



High Bank Junior Infant and Nursery School

Equality and the 9 protected characteristics

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EQUALITY AND THE 9 PROTECTED CHARACTERISTICS

High Bank has the motto 'All Different All Valued.' We are committed to equality and valuing diversity and actively promote this within school and our community.

High Bank is committed to promoting a positive and diverse culture in which all staff and young people are valued and supported to fulfil their potential irrespective of their age, disability, race, religion, belief, sex or sexual orientation.

We recognise our obligations under the Equality Act 2010 and are committed to promoting the equality and diversity of all those we work with especially our employees, pupils and visitors. We oppose all forms of unlawful and unfair discrimination, bullying and harassment and make every effort to comply with the requirements of the Act.

This policy and all associated procedures apply to all staff (including volunteers and students on placement), young people and visitors and should be read in conjunction with the following policies:

- Anti-Bullying Policy
- Equality and diversity Policy
- Complaints Policy
- Online safety Policy
- Health and Safety Policy
- Relationships policy
- Educational visits policy
- Recruitment and Selection Policy
- Positive handling policy
- Safeguarding and Child Protection Policy
- Whistle Blowing Policy

Discriminatory treatment, bullying or harassment of staff or young people by visitors will also not be tolerated.

The Equality Act covers **nine protected characteristics** upon which discrimination is unlawful: Age and marriage does not apply to our pupils.

1. Age

Where this is referred to, it refers to a person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

The Employment Equality (Age) Regulations came into force in October 2006 and they make it unlawful to discriminate against workers, employees, job seekers and trainees (including students) because of their age. The legislation covers both younger and older individuals and follows the existing framework for anti-discrimination legislation.

Ageism is deeply entrenched in society and the workplace. Valuing people of all ages within the workforce and regarding them as a sustainable rather than a disposable resource is essential for our future prosperity.

2. Disability

A person has a disability if she or he 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.

We have a responsibility to weave equality for all into our culture in practical and demonstrable ways. This means including disabled people and disability equality into everything we do from the outset.

There is no need for a person to have a medically diagnosed cause for their impairment; what matters is the effect of the impairment not the cause.

In relation to physical impairment:

- Conditions that affect the body such as arthritis, hearing or sight impairment (unless this is correctable by glasses or contact lenses), diabetes, asthma, epilepsy, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs are covered
- HIV infection, cancer and multiple sclerosis are covered from the point of diagnosis
- Severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met (see below)
- People who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated as disabled under the Act.
- Mental impairment includes conditions such as dyslexia and autism as well as learning disabilities such as Down's Syndrome and mental health conditions such as depression and schizophrenia.

The other tests to apply to decide if someone has the protected characteristic of disability are:

- The length the effect of the condition has lasted or will continue: it must be long term. 'Long term' means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months, or where the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition but it is likely to recur, or if the person no longer has the condition, they will be considered to be a disabled person.
- Whether the effect of the impairment is to make it more difficult and/or time-consuming for a person to carry out an activity compared to someone who does not have the impairment, and this causes more than minor or trivial inconvenience; if the activities that are made more difficult are 'normal day-to-day activities' at work or at home
- Whether the condition has this impact without taking into account the effect of any medication the person is taking, or any aids, assistance or adaptations they have (like a wheelchair, walking stick, assistance dog or special software on their computer). The exception to this is the wearing of glasses or contact lenses where it is the effect while the person is wearing the glasses or contact lenses, which is taken into account.

For example:

Someone who has ADHD might be considered to have a disability even if their medication controls their condition so well that they rarely experience any symptoms, if without the medication the ADHD would have long-term adverse effects.

Progressive conditions and those with fluctuating or recurring effects are included, such as depression, provided they meet the test of having a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

3. Gender reassignment

The process of transitioning from one gender to another.

4. Marriage and civil partnership

Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

5. Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

6. Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

7. Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

8. Sex

A man or a woman.

9. Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

High Bank values all its employees and students equally, regardless of their sexual orientation. The school aims to create an environment in which all employees and students, whatever their sexuality, feel equally welcome and valued, and in which homophobic behaviour is not tolerated.

Homophobic abuse, harassment or bullying (such as name calling/ derogatory jokes, unacceptable or unwanted behaviour, intrusive questions) are serious disciplinary offences and will be dealt with under the relevant disciplinary procedures.

Homophobic propaganda, in the forms of written materials, graffiti, songs or speeches, will not be tolerated. The school will provide a supportive environment for staff and students who wish it to be known that they are Lesbian, Gay, or Bi-sexual (LGB). However, it is the right of the individuals to choose whether they wish to be open about their sexuality. To "out" someone without their permission is a form of harassment, and will be treated as such.

Coming out means sharing with someone that you are lesbian, gay or bi-sexual. People come out in all different situations and for all different reasons.

Roles and responsibilities

The designated senior member of staff with overall responsibility for all equality and diversity matters at High Bank is the Headteacher.

It is the responsibility of all staff to: Treat colleagues, young people and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;

Support and participate in any measures introduced to promote equality and diversity;
Actively challenge discrimination and disadvantage in accordance with their responsibilities;
Report any issues associated with equality and diversity in accordance with this policy. It is important to appreciate that an employee is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable. Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee doing so will be subject to disciplinary action.