



## **The Equality Act 2010 policy**

We as a school understand that Under the Equality Act 2010, it is unlawful to discriminate against anyone including, discriminating between learners on grounds of disability, race, sex, gender reassignment, pregnancy and maternity, religion or belief, or sex. Discrimination on these grounds (known as “protected characteristics”) is unlawful in relation to prospective learners (admissions arrangements), learners at the school including absent or temporarily excluded learners, and former learners who have a continuing relationship with the school.

### **Prohibition of discrimination**

The Act defines discrimination in four ways:

**1. Direct discrimination** occurs when a learners is treated less favourably than another learners 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 learners 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 learners is treated less favourably because of being mistakenly seen as having a protected characteristic
- discrimination because of pregnancy and maternity, where a female learners 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 learners in the same way results in putting learners 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 learners, including those with a protected characteristic, and the provision, criterion or practice puts learners sharing a protected characteristic at a disadvantage compared to other relevant learners, and
- the provision, criterion, practice or rule puts the particular learners concerned at a disadvantage, and
- New Level Academy 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 learners 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 learners is treated in a way which puts him/her at a disadvantage
- the treatment is connected with the learners’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.** We are responsible to make reasonable adjustments for disabled learners and prospective learners. 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 we as a school must not discriminate against a person in its admission arrangements, in the provision of education, in exclusions or by subjecting the learners 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 learners’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the learners

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

**3. Less favourable treatment of a learners because they submit to or reject sexual harassment or harassment related to sex.**

## Victimisation

The Act prohibits victimisation, defined as treating a learners badly because s/he (or his/her parent or sibling) has done a “protected act” (or because if we as a school believe 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 New Level Academy must not victimise a person in its admission arrangements, the provision of education, in exclusions or by subjecting the learners to any other detriment.

This policy was created on	Signed on behalf of the organisation	Reviewed date
September 2025	<i>T Springer</i>	September 2026