



Policy Name	Equality and Diversity (Safeguarding Policy)
Contact Person	Miss G Jones
Committee	Full Governing Body
Date of Approval	July 2017
Date of the next review	July 2020

This policy is to be reviewed every three years or as directed by BCC when a review/amendment is made to the policy such that it needs to be brought to the Finance & Personnel Committee to discuss and approve.

WE ARE ALL DIFFERENT BUT EQUAL

EQUALITY, DIVERSITY AND COMMUNITY COHESION POLICY

1. INTRODUCTION

Our schools in Birmingham promote the spiritual, moral, cultural, social, mental and physical development of our pupils and society and prepare them for the opportunities, responsibilities and experiences of life in modern Britain.

Birmingham schools already consider this part of their role, and already work in ways which promote community cohesion. As migration and economic change alters the shape of our increasingly diverse communities, it is more important than ever that all schools play a full part in promoting community cohesion.

Birmingham schools should be thriving, cohesive communities, and they have a vital part to play in building a more cohesive society.

Every school – whatever its intake and wherever it is located – is responsible for educating children and young people who will live and work in Birmingham which is diverse in terms of culture, faith, ethnicity, sexual identity, gender and social backgrounds. The staff and pupil populations of many schools reflect this diversity, encouraging pupils to mix with those from different backgrounds. However, for those schools that are not as diverse, there is a

responsibility to ensure that pupils have opportunities to engage in diversity. Through the ethos and curriculum of our schools in Birmingham we can promote a common sense of identity and support diversity, showing pupils how different communities can be united by common experiences and values.

Everyone in Birmingham has a duty to address issues of how we live together and deal with difference, however controversial and difficult they may sometimes seem, on the understanding that *we are all different but equal*.

2. VISION AND VALUES STATEMENT

Birmingham is one community made up of many people. It's a city that aspires to be a place where everyone values being treated fairly and with respect and takes personal responsibility for making these standards a reality in daily life.

The pride people feel about our unique city – its history as well as its future – is reflected in our shared commitment to make Birmingham a welcoming, safe, creative and prosperous place for everyone. Therefore, Birmingham schools are committed to serving the community in which they are located. They recognise the multi-cultural, multi-ethnic, multi-faith and ever-changing nature of their neighbourhoods. They also understand the vital role they have in ensuring that groups or individuals within their school are not subjected to intimidation or radicalisation by those wishing to unduly, or illegally, influence them.

Consequently, Birmingham schools are dedicated to preparing pupils for their adult life beyond the formal examined curriculum and ensuring that they promote and reinforce British Values to all pupils. The Government emphasises that schools are required to ensure that key British Values are taught in schools. The Government first set out its definition of British Values in the 2011 Prevent Strategy.

The five British Values are:

- The rule of law
- Democracy
- Individual liberty
- Mutual respect
- Tolerance of those of different faiths and beliefs

Schools should use strategies within the National Curriculum and beyond to secure such outcomes for pupils.

3. **COMMITMENTS**

Changing Culture and Attitudes: Building respect for all, tackling discrimination, hate crime, extremism and violence.

Civic Leadership: A strong voice for children and young people at city wide and district level; increase the participation of under-represented groups in civic life; improve the engagement so that there is greater clarity about how young people can shape the future.

Early Years, Education and Social Mobility: Giving young people a better start in life, tackle deprivation and inequalities relating to family background and improve social mobility.

A Fair and Flexible Labour Market: Work with business to develop a fairer and more flexible labour market that draws on the talent of young people and builds a strong economy.

Opening up Public Services and Empowering Young People and Communities: Devolving power to local communities and promoting greater participation and inclusion in public, political and civic life.

4. **GUIDING PRINCIPLES**

Principle 1: All learners are of equal value

- Whether or not they are disabled
- Whichever their gender
- Whatever their sexual identity
- Whatever their social background, ethnicity, culture, religious affiliation, national origin or national status

Principle 2: We recognise and respect identity

Treating people equally does not necessarily involve treating them all the same. School policies, procedures and activities must not discriminate, but can be differentiated to take account of the difference of life experience, outlook and background, and to consider the barriers which people may face in relation to:

- Disability, so that reasonable adjustments are made;
- Ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised;
- Gender, so that the different need and experiences of girls and boys, women and men, heterosexual and homosexual people are recognised;

- Social background, so that the different needs and experiences of all children are recognised.

Principle 3: Harvesting positive attitudes and relationships, and a shared sense of cohesion and belonging

- Positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people.
- Positive interaction, good relations and dialogue between groups and communities different from each other in terms of social background, ethnicity, sexual identity, culture, religious affiliation, national origin or national status, and an absence of prejudice – related bullying and discrimination.
- Mutual respect and good relations between boys and girls, women and men, and an absence of sexual harassment.

Principle 4: Staff

Policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing progression development:

- Whether or not they are disabled;
- Whatever sexual identity;
- Whatever their social background, ethnicity, culture, religious affiliation, national origin or national status;
- Whichever their gender;
- Where possible the staff profile of a school should reflect the diversity of the ***City of Birmingham***.

Principle 5: Consult widely

People affected by a policy or activity should be consulted and involved in the design of new policies, and in the review of existing ones.

Principle 6: Society as a whole should benefit

All policies and activities should benefit society as a whole, both locally, city wide and nationally by fostering greater cohesion, and greater participation in public life

5. WHAT IS COMMUNITY COHESION?

In Birmingham community cohesion means working towards a society in which strong and positive relationships exist and continue to be developed in schools, in the workplace and in the wider community.

This is achieved through shared values which would include: the valuing of democracy, rule of law, individual liberty, tolerance and mutual respect of people's backgrounds and circumstances; promoting equal opportunities and challenging discrimination, all of which is based on the Equality Act 2010 and is non-negotiable.

For schools, the term "community" has a number of dimensions including:

- The school community – the pupils it serves, their families and the school's staff;
- The community within which the school is located – the school in its geographical community and the people who live or work in that area;
- The community of Birmingham – all schools are by definition part of this community;
- The global community – formed by EU and international links.

6. THE CURRICULUM STATEMENT

A statement for our children in Birmingham: a guarantee for their future.

ALL children in Birmingham will experience a broad and balanced curriculum enabling them to grow & learn in an environment without prejudice or inequality. It will prepare them for adult life by:

- Enabling them to play an active role in their school and community;
- Experiencing a culturally rich and diverse life;
- Developing and benefitting from a range of positive relationships.

The curriculum will:

- Promote children's engagement in learning through enquiry-led approaches that develop skills, dispositions and attitudes to learning;
- Equip children for their futures in a rapidly changing world recognising the importance of technology, science, languages and communication for dialogue and understanding between different groups;
- Value, celebrate and build on children's religious and cultural heritage and develop a sense of identity, honouring the UN Convention on the Rights of the Child;
- Promote the fundamental shared values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs;
- Help children develop an understanding of all faiths and none, and participate in the celebration of different religious events in understanding and accepting differences;
- Develop children holistically: their intellectual, practical, aesthetic, spiritual, social and emotional capacities;
- Ensure an understanding of protected characteristics of the Equality Act and how through diversity they can be celebrated;

- Encourage children to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those living and working in the locality in which the school is situated and to society more widely.

All children and young people will be given the opportunity to learn the benefits of physically and emotionally healthy lifestyles, by participating in high quality personal, social and health education including sex and relationships education. At school, all children will have opportunities to explore their talents and abilities through:

- Developing an appreciation of the arts;
- Taking part in a wide range of physical activities, sports and games;
- Developing a sense of self in a non-judgemental, mutually supportive environment;
- Experiencing music and its intrinsic value for enjoyment and self-expression through performing, singing and the playing of instruments;
- Experiencing social, moral, spiritual and cultural education that broadens children's awareness and understanding of the world and their place within it;
- Independent careers advice that inspires and motivates them to fulfil their potential.

In this way we work together to:

Equip children and young people to be happy, talented, confident and ambitious citizens of Birmingham and of the world.

- To ensure that the curriculum content contributes to an appreciation of cultural diversity, challenges prejudice and discrimination, bias and stereotype. The mainstream curriculum provides pupils with opportunities to learn about and become involved in the life of their communities.

7. CURRICULUM ENTITLEMENT LEGAL FRAMEWORK

The Curriculum Entitlement Statement is underpinned by the following legislation:

- Maintained schools have obligations under section 78 of the Education Act 2002 which requires schools, as part of a broad and balanced curriculum, to promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and to prepare pupils at the school for the opportunities, responsibilities and experiences of later life. The requirements to actively promote fundamental British values in schools can be met through the general requirement in section 78 of the 2002 Act;
- The requirements for Academies and Free Schools are set out in section 1A of the Academies Act 2010 (broad and balanced curriculum) and the Education (Independent School Standards) Regulations 2014 (spiritual, moral, social and cultural development and active promotion of fundamental British values);

- Under section 405 of the Education Act 1996, parents have the right to withdraw their child from **all** or **part** of Sex and Relationships Education (SRE) provided outside national curriculum science;
- The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It is against the law to discriminate against anyone with 'protected characteristics';
- The Ofsted inspection of the broad and balanced curriculum requirement is covered by Section 5 of the Education Act 2005. (Common Inspection Framework – September 2015);
- Section 13A of the Education Act 1996 requires Local Authorities to ensure that their education functions are exercised with a view to promoting high ensuring fair access to opportunity for education, and promoting the fulfilment of learning potential by every child;
- Section 42A and Section 45A of the Education Act 1997 places a duty on schools to provide independent careers advice for all year 8 to 13 pupils, that inspires and motivates them to fulfil their potential and to be prepared for life in modern Britain;
- Prevent Duty Guidelines 2015 – schools should be safe places in which children and young people can understand and discuss sensitive topics, including terrorism and the extremist ideas that are part of terrorist ideology.

8. **RESPONSIBILITY FOR THE FRAMEWORK**

The Governing Body is responsible for ensuring that:

- The school complies with all equalities legislation relevant to the school community;
- That procedures and strategies related to the Equality, Diversity and Community Cohesion Framework are implemented;
- The Equality, Diversity and Community Cohesion Assessment Toolkit is maintained, monitored and updated regularly;
- Every school will have a named Governor who will monitor, on behalf of the Governing Body, the equalities duty placed on the school.

Positive Action

The Governing Body must recognise that the avoidance of discrimination is not sufficient to ensure that equality and cohesion exists in the school. The Governing Body must therefore give full consideration to measures of positive action which may assist in achieving the aims of the Framework. This action is designed to encourage or facilitate the employment or training of minority or disadvantaged groups. The Governing Body must not discriminate in favour of individuals from specific groups (*positive discrimination*), but it should take positive

action which enables members of those groups to compete on an equal basis. Positive action measures may include:

- Encouraging applications from specific groups which are under-represented in the school;
- Encouraging people with disabilities to apply for posts;
- Advertisements which encourage applications from individuals of a particular sexual orientation, or religion or belief, but make it clear that selection will be on merit;
- Flexible working – promoting the use of job shares and flexible working where operational factors make this possible;
- Language/literacy training;
- Supporting training for under-represented groups;
- Assistance with applications for candidates with language needs;
- Provision of childcare facilities or support with costs of childcare facilities of staff;
- Exploring the possibility of career breaks for women to assist with family commitments;
- Commitment to interviewing disabled people who meet the basic criteria for the post;
- Encouraging staff to become representatives of Trade Unions/Associations.

Harassment and Grievance Procedures

Harassment has the effect of destroying dignity and undermining the confidence of employees. It can take many forms including physical contact, bullying, threatening or ignoring someone. It can be a series of offensive remarks or a single incident. It can be behaviour that staff and pupils find offensive even if not directed at them or harassment because of perception or association.

The Governing Body must be committed to the principles of dignity at work for all its staff and pupils in the school. This includes the right to be treated with respect by all managers and colleagues. The Governing Body must consider any acts of harassment including those on the grounds of age, disability, gender reassignment, marital status, and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, as totally unacceptable and outside the ethos and culture of the school. Any such act by a member of staff against any adult or child should be treated as a disciplinary offence, and action taken accordingly. Such action should be taken through the relevant school procedures to resolve grievances and for handling of complaints of harassment and bullying at work.

The Head teacher is responsible for:

- Along with the Governing Body, providing leadership and vision in respect of equality, diversity and cohesion;

- Overseeing the implementation of the Equality, Diversity and Community Cohesion Framework and Assessment Toolkit;
- Producing, implementing and maintaining the school's Equality Policy and Special Educational Needs Accessibility Plan
- Ensuring all staff know their responsibilities under these documents and receive training and support in carrying these out;
- Ensuring the school has an 'anti-discrimination' policy (included within the Anti-bullying Policy) for dealing with and reporting hate incidents;
- Ensuring tools are in place to show how the school has shown due regard to all protected groups, such as;
 - Equality impact assessment of policies;
 - Equality monitoring of policies e.g. employment, admissions, pupil attainment, exclusion, hate incidents;
 - Equality assessment of the curriculum.
- Completing of the Equality, Diversity and Community Cohesion Assessment Toolkit;
- Using information from assessments and audits to identify compliance with equality duties and to develop equality objectives for the school;
- Publish information to demonstrate compliance with the general equality duty across its functions by 6 April 2017, and annually after that, from the first date of publication;
- Prepare and publish equality objectives by 6 April 2017, to demonstrate how the general equality duty will be met;
- Revising and reviewing the School's Equality Policy and Plans every three years and report on progress annually to Governors;
- Ensuring that the school equality policy and its procedures are followed;
- Ensuring that the equality policy is readily available and that the governors, staff, pupils, and their parents/carers and guardians know about them;
- Producing regular information for staff and governors about the plans and how they are working;
- Taking appropriate action in cases of harassment and discrimination, including racist bullying, homophobic bullying and bullying related to gender, disability and religion.

All staff are responsible for:

1. Dealing with racist, homophobic, Islamophobic, and other hate-incidents;
2. Promoting equal opportunities and good race relations;
3. Behaving in a non-discriminatory way and respecting the human rights of individuals regardless of
 - ethnicity, disability, sexual orientation, religion and gender

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1. Ensuring they follow equality policies and procedures and take up equality training and learning opportunities provided by the school.

Teaching staff are responsible for:

Delivering on the Equality, Diversity and Community Cohesion Framework and Assessment Toolkit;

Undertaking an equality assessment of their curriculum, to ensure there is equality of opportunity to access the curriculum through teaching and learning;

Being able to recognise and tackle bias and stereotyping in the school and wider community;

Challenging discriminatory language and behaviour and providing appropriate alternatives and role models;

A member of the teaching staff should be responsible overall for dealing with reports of hate incidents.

Visitors and contractors are responsible for: ○ Behaving in a non-discriminatory way and respecting the human rights of individuals regardless of ethnicity, disability, sexual orientation, religion and gender.

9. **EMPLOYMENT**

The school must not discriminate in employment unlawfully on grounds of gender, gender reassignment, race, disability, sexual orientation, religion or belief or age. This includes discrimination in relation to recruitment, terms and conditions, promotions, transfers, dismissals, training and employment practices such as dress codes and disciplinary procedures.

Schools must be committed to a fair and equal pay policy and a free from bias pay structure.

With regard to disability, the school must make such reasonable adjustments as are necessary to prevent a disabled person being at a substantial disadvantage in comparison with people who are not disabled.

The school will ensure that it sends employment equality monitoring data to the Human Resources Section of the Children and Young People's Service, in a format specified by that agency.

Schools must monitor the information disaggregated by disability, sexual orientation, gender and ethnic group:

- The number of staff in post; and
- The number of applicants for employment, training and promotion.

Staff Recruitment and Professional Development

- All posts are advertised formally and open to the widest pool of applicants.
- All those involved in recruitment and selection are appropriately trained and aware of what they should do to avoid discrimination and ensure equality good practice throughout the recruitment and selection process.

- Steps are taken to encourage people from under-represented groups to apply for positions at all levels of the school.
- Access to opportunities for professional development is monitored on equality grounds.
- Equalities and Cohesion policies and practices are covered in all staff induction.
- All supply staff are made aware of equalities and cohesion policies and practices.
- Training is provided for staff, teachers, governors and head teachers on community cohesion.
- Reduce direct, indirect and institutional discrimination with regards to staff recruitment, training and retention.
- Workforce at all levels reflects local, regional and national diversity in terms of age, race, gender, ability, faith, ethnicity, social condition, cultural background and sexual orientation.

10. PERSONAL DEVELOPMENT AND PASTORAL GUIDANCE

- Pastoral staff must take account of disability needs, gender, religious and ethnic differences and the experience and needs of particular groups such as Gypsy Roma and Traveller, refugee and asylum seeker pupils.
- All pupils are encouraged to consider the full range of career opportunities available to them with no discriminatory boundaries placed on them due to their disability, gender or race as well as their sexual orientation or religion/belief or non-belief.
- All pupils/staff/parents/carers are given support, as appropriate, when they experience discrimination. Schools should recognise that the perpetrators of discrimination are themselves sometimes victims of their personal circumstances and therefore where appropriate remedial work is done to ensure that the actions do not occur again.
- Positive role models are used throughout the school to ensure that different groups of pupils can see themselves reflected in the school community.
- All pupils develop communication, delegation, motivation and supervision skills, particularly those who come from vulnerable, excluded or deprived backgrounds.

11. PARTNERSHIPS WITH PARENTS/CARERS AND COMMUNITIES

- All parents/carers are encouraged to participate at all levels in the full life of the school.
- Schools should establish and strengthen partnerships with other schools to share good practice, exchange information and foster multi-ethnic, multi-faith, multi-geographical and multi-generational activities.
- Members of the local community should regularly join in school activities that celebrate diversity, including Black History Month celebrations, Eid, Christmas, Remembrance Day, Holocaust Memorial, Vaisakhi, Diwali and Gay Pride to name a few.

Establish links with community groups and organisations to increase range of activities and services they can offer.

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- Establish links with community groups and organisations to share good practice and grassroots knowledge.
- Increase participation and empowerment of community members on all extended services.
- Emphasise equal contribution to society of members from different backgrounds with various lifestyles and identities.
- Increase sense of responsibility and reciprocity between and within groups and persons.
- Promote understanding and recognition of overlapped and interconnected sources of identity for persons and groups.
- Increase awareness amongst students, parents, carers and families about social services.
- Involve community members in activities that reflect similarities across heterogeneous groups and differences with homogeneous groups.
- Foster positive relationships between and within groups of pupils, workers, staff, parents, carers and families.
- Facilitate meaningful and continuous interaction between and within members of different groups.
- Establish and strengthen effective approaches to monitor, evaluate, manage and prevent conflict.

12. **CONSULTATION**

Schools must consult with pupils and staff, parents, carers, and guardians, to identify what their opinion is in terms of the schools equality and cohesion performance. The outcome of this consultation will be reported to the school governors and the stakeholders involved. Any identified improvements will be included in the School's Improvement Plan.

When consulting with stakeholders schools must look at the school facilities, learning and the curriculum and school extended services and how these can improve access for all, ensuring community cohesion.

13. **LEGAL DUTIES**

The equality legislation affecting schools are:

- Human Rights Act 1998;
- Special Educational Needs and Disability Act 2001;
- Education Act 2002 (Section 78);
- Education and Inspectors Act 2006 (Section 38 (1));
- Equality Act 2010;
- The Equality Act 2010 (Specific Duties) Regulations 2011;
- Prevent Duty 2015;
- Channel 2015.

Human Rights Act 1998

The Human Rights Act 1998 makes it unlawful for schools to behave in a way that is not compatible with the provisions of the European Convention on Human Rights. Any action taken by a school that interferes

with an individual's Human Rights must only be considered if it is a justified and proportionate means of achieving a legitimate end.

Education Act 2002 (Section 78)

Section 78 requires governing bodies for all maintained schools to provide a curriculum that "promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepare pupils at the school for the opportunities, responsibilities and experiences of later life".

Education and Inspections Act 2006 (Section 38 (1))

Section 38 (1) of the Education and Inspections Act 2006 states that: "The governing body of a maintained school, shall, in discharging their functions relating to the conduct of the school:

- Promote the wellbeing of pupils at the school; and
- Promote community cohesion.

The Special Education Needs and Disability Act 2001

The Special Education Needs and Disability Act 2001 sets a duty on schools and local authorities to:

- Plan to increase physical and curriculum access for disabled pupils;
- Provide and advertise parent partnership services;
- Provide mechanisms for resolving disputes over SEN between parents and schools, without diluting the parents' right of appeal to the SEN Tribunal.

Equality Act 2010

The General Public Sector Duty of the Equality Act 2010 requires schools, in the exercise of their functions and decisions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;
- Foster good relations between persons who share a protected characteristic and persons who do not share it;
- **Special Educational Needs duties** – schools must not treat disabled pupils less favourably than non-disabled pupils, and to make reasonable adjustments to avoid putting disabled pupils at a substantial disadvantage. Schools will ensure that they have prepared an accessibility plan to increase accessibility for disabled pupils. This plan must cover: the physical environment; the curriculum; and written communication (the Planning Duty). Where this plan has been completed schools must review their position in relation to the Planning Duty at least once a year.

The Equality Act 2010 (Specific Duty) Regulations 2011 requires schools to set measurable equality objectives and to publish information about their performance on equality, so that the public can hold them to account.

In order to meet the Specific Duty, schools must:

- Publish sufficient information to demonstrate compliance with the general equality duty across its functions by 6 April 2017, and annually after that, from the first date of publication;
- Prepare and publish equality objectives by April 2017, to demonstrate how the general equality duty will be met.

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Protected Characteristics under the Equality Act 2010

The Equality Act 2010 identifies a list of nine characteristics that are subject to its general duty. They are:

Age

- Disability
- Gender
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race (ethnicity)
- Religion
- Sexual Orientation

Prevent Duty 2015

From 1 July 2015 all schools and childcare providers are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015, in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”. In order for schools and childcare providers to fulfil the Prevent duty, it is essential that staff are able to identify children who may be vulnerable to radicalisation, and know what to do when they are identified. Protecting children from the risk of radicalisation should be seen as part of schools’ and childcare providers’ wider safeguarding duties, and is similar in nature to protecting children from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences.

Channel 2015

The CTS Act 2015 also places Channel on a statutory footing. Sections 36 to 41 of the CT&S Act 2015 sets out the duty on local authorities and partners of local panels to provide support for people vulnerable to being drawn into terrorism. In England and Wales this duty is the Channel programme. Channel programmes already exist in every local authority area and in most areas the local authority and other partners already work effectively together to support people at risk of radicalisation and getting drawn into terrorism. Channel forms a key part of the *Prevent* strategy. The process is a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into terrorism.

14. DEFINITION OF DISCRIMINATION

Under the law, there are different categories of discrimination, with differences in the legal framework surrounding them. These are:

Direct Discrimination, which occurs when a person is treated less favourably than another on grounds of a personal characteristic;

Discrimination by Association occurs when a pupil is treated less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity).

This might occur when you treat a pupil less favourably because their sibling, parent, carer or friend has a protected characteristic;

Discrimination arising from perception takes place where education provider behaves as if the person has the characteristic and treats them worse than others as a result. This applies whether the perception is true or not, even if the education provider knows that the person does not have the protected characteristic;

Discrimination because of pregnancy and maternity occurs when women (including a female pupil of any age) are treated less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger.

Indirect Discrimination, which occurs when a rule or condition which is applied equally to everyone:

- Can be met by considerably smaller proportion of people from a particular group;
- Is to the disadvantage of that group;
- Cannot be justified by the aims and importance of the rule condition.

Discrimination arising from a disability, which occurs when an education provider treats the disabled person unfavourably, this treatment is because of something which has come about as a result of the disabled person's disability ('something arising in consequence of the person's disability'), and the education provider cannot show that this treatment is justified as a balanced way of achieving something for a good reason (in legal language 'a proportionate means of achieving a legitimate aim').

Discrimination arising from disability is different from direct discrimination. Direct discrimination refers to less favourable treatment and requires a comparison to show that a person without the protected characteristic would be treated differently. Discrimination arising from disability refers to unfavourable treatment and does not require a comparison to a non-disabled person.

Harassment, occurs when unwanted conduct has the purpose or the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them, on grounds of disability, race or gender. The harassment provisions do not explicitly apply to the protected characteristics of gender reassignment, sexual orientation, religion or belief; in relation to schools. However, unwanted conduct related to any of these protected characteristics that results in a pupil being disadvantaged would constitute direct discrimination, rather than harassment.

Victimisation, which occurs when a person is treated less favourably because they have taken action in respect of discrimination, e.g. by bringing a complaint or giving evidence for a colleague.

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Discrimination with regard to pupils

Schools must not discriminate unlawfully against children seeking admission, nor with regard to how pupils are treated, on grounds of gender, race, disability, sexual orientation (of the pupil, or their parents or carers), religion or belief, pregnancy and maternity. This includes discrimination in provision of teaching or allocating the pupil to certain classes, applying different standards of behaviour, dress and appearance, excluding pupils or subjecting them to any other detriment, and conferring benefits, facilities or services.