

Public Sector Equality Duty

There are a number of statutory duties that must be met by the school in line with legislation from the Disability Equality Duty (2005), Equality Act (2006) and the Equality Act (2010).

Public Sector Equality Duty

Under the Equality Act 2010, it is unlawful to discriminate against a pupil or prospective pupil by treating them less favourably on the basis of a 'protected characteristic.'

The protected characteristics are:

- Sex
- Race
- Disability
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy or maternity

A person's age is also a protected characteristic in relation to employment, and in regard to the provision for goods and services. It does not however apply to pupils, and so the school is free to arrange pupils in classes based on their age group with materials appropriate to them.

The Equality Act 2010 introduced a single Public Sector Equality Duty which applies to public bodies, school including both LA maintained and Academies. The school must have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the act
- Advance equality and opportunity between people who share a prohibited
- characteristic and people who do not share it.
- Foster good relationships across all characteristics, between people who
- share a protected characteristic and people who do not share it.

Having due regard in this context means that when significant decisions are being taken, thought must be given to the equality implications.

Race Equality

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

Disability

This section should be read in conjunction with the schools Inclusion Policy and Accessibility Plan.

The Equality Act 2010 defines a disabled person as someone who has „a physical or mental impairment which has a substantial or long-term adverse effect on his or her ability to carry out normal day-to-day activities.

People with HIV, multiple sclerosis and cancer (although not all cancers) are deemed disabled before they experience the long-term and substantial adverse effect on their activities.

Section 18 has been amended so that individuals with a mental illness no longer have to demonstrate that it is “clinically well-recognised”, although the person must still demonstrate a long-term and substantial adverse impact on his/her ability to carry out normal day-to-day activities.

Legal duties

The Equality Act 2010 places a general duty on schools, Holmes Chapel Primary School will have due regard for the following when carrying out and delivering services:

- Promoting equality of opportunity between disabled people and other people;
- Eliminating discrimination and harassment of disabled people that is related to their
- disability;
- Promoting positive attitudes towards disabled people;
- Encouraging participation in public life by disabled people;
- Taking steps to meet disabled people’s needs, even if this requires more favourable
- treatment.
- Under our specific duty we will:
- Prepare and publish an Equality Plan which covers the requirements for a Disability
- Equality Scheme identifying our disability equality goals and actions to meet them;

- Review and revise this Scheme every three years.

Gender Equality

The Gender Equality Duty 2006 places a general and specific duty on schools to eliminate unlawful discrimination and harassment on the grounds of gender and to promote equality of opportunity between female and male pupils and between women and men and transgender people.

Under our general duty we will actively seek to:

- Eliminate unlawful discrimination and harassment on grounds of sex and gender
- reassignment;
- Promote equality between men and women.
- Under our specific duty we will:
 - Prepare and publish an Equality Plan which covers the requirements for a Gender
 - Equality Scheme identifying our gender equality goals and actions to meet them;
 - Review and revise this Scheme every three years.

Sexual Orientation

The Equality Act 2006 made provision for regulations to be introduced to extend protection against discrimination on grounds of religion or belief to sexual orientation.

The Equality Act (Sexual Orientation) Regulations 2007 came into force on 30 April 2007, and they make discrimination unlawful in the area of goods, facilities and services on grounds of sexual orientation. For schools this means admissions, benefits and services for pupils and treatment of pupils.

Community cohesion

The Education and Inspections Act 2006 inserted a new section 21(5) to the Education Act 2002, introducing a duty on the governing bodies of state schools to promote community cohesion. Community cohesion encompasses promoting good relations between pupils from different races, faiths / beliefs and socio-economic backgrounds. The duty came into force on 1 September 2007.