



## Equality and Diversity Policy

***The legal framework and documents referenced in this policy are:***

*Equality Act 2010*

*Children Act 1989*

*Special Educational Needs and Disability Act 2001*

*The Equality Act 2010 and Schools, May 2014*

### Introduction

Equality of opportunity is a key and integral part of Alamiyah School vision. At Alamiyah we ensure that our service is fully inclusive in meeting the needs of all pupils particularly those that arise from their ethnic heritage, social and economic background, gender, ability or disability. Our setting is committed to anti-discriminatory practice to promote equality of opportunity and valuing diversity.

Our aim is to be a truly open, accessible and diverse organisation which is committed to the principle of equal opportunities in employment and education regardless of a person's gender, race, sexual orientation, age<sup>1</sup>, disability, religious belief, sexual reassignment, pregnancy, maternity, civil partnership, marriage or any other specific factors<sup>2</sup> that results in discrimination. All of our pupils, staff and parents have a right to experience behaviour which is not offensive for any of the reasons listed above. We aim to foster a positive atmosphere of mutual respect and trust among children and staff.

We encourage children to develop self-esteem, confidence and motivation in all areas of their lives including their own learning, development and progress. Staff at Alamiyah take every opportunity to encourage children to behave appropriately and to deal with incidents positively according to the Positive Discipline approach employed at the School. All parent and carers, regardless of ethnic background, disability, gender or socio-economic background or any of the protected characteristics listed above are welcome and will be encouraged to participate in the life of the school. We ensure that we are sensitive to and provide for cultural and religious requirements at events.

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<sup>1</sup> Age as a protected characteristic does not apply to pupils in schools but does apply to adults, parents and prospective and current staff members.

<sup>2</sup> protected characteristics as outlined in the Equality Act 2010



We provide training on equal opportunities and diversity for staff. All our staff and students have a personal responsibility for the implementation of this policy. We ensure that staff are equipped to implement an inclusive and non discriminatory approach at the School. The appointment of an equality and Diversity Coordinator Mrs Humma Elahi is instrumental to the implementation of this policy. The Equality and Diversity Coordinator performs an annual audit of the equality and diversity practices within the organisation to ensure that as an organisation we are upto date with our approach and implementing it across the whole school.

## **Aims**

Alamiyah School is committed to providing equality of opportunity and anti-discriminatory practice for all children staff and families. We aim to :

- provide a secure and accessible environment in which all of our children can flourish and in which all contributions are considered and valued
- include and value the contribution of all families to our understanding of equality and diversity;
- provide positive information about different groups of people who display any of the protected characteristics;
- make inclusion a thread, which runs through all of the activities and lessons at the school
- promote equality and valuing diversity across the whole school

## **Our Approach**

In order to meet our legal duties, promote equality and inclusion in the school and value diversity we do the following:

### **Admissions**

Alamiyah School is open to all members of the community and promotes equality and diversity by;

- Reflecting the diversity of members of our society in our publicity and promotional materials.
- Providing information in clear, concise language, whether in spoken or written form,
- Basing our admissions policy on a fair system,
- Not discriminating against a child with a disability or refuse a child entry to our School because of any disability.
- Ensuring that all parents are made aware of our equal opportunities policy.



- Developing an action plan to ensure that people with disabilities can participate successfully in the services offered by the School and in the curriculum offered.
- We take action against any discriminatory behaviour by staff, pupils and students. Displaying of openly discriminatory and possibly offensive materials, name-calling, or threatening behaviour are unacceptable on or around the premises and will be dealt with in the strongest manner.

### **Employment**

- We ensure that our recruitment and HR practices are non-discriminatory and in line with the Equality Act
- Alamiyah is committed to incorporating specific and appropriate duties in respect to the implementation of the Equal Opportunities and Diversity Policy into job descriptions and work objectives for all staff.
- Alamiyah provides equality and diversity training and guidance to all staff.
- Posts are advertised and all applicants are judged against explicit and fair criteria
- The applicant who best meets the criteria is offered the post, subject to references and DBS checks. This ensures fairness in the selection process.
- All job descriptions include a commitment to equality and diversity as part of their specifications.
- We monitor our application process to ensure that it is fair and accessible.

### **Monitoring and Reviewing Policy and Practice**

- We ensure that our knowledge and understanding of issues of equality and diversity, and anti-discriminatory practice are up to date and in line with the Equality Act;
- We ensure our policy and procedures remain effective we will monitor and review them annually as part of our audit to ensure our strategies meet the overall aims to promote equality, inclusion and valuing diversity.
- We carry out an Equality and Diversity Audit annually
- We provide a complaints procedure.

### **Training**

- We seek out training opportunities for staff and volunteers to enable them to develop practices,



which enable all children to flourish.

## **Curriculum Principles**

The curriculum offered in the School encourages children to develop positive attitudes to people who are different to themselves. It encourages children to empathise with others and to begin to develop the skills of critical thinking. It enables all children to develop at their own pace and develop their potential.

Alamiyah does this by:

- All children will be respected and their individuality and potential recognised, valued and nurtured.
- Activities and the use of play equipment offer children opportunities to develop free from prejudice and discrimination, and encouraged to enjoy and learn from them equally.
- Our aim is to show respectful awareness of all major events in the lives of children within our school and in society as a whole.
- Reflecting the widest possible range of communities in the choice of resources;
- Avoiding stereotypes or derogatory images in the selection of materials
- Appropriate opportunities will be given to children to explore, acknowledge and value similarities and differences between themselves and others. Creating an environment of mutual respect and tolerance
- Helping children to understand that discriminatory behaviour and remarks are unacceptable
- Ensuring that children whose first language is not English have full access to the curriculum and are supported in their learning.
- We will provide positive opportunities for disabled pupils so that we treat them more favourably than non-disabled pupils, where necessary making reasonable adjustments to put them on a level footing with pupils without disabilities.
- We will carry out accessibility planning aimed at increasing the extent to which disabled pupils can participate in the curriculum, improving the physical environment to enable disabled pupils to take better advantage of education, benefits, facilities and services provided, and improve the availability of information to disabled pupils.



## **Valuing Diversity in Families**

### **Alamiyah welcomes:**

- The diversity of family life and works with all families with sensitivity.
- Children to contribute stories of their everyday life to the preschool.
- Parents/carers to take part in the life of the School and to contribute fully.
- Families who have a first language other than English and values the contribution their culture and language offer.

## **Food**

### **Alamiyah commits to:**

- Working in partnership with parents to ensure that the medical, cultural and dietary needs of children are met.
- Helping children to learn about a range of food, cultural approaches to mealtimes and eating and to respect the differences among them.

## **Meetings**

Meetings with parents as part of the PTA or whole school meetings are arranged to ensure that all parents have a voice and have a forum to communicate their needs in a friendly supportive atmosphere.

Information about meetings is communicated in a variety of ways - written, verbal and in translation - to ensure that all parents have information about access to the meetings.

## **The Law**

It is unlawful:

- for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of the following protected characteristics:
  - sex
  - race
  - disability
  - religion or belief



- sexual orientation
- gender reassignment
- pregnancy or maternity
- to discriminate against staff member/parent or prospective staff/parent by treating them less favourably because of the following protected characteristics:
  - gender
  - race
  - sexual orientation
  - age<sup>3</sup>
  - disability
  - religious belief
  - sexual reassignment
  - pregnancy, maternity
  - civil partnership, marriage
  - or any other specific factors<sup>4</sup> that results in discrimination
- to discriminate by association because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the pupil is associated. For example, a school cannot discriminate against a pupil because his/her parents are gay or lesbian
- to discriminate through perception because of a characteristic which you think a person has, even if you are mistaken. So a teacher who may discriminate against a pupil due to their gender reassignment even though a pupil may not have reassigned their gender is breaking the law.
- for the school<sup>5</sup> to discriminate against, harass, or victimise pupils
  - in relation to admissions,
  - in the way in which it provides education for pupils,
  - in the way in which it provides pupils access to any benefit, facility or service
  - by excluding a pupil or subjecting them to any other detriment
- to victimise a pupil for anything done in relation to the Act by their parent or sibling.

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<sup>3</sup> Age as a protected characteristic does not apply to pupils in schools but does apply to adults, parents and prospective and current staff members.

<sup>4</sup> protected characteristics as outlined in the Equality Act 2010

<sup>5</sup> Proprietor, Governing Body for independent schools.



- to participate in any of the following four unlawful behaviours outlined in the Equality Act:
  - 1. Direct discrimination, occurs when one person treats another less favourably because of a protected characteristic, than they treat or would treat other people. If the school were to refuse to let a lesbian become a prefect
  - 2. Indirect discrimination, occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage compared to people who without that characteristic
  - 3. Harassment, has a specific legal definition in the Act - it is unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
  - 4. Victimisation within the school, which occurs when a person is treated less favourably than they otherwise would have been because of something they have done (“a protected act”) in connection with the Act. An example of a protected act may be when a mother complains of sex discrimination against a school. If her child, a pupil at the school then suffers for this is categorised as victimisation.
- for employers to ask health related questions of applicants before a job offer unless the questions are specifically related to an intrinsic function of the work. A health questionnaire cannot be provided before a job offer but may be completed after the staff member has been employed successfully. Questions should be targeted necessary and relevant to the job applied for.

### **Exceptions to the Act**

- Single sex schools

single sex schools are able to refuse to admit pupils of the opposite sex or to admit a small number pupils into a single sex school. A boys school which admits female pupils to A-Level Science classes is not unlawfully discriminating if females are not admitted into certain classes If female pupils admitted to a boys sixth form will be unlawfully discriminating if girls are unable to use the cafeteria or go on the same visits. If a girl adopts a male identity while attending a single sex girl’s school and allows the pupil to remain would not lose it’s single sex status
- Schools with religious character



schools with a defined religious character can discriminate because of their religion or belief provision in relation to admissions and in access to any benefits facilities or services.

- Admissions - Schools with a religious character may give priority in admissions to members of their own religion if they are oversubscribed. If the school has places then they are not permitted to refuse admission.
- Specific spiritual provision can be provided for pupils in a faith school, without providing that same provision for pupils of all faiths. Like providing a rabbi for children in a Jewish school.
- Arranging trips to a particular place of spiritual significance for Christians who come from a Church of England school
- If the Quran is given special status in an Islamic School does not mean that other pupils of other faiths are being treated less favourably
- The exceptions do not allow schools to treat a pupil less favourably if they reject the faith of the school
- Further to this, the law also does not allow schools with religious character to discriminate on religious grounds in other respects such as excluding a pupil or subjecting them to any detriment or to discriminate for any of the other protected characteristics.
- Curriculum
  - The content of the school curriculum is excluded by law according to the Equality Act.
  - The way in which the school provides education, the delivery of the curriculum
  - schools are free to include a full range of issues, ideas and materials in the syllabus to expose pupils to a full range of thoughts and ideas
  - complaints about discrimination concerning the content of the curriculum are not valid under the Equality Act
  - complaints about discrimination concerning the delivery of the curriculum which belittles or discriminates against any person at the school.
- Acts of worship
  - There is a general exception which allows all schools to have acts of worship or other forms of collective religious observance. Schools are not acting unlawfully if they do not provide an equivalent act of worship for other faiths.
  - Schools are also free to celebrate religious festivals and could not be claimed to be discriminating against children of other faiths if the school celebrates Christmas or Eid.



- **Uniforms**
  - The Equality Act does not deal specifically with school uniform or other aspects of appearance such as hair colour and style and the wearing of jewellery and make up.
  - There is a general requirement not to discriminate in the treatment of pupils with respect to uniform. For example, a boys and girls uniform should be similarly priced. For example if a pupil has a skin condition it would be discriminatory if they could not wear cotton if they needed to. It would be race discrimination not to let a sikh wear a turban.
  - The Governing Body of a school can decide about the uniform and other rules relating to appearance.
- **Bullying**
  - The relationship between one pupil and another is not within the scope of the Equality Act. Prejudice related bullying should be dealt with equally and firmly within the scope of the bullying act.
- **Schools Duty of Care**
  - Although the Equality Act has a specific remit outlined here, schools must provide duty of care to all pupils in all areas whether mentioned explicitly in the Act or not.

## **Special Issues**

- **gender reassignment**
  - gender reassignment is defined as applying to anyone who is undergoing, has undergone or is proposing to undergo a process or part of a process of reassigning their sex by changing physiological or other attributes.
  - It is unlawful for schools to treat pupils less favourably due to their gender reassignment.
  - transgender pupils have protection from indirect and direct discrimination and victimisation including discrimination by perception and by association.
  - It is rare for young pupils to want to undergo gender reassignment, however there is evidence that cases are increasing. More guidance can be found from the GIRES website.
- **race**
  - The definition of Race includes, colour, nationality and ethnic or national origins



- we will ensure that pupils are not singled out for different or less favourable treatment from that given to other pupils.
- **segregating pupils by race or ethnicity**
  - This is prohibited and is considered to be direct discrimination.
  - Positive action can be taken to help groups of children from a particular ethnic or racial group where this can be shown to to be a proportionate way of dealing with such issues.
- **religion or belief**
  - The equality act defines religion as being any religion (all major religions and denominations) and belief (non religious worldview such as humanism) as any religious or philosophical belief. For further definition see Article 9 of the European Convention on Human Rights. Political beliefs such as Communism are not protected under religion or belief.
  - A lack of religion or lack of belief are also protected characteristics
  - To benefit from protection under the act a religion or belief must have a clear structure, belief system and should have a certain level of cogency, seriousness and cohesion and not be incompatible with human dignity
  - Discrimination because of religion or belief means treating a person less favourably than another person is or would be treated because of their religion or belief or the religion or belief they are perceived to have or lack of religion or belief or the religion or belief or lack of it of someone who they are associated with
  - Unlawful religious discrimination can include discrimination of someone of the same religion as the discriminator. So if a Muslim girl is not chosen for a role because she was a less observant member of her faith by a Muslim teacher, this would be unlawful.
  - The definition of discrimination on grounds of religion does not address discrimination on any other ground. The act does not allow a teacher to discriminate against a pupil because of his own religious views on homosexuality or the role of women.
- **sex/gender**
  - Pupils of one sex will not be singled out for different or less favourable treatment from that given to other pupils.
  - For example it would be unlawful to require girls to learn needlework and give boys a choice between needlework and woodwork classes
- **single sex classes**



- There is no express exemption for single sex classes as with single sex schools. However it is not necessarily unlawful to have some single sex classes in a mixed school provided it does not give pupils any unfair advantage or disadvantage when compared to pupils of the other sex in other classes.
- For example it would be lawful to teach sex education to single sex classes as long as the classes were provided to boys and girls.
- It would be unlawful to provide remedial classes to boys behind in reading without providing the same for girls in a similar position.
- A catch up class for boys might not be unlawful if it was proven that it was a proportionate way to deal with a specific gender issue. Girls could not be refused help due to the fact that the average of boys was much lower than the average of girls and the classes were there to bridge that gap.
- pupils undergoing gender reassignment should be allowed to go to single sex classes that accords to the gender role in which they identify.
- **single sex sport**
  - It is unlawful to discriminate against any gender with regard to access of benefits, facilities and services
  - The act does contain an exception which permits single sex sports. This applies to participation in any competitive sport or physical activity where an average girl would be at a disadvantage against an average boy.
  - A girls only basketball team would be permitted for older pupils however boys should also be provided with equal opportunities which would be comparable sporting activities. Resources for boys and girls teams would also be equal.
  - At Alamyah young girls and boys in the lower and middle primary from age 5-9 years participate in the same sporting activities since the question of being at a disadvantage does not apply as much to this age group.
- **pregnancy and maternity**
  - Any pupil who became pregnant would not be treated any differently because of being pregnant or having just had a baby or because she is breastfeeding. Due to the age group of pupils being catered for 3-9 years, this is an unlikely scenario but must be considered since it is not impossible.



- sexual orientation, marriage and civil partnership
  - At Alamiyah, Gay, Bisexual or Lesbian pupils or parents will not be singled out for different or less favourable treatment from that provided to other pupils regardless of the personal views of individual staff or parents. For example it would not be lawful to refuse a parent to take a role on the PTA or for a pupil to become a prefect because of their sexual orientation.
  - The act does not require teachers to endorse, support or promote same sex marriage. All teaching should be based on facts and explain the law as it applies to different relationships.
  
- sexual orientation and religion or belief
  - Protection due to sexual orientation and protection of religious freedom may appear to be in conflict according to some religious beliefs. However as a school with a Muslim Ethos, the school can explain the Muslim perspective in an appropriate way consistent with the Equality Act 2010 and the requirements of SRE, Sex and Relationships Education and Religious Education.
  - It is also not unlawful for a teacher to express a personal opinion about sexual orientation. However the way in which this opinion is delivered must be considered carefully since a teacher has significant influence and cannot in any way encourage a discriminatory view of others with protected characteristics.

## **Disability**

Disability provision is distinct from those with protected characteristics. The principle of equality legislation is generally one of equal treatment and no one being treated more or less favourably due to any protected characteristic.

However in terms of disability discrimination, you may and often must treat a disabled person more favourably than a non disabled person. Discrimination is also defined differently for those with a disability.

## **Definition**



According to the Act Disability is when a person has a physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities. Some specified medical conditions such as, HIV, multiple sclerosis and cancer are all considered as disabilities. (refer to the Equality Act 2010 for more details) Long lasting means it could last for 12 months or more.

### **Unlawful Behaviour**

The provision for people with disabilities are different and more complex and can be found below:

### **Direct Discrimination**

The school cannot treat a disabled pupil less favourably simply because that pupil is disabled. Barring entrance to the school due to a disability would fall into this category. A change for schools under this Act is that there can no longer be any justification for direct discrimination under any circumstances.

### **Indirect Discrimination**

A school must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only. For example having a rule that all pupils must demonstrate physical fitness levels before being admitted to the school unless they can show that it is done for a legitimate reason and is a proportionate way of achieving that legitimate aim.

### **Discrimination Arising from a Disability**

A school must not discriminate against a pupil because of something that is a consequence of their disability - for example by not allowing a disabled pupil on crutches outside at break time because it would take too long to get out and come back. Like indirect discrimination, discrimination arising from a disability could be justified. Schools cannot harass a pupil because of a disability. If a teacher harasses a pupil because they are struggling with their work due to a disability then this is unlawful.

### **Reasonable Adjustments**

There is a duty to provide auxiliary aids/services as reasonable adjustments to those who are disabled where these are not supplied through SEN statements or other sources. Our duties are:



- to take reasonable steps to try and avoid a disadvantage that arises from something a school does which places a disabled pupil at a disadvantage compared to other pupils.
- to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non disabled pupils.

Points to note:

- If an auxiliary aid is not provided under SEN it does not automatically follow that it must be provided as a reasonable adjustment.
- Auxiliary aids are things or persons which assist, such as hearing loops, adaptive keyboards and special software.
- If it is deemed unreasonable to provide an adjustment by the school on grounds of cost for instance then it does not necessarily follow that the LA would provide the adjustment. Each individual situation will be dealt with on a case by case basis.
- Some disabled children will have need for auxiliary aids for their day to day life rather than their education. It is likely that this would be considered unreasonable for a school to provide
- If an adjustment involves little or no cost then this is very likely to be considered reasonable.
- Failure to make an adjustment cannot be justified unless unreasonable

In addition to a particular duty to consider reasonable adjustments for particular disabled pupils we have a duty to consider potential adjustments to may be required for disabled pupils generally and plan for this. Schools do not need to anticipate and make adjustments for every imagined disability but only general reasonable adjustments even though there are no such pupils currently admitted to the school.

The EHRC (Equality and Human Rights Commission) has produced guidance on on what may be considered a reasonable adjustment for a school.

<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-ofpractice/>

At Alamiyah pupils who are disabled will be accommodated to such an extent that they can play as full a part as possible in the life of the school. However at times reasonable adjustments cannot be made since the adjustments would be detrimental to other pupils. An example is a geology field trip which involved climbing and walking over rough ground. If after considering how to accommodate a disabled pupil it was deemed that there was no alternative or viable way to enable the disabled pupil



to participate then the trip would not have to be cancelled. This is unlikely to constitute direct discrimination or failure to make a reasonable adjustment.

Reasonable adjustment duties on schools are intended to complement accessibility planning duties and the existing SEN statement provisions under which the LA must provide auxiliary aids to pupils with a statement of special educational need.

### **Accessibility Duties for Disabled Pupils**

At Alamiyah we have a duty to implement accessibility plans which are aimed at:

- increasing the extent to which disabled pupils can participate in the curriculum
- improving the physical environment to enable disabled pupils to take better advantage of education, benefits, facilities and services provided;
- improving the availability of accessible information to disabled pupils.

Schools will also need to have regard to the need to provide adequate resources for implementing plans and must regularly review them.

### **Public Sector Equality Duty (PSED)**

This is a combined equality duty which came into effect in April 2011. It is a general duty to **have due regard** to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act,
- 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.

Where schools are concerned, age will be a relevant characteristic in considering their duties in their role as an employer but not in relation to pupils.

### **Having 'Due Regard'**

The duty to have due regard to equality considerations means that whenever significant decisions are being made or policies are being developed, thought must be given to the equality implications.



Some decisions such as changing the time for assembly won't have any equality implications however planning when and where to take pupils on a school trip will raise questions of equality. When significant decisions are being made an Equality Duty Record Form will be filled out to show what issues were considered and how they were resolved.

### **Advancing Equality of Opportunity**

This involves:

- removing or minimising disadvantages suffered by people which are connected to a particular characteristic they have (for example disabled pupils, or gay pupils who are being subjected to homophobic bullying)
- taking steps to meet the particular needs of people who have a particular characteristic (for example enabling Muslim pupils to pray at prescribed times) and
- encouraging people who have a particular characteristic to participate fully in any activities (for example encouraging both boys and girls, and pupils from different ethnic backgrounds, to be involved in the full range of school societies).
- Fostering good relationships between those who a characteristic and those who do not share it
- Engagement with people who are affected by the school's Public Sector Equality Duty is good practice

How PSED will be monitored at Alamiyah School:

- Equality Audit
- Equality Duty Record
- Attainment Levels within different groups where data is available, such as boys and girls, ethnic groups, EAL pupils
- Pupils who may be LGBTQ can be supported through using information about issues of trans, gay or lesbian pupils from Stonewall or GIRES
- Setting Equality Objectives after identifying areas that require attention from the Equality Audit

For example:

- to increase participation by black pupils in after school activities
- to narrow the gap in performance of disabled pupils
- to increase understanding between religious groups
- to raise attainment in English for boys



This policy was adopted at a meeting at Alamiyah School

Held on: .....

Signed on behalf of the Alamiyah School: .....

Date of Review: July 2018