**Equality Duty - scenarios for discussion**

1. A school's behaviour policy sets out that detentions will always be set when the school's code of conduct has been breached on 3 occasions by any pupil. A pupil with ADHD is reaching this threshold more than most pupils. Is this an issue?

2. A school's uniform policy allows girls to wear one pair of small stud earrings. Boys are not allowed to wear earrings. Is this an issue?

3. It has been arranged, that a pupil with learning difficulties who exhibits challenging behaviours in the lunch queue, brings in a packed lunch from home rather than have a school meal. Is this an issue? She eats her lunch away from her friends. Is this an issue?

4. A parent with fundamentalist Christian views objects to the teaching of evolution in science without 'a balancing' it with teaching on intelligent design. Is this an issue?

5. A teaching assistant has racially abused a pupil. Who is responsible?

**Equality Duty - scenarios for discussion & responses**

1. A school's behaviour policy sets out that detentions will always be set when the school's code of conduct has been breached on 3 occasions by any pupil. A pupil with ADHD is reaching this threshold more than most pupils. Is this an issue?

Response: likely to be indirect discrimination, especially if no reasonable adjustments made, if no adjustments made - this would be a disproportionate means of achieving a legitimate aim. A legitimate aim might include maintaining standards, or health and safety.

2. A school's uniform policy allows girls to wear one pair of small stud earrings. Boys are not allowed to wear earrings. Is this an issue?

Response: could be sex discrimination.

3. It has been arranged, that a pupil with learning difficulties who exhibits challenging behaviours in the lunch queue, brings in a packed lunch from home rather than have a school meal. Is this an issue? She eats her lunch away from her friends. Is this an issue?

Response: behaviours are due to learning difficulties/ disability , not allowing her to have a school meal , is unfavourable treatment.

4. A parent with fundamentalist Christian views objects to the teaching of evolution in science without 'a balancing' it with teaching on intelligent design. Is this an issue?

Response: the way a curriculum is delivered is covered by the Act, the content is explicitly not - not a valid complaint under the act.

5. A teaching assistant has racially abused a pupil. Who is responsible?

Response: school as employer is liable for all incidences in contravention of the Act. It does not matter if you knew or not. However, if you can demonstrate you as employer had taken all reasonable steps to prevent any contraventions of the Act... then you will unlikely to be legally responsible. Could be the individual and the school liable.

**Exception: disability discrimination- institution is liable not individual.**