK), 1986 (UK) 2001 and (Amendment) Regulations 2003**

The Sex Discrimination Act applies equally to:

- Men, women and children.
- Part-time and full-time workers.
- Self employed people and employees.
- Job applicants.
- Contract workers.
- Partners in a firm.

Under these Acts, sex discrimination is against the law in the following areas:

- Employment and training.
- Education.
- The provision of goods, facilities and services to members of the public.

In employment, it is also against the law to discriminate against a person because that person is married.

The Sex Discrimination Act defines and makes unlawful two forms of discrimination – *direct* and *indirect*.

### **Employment Equality (Sex Discrimination) Regulations 2005**

These regulations introduces new definitions of indirect discrimination and harassment, and explicitly prohibits discrimination on the grounds of pregnancy or maternity leave. They set out the extent to which it is discriminatory to pay a woman less than she would otherwise have been paid due to pregnancy or maternity issues.

### **Sex Discrimination (Gender Reassignment) Regulations 1999**

These regulations protect individuals from less favourable treatment by an employer on the grounds that he/she is undergoing, has undergone or intends to undergo gender reassignment.

### **Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations 2001**

These regulations are designed to protect against discrimination on the grounds of an individual's marital status.

### **Gender Recognition Act 2004**

This act means that transsexual people are afforded all the rights and responsibilities of their acquired gender. The Act gives transsexual people the right to marry, from the date of recognition, in their acquired gender; to be given birth certificates that recognise the acquired gender and to obtain benefits and state pension just like anyone else of that gender.

### **Sexual Harassment and the Law**

Under British law, sexual harassment at work may amount to unlawful sex discrimination under the Sex Discrimination Act 1975 (SDA) which provides that a person discriminates directly against a woman if “on the grounds of her sex he treats her less favourably than he treats or would treat a man” in comparable circumstances. (The Act also covers discrimination against men)

## **Equal Pay Act 1970 and amendment 2003**

This Act makes it illegal to discriminate between men and women in terms of payment and other contractual conditions, e.g. pensions. In other words, an employee is entitled to equal pay with an employee of the opposite sex if:

- They are doing work which is the same or broadly similar.
- They are doing work which has been rated as equivalent by a job evaluation scheme.

Amendments to the 1970 Equal Pay Act were brought about as a result of proceedings made against the UK government by the European Commission. The amendments brought the UK law into line with the Equal Pay Directive and made it possible to claim equal pay for work of equal value, i.e. if the demands made on the worker were the same.

## **Part-time Workers (Prevention of less favourable Treatment) Regulations 2000 (Amendment) Regulations 2002**

This directive is to provide removal of discrimination against part-time workers and to improve the quality of part-time work.

## **Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002**

The purpose of these regulations is to secure that fixed-term employees are treated no less favourably than comparable permanent employees and to prevent the abuse arising from successive periods of fixed-term employment.

## **SEXUAL ORIENTATION**

### **Employment Equality (Sexual Orientation) Regulations 2003**

These regulations prohibit discrimination (direct or indirect) harassment or victimisation on the grounds of sexual orientation in employment and vocational training by:

Employers, Trade organisations, Training Providers, FE and HE institutions, bodies conferring professional and Trade qualifications and Employment agencies.

Sexual Orientation includes:

- Orientation towards persons of the same sex (lesbians and gay men).
- Orientation towards persons of the opposite sex (heterosexual).
- Orientation towards persons of the of the same sex and opposite sex (bisexual).
- This includes perceived as well as actual sexual orientation.

## **Civil Partnership Act 2004**

Civil Partnership is a completely new legal relationship which can be formed by two people of the same sex and is distinct from marriage. It gives same sex couples the ability to obtain legal recognition for their relationship.

## **RELIGION OR BELIEF**

### **Employment Equality (Religion or Belief) Regulations 2003**

These regulations prohibit discrimination (direct or indirect) harassment or victimisation on the grounds of religion and belief in employment and vocational training by:

Employers, Trade organisations, Training Providers, FE and HE institutions, bodies conferring professional and Trade qualifications and Employment agencies.

A religion or belief is defined as:

'Being any religion, religious belief or similar philosophical belief. This does not include any philosophical belief unless it is similar to religious belief. It will be for the Employment Tribunal and other courts to decide whether particular circumstances are covered by the regulations'

## **AGE**

### **Employment Equality (Age) Regulations 2006**

The Regulations apply to employment and vocational training. They prohibit unjustified direct and indirect age discrimination, and all harassment and victimisation on grounds of age, of people of any age, young or old.

As well as applying to retirement they:

- Remove the upper age limit for unfair dismissal and redundancy rights, giving older workers the same rights to claim unfair dismissal or receive a redundancy payment as younger workers, unless there is a genuine retirement.
- Allow pay and non-pay benefits to continue which depend on length of service requirements of 5 years or less or which recognise and reward loyalty and experience and motivate staff.
- Remove the age limits for Statutory Sick Pay, Statutory Maternity Pay, Statutory Adoption Pay and Statutory Paternity Pay, so that the legislation for all four statutory payments applies in exactly the same way to all.
- Remove the lower and upper age limits in the statutory redundancy scheme, but leave the current age-banded system in place.
- Provide exemptions for many age-based rules in occupational pension schemes.

## **DISABILITY**

### **Disability Discrimination Act 1995 amended by the Special Educational Needs Act 2001 (SENDA) or (Part 4)**

- The Disability Discrimination Act introduces, over a period of time, new laws and measures aimed at ending the discrimination which many disabled people face.
- SENDA imposes on various providers of education a duty not to discriminate against students or potential students by reason of their disability.
- In addition, Colleges/providers have a duty to make reasonable adjustments so as to accommodate the needs of disabled students. In this respect the Act is anticipatory.

The Disability Discrimination Act covers disabled people and people who have had a disability in the past. The Act defines disability as:

*A physical or mental impairment which has a substantial and long-term effect on a person's ability to carry out normal day-to-day activities.*

Full information relating to the Act can be found in HR and with the Director for Quality and Customer Support.

### **Disability Discrimination Act (2005)**

Under this new legislation all public bodies, such as further education institutions, are required to:

- Eliminate unlawful discrimination against disabled people.
- Promote equal opportunities for disabled people.
- Eliminate disability-related harassment.
- Promote positive attitudes towards disabled people.

The new legislation provides enforceable civil rights for disabled students and staff, and a tool for tackling institutional disability discrimination. Positive discrimination is allowed under the terms of the Disability Discrimination Act.

### **The Equality Act (Sexual Orientation) Regulations 2007**

These Regulations, which are made under section 81 of the Equality Act 2006, make it unlawful to discriminate on the grounds of sexual orientation in the provision of goods, facilities and services, education, disposal and management of premises and exercise of public functions. Sexual orientation is defined in section 35 of the Equality Act 2006 as meaning an individual's sexual orientation towards persons of the same sex as him or her, persons of the opposite sex, or both.

## **The Equality Act 2006, Part 2**

The Act relates to matters within the responsibilities of the Secretary of State for Trade and Industry, the Secretary of State for Constitutional Affairs, the Secretary of State for Work and Pensions and the Home Secretary. The Secretary of State for Education and Skills has a key interest in education matters within the Act. References to the Secretary of State in the Act mean any Secretary of State. In practice, some of the functions conferred upon the Secretary of State will be exercised by the Secretary of State for Trade and Industry, the Secretary of State for Constitutional Affairs, the Home Secretary and the Secretary of State for Work and Pensions jointly and others by only one of them or by the Secretary of State for Education and Skills. This will reflect their respective ministerial portfolios. In one case an order-making power is conferred specifically on the Lord Chancellor – as described in more detail in the commentary on section 28. The order-making power in section 50(4) will be exercisable only by the Secretary of State for Education and Skills. The power to make regulations under section 82 will be exercisable by the Office of the First Minister and the Deputy First Minister in Northern Ireland

## **OTHER LEGISLATION**

### **Rehabilitation of Offenders Act 1974**

The purpose of the Act is to benefit those people who have been convicted of a criminal offence in civilian life or in the services (Army, Navy or Air Force) and who have since not committed any crimes.

According to the Act if a person is convicted of a criminal offence and receives a sentence of not more than 2½ years and is not convicted again during a specified period of time (known as the *rehabilitation period*) s/he becomes a rehabilitated person. The conviction for the offence committed then becomes “spent”, or forgotten, and the person in possession of a spent conviction can then have equal access to the same benefits as a person without the same conviction within the realms of employment, training and housing.

### **Police Act 1997 - section 122**

This section of the Act requires the School to publish a Code of Practice. This is to provide assurance to those applying for Standard Disclosures - (information contained in criminal record certificates) or Enhanced Disclosure (information contained in enhanced criminal record certificates), that the information released will be used fairly and stored securely.

### **Public Order Act 1986 and Criminal Justice Act 1994**

In some cases the offender may commit a criminal assault and criminal liability may arise under these Acts. It is an offence to intentionally cause harassment, harm or distress through using threatening, abusive, or insulting words, behaviour or displays of material. There is a penalty of up to 6 months in jail and/or a fine of up to £5,000.

### **Protection from Harassment Act 1997**

This imposes a criminal liability on the part of the offender. There is a penalty of up to 6 months in jail and/or a fine of up to £5,000.

### **Human Rights Act 1998**

Human Rights Act incorporates rights under the European Convention of Human Rights into domestic law. Individuals can bring claims under the HRA against public authorities for breaches of Convention rights. UK courts and tribunals are required to interpret domestic law, as far as possible, in accordance with Convention rights. Previous case law may be overturned if there is a breach of Convention rights and the relevant law can be re-interpreted in a way which is compatible with Convention rights. Convention rights include a right not to be discriminated against on non-exhaustive grounds, which include that of sex, where another Convention right is engaged.

### **European Legislation**

- The Pregnant Workers Directive
- Article 119 of the Treaty of Rome
- The Equal Treatment Directive
- The Equal Pay Directive

## **EQUALITY ACT 2010**

A new Equality Act came into force on 1 October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

To view the full Equality Act 2010 visit the website address below:

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