

## Equality and Diversity Policy

### 1 Aims and Objectives

#### 1.1 This procedure applies to all employees of Darul Hadis Latifah Northwest.

1.2 Darul Hadis Latifah Northwest believes that all human beings are entitled to dignity, compassion and respect. Islam teaches that we must respect the dignity of all human beings and that every person has a right over us whatever their background or characteristics.

***"Verily we have honoured the children of Adam. We carry them on the land and the sea, and have made provision of good things for them, and have preferred them above many of those whom We created with a marked preferment." (The Holy Qur'an, 17:70)***

***"Kindness is not to be found in anything but that it adds to its beauty and it is not withdrawn from anything but it makes it defective. " (saying of the Prophet Muhammad, may peace be upon him, Sahih Muslim, 6274)***

1.3 We believe that whatever differences groups of people have between each other, these differences never justify poorer or better treatment from others towards them.

***"Verily Allah commands you to fulfil your trusts to those whom they are due and when you judge, judge with justice. Verily how excellent is the guidance Allah gave you, it is he who sees all things."***

***(The Holy Qur'an, Chapter An-Nisa" verse 58)***

1.4 Islam strongly disapproves of bullying and harassment of others and commands that we extend Mercy and respect to others, putting the interests and needs of others before our own to attain God's pleasure and reward in this life and the Hereafter.

***"O ye who believe! let not some men among you laugh at others: it may be that the (latter) are better than the (former): nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other, nor call each other by (offensive) nicknames: Ill-seeming is a name connoting wickedness, (to be used of one) after he has believed: And those who do not desist are (Indeed) doing wrong." (The Holy Qur'an, 49:11)***

1.5 Darul Hadis Latifah Northwest therefore takes a strong moral stand against discrimination against others due to their characteristics. We promote the principles of fairness and justice for all through the education that we provide in our school which is in-keeping with our strong Islamic ethos.

1.6 We ensure that all pupils have equal access to the full range of educational opportunities provided by the school which is in-keeping with our Mission statement:

To strive to promote moral and academic excellence in a caring and secure Islamic environment.

**1.7** We constantly strive to remove any forms of indirect discrimination that may form barriers to learning.

**1.8** We ensure that all recruitment, employment, promotion and training systems are fair to all, and provide opportunities for everyone to achieve.

**1.9** We challenge stereotyping and prejudice whenever it occurs, as required by us strong Islamic ethos.

**1.10** We celebrate the cultural diversity of our community and show respect for all, as a dedicated Islamic institution.

**1.11** We are aware that bullying, prejudice and stereotyping is caused by low self-image and ignorance. Through positive educational experiences and support for each individual's point of view, we aim to promote positive social attitudes and respect for all.

**1.12** Darul Hadis Latifah Northwest therefore ensures it does not discriminate against a pupil, potential pupil, employee or potential employee on the basis of any of the legally protected characteristics, as required by the Equality Act (2010):

- Age (though this does not apply to pupils);
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief (though this does not apply to applicants for teaching positions –see below);
- sex;
- sexual orientation.

## **2 Pupils or Potential Pupils**

**2.1** Darul Hadis Latifah Northwest recognises that discrimination because of any of the protected characteristics of another person associated with a pupil is also unlawful as is discrimination that is misdirected.

**2.2** Darul Hadis Latifah Northwest undertakes to make any reasonable adjustment it can for the admission of disabled pupils including the provision of auxiliary aids and services.

**2.3** Darul Hadis Latifah Northwest works towards creating a climate where bullying of any kind by pupils cannot flourish and recognises that bullying can take many different forms and can target protected characteristics but would all be dealt with under the terms of the school's Anti Bullying policy.

**2.3.1** It is relatively rare for Muslim pupils to want to undergo gender reassignment, but if a pupil does so a number of issues will arise which will need to be sensitively handled and aim to address any issues early on and in a proactive way. Pupils undergoing gender

reassignment should be allowed to attend the single sex class that accords with the gender role in which they identify.

**2.4** The definition of race includes colour, nationality and ethnic or national origins. Al Birr Primary ensures there are no practices which could result in unfair, less favourable treatment of such pupils and that pupils of all races are not singled out for different and less favourable treatment from that given to other pupils. Segregated treatment and "separate but equal" is not acceptable but if ever needed positive action to deal with particular disadvantages affecting children of one racial or ethnic group can be used.

**2.5** The Equality Act defines "religion" as being any religion, and "belief" as any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics. A religion or belief must have a clear structure and belief system, and should have a certain level of cogency, seriousness and cohesion, and not be incompatible with human dignity to qualify under the Act. Lack of religion or belief is also included in the definition of "religion or belief".

**2.6** The Equality Act makes it clear that unlawful religious discrimination can include discrimination against another person of the same religion or belief as the discriminator. This is to ensure that any potential discrimination between, e.g. Orthodox and Reform Jews, or Shia and Sunni Muslims, would also be unlawful.

**2.7** Schools need to make sure that pupils of one sex are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of boys or girls.

**2.8** Gay, lesbian or bi-sexual pupils, or the children of gay, lesbian or bi-sexual parents, are not permitted to be singled out for different and less favourable treatment from that given to other pupils.

**2.9.** There is a relationship between protection because of sexual orientation and protection of religious freedom. Schools with a religious character, like all schools, have a responsibility for the welfare of the children in their care and to adhere to curriculum guidance. It is not the intention of the Equality Act to undermine their position as long as they continue to uphold their responsibilities in these areas. If their beliefs are explained in an appropriate way in an educational context that takes into account existing guidance on the delivery of Sex and Relationships Education (SRE) and Religious Education (RE), then schools should not be acting unlawfully. It should not be unlawful for a teacher in any school to express personal views on sexual orientation provided that it is done in an appropriate manner and context (for example when responding to questions from pupils, or in an RE or Personal, Social, Health and Economic education (PSHE) lesson).

## **2.10 Disability**

**2.10.1** The provisions relating to disability discrimination are different in that you may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to your practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what you offer to the same extent that a person without that disability can.

**2.10.2** Definition of disability: The Act defines disability as when a person has a „physical or mental impairment which has a substantial and long term adverse effect on that person’s ability to carry out normal day to day activities. “ Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect. Long term is defined as lasting, or likely to last, for at least 12 months.

## **2.11 Unlawful behaviour with regard to disabled pupils**

**2.11.1** Direct Discrimination: A school must not treat a disabled pupil less favourably simply because that pupil is disabled – for example by having an admission bar on disabled applicants. If a school discriminates against a person purely because of his or her disability (even if they are trying to achieve a legitimate aim) then it would be unlawful discrimination as there can be no justification for their actions.

**2.11.2** Indirect Discrimination: A school must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only – for example having a rule that all pupils must demonstrate physical fitness levels before being admitted to the school – unless they can show that it is done for a legitimate reason, and is a proportionate way of achieving that legitimate aim.

**2.11.3** Discrimination arising from disability: A school must not discriminate against a disabled pupil because of something that is a consequence of their disability – for example by not allowing a disabled pupil on crutches outside at break time because it would take too long for her to get out and back. Like indirect discrimination, discrimination arising from disability can potentially be justified.

**2.11.4** Harassment: A school must not harass a pupil because of his disability – for example, a teacher shouting at the pupil because the disability means that he is constantly struggling with class-work or unable to concentrate.

## **2.12 Reasonable adjustments**

**2.12.1** The duty to make reasonable adjustments applies only to disabled people. Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage. Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.

**2.12.2** Schools are not subject to the other reasonable adjustment duty to make alterations to physical features because this is already considered as part of their planning duties.

**2.12.3** Schools will not be expected to make adjustments that are not reasonable.

**2.12.4** In addition to having a duty to consider reasonable adjustments for particular individual disabled pupils, schools will also have to consider potential adjustments which may be needed for disabled pupils generally as it is likely that any school will have a disabled pupil at some point. However, schools are not obliged to anticipate and make adjustments for every imaginable disability and need only consider general reasonable adjustments - e.g. being prepared to produce large font papers for pupils with a visual impairment even though there are no such pupils currently admitted to the school? Factors to consider when assessing the reasonableness of an adjustment may include the financial or other resources required for the adjustment, its effectiveness, its effect on other pupils, health and safety requirements and whether aids have been made available through the Special Educational Needs route.

**2.12.5** Schools generally will try to ensure that disabled pupils can play as full a part as possible in school life and the reasonable adjustments duty will help support that. However, there will be times when adjustments cannot be made because to do so would have a detrimental effect on other pupils and would therefore not be reasonable – for example, if a school put on a geology field trip which necessarily involved climbing and walking over rough ground and after fully considering alternatives to accommodate a disabled pupil in a wheelchair who could not take part it determined that there was no viable alternative or way of enabling the disabled pupil to participate or be involved, it would not have to cancel the trip as originally planned. This is unlikely to constitute direct discrimination or failure to make a reasonable adjustment

**2.12.6** The reasonable adjustments duties on schools are intended to complement the accessibility planning duties and the existing SEN statement provisions which are part of education legislation, under which Local Authorities have to provide auxiliary aids to pupils with a statement of special educational need. The duty applies in respect of all disabled pupils but many may have an SEN statement and auxiliary aids provided by the LA and so may not require anything further. However, if the disabled pupil does not have a statement (or the statement doesn't provide the necessary aid) then the duty to consider reasonable adjustments and provide such auxiliary aids will fall to the school (after the relevant provisions come into force).

## **2.13 Accessibility for disabled pupils**

**2.13.1** The school's accessibility plan is attached to this policy as an Appendix.

## **2.14 Exceptions**

**2.14.2** Darul Hadis Latifah Northwest understands that the protected characteristic of age does not apply to pupils.

**2.14.3** Darul Hadis Latifah Northwest understands that schools are allowed to treat disabled pupil's ore favourably than non-disabled pupils and must make reasonable adjustments to put them on a more level footing with pupils without disabilities.

**2.14.4** Darul Hadis Latifah Northwest recognises that the Equality Act allows schools with a religious character, such as itself, to give preference to the admission of Muslim pupils to its school. The school's admissions policy does not prefer not state this explicitly.

**2.14.5** In addition, we recognise that schools with a religious character also have exceptions from how they provide education to pupils from religions not of the school's religion and the way they allow access to other aspects of school life of a religious nature to allow them to conduct themselves in a way that is compatible with their religious ethos.

**2.14.6** The school curriculum is also excluded from the provisions of the Equality Act, however, the way in which education is provided, the delivery or teaching, is explicitly included.

**2.14.7** Darul Hadis Latifah Northwest understand that schools do not act unlawfully if they do not provide an equivalent act of worship for other faiths but recognises that faith is an important part of the life of many families and respect this.

**2.14.8** Darul Hadis Latifah Northwest does not discriminate in the treatment of pupils with regards to its uniform and is sensitive to the needs of different groups but recognises that legal duty of the school's Proprietor to decide specifics but in light of the Human Rights act 1998.

**2.14.9** Although the Equality Act forbids discrimination in access to benefits, facilities and services; the Act does contain an exception which permits single-sex sports. It applies to participation in any sport or game, or other activity of a competitive nature, where the physical strength, stamina or physique of the average woman (or girl) would put her at a disadvantage in competition with the average man (or boy). But while this exception might permit a mixed school to have a boys-only football team, the school would still have to allow girls equal opportunities to participate in comparable sporting activities. The judgment on whether girls would be at a physical disadvantage needs to take into account the particular group in question, so it is much less likely to justify segregated sports for younger children.

### **3 Staff Members or potential Staff Members**

**3.14** Darul Hadis Latifah Northwest recognises that it is unlawful to discriminate against an employee or a potential employee on the basis of any of the protected characteristics. It understands that this applies to the offer of a job or the terms on which a job is offered to an applicant and this applies to benefits, services and facilities it offers its staff members.

**3.15** Darul Hadis Latifah Northwest will make reasonable adjustments in relation to disability for employees or potential employees as we would for pupils. We would make reasonable adjustments to arrangements or practices to alleviate disadvantage and take reasonable steps to provide any auxiliary aids and services required.**3.16** Darul Hadis Latifah Northwest works hard to create a climate in accordance with its ethos and values – as outlined above and ensure an environment where indirect or direct discrimination, victimisation and harassment cannot flourish.

**3.16** Darul Hadis Latifah Northwest recognises that it is unlawful to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function for the work. However, it also recognises its duty under the Heath Standards (England) Regulations 2003 to establish teachers’ fitness and ability to teach hence, once a job offer has been made it asks necessary health questions to do this, ensuring questions are targeted, necessary and relevant to the job applied for.

### **3.17 Exceptions – religious belief and employment**

**3.17.1** Darul Hadis Latifah Northwest understands that as a school that has legal designation as having religious character, it is permitted to actively seek and employ candidates for teaching or senior leadership positions:

- Whose religious opinions are in accordance with the tenets of the religion of the school (Islam),
- Who attend religious worship in accordance with those tenets,
- Who give or are willing to give religious education in accordance with those tenets.

## **4 The Role of the Proprietor**

**4.1** The Proprietor has set out his commitment to equality legislation in this policy statement and it will continue to do all it can to ensure that all members of the school community are treated fairly and with equality within the law and in the spirit of this policy.

**4.2** Proprietor is aware of statutory requirements and duties. In particular, they work with the school to ensure the Equality Act (2010) is complied with in the recruitment of staff members and also take all reasonable steps to ensure that the school environment gives access to people with disabilities. This means they will take the need to make reasonable adjustments to the school premises into account in all future plans. The Proprietor also ensures admissions procedures do not discriminate against potential pupils.

## **5 The Role of the Headteacher**

**5.1** It is the head teacher’s role to implement the school’s Equality policy and s/he is supported by the Proprietor in so doing.

**5.2** It is the head teacher’s role to ensure that all members of staff are aware of the school policy on equality and act within its letter and spirit, ensuring they also understand that discrimination against anyone on the basis of any of the protected characteristics is unlawful and could lead to criminal proceedings against individuals and the school.

**5.3** The head teacher promotes the principle of equality when developing the curriculum, in displays shown around the school, as a role model for staff and pupils and by promoting respect for others in all aspects of school life, for example, in school assemblies, where respect for other people and learning about them is a regular theme.

**5.4** The head teacher works to create a climate that does not allow discrimination to flourish and values all school partners. The head teacher works to ensure pupils needs are catered for within school curriculum and provision.

**5.5** The head teacher treats all incidents of discrimination, whether direct or indirect, victimisation, and harassment, with due seriousness. Such behaviour from a staff member would be construed as major misconduct and dealt with under the disciplinary policy. Victims would be offered support.

## **6 The Role of the Class Teacher**

**6.1** The class teacher ensures that all pupils are treated fairly, equally and with respect. We do not discriminate against any pupil.

**6.2** When selecting classroom material, teachers' pay due regard to the sensitivities of all members of the class and do not provide material that is offensive or derogatory towards others, especially towards the nine protected characteristics.

**6.3** When selecting/designing classroom materials, teachers' pay due regard to the educational needs of all members of the class including those with a special educational need and/or disability.

**6.4** When designing schemes of work, we use this policy to guide us, both in our choice of topics to study, and in how to approach sensitive issues. For example, in Geography topics the teacher attempts to counter stereotypical images of Africa and Asia and to show the true diversity of development in different parts of the world.

**6.5** All our teachers challenge any incidents of direct or indirect discrimination, victimisation or harassment and bring them to the attention of the head teacher.

## **7 Monitoring and Review**

**7.1** It is the responsibility of the Proprietor to monitor the effectiveness of this Equality policy.

The Proprietor do this by:

- monitoring the progress of pupils;
- monitoring the staff appointment process, so that no-one applying for a post at this school is discriminated against;
- requiring the head teacher to report to the Proprietor on an annual basis on the effectiveness of this policy;
- taking into serious consideration any complaints regarding equality issues from parents, staff or pupils;
- monitoring the school Admissions policy and the Behaviour and Exclusions policy, so pupils from minority groups are not unfairly treated.

**7.2** This policy was reviewed in September 2020 and will be reviewed once every two years or sooner as the need might arise God willing.

Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/20\_\_

Name: \_\_\_\_\_ Position: Headteacher

Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/20\_\_

Name: \_\_\_\_\_ Position: Proprietor