



Weald of Kent Grammar School

Single Equality Scheme (SES) Policy – December 2019

PART A: the Single Equality Scheme (SES) Policy

- 1 Our distinctive character, values, priorities and aims
 - 1.1 Characteristics of our school
 - 1.2 School values
 - 1.3 Setting our priorities

- 2 Principles of our SES
 - 2.1 Purpose of the SES
 - 2.2 Relevant and proportionate
 - 2.3 Participation
 - 2.4 Anticipation

3. Responsibilities
 - 3.1 Governing Body
 - 3.2 Senior Leadership Group
 - 3.3 All members of the school community

4. Information gathering
 - 4.1 Purpose and process
 - 4.2 Types of information gathered

5. Outcomes

6. Publication and reporting

PART B: Appendices

- | | |
|--------|--|
| App 1. | Description of Legal duties relating to each strand, and definitions |
| App 2. | Table of legislation and duties – general and specific |
| App 3. | Links to other provisions, criteria and practices |
| App 4. | List of organisations and contact details |
| App 5. | FAQ |

PART A: The Single Equality Scheme (SES) Policy

1. Our Distinctive Character, Priorities and Aims

1.1 Characteristics of our school

Weald of Kent Grammar School is a selective school for girls, admitting boys into the sixth form. There are currently c1670 students on roll and over 150 teaching and support staff. The vast majority of staff and students are White British. There are a small number of staff and students from ethnic minority groups. The school is below the national average for social deprivation. Currently 4.5% of students receive free school meals and are eligible for the Pupil Premium Grant. In 2019/2020 there are 3 Looked After Children (Children in Care) in the school. Currently there are 266 children on the SEND register (EHCP/ SEN support or 'monitoring'). This is 16% of the student body. 6 of these students have Education Health Care Plans (EHCP).

1.2 School values

The school's ethos is 'Academic Excellence, Personal Success'. This ethos states the importance for every member of the school community to achieve excellent academic standards. Each individual's abilities are recognised and fostered. Respect and Responsibility are encouraged and rewarded. Everyone feels they have a contribution to make to the school community.

Consequently, the School's ethos supports the promotion of equality and inclusion and tackles discrimination.

1.3 Setting our priorities

Our priorities are:

Children and young people

- narrowing the attainment gap between different groups of students in the school;
- challenging race and gender stereotypes in subject choices and career advice.

Our community

- improving the involvement of students, parents and carers from minority ethnic backgrounds.

Our school community

- tackling bullying based on race, religion, gender, disability, sexuality or poverty;
- promoting positive attitudes toward diversity.

2. Principles of Our SES

2.1 Purpose of the SES

We recognise our duty and responsibility to establish equality for all students, staff, other members of the school community and service users regardless of their ethnicity, gender, disability, sexual orientation, age or beliefs as defined within existing equalities legislation.

The purpose of our SES is to fulfil the duties to promote equality for people with 'protected characteristics', and embed fairness and equality at the heart of our school community and in all aspects of our provisions, criteria and practices (PCPs). Firstly, we recognise within our SES inequality linked to poverty and socio-economic factors. Secondly, we recognise the gender inequalities in student attainment and achievement. Thirdly, we recognise the difficulties of access and inclusion that can be faced by families and students.

Our SES enables us to meet the duties under equality legislation, and to achieve the following for all groups:

- eliminate all forms of unlawful discrimination;
- eliminate harassment and bullying (we will keep accurate records of bullying and harassment related to equalities and report as required to the Local Authority);
- advance equality of opportunity through vision, strategy and practice;
- foster good relations.

Through our SES we make links to all our actions and commitments to:

- promote community cohesion;
- narrow the attainment gap in outcomes between students;
- improve outcomes as described within the Kent Children's and Young People's Plan (CYPP).

2.2 A Relevant and Proportionate Approach

In promoting equality and complying with legislation we apply the principles of relevance and proportionality. We aim to ensure that our actions are proportionate to the equality issues within our school and relevant to our PCPs. This means we prioritise those actions that enable us to tackle the most significant issues with regard to equality in order to deliver the best equality outcomes. In doing this we focus on PCPs that have the greatest effect, or potential effect on different stakeholders.

We also apply proportionality in ensuring that our PCPs are a proportionate means of achieving legitimate aims.

We do not assume that existing representation alone determines relevance, so we apply the principle of anticipatory duty (see 2.4 below) in helping us to identify what is relevant. We also anticipate that there will be 'hidden' disabilities and equality issues so we are thorough in identifying factors that lead, or have the potential to lead, to inequality such as emotional difficulties, mental health issues or young carer status.

We ask whether our PCPs affect different groups in different ways and try to implement them in ways that promote equality. This is achieved through systematic monitoring of outcomes, impact assessment and action planning incorporating the fullest possible participation of stakeholders.

2.3 Participation

Participation is based on information gained about representation of different groups. We aim to do this as fully as possible while recognising issues of sensitivity in relation to the different protected characteristics. We take particular steps to ensure disabled students, parents and carers are involved as is their entitlement.

Our consultative groups include representation from the widest range of relevant groups that we can reasonably achieve. They are responsive to the diversity in our school and organised in such a way as to promote direct participation. These groups include:

- Year and School Council;
- Friends of Weald including the PTA;
- Kirkland Rowell surveys of parents and staff;
- regular union representative meetings;
- consultations with staff, students and parents on new policy areas such as the behaviour, uniform, and assessment.

The school involves stakeholders including students, staff, parents/carers and other users of the school in relation to all equalities duties. The views of stakeholders are genuinely taken into account when the school set priorities.

2.4 Anticipation

We apply the principle of the 'Anticipatory Duty' in all aspects of our SES which means that we think ahead about how our PCPs may affect different members of our school. This is embodied specifically in the process of risk assessment where we consider not only the impacts but also the potential impacts, whether positive or negative.

3. Responsibilities

3.1 Governing Body

The trustees have a duty to promote equality of opportunity and eliminate discrimination. The trustees appoint a monitoring group to oversee every case across the school. Functionally, the trustees discharge this responsibility through the Senior Leadership Team (SLG).

3.2 Senior Leadership Group (SLG)

The SLG promotes equality and eliminates discrimination by:

- raising awareness of all the duties within the whole school community;
- referring to relevant and up-to-date documentation from the Equality and Human Rights Commission (EHRC);
- ensuring understanding of the broad legal definition of disability;
- sensitively encouraging declaration of protected characteristics by students, parents/carers, staff and other users of the school;
- working with trade unions to implement the relevant duties in employment functions;
- ensuring that action plans are undertaken for all protected characteristics;
- ensuring that the principles of relevance, proportionality, reasonable adjustment and positive action are applied appropriately;
- providing appropriate training for staff, trustees and other members of the school community;
- monitor the outcomes and impact of provisions, criteria and practices on all groups, and respond with appropriate actions;
- in the event of expectations not being met, ensuring action is taken in accordance with the status of those involved.
- a member of SLG is linked to Student Services and is responsible for reporting on Inclusion. An Assistant Headteacher reports on the Pupil Premium Grant, and another member is responsible for the SENCO team. However, the school recognises that Equality is a whole school priority and not a function expected of one member of SLG.

3.3 All Members of the School Community

The school regards equality for all as a responsibility for all. All members of our community (staff, contractors, volunteers, students etc) contribute to ensuring that our school is a fair, just and cohesive community by:

- raising issues with line managers which have an impact or potential impact on the school's PCPs;
- maintaining an awareness of, and professional interest in, the school's current SES and the PCPs to which it relates;
- implementing PCPs in accordance with agreed protocols and standards;
- behaving with respect and fairness to all members of the school community.

4. Information gathering

4.1 Purpose and process

The collection of information is crucial to supporting us in deciding what actions to take to improve equality and eliminate discrimination within the school community. The information also subsequently helps us to review our performance so it needs to be detailed enough to enable us to measure how we are delivering on equality duties. The information also helps us to do accurate impact assessment and identify which of the school's aims have been achieved and what we need to do better.

4.2 Types of information gathered

The wide range of information gathered to support our planning and action to promote equality and eliminate discrimination includes the following:

- identification of students, parents, carers, staff and other users of the school representing the different protected characteristics. This helps us develop and monitor the scheme. Comprehensive and sensitive efforts are made to collect accurate information and meet security of information requirements, in addition to our duty to secure accurate information relating to ethnicity and first language;
- pupil attainment and progress data relating to different groups;
- student views actively sought through Student Voice forums and incorporated in a way that values their contribution;
- information about how different groups access the whole curriculum and how they make choices between subject options;
- records of bullying and harassment on the grounds of any equality issue;
- data on the recruitment, development and retention of employees;
- outcomes of actions taken to secure the involvement of parents and others who have been identified as difficult to engage.

5. Outcomes

Of all the information we collect, the most important indicators of how successful we are in promoting equality and eliminating discrimination are the outcomes for various individuals and groups. We evaluate our outcomes using a wide range of criteria, both academic and experiential, for the various protected characteristics and other vulnerable groups, mindful of the principles of proportionality, relevance and potential impacts (whether positive or adverse). We have a robust cycle of data analysis and where analysis of outcomes reveals poorer outcomes for any particular group swift action is taken to identify the cause of this disparity and intervene.

6. Publication and reporting

The school provides a copy of the Pupil Premium Policy and SEND and Inclusion Policy on the school's website. The school prospectus includes the values underpinning the SES Policy.

The school reports annually on the progress made on the action plans and the impact of the Pupil Premium Policy and this is published on the school website.

Part B:

Appendices

- App 1. Definitions and guidance**
- App 2. Table of legislation – Duties for schools**
- App 3. Links to other provisions, criteria & practices**
- App 4. List of organisations and contact details**
- App 5. FAQ**

App 1. Definitions and guidance

The Equality Act (2010) harmonises existing legislation and creates a new list of people who share a protected characteristic under the law. The Act includes secondary legislation setting out the Public Sector Equality Duty that consists of a General and a Specific Duty. Both the Act and the Public Sector Equality Duty apply to all aspects of employment, goods and services, partnerships and procurement. This includes schools and education.

There is no longer a requirement for an Equality Scheme, though the Duty sets out requirements for publication of information, as well as setting of Equality objectives. The Duty requires information published to include the effects of policies and practices on people who are protected by the act. The Equality and Human Rights Commission recommend that this should take the form of Equality Impact Assessments (EIAs) in organisations that have embedded them as standard practice but there is no statutory requirement to use them at present.

The following definitions and legal duties describe the school's understanding of legislation prior to and including the Equality Act 2010 in relation to the protected characteristics:

App 1.1 Definitions relating to the Equality Act 2010

The following definitions are some of the more common terms relevant to schools or the particular provisions of the Act:

Discrimination:

Unlawful discrimination is defined in the Act as:

- Direct discrimination (including discrimination based on perception or association).
- Indirect discrimination.
- Discrimination arising from disability.
- Failure to make reasonable adjustments (for disabled people).

Direct discrimination occurs when you treat a pupil less favourably than you treat (or would treat) another pupil because of a protected characteristic. So a very basic example would be refusing to admit a child to a school as a pupil because of their race. It is not possible to justify direct discrimination, so it will always be unlawful. There are however exceptions to the schools provisions that allow, for example, single-sex schools to only admit pupils of one sex without this being unlawful direct discrimination.

In order for someone to show that they have been directly discriminated against, they must compare what has happened to them to the treatment a person without their protected characteristic is receiving or would receive.

- Racial segregation is deliberately separating people by race or colour or ethnic or national origin and will always be unlawful direct discrimination.
- To claim pregnancy or maternity discrimination a female pupil must show that she has been treated unfavourably because of her pregnancy or maternity and does not have to compare her treatment to the treatment of someone who was not pregnant or a new mother.

It is not direct discrimination against a male pupil to offer a female pupil special treatment in connection with her pregnancy or childbirth.

It is not direct discrimination against a non-disabled pupil to treat a disabled pupil more favourably.

Indirect discrimination occurs when you apply a provision, criterion or practice (PCP) in the same way for all pupils or a particular pupil group, but this has the effect of putting pupils sharing a protected characteristic within the general student group at a particular disadvantage. It does not matter that you did not intend to disadvantage the pupils with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such pupils compared with pupils who do not share that characteristic.

'Disadvantage' is not defined in the Act but a rule of thumb is that a reasonable person would consider that disadvantage has occurred. It can take many different forms, such as denial of an opportunity or choice, deterrence, rejection or exclusion. Indirect discrimination will occur if the following four conditions are met:

1. You apply (or would apply) the provision, criterion or practice equally to all relevant pupils, including a particular pupil with a protected characteristic, and
2. The provision, criterion or practice puts or would put pupils sharing a protected characteristic at a particular disadvantage compared to relevant pupils who do not share that characteristic, and
3. The provision, criteria, practice or rule puts or would put the particular pupil at that disadvantage, and
4. You cannot show that the provision, criteria of practice is justified as a 'proportionate means of achieving a legitimate aim'.

Positive Action:

Pupils with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions which enable schools to take action to tackle the particular disadvantage, different needs or disproportionately low participation of a particular pupil group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) schools to take proportionate action to address the disadvantage faced by particular groups of pupils. Such action could include targeted provision, resources or putting in place additional or bespoke provision to benefit a particular disadvantaged pupil group.

Positive action is intended to be a measure that will allow schools to provide additional benefits to some pupils to address disadvantage and is not the same as positive discrimination. Positive discrimination would be providing preferential treatment for a particular disadvantaged pupil group that exceeded the positive action conditions. It is never unlawful to treat disabled pupils (or applicants) more favourably than non-disabled pupils (or applicants). That is, a school is permitted to positively discriminate in favour of disabled pupils (applicants).

'Proportionate means of achieving a legitimate aim':

To be legitimate the aim of the provision, criterion or practice must be legal and non-discriminatory and represent a real objective consideration. In the context of school education, examples of legitimate aims might include:

- Maintaining academic and other standards.
- Ensuring the health and safety and welfare of pupils.

Even if the aim is legitimate the means of achieving it must be proportionate. Proportionate means 'appropriate and necessary', but 'necessary' does not mean that the provision, criterion or practice is the only possible way of achieving the legitimate aim. Although the financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken into account as part of the school's justification, if there are other good reasons for adopting the chosen practice. The more serious the

disadvantage caused by the discriminatory provision, criterion or practice, the more convincing the justification must be. In a case involving disability, if you have not complied with your duty to make relevant reasonable adjustments it will be difficult for you to show that the treatment was proportionate.

Protected Characteristics:

The Act protects people from discrimination and harassment based on the following 'protected characteristics':

Age
Disability.
Gender reassignment.
Marriage and civil partnership
Pregnancy and maternity.
Race.
Religion or belief.
Sex.
Sexual orientation.

Age and being married or in a civil partnership are NOT protected characteristics for the school's provisions.

The categories of people covered by the school's provisions are:

- Prospective pupils (in relation to admissions arrangements).
- Pupils at the school (including those absent or temporarily excluded).
- Former pupils (if there is a continuing relationship based on them having been a pupil at the school).

Provision, criterion or practice (PCP):

These are not defined in the Act but can be interpreted widely and include:

- arrangements (for example, for deciding who to admit or in preparing for a school trip)
- the way that education, or access to any benefit, service or facility is offered or provided
- one-off decisions
- proposals or directions to do something in a particular way.

They may be written out formally or they may just have developed as the school worked out the best way of achieving what it wanted to do.

Public sector equality duties:

These give public bodies, including maintained schools, Academies and Pupil Referral Units, legal responsibilities to demonstrate that they are taking action on equality in policymaking, the delivery of services and public sector employment. The duties require public bodies to take steps not just to eliminate unlawful discrimination and harassment, but also to actively promote equality.

The purpose of the equality duties is not to be process driven and bureaucratic but rather to offer an outcome-based method of ensuring that schools are best meeting the needs of all their pupils. The duties provide a framework to help schools tackle persistent and long-standing issues of disadvantage, such as underachievement of boys from certain ethnic groups, gender stereotyping in subject choice and bullying of disabled young people. They also provide a strategic and systematic means of tackling major entrenched disadvantage across the sector.

Reasonable adjustment duty:

Schools are required to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled pupils at a substantial disadvantage. This duty is owed to existing pupils, applicants and, in limited circumstances, to disabled former pupils in relation to the following areas:

- deciding who is offered admission as a pupil
- the provision of education
- access to any benefit, service or facility.

Schools cannot justify a failure to make a reasonable adjustment; where the duty arises, the issue will be whether or not an adjustment is 'reasonable' and this is an objective question for the tribunals to ultimately determine.

The duty is an anticipatory and continuing one that schools owe to disabled pupils generally, regardless of whether it is known that a particular pupil is disabled or whether there are currently any disabled pupils. By anticipating the need for an adjustment schools are best placed to help disabled pupils who come to the school. Schools are not expected to anticipate the needs of every prospective pupil but they are required to think about and take reasonable and proportionate steps to overcome barriers that may impede pupils with different kinds of disabilities. For example, while it may be appropriate to provide large print for a pupil with a visual impairment, it might not be reasonable to be expected to have Braille devices standing ready.

Socio-economic duty:

Socio-economic status was also recognised in the legislation, though a specific duty on Socio-economic status has not been enacted by the present Government. This means that the statutory protection given to people on low incomes or in rural isolation experiencing disadvantage or unfair treatment will not be the same as the other protected characteristics.

App 1.2 Guidance for School Leaders

DfE: Equality Act 2010: Advice for School Leaders, School Staff, Governing Bodies and Local Authorities:

<http://www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010>

Local Authority: Refer to the updated information available on Kent Trust Web:

http://www.kenttrustweb.org.uk/ask8/ask8_inclusion_publications.cfm

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App 2. 1 Table of legislation prior to Equality Act 2010

Prior to the Equality Act 2010 'protected characteristics' were commonly called 'strands'.

Equality Strand	Legislation	General Duty	Specific duties
ALL	Human Rights Act (1998), Article 14: Rights ... <i>'without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'</i>		N/A
Disability	Disability Discrimination Act 1995, as amended Special Educational Needs and Disability Act 2001 Disability Discrimination Act 2005	Eliminate discrimination Promote equality of opportunity Eliminate harassment Promote positive attitudes Encourage participation More favourable treatment	Disability Equality Scheme <ul style="list-style-type: none"> • Monitor implementation • Assess impact • 3 year review • Report annually SEN policy & Accessibility Plan <ul style="list-style-type: none"> • Report annually
Gender (sex) and Gender Reassignment	Equal Pay Act 1970 Sex Discrimination Act 1975, as amended Equality Act 2006 Sex Discrimination (Gender Reassignment) Regs 1999 Gender Recognition Act 2004	Eliminate discrimination Promote equality of opportunity	Gender equality scheme <ul style="list-style-type: none"> • Monitor implementation • Assess impact • 3 year review
Race	Race Relations Act 1976, as amended Race Relations (Amendment) Act 2000	Eliminate discrimination Promote equality of opportunity Promote good relations	Race equality policy <ul style="list-style-type: none"> • Monitor implementation • Assess impact • 3 year review Record incidents & report to LA
Religion or belief	Employment Equality (Religion or Belief) Regulations 2003, as amended Equality Act 2006	Employ - ment & provision of goods & services including Education	Eliminate discrimination on the basis of: <ul style="list-style-type: none"> • less favourable treatment • disadvantage • any other detriment – including harassment
Sexual orientation	Employment Equality (Sexual Orientation) Regulations 2003, as amended Equality Act 2006, Sect 81		

App 2. 2 Table of legislation: Equality Act 2010

Protected Characteristics:	What is new?	Requirements	Application to schools
Age Disability Gender - reassignment Marriage and civil partnership Pregnancy and maternity Race Religion or belief Sex Sexual orientation	<p>A single public sector equality duty applying to all protected characteristics:</p> <p>Specific changes offering greater protection from harassment and victimisation.</p> <p>Positive action</p> <p>Direct discrimination extended to disability Indirect discrimination extended to disability and gender reassignment New protection from discrimination by association or perception</p>	<p>Eliminate discrimination, harassment and victimisation Advance equality of opportunity, Foster good relations</p> <p>Victims now only need to show that they have been treated badly, rather than less favourably.</p> <p>No requirement to take positive action. No restriction on treating disabled people more favourably.</p> <p>Extension of protection from discrimination based on association or perception to all protected characteristics</p>	<p>Provision for Education (Part 6, Chapter 1)</p> <p>Application of all characteristics as employer and provider of services. Age and Marriage and civil partnership excluded in relation to pupils.</p>

The General Duty – in the exercise of all functions schools must have ‘due regard’ to:

Eliminating unlawful discrimination, harassment and victimisation.	<p>This means: Ensuring all of the policies, services and decisions do not have any bias that will disadvantage people who share a protected characteristic.</p> <p>Having good policies in place to support people who share a protected characteristic to raise concerns of discrimination and harassment, and be protected by the organisation and treated fairly if they raise a concern.</p>
Advancing equality of opportunity between those who share a protected characteristic and those who do not.	<p>This means: Proactively identifying if there are barriers that prevent people who share a protected characteristic from getting the full benefits of employment, goods or services. Taking steps to remove barriers, and prioritising equality of opportunity where there are competing demands – where possible minimising the impact of changes.</p>
Fostering good relations between those who share a protected characteristic and those who do not.	<p>This means: Breaking down barriers that separate individuals into competing groups, addressing issues such as hate crime, domestic violence and violent extremism, ensuring that accurate information is given to all sections of the community so that myths and misinformation do not divide people.</p>

The Specific Duties – in the exercise of the General Duty schools must:

Publish information to demonstrate compliance with the general duty	Take note: Information will clarify how compliance in policies and practices has affected people who share relevant protected characteristics Deadline: By 6 th April 2012 and then annually
Prepare and publish one or more objectives	<i>Take note: Objectives must be specific and measurable</i> Deadline: By 6 th April 2012 and then at intervals of not greater than 4 years

App 3. Links to other provisions, criteria & practices

- Accessibility Plan
- Anti-Bullying Policy
- Health and Safety
- Recruitment policy and Job descriptions
- Safeguarding Policy
- SEN and Inclusion Policy

App 4. List of organisations and contact details

Department for Education: www.education.gov.uk

Equalities and Human Rights Commission: <http://www.equalityhumanrights.com/>

Government Equalities Office: <http://www.equalities.gov.uk/>

Kent LA Inclusion and Achievement Advisers (SSIP-SS): http://www.kenttrustweb.org.uk/ask8/ask8_inclusion_contact.cfm

Religion, spirituality, faiths and beliefs in Kent : http://www.kenttrustweb.org.uk/ask8/ask8_whole_school_psd.cfm

Kent customer equalities impact assessment: Kent equalities information documents: http://www.kenttrustweb.org.uk/Policy/eg_keydocs.cfm

App 5 Frequently Asked Questions (FAQs)

1. **What is the legal requirement to do equality impact assessments (EIAs)?** There is no specific legal requirement to record EIAs but the specific duty to publish information to demonstrate compliance with the general duty will have to be informed by accurate assessment of the impact of PCPs on those who share relevant protected characteristics. A robust process of equality impact assessment can assist in accurately identifying genuine issues.

2. **Have education services actually faced legal action over equalities?** Yes, there is some significant case law. Examples include rulings on admissions policy (*M v Jewish Free School* 2007), uniform Policy (*Watkins-Singh v Aberdare Girls' High School*, 2008) and impact assessment (*Kaur and Shah v London Borough of Ealing*, 2008).
3. **What is 'institutional discrimination'?** The Stephen Lawrence Inquiry report defined institutionalised racism as, *'the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture and ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.'*
4. **What is the difference between a policy and a scheme?** There is no difference that affects this SES.
5. **Do we still have to have an accessibility plan?** Yes, there are specific requirements in relation to accessibility.
6. **How can we manage the burden of paperwork associated with a SES?** Originally the SES was theoretically one way of rationalising the requirements of a range of equality laws. A single scheme should mean less paperwork. At the development stage there is a lot of new work but the benefits will outweigh the costs if schools plan and develop their SES carefully and realistically. It also needs to be remembered that the various elements of the SES are tools rather than requirements.
7. **Can our equality action plans be done as part of other action plans within the school?** Yes, it is good practice to embed the processes relating to the SES within other school PCPs including development and action planning. There may still be a need to do discrete equality action planning where there is a need to take action on an equality issue for which there is no other related planning.
8. **Can we do a single equality action plan covering the various identified groups?** It is for the school to decide how to organise its processes and documentation. In order to target action effectively, however, an individual plan will be needed in relation to each protected characteristic where issues in regard to that characteristic have been identified through equality impact assessment.