

Equal Opportunities Policy



Westbury House School

September 2021

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1 **Aims**

- 1.1 This is the equal opportunities policy of Westbury House School.
- 1.2 The aims of this policy are as follows:
 - 1.2.1 to promote equal treatment within the School for all members of the School community
 - 1.2.2 to communicate the commitment of the School to the promotion of equal opportunities
 - 1.2.3 to create and maintain an open and supportive environment which is free from discrimination
 - 1.2.4 to foster mutual tolerance and positive attitudes so that everyone can feel valued within the School.

2 **Scope and application**

- 2.1 This policy applies to the whole School including the Early Years Foundation Stage (**EYFS**).

3 **Regulatory framework**

- 3.1 This policy has been prepared to meet the School's responsibilities under:
 - 3.1.1 Equality Act 2010
 - 3.1.2 Education (Independent School Standards) Regulations 2014
 - 3.1.3 Statutory framework for the Early Years Foundation Stage (DfE, September 2021)
 - 3.1.4 Education and Skills Act 2008
 - 3.1.5 Childcare Act 2006
 - 3.1.6 Data Protection Act 2018 and General Data Protection Regulation (GDPR); and
 - 3.1.7 Children and Families Act 2014.
- 3.2 This policy has regard to the following guidance and advice:
 - 3.2.1 Special educational needs and disability code of practice: 0 to 25 years (DfE, January 2015);
 - 3.2.2 Technical guidance for schools in England (Equality and Human Rights Commission, July 2014);
 - 3.2.3 The Equality Act 2010 and schools: departmental advice for school leaders, school staff, governing bodies and local authorities (DfE, May 2014);
 - 3.2.4 Working together to safeguard children (HM Government, July 2018).
- 3.3 The following School policies, procedures, documents and resource material are relevant to this policy:
 - 3.3.1 equal opportunities policy for staff

- 3.3.2 admissions policy
- 3.3.3 policy on discipline and behaviour
- 3.3.4 policy on exclusions
- 3.3.5 anti-bullying policy
- 3.3.6 accessibility plan
- 3.3.7 special educational needs policy
- 3.3.8 School rules; and
- 3.3.9 the terms and conditions of the contract for educational services made between the School and the parents.

4 **Responsibility statement and allocation of tasks**

- 4.1 The Proprietor has overall responsibility for all matters which are the subject of this policy.
- 4.2 To ensure that efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Head	As required, and at least termly
Monitoring the implementation of the policy (ensuring its accessibility and availability), relevant risk assessments and any action taken in response and evaluating effectiveness	SLT	As required, and at least termly
Maintaining up to date records of all information created in relation to the policy and its implementation as required by the GDPR	Head	As required, and at least termly
Seeking input from interested groups (such as pupils, staff and parents) to consider improvements to the School's processes under the policy	Head	As required, and at least annually
Formal review	ILG	As required, and at least every 2 years

5 **Publication and availability**

- 5.1 This policy is published on the School website, and is available in hard copy on request.
- 5.2 This policy can be made available in large print or other accessible format if required.

6 **Definitions**

- 6.1 Where the following words or phrases are used in this policy:
 - 6.1.1 reference to **EHC Plan(s)** is to Education and Health Care Plan(s)
 - 6.1.2 references to **Protected Characteristics** are as defined in Chapter 1 of the Equality Act 2010
 - 6.1.3 reference to **PSHE** is the personal, social, health and economic education programme
 - 6.1.4 references to the **School community** includes staff, governors, pupils, parents, carers, visitors and volunteers.

7 **Policy statement**

- 7.1 The School recognises the benefits of having a diverse School community, with individuals who value one another, and the different contributions everyone can make. Pupils will be taught to value and respect others. The School is committed to being an equal opportunities education provider and is committed to equality of opportunity for all members of the School community.
- 7.2 In the provision of equal opportunities, the School recognises and accepts its responsibilities under law to oppose discrimination on the basis of the following Protected Characteristics:
 - 7.2.1 disability
 - 7.2.2 gender reassignment
 - 7.2.3 pregnancy and maternity
 - 7.2.4 race
 - 7.2.5 religion or belief (including lack of religion or belief)
 - 7.2.6 sex
 - 7.2.7 sexual orientation; and (in the case of adult members of the School community)
 - 7.2.8 marital and civil partnership; and
 - 7.2.9 age.
- 7.3 The School also opposes all bullying and unlawful discrimination on the basis that a person has a special educational need or learning difficulty, or because English is an additional language.
- 7.4 The School aims to ensure that all policies and practices conform with the principle of equal opportunities. The School will tackle inappropriate attitudes and practices through staff

leading by example, through the PSHE programme, through the supportive School culture and through the School's policies.

8 **Discrimination**

8.1 Discrimination may be direct or indirect, or arising from disability and it may occur intentionally or unintentionally. This policy covers the following forms of discrimination:

8.1.1 **Direct discrimination:** direct discrimination occurs when a person is treated less favourably than another person because of a Protected Characteristic. For example, rejecting an applicant of one race because it is considered they would not "fit in". This would be a decision based on grounds of their race and would be direct discrimination. Direct discrimination also occurs when a person is treated less favourably because of their association with another person who has a protected characteristic (other than pregnancy or maternity). For example, if a pupil is harassed or victimised because a sibling is disabled, this would be direct discrimination against that pupil.

8.1.2 **Indirect discrimination:** indirect discrimination occurs where an individual is subject to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of, for example, their sex or race. For example, a minimum height requirement would be likely to eliminate proportionately more women than men. If these criteria cannot be objectively justified for a reason unconnected with sex, they would be indirectly discriminatory on the grounds of sex.

8.1.3 **Discrimination arising from disability:** discrimination arising from disability occurs when a disabled person is treated unfavourably because of something connected with their disability and the treatment cannot be shown to be a proportionate means of achieving a legitimate aim. For example, where a pupil with cerebral palsy who is a wheelchair user is told they will be unable to attend a school trip because there is no wheelchair access available and other options are not investigated.

9 **Admission**

9.1 **Applicants:** the School accepts applications from, and admits pupils irrespective of their sex, gender reassignment, race, disability, sexual orientation, pregnancy and maternity or religion or belief or special educational needs (**SEN**) and will not discriminate on these grounds in the terms on which a place is offered. The School will treat every application in a fair, open-minded way.

9.2 **Selection:** every application will be considered on its merits within the School's criteria for selection on grounds of the pupil's ability and aptitude, but this will not be done as a way of excluding pupils with a disability or special educational needs, subject to section 13 below.

9.3 **Admissions policy:** the School's admissions policy reflects the School's approach towards equal opportunities for prospective pupils and is consistent with this policy.

10 **Education and associated services**

10.1 **Equal access:** the School will afford all pupils equal access to all benefits, services, facilities, classes and subjects including all sports, irrespective of their sex, gender reassignment, race, disability, sexual orientation, pregnancy and maternity or religion or belief or special educational needs, subject to overriding considerations of safety and welfare.

- 10.2 **Positive action:** the School may afford pupils of a particular racial group, or pupils with a disability or special educational needs, access to additional education or training to meet the special needs of the pupils in that group, for example, special language training for groups whose first language is not English.
- 10.3 **Outside agencies:** The School will work with outside agencies such as educational psychologists, occupational therapists, family/pupil medical practitioners and mental health agencies (CAMHS) to ensure the School is serving the needs of all pupils, parents and staff.
- 10.4 **Exclusions:** the School will not discriminate against any pupil by excluding him / her from the School, or by subjecting him / her to any other detriment, on the grounds of his / her sex, gender reassignment, race, disability, sexual orientation, pregnancy and maternity or religion or belief, or special educational needs.
- 10.5 **Teaching and School materials:** efforts are made to recognise and be aware of the possibility of bias (for example, on the grounds of sex or racial), so that this can be eliminated in both the School's teaching and learning materials and teaching styles. Materials are carefully selected for all areas of the curriculum so as to avoid stereotypes and bias.
- 10.6 **Pupil interaction:** all pupils are encouraged to work and play freely with, and have respect for, all other pupils, irrespective of their sex, gender reassignment, race, disability, sexual orientation, religion or belief or pregnancy and maternity or special educational needs, subject to considerations of safety and welfare. Positive attitudes are fostered towards all groups in society through the curriculum and ethos of the School, and pupils will be encouraged to question assumptions and stereotypes. The School's PSHE curriculum encourages respect for other people, with particular regard to the Protected Characteristics.
- 10.7 **Bullying:** the School will not tolerate bullying or cyberbullying for any reason. Specific types of bullying include:
- 10.7.1 bullying relating to race, religion, belief or culture
 - 10.7.2 bullying related to SEN, learning difficulties or disabilities
 - 10.7.3 bullying related to appearance or health conditions
 - 10.7.4 bullying relating to sexual orientation
 - 10.7.5 bullying of young carers or looked after children or otherwise related to home circumstances
 - 10.7.6 sexist or sexual bullying or bullying related to gender reassignment.

See the School's Anti-bullying Policy.

11 **School uniform**

- 11.1 **The School uniform policy is consistent with this policy:** the same School uniform policy applies equally to all pupils, irrespective of their sex, gender reassignment, race, disability, sexual orientation, pregnancy and maternity or religion or belief or special educational needs, subject to considerations of safety and welfare. However, the School will consider reasonable requests to alter the School uniform, for example, for genuine religious requirements and reasonable adjustments for disabled children.

11.2 **Symbols of faith:** certain items of jewellery, such as the Kara bangle worn by Sikhs, and certain items of headwear, such as the turban and headscarves may be worn by pupils when doing so is genuinely based on manifesting religious or racial beliefs or identity. This is subject to considerations of safety and welfare and the School's existing School uniform policy principles (in regards to, for example, the School colours). Where there is uncertainty as to whether an item may be worn under this section, the issue must be referred by the pupil or his / her parents to the Head, whose decision will be final, subject to the complaints procedure.

11.3 **Disabled pupils:** reasonable adjustments may be required to the School uniform for disabled pupils who require them. The pupil or his / her parents should refer the matter to the Head to ensure all reasonable adjustments are made to accommodate the pupil.

12 **Religious belief**

12.1 **Religion:** the School's religious ethos, services and school timetable are set in accordance with the Christian tradition, but the School respects the right and freedom of individuals to worship in accordance with other faiths, or no faith, subject always to their respecting the rights and freedoms of the School community as a whole and considerations of safety and welfare.

13 **Disability and special educational needs**

13.1 **Our approach:** we are an inclusive School which welcomes members of the School community with disabilities and special educational needs. We maintain and drive a positive culture towards inclusion of disabled people and those with special educational needs in all the activities of the School and we will not treat a member of the School community less favourably on these grounds without justification. At present, our facilities, physical and otherwise, for the disabled and those with special educational needs are limited. However, we will do all that is reasonable to ensure that the School's curriculum, ethos, culture, policies, procedures and premises are made accessible to everyone. Our disability policy and policy on special educational needs are consistent with this policy. For a copy of these policies, please contact the School Secretary.

13.2 **Reasonable adjustments:** the School has an on-going duty to make reasonable adjustments for disabled pupils and pupils with special educational needs in respect of the education and associated services provided to ensure that such pupils are not placed at a substantial disadvantage in comparison with other pupils. This is a broad expression that covers all aspects of School life, for example:

13.2.1 the curriculum

13.2.2 classroom organisation and timetabling

13.2.3 access to School facilities

13.2.4 clubs and visits

13.2.5 School sports; and

13.2.6 School policies.

13.3 Reasonable adjustments may typically include:

- 13.3.1 making arrangements for a child in a wheelchair to attend an interview in an accessible ground floor room
 - 13.3.2 allowing extra time for a dyslexic child to complete an entrance exam
 - 13.3.3 providing examination papers in larger print for a child with a visual impairment
 - 13.3.4 rearranging the timetable to allow a pupil to attend a class in an accessible part of the building
 - 13.3.5 arranging a variety of accessible sports activities.
- 13.4 In making reasonable adjustments the School is required to provide auxiliary aids and services for disabled pupils where to do so would be reasonable. The School will carefully consider any proposals made by parents and will not unreasonably refuse any requests for such aids and services.
- 13.5 As well as providing educational services, where possible, the School provides services to the public, for example at:
- 13.5.1 open days
 - 13.5.2 parents' evenings
 - 13.5.3 concerts and plays
 - 13.5.4 exhibitions
 - 13.5.5 use of sports facilities.
- 13.6 When providing such services, the School will make reasonable adjustments to ensure that disabled people are able to use the School's services as far as is reasonable to the same extent and standard as non-disabled people.
- 13.7 For reasonable adjustments for staff please see the equal opportunities policy for staff in the staff handbook.
- 13.8 **Informing the School:** in accordance with the School's terms and conditions, parents of pupils must notify the Head in writing if they are aware or suspect that the pupil (or prospective pupil) has a disability or if the pupil (or prospective pupil) has a learning difficulty. The registration form enables prospective parents to give details of their child's disability when applying for a place at the School. Parents must provide copies of all written reports and other relevant information upon request. Providing the School with such information will enable the School to support the pupil as much as possible. Confidential information of this kind will only be communicated on a "need to know" basis. The School will have due regard to any request made by a parent or pupil (who has sufficient understanding of the nature and effect of the request) to treat the nature or existence of the person's disability as confidential.
- 13.9 **Admission of children with a disability or special educational need:** applications for a place at the School will be considered on the basis that reasonable adjustments have been made by the School in order to cater for the child's disability or special educational need. The School will not offer a place if, after all reasonable adjustments have been made, the School will not be able to provide adequately for the pupil's physical and educational needs. The School shall inform the parents of their decision and give details of the reasonable

adjustments they are going to make or give reasons why an offer of a place has not been made.

13.10 **Existing pupils:** where the School becomes aware of a disability or special educational need of an existing pupil, the School will do all that is reasonable to assist the pupil whilst at the School, which may include making reasonable adjustments. If in the professional judgement of the Head, and after consultation with the parents and the pupil (where appropriate), the School cannot provide adequately for the pupil's physical and educational needs after all reasonable adjustments have been made, parents will be asked to withdraw the pupil, without being charged fees in lieu of notice and with the acceptance deposit returned. The School will do what is reasonable to help parents to find an alternative placement which will provide their child with the necessary environment and level of teaching and support.

13.11 **Access:** the School will monitor the physical features of its premises to consider whether disabled users of the premises are placed at a substantial disadvantage compared to other users. Where possible and proportionate, the School will take steps to improve access for disabled users of the premises. The School has an accessibility plan, which is kept under review and revised as necessary. The plan is available on request from the SENCo.

14 **Pupils with statements of special educational needs or EHC Plans**

14.1 The School's policy on special educational needs includes details about the welfare and educational provision for pupils with statements of special educational needs or EHC Plans.

15 **Pupils with English as an additional language**

15.1 Pupils with English as an additional language will receive additional learning support if necessary. The School will consult with the pupil and the parents as appropriate.

16 **Provision for pupils with particular religious, dietary, language or cultural needs**

Individual cases should be discussed with the Head or SLT in order to enable the school to make reasonable adjustments.

17 **Training**

17.1 The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

17.2 The level and frequency of training depends on the role of the individual member of staff.

17.3 The School maintains written records of all staff training.

18 **Risk assessment**

18.1 Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.

18.2 The format of risk assessment may vary and may be included as part of the School's overall response to a welfare issue, including the use of individual pupil welfare plans (such as behaviour, healthcare and education plans, as appropriate). Regardless of the form used, the School's approach to promoting pupil welfare will be systematic and pupil focused.

- 18.3 The Head has overall responsibility for ensuring that matters which affect pupil welfare are adequately risk assessed and for ensuring that the relevant findings are implemented, monitored and evaluated.
- 18.4 Day to day responsibility to carry out risk assessments under this policy will be delegated to the Senior Leadership Team who have/has been properly trained in, and tasked with, carrying out the particular assessment.

19 **Record keeping**

- 19.1 All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.
- 19.2 All reported breaches of this policy will be recorded and this record will be reviewed annually by the Head.
- 19.3 The records created in accordance with this policy may contain personal data. The School has a number of privacy notices which explain how the School will use personal data about pupils and parents. The privacy notices are published on the School's website. In addition, staff must ensure that they follow the School's data protection policies and procedures when handling personal data created in connection with this policy.

20 **Version control**

Date of adoption of this policy	November 2018
Date of last review of this policy	September 2021
Date for next review of this policy	September 2022
Policy owner (SMT)	Head
Policy owner	Proprietor