



Person responsible for updating this policy:
Head Teacher

**Newbattle Community High School
School Policy on Equality**

TABLE OF CONTENTS

1.0	Introduction
2.0	Statement of Commitment
3.0	Overview of Public Sector Obligations
4.0	Disability
5.0	Race
6.0	Religion and Belief
7.0	Sex
8.0	Sexual Orientation
9.0	Socio-Economic Background and Caring Responsibility
10.0	Academic Ability
11.0	Gender Re-assignment

1.0 Introduction

- 1.1 This document sets out the school's policy on equality and gives guidance on positive action which should be taken at all levels of the school.
- 1.2 We take the issue of equality extremely seriously: one of our stated school aims is to 'work to provide equality of opportunity for all members of the school community'; and one of our six Values for Life (which underpin all that we do) is **Respect** which we define to be being 'considerate of the needs, wishes and feelings of others as well as your own worth'. These aims and values have been reflected throughout the writing of this policy.
- 1.3 This document should be read in conjunction with Midlothian Council's Equality Outcome & Mainstreaming Report 2013 – 2017. Other relevant documents from Midlothian Council include:
- Management Circular 124: 'Dealing with Homophobia and Homophobic Bullying in Scottish Schools',
 - Professional Practice Paper 61: 'Guidelines on Mainstreaming Equality through Curriculum for Excellence'.
- 1.4 As per legislative requirements and Midlothian Council's 'Rapid Impact Assessment Guidance and Checklist 2011', all new policies

will be subject to a Rapid Impact Assessment to assess our proposals for equality and diversity impact to ensure we do not unlawfully discriminate.

2.0 Statement of Commitment

- 2.1 Newbattle Community High School recognises the importance of developing a school ethos in which individuals are equally valued and where fairness of treatment is an accepted reality.
- 2.2 Newbattle Community High School is committed to a policy of equality. The school will promote equality of opportunity and to eliminate discrimination, in order to ensure that no pupil, staff member, parent/carer, job applicant or other member of the school community is treated less favourably on grounds of age, disability, gender re-assignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation, socio economic background or caring responsibility.
 - 2.2.1 Any behaviour, comments or attitudes that undermine or threaten an individual's self esteem on these grounds will not be tolerated.
- 2.3 Implementing this policy is the responsibility of all who work in or use the school including external contractors brought in to provide a service or to supply goods. Everyone who works with students, or who has contact with them, has a responsibility to ensure that the recommendations set out in the policy are observed.
- 2.4 Equality is about ensuring that **every** member of the school community feels as if they belong and are welcomed, valued and included. It is acknowledged that everybody has their own unique characteristics and that there is no 'average' person who is being taught to value and respect 'others'.
- 2.5 We aim to provide equal access to high quality educational opportunities and to ensure that everyone feels that they have equality of opportunity. We seek to provide a safe and happy environment where all can flourish and where cultural diversity is celebrated.
- 2.6 Pupils will be made aware of the existence of this policy in Social Education classes.
- 2.7 Pupils and staff will be encouraged and supported in reporting instances of harassment, which will be dealt with sensitively and appropriately.
- 2.8 Staff and job applicants will be treated in accordance with all Midlothian Council procedures, which are detailed elsewhere.

3.0 Overview of Public Sector Obligations

The statements in this section are taken (or adapted) from Midlothian Council's Equality Outcome & Mainstreaming Report 2013 – 2017, which can be downloaded from the Midlothian Council website.

- 3.1 The Equality Act 2010 introduced nine protected characteristics for which discrimination, harassment and victimisation is unlawful:
 - 3.1.1 Age (cradle to grave)
 - 3.1.2 Disability (including learning difficulties, mental health, physical, and sensory)
 - 3.1.3 Gender re-assignment (changing from sex attributed at birth to opposite sex)
 - 3.1.4 Marriage and civil partnership (the law provides protection in the area of employment and vocational training only)
 - 3.1.5 Pregnancy and maternity
 - 3.1.6 Race
 - 3.1.7 Religion and belief
 - 3.1.8 Sex (previously known as gender)
 - 3.1.9 Sexual orientation (lesbian, gay and bi-sexual (LGB))
 - 3.1.10 To this list Midlothian Council has voluntarily added a 10th which is socio-economic deprivation or poverty.
- 3.2 All public authorities in Great Britain (GB) are required in the planning and exercising of their public duties and functions to:
 - 3.2.1 Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
 - 3.2.2 Advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
 - 3.2.3 Foster good relations between people who share a protected characteristic and those who do not

This is called the Public Sector Equality Duty (PSED)

- 3.3 In order to support ‘listed bodies’ (such as Midlothian Council) in achieving the aims of the general duty (PSED), the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 requires that they:
 - 3.3.1 Report on mainstreaming the equality duty.
 - 3.3.2 Publish equality outcomes and report progress.
 - 3.3.3 Assess and review policies and practices.
 - 3.3.4 Gather and use employee information.
 - 3.3.5 Publish gender pay gap information.
 - 3.3.6 Publish statements on equal pay.
 - 3.3.7 Consider award criteria and conditions in relation to public procurement.
 - 3.3.8 Publish in a manner that is accessible.
- 3.4 The Education Authority is an integral part of Midlothian Council and along with the Council’s Licensing Board must meet the requirements of the Equality Act 2010 and Regulations 2012. This duty and responsibility for the Education Authority is carried out by the corporate Equality and Diversity lead for Midlothian Council.
- 3.5 The Education Authority in order to support the Council should:
 - 3.5.1 Gather information on the effects of their policies and practices on equality.
 - 3.5.2 Assess the impact of those policies and practices on equality.
 - 3.5.3 Carry out steps to meet the duty in line with the education authority scheme.
- 3.6 Raising achievement amongst all Midlothian pupils is key and will be done by:
 - 3.6.1 Maximising the learning potential of girls and boys;
 - 3.6.2 Providing education that develops the personality, talents, physical and mental abilities of all pupils to their fullest potential;
 - 3.6.3 Encouraging equal opportunities.

- 3.7 More detail on the legal obligations affecting the Authority and the school can be found in Midlothian Council's Equality Outcome & Mainstreaming Report 2013 – 2017.

4.0 Disability

4.1 The **school** will:

- 4.1.1 Encourage and promote respectful attitudes between all members of the school community regardless of disability.
- 4.1.2 Support pupils or staff who wish to discuss their disability with peers in order to raise awareness of their condition; and respect their right to privacy for those who do not wish to discuss.
- 4.1.3 Ensure equal access to the learning environment by adapting the school building, communications and learning resources as required; and making alternative arrangements where adaptation is not possible.
- 4.1.4 Make arrangements for parents/carers with mobility difficulties to have teachers come to them at a convenient and accessible part of the school building for Parents' Night appointments where necessary.
- 4.1.5 Offer all after school activities, excursions and residential stays to all pupils regardless of disability, and make every effort to consider appropriate adaptations or arrangements to enable participation by all, given the constraints of money and resources.
- 4.1.6 Print all classroom and corridor signs in large print and place them at a height that can easily be read by visually impaired students.

4.2 Each **member of staff** must:

- 4.2.1 Provide differentiated class work and materials where appropriate.
- 4.2.2 Be aware of situations in which other pupils see disabled students as getting what they perceive as 'special treatment' and deal with these in appropriate ways as suggested below.
 - 4.2.2.1 Such a situation may arise especially when pupils have hidden disabilities e.g. pupils on the Autistic Spectrum, pupils who require a toilet pass due to a long-term health condition, or those who have a mental illness.

- 4.2.2.2 If the pupil consents, it may be worthwhile to speak to the whole class to explain the nature of the pupil's disability and the reason why adjustments require to be made. Pastoral staff should advise as far as possible on whether the pupil and parents/carers are happy for this to be done.
- 4.2.3 Challenge **each and every** use of words or statements that are derogatory to disabled people, using the appropriate disciplinary sanctions whenever appropriate.
 - 4.2.3.1 Any incident of harassment on grounds of disability **must** be treated as bullying and/or serious misconduct. The information should be taken seriously and reported to the on-call member of Senior Management who will log it and deal with it appropriately.
 - 4.2.3.2 The affected member of the school community should be informed of the action taken and should be given the opportunity to comment on this.
 - 4.2.3.3 It should be remembered that pupils use some words such as 'Mongolo(1)' 'retard' or 'spastic' without understanding their true meaning, and in these occasions the most appropriate sanction may be to discuss and explain to the pupil the reason why the word should not be used.
- 4.2.4 Avoid using stereotypes themselves; and point out stereotypes (or correct misconceptions) that may be expressed by pupils or be discovered in materials being used for learning.
- 4.2.5 Be aware of and use the correct terms for disabled pupils (such as 'hearing impaired', 'disabled' or 'mentally ill')

5.0 Race

5.1 The **school** will:

- 5.1.1 Encourage and promote respectful attitudes between all races and ethnic groups.
- 5.1.2 Be aware of the first languages spoken by their students and staff
 - 5.1.2.1 staff will be made aware through the confidential notes when a pupil's first language is not English

- 5.1.2.2 the Principal Teacher with responsibility for Additional Support Needs will make necessary arrangements for pupils who require EAL support
 - 5.1.3 ensure adequate resources to meet the needs of bilingual students and staff.
 - 5.1.4 make information to parents such as standard letters or forms, available in the appropriate language of the home upon request
 - 5.1.5 reflect our multicultural society in the selection of menus in the Bite Site.
 - 5.1.6 allow reasonable requests to modify the school dress code in order to accommodate cultural traditions.
- 5.2 Each **member of staff** must:
- 5.2.1 Challenge **each and every** use of racist or ethnically discriminatory words or derogatory statements, using the appropriate disciplinary sanctions whenever appropriate.
 - 5.2.1.1 There is a requirement to record every incident of racism. Any incident of racial or ethnic harassment, however trivial it may seem, **must** be treated as bullying and/or serious misconduct. The information should be taken seriously and reported to the Depute Head Teacher (Pupil Support) who will log it and deal with it appropriately.
 - 5.2.1.2 The affected member of the school community should be informed of the action taken and should be given the opportunity to comment on this.
 - 5.2.2 Avoid using stereotypes themselves; and point out stereotypes (or correct misconceptions) that may be expressed by pupils or be discovered in materials being used for learning.
 - 5.2.2.1 Staff should be aware that textbooks may be racist by omission where Black existence and experience is excluded.
 - 5.2.3 Treat names from all cultures with respect, and make the effort to write and pronounce them correctly and assist pupils to do likewise.
 - 5.2.4 Incorporate an anti-racist/multicultural approach when producing new materials, e.g. by using examples from other cultures, or using names from other ethnicities.

6.0 Religion and Belief

6.1 The **school** will:

- 6.1.1 Encourage and promote respectful attitudes between all members of the community, regardless of religion or belief.
- 6.1.2 Support the right of all members of the school community to publicly identify themselves as belonging to a particular religious group; and respect the privacy of those who wish to keep their religious belief private.
- 6.1.3 Support the right of different belief groups to express their beliefs in appropriate ways, and encourage groups with opposing beliefs to engage in constructive, respectful dialogue.
- 6.1.4 Recognise the right of any individual to follow the customs and practices of their own religion and will work towards finding ways to accommodate requests from staff, parents or pupils to facilitate required opportunities for worship within the school day/week.
- 6.1.5 Provide religious observance which is an inclusive, valuable and meaningful experience for all as required by the Education (Scotland) Act 1980.
- 6.1.6 Give recognition to major world religions in the RME curriculum.
- 6.1.7 Take further action as detailed in policy 1-20 'Religious Observance'.

6.2 Each **member of staff** must:

- 6.2.1 Challenge **each and every** use of words or statements that are derogatory to those of a particular religion or belief, using the appropriate disciplinary sanctions whenever appropriate.
 - 6.2.1.1 Any incident of harassment on grounds of religion **must** be treated as bullying and/or serious misconduct. The information should be taken seriously and reported to the on-call member of Senior Management who will log it and deal with it appropriately.
 - 6.2.1.2 The affected member of the school community should be informed of the action taken and should be given the opportunity to comment on this.

- 6.2.2 Avoid using stereotypes themselves; and point out stereotypes (or correct misconceptions) that may be expressed by pupils or be discovered in materials being used for learning.

7.0 Sex

7.1 The **school** will:

- 7.1.1 Encourage and promote respectful attitudes between girls and boys, men and women.
- 7.1.2 Encourage and support ‘non-traditional’ curricular option choices and work experience placements.
- 7.1.3 Offer all after-school activities, excursions and residential stays to all pupils regardless of gender.
- 7.1.4 Operate all classes as co-educational, with the exception of certain Physical Education classes (e.g. swimming groups) and certain support groups for vulnerable pupils.

7.2 Each **member of staff** must:

- 7.2.1 Challenge **each and every** use of sexist words or derogatory statements, using the appropriate disciplinary sanctions whenever appropriate.
 - 7.2.1.1 Any incident of sexual harassment **must** be treated as bullying and/or serious misconduct. The information should be taken seriously and reported to the on-call member of Senior Management who will log it and deal with it appropriately. The affected member of the school community should be informed of the action taken and should be given the opportunity to comment on this.
- 7.2.2 Avoid using stereotypes themselves; and point out stereotypes (or correct misconceptions) that may be expressed by pupils or be discovered in materials being used for learning.
- 7.2.3 Adopt a gender neutral approach when producing new materials, e.g. by using a mixture of names from both genders, and by including examples of men or women in ‘non traditional’ roles.

8.0 Sexual Orientation

8.1 The **school** will:

- 8.1.1 Encourage and promote respectful attitudes between all members of the school community regardless of actual or perceived sexual orientation.
 - 8.1.2 Support the right of all members of the school community to publicly identify themselves as having a particular sexual orientation; and respect the right of those who do not to keep their sexual orientation private.
 - 8.1.3 Use the homophobic bullying toolkit as part of Social Education lessons
- 8.2 Each **member of staff** must:
- 8.2.1 Challenge **each and every** use of homophobic words or derogatory statements, using the appropriate disciplinary sanctions whenever appropriate.
 - 8.2.1.1 Any incident of harassment on grounds of actual or perceived sexual orientation **must** be treated as bullying and/or serious misconduct. The information should be taken seriously and reported to the on-call member of Senior Management who will log it and deal with it appropriately.
 - 8.2.1.2 The affected member of the school community should be informed of the action taken and should be given the opportunity to comment on this.
 - 8.2.2 Avoid using stereotypes themselves; and point out stereotypes (or correct misconceptions) that may be expressed by pupils or be discovered in materials being used for learning.
 - 8.2.3 Discourage the use of **all** homophobic language, including the use of words such as ‘gay’ as general pejorative terms, regardless of whether they are being used explicitly to refer to actual or perceived sexual orientation.
 - 8.2.3.1 Homophobic language tends to be used without thinking and research has shown it is often ignored by school staff because either they feel it is difficult to know how to respond or they believe the language is used without any homophobic intent. However dismissing comments such as ‘those trainers are gay’ is tacitly condoning the likening of being gay to something that’s bad, wrong or inferior.
 - 8.2.4 Staff should consider using examples of ‘non-traditional’ families when developing new materials (e.g. if writing a mathematical question instead of saying ‘Mr and Mrs Jones’ a

family with same sex parents could be mentioned). This does not need to be made a big deal of, but can just be used to reinforce the idea that same sex couples should be considered normal and unremarkable in modern society.

9.0 Socio-Economic Background and Caring Responsibility

For the school's policy relating to Young Carers and Looked After Children, see policy 4-9 'Young Carers' and 4-10 'Looked After Children'.

9.1 The school will:

- 9.1.1 Encourage and promote respectful attitudes between all members of the school community, regardless of socio-economic background or family circumstances.
- 9.1.2 Waive certain fees (e.g. payment for compulsory materials for particular courses, school ties), at the discretion of the Head Teacher, for pupils whose circumstances make payment difficult or impossible.
- 9.1.3 Maintain the right to privacy for pupils and families by ensuring any arrangements made are made discreetly and kept entirely confidential.

9.2 Each member of staff must:

- 9.2.1 Challenge **each and every** use of words or statements that are aimed at harassing those who have, or are perceived to have, a more disadvantaged socio-economic status, using the appropriate disciplinary sanctions whenever appropriate.
- 9.2.2 Use tact when chasing overdue payments from pupils in case the reason that they have not yet brought the money is that the money is not available.
- 9.2.3 Staff should consider using examples of 'non-traditional' families when developing new materials (e.g. if writing a mathematical question instead of saying 'Mr and Mrs Jones' a family with a single parent could be mentioned). This does not need to be made a big deal of, but can just be used to reinforce the idea that single parent families should be considered normal and unremarkable in modern society.

10.0 Academic Ability

10.1 The school will:

- 10.1.1 Encourage and promote respectful attitudes between all academic abilities.
- 10.1.2 Consider alternative curricula or courses for pupils who have a significantly higher than average or lower than average academic ability or skill set.
- 10.2 Each **member of staff** must:
 - 10.2.1 Provide differentiated class work (either differentiation by task or differentiation by outcome) for pupils whose ability is significantly higher or lower than the rest of the class.
 - 10.2.2 Challenge **each and every** use of words or statements that are derogatory to those of (actual or perceived) lower or higher academic ability, using the appropriate disciplinary sanctions whenever appropriate.
 - 10.2.3 Tactfully handle situations when a pupil is academically weaker or stronger than rest of class – for example being discreet when returning a test result that is significantly worse than that of the rest of the class.

11.0 Gender Re-assignment

- 11.1 Under the Equality Act 2010, people who are undergoing, or propose to undergo gender re-assignment processes are protected from harassment and discrimination.
- 11.2 The terms transgender people and trans people are both ‘umbrella’ terms that include all those whose gender identity and/or gender expression differ from the sex they were labelled at birth.
 - 11.2.1 Gender Identity refers to an individual’s internal self-perception of their own gender,
 - 11.2.2 Gender Expression refers to an individual’s external gender-related physical appearance and behaviour.
- 11.3 There are estimated to be over 10,000 people who identify themselves as transgender in Scotland, including both pupils and staff at both Primary and Secondary schools across Scotland.
- 11.4 In the event that a member of the school community chooses to identify themselves as transgender, the school will fulfil all its legal and moral obligations to assist that individual in their transition.
- 11.5 The **school** will:

- 11.5.1 Support the right of any individual to choose their own gender expression.
- 11.5.2 Work with the individual at all stages to shape the transition process, with one named member of staff taking the lead in assisting the individual with this process. For a pupil, the Principal Teacher (Guidance) would take the lead with the pupil and their family in this process; with a member of staff, the Head Teacher would take this lead.
- 11.5.3 Encourage and promote respectful attitudes between all members of the school community regardless of gender expression or gender re-assignment.
- 11.5.4 Allow a member of the school community to change their name, title and gender on first receipt of a formal request.
- 11.5.5 Allow the individual their legal right to decide which toilets and changing areas are the most appropriate for them to use; and to make and communicate appropriate decisions in this respect to the rest of the school community.
 - 11.5.5.1 It is unacceptable to insist in the long term that a transgender individual should separate facilities (e.g. disabled toilets). It should be remembered that even in the short and medium term, insisting on this could be seen as degrading and insulting
- 11.5.6 Respect the dignity of the individual, including use of preferred gender and pronouns at all times.
- 11.6 The school realises that most members of the school community are unlikely to have direct experience of issues relating to gender re-assignment, and accepts that this lack of knowledge can be a factor in incidences of transphobic bullying and harassment. To this end, if an individual chooses to identify themselves as transgender, the school will:
 - 11.6.1 Organise for education on transgender issues to take place in Personal and Social Education classes for all pupils.
 - 11.6.2 Organise diversity training for staff on transgender issues.
- 11.7 Each **member of staff** must:
 - 11.7.1 Challenge **each and every** instance of harassment based on gender re-assignment or gender expression grounds.
 - 11.7.1.1 Any incident of harassment on grounds of gender re-assignment **must** be treated as bullying and/or

serious misconduct. The information should be taken seriously and reported to the on-call member of Senior Management who will log it and deal with it appropriately.

- 11.7.1.2 The affected member of the school community should be informed of the action taken and should be given the opportunity to comment on this.