

Our visions and values:

- Protecting children's right to play learn and have a voice.
- Keeping parents involved in children's development
- Governors and staff leading the way on quality
- Working partnership with health professionals and schools
- Being ethical, respectful and tolerant

Different But Equal: equality and inclusion policy (including SEND Code of Practice 2015)

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Responsible governors	Full Governing Body
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The policy is available for staff at:	School offices and shared drive
And for parents/carers at:	School offices. website

Policy audit

version	Revision date	Revised/reviewed by	Section revised
V1	...		
V2		Helen Currie, Pat English, Naline Sabaroché and Pauline France (Executive Head Teacher and PSED/SEND Link Governor)	
V3	Spring 2022	Helen Currie	No changes

Approval for Full Governing Body

Name	Signature	Role	Date
Sally Davey	Sally Davey	Chair of CLD	9/3/23

Introduction

At the Forest Alliance of Nursery Schools we believe it is important for young children to develop and extend their natural curiosity and interest in the world and in the people who they meet. At our schools we teach young children how to get along and learn together and how to develop as unique, curious and tolerant individuals. We believe these aspects of a child's personal, social and emotional development require as much educational support as learning how to write a story, read a book or count to ten. So we plan and provide a comprehensive early years curriculum and ensure our teams of teachers and early years educators have the expertise to focus on all areas of learning and development.

In our planning and policy-making we recognise that every child is different with unique ways of developing, playing and interacting with the world. As young children's personal and unique identities develop and grow they explore the importance of **being, belonging and becoming** in an ever-

changing world. Our educational approach helps this developing self-awareness and tolerance of others by helping children to consider such questions:

- *Who am I? Do you know me? Do you like me? (Being)*
- *Is it okay to be who I am? Is it okay to be who you are? (Being and belonging)*
- *Are you listening to me? Can we play together? Are you my friend? (Belonging)*
- *Will you help me to fly? What am I learning? (Becoming)*

We share our 'different but equal' approach with children, parents and other visitors so they can grow to appreciate the rich diversity of our schools. We help children and their families to share the rich store of family, community and cultural experiences they bring to our schools. We recognise our responsibilities to adapt and change the learning environment and daily routines so that every child has an equal chance to be unique, belong and take part and carry on learning and achieving. We regularly monitor the educational provision and planning to ensure the personal, social, emotional, moral and cultural development of young children remains at the heart of our Equality and Inclusion policy and practice.

Our School values and principles

Children have rights to play, learn, achieve and be heard in our schools
Parents/carers have an important role in their children's development and education at home and in school
Governors and staff members lead the way on high quality in education and care in our schools
Staff members work in partnerships with other professionals to improve children's health, well-being, development and learning
Everyone should be treated with respect and tolerance and in turn protect the natural world

We set out our values and principles in all our policies and in this policy we focus on how we achieve equality and inclusion in early childhood education.

1. Children's Rights

It is our policy to deliver inclusive early childhood education in our nursery schools and ensure all children have the right to an education which enables them to become independent and equally-valued members of the community. We secure this educational approach by providing:

- A consistently high quality inclusive curriculum that is personalised to be relevant to a child's home-based learning choices, play experiences, level of development and learning interests
- Teaching & learning and child development support from qualified and skilled, sensitive staff, who know how to help children set and achieve realistic learning goals
- Appropriate child development and learning support for children with special educational needs and disabilities so they can be successfully included in mainstream education and able to access high quality teaching
- Observational-based assessment that involves the child and family and focuses on the level of the child's learning, emotional and social well-being and physical development
- Personalised planning that uses assessment information in a timely way and that involves the child and family in talking about the child's learning progress
- High quality teaching and learning resources that match each child's learning potential as well as current interests and cultural experiences
- Fair and equitable use of resources, time, space and teaching so that all children have the chance to develop as confident and independent learners
- Regular monitoring of resources and educational provision to ensure there is no discriminatory behaviour and children's rights are upheld.

2. Parental Involvement

It is our policy to get to know prospective parents well before their children are taken onto the schools' roll. We develop strong links out into our schools' local communities and offer visiting

opportunities. It is important to build positive relationships so that parents know they can share their knowledge about their children as they become involved in the day to day life of the school. We work with parents so they can continue to be an influence on their child's learning and development.

We establish parental involvement by:

- Working in partnership with parents to encourage every child to enjoy learning, to be confident, to be as independent as possible and to have a positive self-image
- Forging links through local Children and Families Centre services and other local early years provision and activities
- Offering stay2play and open visiting opportunities
- Providing a named key person for every child on roll so that parents have someone to talk to about their child's learning and development
- Providing regular opportunities for parents, children and the key person to meet and contribute to the child's learning profile and record of achievement
- Involving parents and families in curriculum activities where they can share their cultural and community knowledge
- Supporting parent to parent opportunities, buddying and networking, including digital communication
- Providing parent-made DVDs, tips, advice and resources to help new parents and those facing challenges
- Working with parents, children and other specialist professionals to remove barriers to learning for children with special educational needs, medical conditions and disabilities
- Helping parents to identify and find any additional support and advice they need in their role as parents

3. Governors and staff lead on quality

Our schools have a well-deserved reputation for offering outstanding early education and care to all children from a diversity of language, cultural and social backgrounds. In addition we have a long established tradition of providing high quality support for children with special educational needs and disabilities. Governors and staff are committed to upholding this high standard and leading the way on inclusive early education so that all children make good progress and achieve good results. We do this by:

- Using our resources to employ a well-qualified workforce including teachers, special education needs and disabilities co-ordinators, early years educators and business administrative staff
- Investing in the continuing professional development of our staff teams
- Promoting team work and collaborative partnerships on quality and equality matters
- Governors and staff setting and reviewing our Equality Objectives and our SEND Offer to achieve the best for every child
- Link Governors and school leaders carrying out learning walks to monitor the quality of daily educational provision
- Maintaining accountability for the quality of our inclusive education and spiritual, moral, social and cultural (SMSC) development of all children through a cycle of monitoring, reporting outcomes and making improvements
- Ensuring every child benefits fully from high quality teaching and support for learning and development
- Closely tracking the achievements and progress of all children and the impact of particular additional support and ensuring resources are well allocated and deployed
- Celebrating the diverse experiences and knowledge of our workforce and protecting their employment rights
- Ensuring all recruitment and employment practice is fair, equitable and safe

4. Partnership Work

We acknowledge that high quality early childhood education and care thrives where there are good professional partnerships. We draw on the expertise of health, social care and education professionals as well as the insights of parents to ensure all children get the best from their time at nursery school. We have established professional partnerships with local nurseries, playgroups and primary schools to ensure a good flow of information, advice and support. We invest in partnership

work so that the individual needs of children are identified and addressed appropriately. Our partnerships include:

- Work with Health visitors, GPs, Speech and Language Therapists, Educational Psychologists and Social Care professionals
- Transition and assessment links with local nurseries, playgroups and primary schools and specialist outreach to support the early identification of needs and interventions
- Partnerships with Children and Families Centres in the area
- The development of an Early Learning and Childcare Hub with a focus on early assessment
- Working together with local agencies and services to deliver integrated services to match the needs of children and their families.

5. Respectful, tolerant and ethical behaviour

Research shows children from an early age build up concepts about themselves and others which can become deep-rooted and entrenched. It is our policy to prevent the negative effects of discriminatory attitudes and behaviour on every young child and establish the positive values of respect and tolerance for diversity. When starting school, children have the chance to broaden their horizons by meeting new and different people and learning from a rich and varied school environment. At Church Hill and Low Hall Nursery Schools we have a strong commitment to provide equality of opportunity for all our children and families and we do this by:

- Creating a school ethos of respect for diversity (for example in terms of culture, faith/ spiritual values, languages, gender and physical abilities)
- Working together to tackle discriminatory practices and unacceptable behaviour (for example our Behaviour Statement which started life as our parent-developed Parents' Charter)
- Providing an Early Years Foundation Stage curriculum that promotes curiosity, tolerance and respect and awe for the wider world and the people in it
- Building into all our policies, plans and our curriculum a strong emphasis on sustainability, ethical behaviour and non-discriminatory language (see appendix 1)
- Working with children and their families to achieve the Green Flag award for our schools
- Sourcing and purchasing fair trade and ethically produced educational resources and food

6. Policy and Legislation

"The long tradition of child-centred work in the early childhood sector means that concepts of listening to young children are not new. However placing the voice of the child in a strategic role is a developing area of work. The Childcare Act (2006) has placed a duty on local authorities to 'have regard to the views of young children in the design, development and delivery of early childhood services.' Local authorities need to consider how young children's voices can help shape and evaluate services.....Listening to young children is an integral part of understanding what they are feeling and what they need from their early years experience"

Listening As a Way of Life, National Children's Bureau 2008

"All children are entitled to an education that enables them to achieve the best possible educational and other outcomes and become confident young children with a growing ability to communicate their own views and ready to make the transition into compulsory education"

Early Years Guide to the 0 to 25 SEND Code of Practice September 2014.

Our Equality and Inclusion policy is firmly rooted in the 'long tradition of child-centred work in the early childhood sector'. In our schools we continue to champion the child's voice and parents as advocates. We take a broad and holistic perspective on early education and a child-centred approach to children's learning, development and well-being. We work closely with parents/carers and our health, social care and education partners to protect and uphold every child's rights.

The policies in our nursery schools comply with current national legislation (Early Years Foundation Stage framework, the Childcare Act 2006, Equalities Act 2010 and the Children and Families Act and Special Educational Needs Code of Practice 2014) and with the Borough policy statements on Equal

Opportunities. We monitor, review and report on practice regularly throughout each school year to ensure:

- there is consistent implementation of our principles and policies in our two schools, two year old provision and extended services
- that our provision is fully compliant with relevant national legislation
- parents, carers and children have a voice in how we provide child-centred education and care

We uphold and promote the United Nations Convention on the Rights of the Child (UNCRC), which came into force in the UK in 1992. The Convention gives over forty substantive rights to children and young people and provides a clear direction for prioritising what is best for children in any child-centred approach. In summary the UNCRC recognises all children have rights to:

- Protection and a standard of living that helps them develop fully,
- Best possible health services,
- High quality family/parental relationships and special protection and help if separated from their parents,
- Educational provision where children can develop fully and secure support for their emotional well-being
- A name, nationality and family life
- A full life and active participation in the community
- Express views and have them taken seriously
- Rest, play and do things they enjoy.

EQUALITY ACT 2010

Legislation in the UK prohibits discrimination in education and supports inclusive education. The UK also has obligations under international human rights law to provide inclusive education for all children. Inclusion in education involves:

- Putting inclusive values into action.
- Viewing every life as of equal worth.
- Supporting everyone to feel that they belong.
- Increasing participation for children and adults in learning and teaching activities, relationships and communities of local schools.
- Reducing exclusion, discrimination, barriers to learning and participation.
- Restructuring cultures, policies and practices to respond to diversity in ways that value everyone equally.
- Linking education to local and global realities.
- Learning from the reduction of barriers for some children to benefit children more widely.
- Viewing differences between children and between adults as resources for learning.
- Acknowledging the right of children to an education of high quality in their locality.
- Improving schools for staff and parents/carers as well as children.
- Emphasising the development of school communities and values, as well as achievements.
- Fostering mutually sustaining relationships between schools and surrounding communities.
- Recognising that inclusion in education is one aspect of inclusion in society.

As a maintained nursery school we are covered by the public sector equality duty (PSED), which came into force on 5 April 2011. This consists of a general equality duty (section 149 of the Equality Act 2010) and specific duties relating to schools. Those subject to the equality duty must have regard to:

- eliminating unlawful discrimination, harassment and victimization and other conduct prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and those who do not,
- fostering good relations between people who share a protected characteristic and those who do not.

We promote equality of opportunity and anti-discriminatory practice and ensure that every child is included and not disadvantaged because of ethnicity, culture or religion, home language, family background, learning difficulties or disabilities, gender or ability. In order to ensure that all staff understand their responsibility in relation to this act, we will carry out regular training sessions for the whole staff team.

Our Equality Objectives:

Every 4 years we set Equalities Objectives for each school. These are reviewed annually and the progress is posted on our websites <http://www.fans.waltham.sch.uk>

In 2022-23 we have included our Equality Objectives in our School Development Plan. We have rewritten them based on the 5 pillars of wellbeing to ensure that we are supporting our families wellbeing.

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES CODE OF PRACTICE 2015

Our principles are consistent with the principles underlying the SEND Code of Practice and we have arrangements in place to identify and support children with special educational needs and disabilities. We meet the requirements of the SEND Code of Practice in the following ways:

- **SEND Offer and cooperation with LA on the Local Offer**
Our SEND offer is reviewed annually and posted on our website, <http://www.fans.waltham.sch.uk>
- **Taking into account the views of children and their families**
Our visiting, outreach and assessment and record keeping processes have been developed to provide children and their families many opportunities to express their views and share their insights into how learning can be best supported.
- **Focussing on high quality provision to meet needs and inclusive practices that remove barriers to learning**
Governors and staff team leaders follow an annual cycle of monitoring the educational provision and planning for improvement. This monitoring focuses each term on the quality of the teaching and learning provision and how it meets the needs and learning styles of children on roll. Provision is only judged to be high quality when it is shown to be equitable, inclusive and responsive to every child's needs and experiences and there is evidence that every child makes progress.
- **High aspirations and expectations for children with SEND**
Many children, at some time in their school career, will have special needs of some kind. A child with special educational needs has learning difficulties and will need some special help. We organise this additional support in consultation with parents and the child so that the child can play and learn alongside other children in the schools. We focus on the steps each child needs to take to make progress and achieve.
- **Progress Checks at 2 and Early Years Foundation Stage Assessment**
Our partnership work with other professionals has facilitated the development and use of learning and development progress checks when children are 2-3 years old. Regular and comprehensive assessments are used to help the planning of teaching and learning programmes and particular specialist support. Every child has a profile or record of their learning journey that is shared with them, their parents and their new teachers when they move into primary education.
- **Specialist staff and additional support & resources**
Some children start school with specific learning difficulties. These learning difficulties may be caused by a physical or mental disability, emotional or behavioural problems, medical or health problems or difficulties with listening and attention, speaking or understanding concepts. We employ a team of specialist staff, under the leadership of a Special Educational Needs Coordinator (SENDCO) to work with these children, assess their needs and provide additional support. They work with the child's family to ensure the support and resources are appropriate and effective. The SENDCO is also the Looked after Children Coordinator.
- **Early identification and provision of preventative intervention**
We have established a high quality early educational assessment approach where children are observed as they engage in play, learning and social interaction. Observed play and learning patterns are discussed with children and their parents/carers in meetings with their key people.

These regular observation-based assessments and meetings help to identify where children need additional support to learn, develop and achieve.

- **Education, Health and Care Plans**

Most children with special needs can be educated in mainstream schools with appropriate support. This support will be identified with through regular assessment and planning meetings with the key person. Some children will need additional funding and support and this will require the development of an Education, Health and Care Plan with the local authority.

- **Arrangements for resolving disagreements and details about making Complaints and raising concerns**

We have a key person system in place so that parents and children are able to raise concerns and resolve problems as they arise. If there are difficulties in finding a resolution our Complaints Policy & Procedure clarifies the steps that can be followed. This is displayed in our reception areas and can be seen on our website under 'Contact us': <http://www.fans.waltham.sch.uk>

- **Support to help young children move between phases of education – from home/two year old provision to nursery schools and from nursery schools to primary schools.** The parents/carers are also expected to bring their child for three visits to the nursery school/two year old provision. The SENDCO discusses appropriate provision for their child to move on to, taking into consideration parental choice while making them aware of the special provision available in the borough. The SENDCO would have discussed with the receiving school so that they are aware of how to support the children, build on their progress and make it a smooth transition. The SENDCO will also arrange a transition meeting with the receiving school and the parents/carers.

- **Consultation and advocacy** The SENDCO will be available to advise parents/carers and liaise with the Local Authority and/or other professionals involved with the child's care.

- **Training:** specific training is provided, led by individual children's identified needs. Training needs are also identified in the School Development Plan and through PDRs and supervision and observation of staff. Training is provided in-house in both nursery schools and at INSET Days, where professionals are invited in to train staff. Staff disseminate at staff meetings and in one-to-one conversations the individual training they have received.

Link to other policies:

ADMISSIONS & TRANSITION

Teaching & Learning and the EYFS Framework

Behaviour Policy: Getting Along Together

Safeguarding in Schools

Complaints Policy & Procedure

Contact information:

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SENDCo for Low Hall:
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APPENDIX 1

POLICY INTO PRACTICE DETAILS

Role of the Special Educational Needs Co-ordinator (**SENDCO**):

The role of the **SENDCO** is seen as central to the successful running of the nursery school and includes:

- working with staff to plan programmes of work and teaching strategies that support children with special educational needs and/or a disability
- ensuring that relevant background information about individual children with special educational needs is collected, recorded and updated
- ensuring there is liaison with parents and other professionals in respect of children with special educational needs
- advising and supporting other practitioners in the setting
- ensuring that, where appropriate, provision maps / group or SEND Support Plans are in place
- arranging termly reviews of provision and SEND Support Plans with staff and parents
- organising support for children with special educational needs including staffing, resources and materials
- organising meetings involving the family, nursery and other professionals to decide whether to start an Education Health and Care Plan Assessment
- for children with Education, Health and Care Plans, organising and chairing annual reviews (and, when necessary, interim reviews), including sending out invitations, distributing reports, arranging for minutes to be taken and sent out and following up any action points
- preparing and writing reports for staff, parents and governors
- working with colleagues and partners in the community including the Speech and Language Therapist and the Educational Psychologist and the Outreach Teachers from the local special schools to challenge any barriers to learning for the children and to judge if a new or different approach is required.
- Applying for additional funding and/or an Education Healthcare Plan if the child has significant needs.
- Monitoring that resources, including human resources, are used effectively.

The SENDCO encourages and models a robust, 'can do' approach making reasonable adjustments when necessary.

The responsibilities of all members of staff to promote equitable and inclusive education and care

- As staff, we share collective responsibility for ensuring all children have a positive and fulfilling learning experience within the nursery environment. We meet this responsibility by regular critical evaluation of our assumptions, attitudes, language and behaviour.
- We regularly consider practical strategies for positive action.
- We keep learning materials and resources under careful review. We ensure that images of all types of people and families are displayed.
- We tackle the impact of disability through one-to-one or small group work to meet the needs of the individual children.
- We realise the damaging effect of making assumptions based on initial impressions when we work with children and their families.
- Staff act in a professional way, keeping assumptions and pre-judgement in check.
- We follow a common code of practice and use informed judgement to observe, assess, plan and review for each child's developmental needs. We ensure that activities are accessible to every child at their own stage of development.
- We build up the children's self-concept, self-esteem and self-confidence by creating a supportive welcoming and accepting environment through positive talk, action and resources.

Language and equality

Language is not neutral. It can be used as a tool to convey all kinds of messages and express attitudes and assumptions in three inter-related ways:

1. The selective ways in which language is used
 - who we talk to
 - who we talk over
 - who we listen to
 - who we ignore
2. The content of talk
 - what we talk about
 - cultures and lifestyles
 - areas of interest
 - different expectations of boys and girls
3. The style of speech
 - tone of voice
 - clichés and stereotypes
 - vocabulary/positive and negative words
 - dialect and accent

In our practical work with young children we keep a careful check on our own talk. We make sure all children are given opportunities to listen and be listened to. We monitor the topics for conversation and give equal attention to children's cultural experiences.

We show we value and respect what children feel, do and say by the ways we respond to them.

We value the child's home language and have a range of books with dual-language texts. We regularly assess children's progress in acquiring English as an additional language. We will actively 'challenge' comments if they are racist or sexist. We will not accept name-calling, teasing or verbal abuse.

We use positive terms and descriptive language in preference to labels and stereotypes. We talk about children's achievements, highlighting their strengths, rather than their weaknesses. We re-word songs and stories to avoid negative associations, e.g. black connected with things that are evil or bad.

We change job terms from an all-male bias, e.g.

Fireman	- firefighter
policeman	- police officer
postman	- postal worker

Equitable and Fair Behaviour

We hope, by our own example, to help young children to learn how to behave in a fair and equal manner with all people. In our contact and conversations with all children and adults who visit the nursery, we try to be polite, attentive and responsive. We have a Behaviour Statement displayed, created by parents and staff, which shows expectations for the behaviour of all adults when they are in the schools.

If we see children or other adults behave in a way that is not fair and equal, we will talk to them.

We use a variety of strategies to help children deal with discriminatory behaviour.

At times we may have to draw children's attention to the hurtful effects of words and actions and to do this we may use curriculum activities such as storytelling, bookmaking, drama and dance.

Resources and Equality

Nursery staff make decisions about which resources to select and use on a daily basis. New resources are considered, using a set of criteria which includes the positive or negative images the resources convey, particularly about the relative status of people in this society.

Our role in setting up the learning environment is crucial in order to provide a balanced range of resources and make additional resources accessible.

If we choose to highlight new equipment, we need to plan how we will present it and talk about it to avoid stereotyping.

Stereotypical use of resources can be broken down by adult participation. Boys can be encouraged to engage in non-aggressive fantasy and constructional play and girls can be encouraged to move beyond domestic role play.

We also choose resources and materials which are both accessible and offer positive experiences and images of children with physical disabilities and other special educational needs. We value all the children's work and our displays reflect the children's differing abilities. We also make sure that our displays are representative of the rich diversity in our community.

The Role of the Adult

- The presence of an adult in an activity can provide a positive role model and encourage more participation of the same sex, e.g. a female worker building, doing woodwork, making electrical circuits or a male worker involved in role play, dressing up, animal care, washing dolls, cooking etc.
- Adults are able to monitor different ways of using the resources and decide when to intervene. Observations are invaluable in highlighting differences in play and styles and form the basis of future planning.
- Adults may decide to adopt a strategy of positive actions, e.g. having certain times when designated children are given a chance to use popular toys.
- Adults also need to intervene when children are excluded from play or are on the periphery of activities. Adults can facilitate the child's involvement.
- It is important for children to feel in control of their play by having access to resources and having time and space to use resources and experiment. If children misuse resources, e.g. in aggressive play, or by refusing to share, or in stereotypical games, then an adult or other children will challenge this and help children to move on.
- Our objective is to help children become confident and assertive as well as capable of being co-operative and sociable – an ideal for all.

Parents

As part of the induction process we ask parents and carers if anyone who will drop off and/or pick up the children has any disabilities, if they have we will endeavour to make reasonable adjustments if necessary to ensure that they can access and be comfortable at the nursery.

Staff will challenge and record any discriminatory practice in the Nursery Schools. As a school we continue to develop our thinking in this area through repeated training to ensure that we are addressing biases and gain a deeper understanding of these issues.

End

Appendix 2 Legislation underpinning this policy

Under the Equality Act 2010, it is unlawful for any education provider, including a private or independent provider, to discriminate between pupils or their parents on grounds of age, being or becoming a transsexual person, being married or in a civil partnership, being pregnant or having a child, disability, race including colour, nationality, ethnic or national origin, religion, belief or lack of religion/belief, sex, sexual orientation. Discrimination on these grounds (known as “protected characteristics”) is unlawful in relation to prospective pupils (admissions arrangements), pupils at the school including absent or temporarily excluded pupils, and former pupils who have a continuing relationship with the school.

Prohibition of discrimination

The Act defines discrimination in four ways:

1. direct discrimination occurs when a pupil is treated less favourably than another pupil because of a protected characteristic. It is always unlawful, with certain exceptions, e.g. with regard to single-sex schools. The law also prohibits

- direct discrimination by association, when a pupil is treated less favourably because of his/her association with another person who has a protected characteristic (but this does not apply to pregnancy and maternity, see below).
- direct discrimination based on perception, when a pupil is treated less favourably because of being mistakenly seen as having a protected characteristic
- discrimination because of pregnancy and maternity, where a female pupil is treated less favourably because she is or has been pregnant or has given birth in the last 26 weeks or is breastfeeding a baby under 26 weeks old (if the baby is older than 26 weeks, unfavourable treatment would be classed as direct sex discrimination)

2. indirect discrimination occurs when treating all pupils in the same way results in putting pupils with a protected characteristic at a disadvantage. It depends on the following conditions being met:

- a provision, criterion or practice is applied equally to all relevant pupils, including those with a protected characteristic, and
- the provision, criterion or practice puts pupils sharing a protected characteristic at a disadvantage compared to other relevant pupils, and
- the provision, criterion, practice or rule puts the particular pupil concerned at a disadvantage, and
- the school cannot demonstrate that the provision, criteria or practice is justified as a “proportionate means of achieving a legitimate aim”.

3. discrimination arising from disability occurs when a disabled pupil is treated unfavourably because of something related to his/her disability (as distinct from being because of the disability itself, which would be direct discrimination as above) and such treatment cannot be justified. The following conditions must be met:

- the disabled pupil is treated in a way which puts him/her at a disadvantage
- the treatment is connected with the pupil's disability
- the treatment cannot be justified as “a proportionate means of achieving a legitimate aim”

4. failure to make reasonable adjustments for disabled people. There has been a duty on responsible bodies of schools to make reasonable adjustments for disabled pupils and prospective pupils since

1995. The new Act extends the duty so that a school must also provide auxiliary aids and services, but as at November 2010 this element is yet to come into force.

The Act states that the responsible body of a school must not discriminate against a person in its admission arrangements, in the provision of education, in exclusions or by subjecting the pupil to any other detriment.

Harassment

The Act prohibits harassment of three types:

1.harassment related to a relevant protected characteristic is unwanted behaviour related to a protected characteristic (for schools, disability, race and sex) and which has the purpose or effect of violating a pupil's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil

2. sexual harassment is unwanted behaviour which is of a sexual nature and which has the purpose or effect of violating a pupil's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil

3. less favourable treatment of a pupil because they submit to or reject sexual harassment or harassment related to sex.

The Act states that a school must not harass a pupil or a person who has applied for admission.

Victimisation

The Act prohibits victimisation, defined as treating a pupil badly because s/he (or his/her parent or sibling) has done a "protected act" (or because the school believes that a person has done or is going to do a protected act). A protected act is:

- making a claim or complaint of discrimination under the Act.
- giving evidence or information to support another person's claim under the Act.
- alleging that the school or someone else has breached the Act.
- doing anything else in connection with the Act.

The Act states that a school must not victimise a person in its admission arrangements, the provision of education, in exclusions or by subjecting the pupil to any other detriment.