

PROMOTING EQUALITY AND DIVERSITY GUIDELINES

'Equality and diversity are key to Scotland's success. As a nation that prides itself on fairness, we seek to create equal opportunities for all regardless of gender, disability, ethnic background, age, religion/belief or sexual orientation. Public authorities, including the Scottish Government, make decisions that affect the lives of people in Scotland and therefore it is particularly important that the people in leadership roles in our society reflect the diversity of our population'.

Scottish Government (2017) – Equality Mainstreaming Report

1.0 Rationale

This document replaces East Dunbartonshire Council's Procedure Manual 3/33: *Tackling Racist Incidents within the Education Service* (2003). Our children and young people live in a diverse society in 21st century Scotland. This guidance reflects the commitment of the Council and its role as an Education Authority in supporting schools to develop a culture of shared values of inclusion, equality, fairness and respect. The guidance takes into account the requirement of the Equality Act (2010).

2.0 Legislative Context

2.1 The Education (Additional Support for Learning) (Scotland) Act (2004, amended 2009) requires local authorities to reduce barriers to learning, which can include bullying behaviour.

2.2 The Equality Act 2010 (the Act)

The Act replaces previous separate equality legislation in England, Scotland and Wales with a single harmonised Act. The Act provides a clear framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The Act protects people from discrimination on the basis of the following protected characteristics:

- disability
- gender reassignment

- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The protected characteristics of age and marriage and civil partnership apply to schools as employers but not in relation to provision for pupils.

The Act also introduces a single Public Sector Equality Duty (the general duty). As a school this means we have to give ‘due regard’ to the three elements of the duty in all our activities:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between those who share a protected characteristic and those who do not

In Scotland, the general duty is supported by a set of specific duties on schools and public bodies to help them secure positive outcomes in line with the equality legislation.

It is unlawful for a school to discriminate against an applicant or pupil in relation to:

- admissions
- the provision of education
- access to any benefit, facility or service
- exclusions
- any other detriment

It is also unlawful for a school to harass or victimise an applicant or pupil

The forms of discrimination that are unlawful under school provisions are:

- direct discrimination
- indirect discrimination
- discrimination arising from a disability
- failure to make reasonable adjustments (for disabled people)
- pregnancy and maternity discrimination

2.3 The Children and Young People (Scotland) Act 2014

The Children and Young People Act is a key part of the Scottish Government's strategy for making Scotland the best place in the world for children to grow up. By facilitating a shift in public

services towards the early years of a child's life, and towards early intervention whenever a family or young person needs help, the legislation encourages preventative measures, rather than crises' responses. Underpinned by the Scottish Government's commitment to the United Nations Convention on the Rights of the Child 1989 (UNCRC), and the national approach, Getting it Right for Every Child (GIRFEC), the 2014 Act also establishes a new legal framework within which services are to work together in support of children, young people and families.

2.4 Education (Scotland) Act 2016

The Education (Scotland) Act requires strategic planning to consider socio-economic barriers to learning. It includes provisions which extend the rights of children aged 12 and over with capacity under the Additional Support for Learning Act. Children who are able to can use rights on their own behalf to affect decision making about them.

2.5 The UNCRC (incorporation (Scotland) Bill (2020)

The Scottish Government is committed to supporting and promoting children's rights and the UNCRC. All children and young people have these rights and should respect the rights of others. The UNCRC (incorporation (Scotland) Bill (2020) makes it unlawful for public authorities to act incompatibly with the incorporated UNCRC requirements.

East Dunbartonshire Council is committed to ensuring that equality and diversity advice and guidance is fully informed by the above legal framework, in particular the 'protected characteristics'.

3.0 Key Principles and Aims

Schools are at the heart of promoting social progress and equality. The local authority approach to equality and diversity is based on the following key principles:

- All learners are of equal value irrespective of their race; gender and gender identity; religious or belief; or sexual orientation. This does not mean we treat everyone the same, sometimes it means giving people extra help so that they have the same opportunities and outcomes as others.
- We recognise, respect and value difference and understand that diversity is a strength. We take account of differences and strive to remove barriers and disadvantages which people may face, in relation to disability, ethnicity, gender, religion, belief or faith and sexual orientation.
- We foster a shared sense of inclusion and belonging. We want all members of the school community to feel a sense of belonging within the school and wider community and to feel that they are respected and able to participate fully in school life.

- We observe good equalities practice for our staff. We ensure that policies and procedures benefit all employees and potential employees in all aspects of their work, including in recruitment and promotion, and in continuing professional development
- We have the highest expectations of all our children. We expect that all pupils can make good progress and achieve/attain to their highest potential.
- We work to raise standards for all pupils, but especially for the most vulnerable. We believe that improving the quality of education for the most vulnerable groups of pupils raises standards across the whole school.
- We tackle negative prejudice and stereotyping. We challenge and report all incidents of prejudice based bullying, for example racist, homophobic or bullying of people because of a disability.

East Dunbartonshire Council aims to:

- Provide leadership and ensure accountability through systematic monitoring and review of data;
- Support establishments working with children and young people to develop a positive and inclusive ethos and culture;
- Support effective policies and practices which proactively prevent and deal with all types of discrimination and inequality;
- Ensure provision of information, training, advice and support to those working with children and young people as well as their parents or carers.

All employees directly working or involved with children and young people will aim to:

- Prepare pupils for life in a diverse society and ensure that there are activities across the curriculum that promote the spiritual, moral, social and cultural development of children and young people
- Provide opportunities for pupils to appreciate their own culture and celebrate the diversity of other cultures;
- Teach about difference and diversity and the impact of stereotyping, prejudice and discrimination;
- Use materials that reflect the diversity of the school population and local community;
- Promote positive messages about equality and diversity through displays, assemblies, visitors and whole school events;
- Promote a whole school ethos and values that challenge prejudice based discriminatory language, attitudes and behaviour.

4.0 Responsibilities for implementation of Equality and Diversity Guidelines

The Head Teacher will ensure that:

- The guidelines are fully implemented and promoted
- All staff are aware of their responsibilities and are given appropriate training and support
- Appropriate action is taken in any cases of unlawful discrimination
- All prejudice-based bullying incidents are recorded and that appropriate action is taken.
- They take a lead role in the school's self-evaluation procedures and staff development for equality and diversity
- Information is collected and monitored on attainment, attendance and exclusion in terms of equality
- The Council's recruitment and selection policies are adhered to
- Independent contractors, volunteers and visitors to the school are aware of these guidelines

The coordinator for equality and diversity will:

- Develop and maintain up to date knowledge of equality law and best practice
- Coordinate the implementation of the equality and diversity guidelines
- Take a lead role in communicating the guidelines to staff and monitoring outcomes
- Take a lead role in addressing prejudice-based bullying incidents including the recording and investigation

All staff will:

- Maintain the highest expectations of achievement for all pupils
- Promote a classroom ethos that values equality, inclusion and diversity
- Challenge prejudice and discriminatory behaviour
- Deal fairly and professionally with any prejudice-based bullying incidents
- Plan lessons that reflect the school's commitment to equality and diversity
- Keep up to date with the law on equality and any changes to guidance.

The Parent Council will:

- Promote the guidelines to all parents/carers and the wider community.

5.0 Monitoring and Quality Assurance

The school will review practice and policy as part of its on-going quality assurance procedures as these relate to improvement planning, classroom visits and sampling of pupils' work.

This is a key document in terms of the school's approach to equalities and compliance with the legislation. However, monitoring and evaluation in implementation of duties cuts across a range of school policies and procedures including: The Admissions Policy, Wellbeing Framework, Anti-

Bullying policy, ASN policy, Accessibility Strategy, Learning & Teaching Policy, School Handbook/Website, Standards and Quality Report and School Improvement Plan.

Consideration will be given to equality implications in developing, adapting and reviewing any policy, guidelines or procedure and whenever any significant decisions are made about the day-to-day life of the school. In so doing we will ensure that those affected by policy, guidance or activity are consulted and involved in the review or revision process.

5.1 Recording and Monitoring

Accurate recording of incidents using the SEEMIS Bullying and Equalities Module allows establishments to ensure that appropriate response and follow-up has been carried out, in line with the local authority's equality duty to monitor incidents of bullying behaviour in relation to the protective characteristics. It also helps establishments to monitor the effectiveness of their guidelines and practice and can identify a need for training.