



YSGOL GYMRAEG PEN-Y-GROES EQUALITY POLICY

The Policy reinforces our accessibility strategy and plan'

In line with legislation, as a school we dovetail our policies with Children's Rights.

Article 1:

All under 18s have these rights.

Article 2:

The convention applies to all regardless!

Article 3:

All organisations involved with children should always do what is best for each child.

Background:

The school has looked at several laws, community attitudes and our ethos. The policy therefore reflects our intention to create a caring and fair community that is science-based and ambitious.

The law simply prohibits discrimination on the grounds of sex, race, disability, religion or belief, sexual orientation and age by schools in their role as employers, and also require them not to discriminate in the provision of education on all these grounds on other than age and gender reassignment.

To reinforce our work we are prioritising -

Well-being of Future Generations (Wales) Act:

The new law has 7 aims. The 7 characters tell the public bodies what they have to do.

The Well-being Goals are: A responsible Wales at a level global;

A prosperous Wales

A resilient Wales

A healthier Wales

A more equal Wales

a Wales of cohesive communities

a Wales with a vibrant culture where the Welsh language thrives

Public bodies must have regard to each of the aims, not just to one or two of them.

In the view of Ysgol Gymraeg Pen-y-Groes, it is important that all children have access to a first class Education.

Many equality enactments have been made in recent years. These includes the prohibition of age discrimination in relation to employment (October 2006) and prohibit discrimination on the grounds of religion or belief or sexual orientation in relation to pupils in schools (April 2007). There are specific duties on schools to promote disability equality has also come into force for secondary schools (December 2006) and for primary schools (December 2007). There is also a similar specific duty has come into force in relation to sex (April 2007).

General Exclusions

Ysgol Gymraeg Pen-y-Groes will not discriminate against:

- job applicants;
- current members of staff;
- a child seeking admission to school;
- current pupils.

Ysgol Gymraeg Pen-y-Groes will not discriminate directly or indirectly on the grounds of:

- race;
- disability;
- gender;
- sexual orientation;
- religion or belief;
- age (in relation to employment).

Definitions of Discrimination:

Under the law, there are different categories of discrimination, with differences in the framework associated with them.

"Direct discrimination" is unlawful on all protected grounds except, under certain circumstances, age and disability in schools (where justified).

"Indirect discrimination" occurs when a provision, criterion or practice are implemented the same for all but have a different impact on members of one or more groups and protected, and that the complainant is one of them, and that they are disadvantaged as a result.

"Victimisation" is the practice of treating an individual less favourably because they have taken specific action in relation to discrimination, for example by making a complaint or giving evidence on behalf of Colleague.

Discrimination against a job applicant:

Ysgol Gymraeg Pen-y-Groes will not discriminate against a job applicant, or against current member of staff, on the grounds of gender, race, sexual orientation, religion or belief, being married, in a civil partnership, disability, gender or age reassignment. However, unlike areas other discrimination, direct age discrimination will not be unlawful if it can be objectively justified. In relation to disability but not to any other area, duty to make reasonable adjustments to remove the significant disadvantage created by the disability.

The school will ensure that there is no unlawful discrimination in relation to matters like:

- recruitment procedures and selection standards;
- conditions of employment;
- promotion opportunities;
- transfer;

- training or other benefits;
- disciplinary and grievance procedures;
- dismissal.

Valid Occupational Requirements

There are specific legal provisions that recognise that there may be some rare circumstances where employers are able to defend themselves against a claim of less favourable treatment on the basis of specific "discrimination". This will be on the basis that a particular characteristic (such as a particular gender or age) is

valid occupational requirement for a particular job

It is the employer's responsibility to establish protection from valid occupational requirements. On the

it will only apply in relation to treatment associated with recruitment and refusal

job or training for someone and, in certain circumstances, the dismissal of that person.

The school will remember that valid vocational requirements must mean exactly that, that is, that they are valid. A preference, however strong the preference, to appoint someone of sex, is not sexual orientation, race or age is a valid occupational requirement of itself for someone from the that particular gender, sexual orientation, race or age to fill the post, and in the circumstances that it will not be sufficient to use a valid occupational requirement as a defence to a claim of Discrimination.

Discrimination against a Child Seeking Admission or an Existing Pupil:

Areas where there are Specific Duties to Promote Equality

There are currently three areas where the law goes beyond the general prohibition on discrimination and give general and specific duties to public authorities involving schools to promote equality. Those areas are race, disability and gender. The duties and other key provisions in the relevant paragraphs below.

Racial Discrimination

Under the Race Relations Act 1976, the governing body may not discriminate against a child on the basis of race in:

- admission to school;
- providing education or allocating it to specific types of classes;
- use standards of behaviour, dress or appearance;

- provide careers guidance and work experience for pupils;
- introducing access to other benefits, facilities or services.

The Race Relations (Amendment) Act 2000, which amended the Race Relations Act 1976, require schools and LAs and other public bodies to:

- eliminating unlawful racial discrimination;
- promoting equality of opportunity; and
- promote good relations between people of different racial groups.

The statutory duty requires educational institutions to actively to tackle racial discrimination, and promote equality of opportunity and good race relations. The specific duties with which all educational establishments are expected to comply as follows:

- have a written policy on race equality;
- assess and monitor the impact of their policies on different racial groups of pupils, staff and parents,

with an emphasis on reaching different racial groups of pupils;

- make information available about their policies to promote race equality;
- take steps to publish the results of the monitoring annually;
- consider the general duties of the Race Relations (Amendment) Act for bodies public.

The governing body has a legal responsibility to ensure that a school fulfils its duty statutory, in particular that it produces a race equality policy that reflects the needs the ethnic population of its pupils. The governing body is also required to ensure that policy school equality is updated and its principles are maintained in the school and shared with parents and carers.

The school will monitor the effectiveness of race equality assurance arrangements by addressing the following:

- pupils' achievements and progress;
- curriculum learning and teaching;
- pupils' behaviour;
- discipline and exclusions;
- racial harassment and bullying;

- the school's values.

Disability Discrimination:

Disability discrimination differs somewhat from other areas of discrimination legislation, for example, it is not illegal to discriminate in favour of disabled people, and employers are required to make "reasonable adjustments" to deal with specific problems facing applicants and staff disabled.

In relation to schools, the Disability Discrimination Act 1995, as amended by the Disability Discrimination Act

Disability Discrimination Act 2005, introduces a general duty to consider the need to promote equality of opportunity for disabled people and eliminate discrimination, and a specific duty to publish

Disability Equality Scheme.

The school will meet its statutory requirements by -

- promoting equality of opportunity between disabled people and others;
- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- eliminate harassment of disabled people for reasons connected with their disability;
- promote positive attitudes towards disabled people;
- encouraging disabled people to participate in public life;
- take steps to meet the needs of disabled people, even if this requires

more favourable treatment.

To achieve these aims the school prepares an Accessibility Plan which sets out a strategy and guidance in place.

See Accessibility Plan

Gender Discrimination:

Part 3 of the Equality Act 2006 amended the Sex Discrimination Act 1975 to introduce duty to promote gender equality. Schools must demonstrate that they promote equality for women and men and eliminate harassment and gender discrimination.

The duty also extends to the implementation of a gender equality scheme.

The school will meet their statutory duties by:

- prepare and publish a gender equality scheme, which shows how it intends to achieve its general and specific duties and set out its gender equality objectives;
- consider the need to include objectives to address the causes of any pay gap between the gender in formulating its overall objectives;
- collect and use information about how the school's policies and practices affect gender equality in the workforce and in the provision of services;
- consult with stakeholders and consider relevant information to determine its objectives gender equality;
- assess the impact of its current and proposed policies and practices on gender equality;
- implement the actions set out in its plan within three years;
- report on the plan annually and review the plan at least every three years.

Following the Sex Discrimination Act, the school will not discriminate on the grounds of sex:

- against a child seeking admission to school (however, it allows schools to one gender remains same sex);
- in the provision of education or the placing of pupils in certain types of classes;
- in setting standards of behaviour, dress and smartness (although not necessarily illegal to set different, but similar, rules for boys and girls in terms of dress or appearance);
- by excluding pupils or placing other types of disadvantages on them (for example, keeping them to in at school);
- in providing careers guidance and work experience to pupils;
- in giving pupils access to other benefits, facilities or services.

The Sex Discrimination Act makes it unlawful to discriminate in gender employment. However, discrimination against a man or woman is allowed in cases where some person is a valid vocational qualification for a job (as defined in detailed in Section 7 of the Act). For example, this would apply where a man would have to take job and not a woman (or otherwise) to ensure propriety or privacy, such as employing man is an exercise teacher on the basis that his job would include visiting changing rooms boys as they are used.

Discrimination in employment against transgender people is illegal under the Sex Discrimination Act (as amended by the Sex Discrimination Regulations

(Gender Reassignment) 1999). It is illegal to treat a person less favourably on the grounds that they have stated

intention to reassign its gender, that this process is or has taken place – this will be defined as process carried out under medical supervision in order to reassign some person (but a process that requires medical or surgical treatment). Guidance for employers on dealing with gender reassignment is available on the Government Equality Office website.

Under the Sex Discrimination Act, it is unlawful to discriminate in relation to employment on the grounds that a person has married or is in a civil partnership.

Other areas to promote Equality:

Discrimination on the grounds of religion or belief and sexual orientation is now illegal in employment and in the provision of education, although the law does not place a duty on authorities

public to promote equality diligently in these areas.

The Governing Body is aware of the Employment Equality (Orientation

Gender) Regulations 2003 and the Employment Equality (Religion or Belief) Regulations 2003 which include

discrimination on the grounds of sexual orientation and religion or belief, which applies to schools as employers.

These Regulations apply to all aspects of employment, including:

- recruitment;
- terms and conditions;
- promotions;
- transfers;
- redundancies;
- training; and
- all employment practices such as dress codes and disciplinary procedures.

They make it unlawful to discriminate directly or indirectly or harass anyone because of their religion or belief, or perceived sexual orientation or actual, or because he is friends with, or involved in, someone of orientation particular sexual, religion or belief.

Age Discrimination:

The Employment Equality (Age) Regulations 2006 make it illegal for employers to age discrimination. Age discrimination is somewhat different from other types of discrimination as direct or indirect discrimination is not unlawful if it can be "objectively justified" – that is, it can be shown to be a proportionate means of achieving a valid aim. This is a detailed test and it is not necessarily easy to test if it is challenged.

As with other discrimination legislation, the Regulations allow an employer, when recruiting for a job, to treat job applications differently on the basis of age if a feature associated with age is a valid occupational requirement for that post. In addition, an employer may rely on this exception in matters relating to promotion, transfer and training and in dismissing a person from a post where a valid occupational requirement applies. However, schools should be very wary of assuming that they can show that age is a requirement valid vocational in relation to any job. ACAS provides guidance in section 10 of its website. (N.U. Age discrimination legislation is not relevant to the treatment of pupils in schools.)

Who is the Employer?

In the case of Ysgol Gymraeg Pen-y-Groes, Cardiff Council Education Authority is the employer of all staff.

Publication date: January 2021

Headteacher's signature: *A Jenner*

Chair of Governors Signed: Mike Landers

Review date: January 2025