

# NORMANBY PRIMARY ACADEMY EQUALITY POLICY

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## 1. About the Equality Policy

Promoting equality means treating people fairly, valuing differences and removing the barriers that prevent people from fully participating in school life and realising their full potential. Over recent years, we have worked extremely hard to reduce inequality. Yet we know that people still experience disadvantage and unfair treatment simply because of whom they are or the background they come from.

**Normanby Primary School is committed to taking positive action that will open up the curriculum and its associated activities, services and opportunities to everyone, ensure that difference and diversity is embraced, and that people are always treated fairly and with respect.**

This Policy sets out the key principles of equality that will guide the way in which we make decisions, provide services; recruit and support our employees; work with other organisations; and involve local people. It will be supported by strategies and action plans that set out the objectives and activities that will ensure we meet our Equality Duty. These documents are referred to throughout this Policy, and can be viewed by requesting a copy from the Head teacher or in the case of some documents, our website.

## 2. Our Vision and Values

Normanby Primary School is committed to ensuring equality, fairness, inclusion and good relations are at the heart of everything we do, be it policy-making, service delivery or employment practice. This will be key to delivering our vision for our School to be:

### **School Aims**

**'Every child and young person should leave our care able to live healthily, enjoying safe, happy and fulfilling lives, and with a desire to continue learning, expand their horizons and realise their ambitions and aspirations.'**

Our commitment to promoting equality is reflected in the values that guide the way in which we plan and deliver services:

- Openness, fairness and accountability
- Involving and listening to our citizens
- Valuing our people
- Continuous improvement

## 3. Our Legal Responsibilities

Normanby Primary School will meet all of its Legal Duties in respect of equality and diversity. The key piece of legislation is the **Equality Act 2010**, which came into effect in October 2010. It replaces and consolidates the raft of anti-discrimination laws with a single Act, and has implications for us as an employer and a service provider.

The Act contains a new Public Sector Equality Duty, which requires all public bodies and private bodies that deliver a public function, to consider the needs of diverse groups when designing

and delivering services. Under the Act, Normanby Primary School must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality involves

- Removing or minimising disadvantages suffered by people due to protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- Tackling prejudice and promoting understanding between different communities

Normanby Primary School must also comply with the Conventions contained within the **Human Rights Act 1998**, which sets out the fundamental rights and freedoms that individuals in the UK have access to.

The following websites provide a wealth of useful information about Equality and Human Rights:

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

[www.homeoffice.gov.uk/equalities](http://www.homeoffice.gov.uk/equalities)

[www.acas.co.uk](http://www.acas.co.uk)

## 4. Who Are we Protecting?

The Equality Act 2010 protects people on the grounds of specified “protected characteristics.”

- |  |                                       |
|--|---------------------------------------|
| • Age                                    | • Pregnancy and maternity leave       |
| • Sex                                    | • Religion, belief or faith           |
| • Disability and caring responsibilities | • Race or ethnicity                   |
| • Gender reassignment (transgender)      | • Marital status or civil partnership |
| • Sexual orientation                     |                                       |

We also recognise that one of the main factors that contribute to inequality is poverty. Indeed, poverty can often have a disproportionate impact on protected groups. We have therefore broadened the scope of our equality work to encompass social class, income or housing circumstance. At our school we will use the Free School Meal indicator to help us analyse our work in this area.

## **5. Who is Responsible for Equalities?**

Equality is the responsibility of every Governor and employee of Normanby Primary School, as well as organisations who provide services on behalf of Normanby Primary School.

Our parents and carers also have a responsibility to treat our staff with dignity and respect, and to tell us if they require assistance or adjustments to enable them to access our services. We can't help if we don't know help is needed.

Overall responsibility for ensuring that our decisions are compliant with equality legislation lies with Normanby Primary Schools Governing Body, who will be supported by the Head teacher and Leadership Team, to whom they may delegate the day-to-day management of this area of work. We will follow a robust process to ensure we consciously think about the three aims of the equality duty as part of our decision-making process. This is evidenced in the minutes of meetings, in particular our Termly Standards meetings.

All Staff have a professional responsibility to keep up to date with equalities legislation by attending training events organised by the school or Local Authority or recognised training provider.

A Rights Respecting Schools Group and School Council have been established to drive forward the equalities agenda, ensuring equality is built into everything we do as an organisation from a child's point of view. The RRS group has an action plan which has been based on good practice. Progress in relation to achieving our agreed Equality Objectives will be monitored through Normanby Primary Schools 'Head teachers Termly Report to the Governing Body'.

## **6. Making Fair Decisions**

Every day, decisions are made within Normanby Primary School that affect the lives and relationships of pupils, families and its employees.

Equality Analysis will be used when required as a tool to help us make fair, sound and transparent decisions that are based on a robust understanding of the needs and rights of the groups and individuals who may be affected. We will seek advice from our Governor Support Service or Human Resources Advisor when this process needs to be formally undertaken. When advised that we should do so the Governors of Normanby Primary School will then make use of the Local Authority's [Equality Analysis Process](#) to ensure that equality analysis is exercised in substance, with rigour and an open mind in such a way that influences the final decision. It will also be used to identify positive actions that will mitigate any negative effects of our decision or enhance any benefits for protected groups and others at risk of disadvantage.

Transparency in our decision-making will help us to foster good relations between different groups and individuals, by removing misunderstanding and suspicion. We will therefore produce and publish electronically, a written record of the equality analysis in Minutes of Meetings, in relation to decisions that are taken by Governors.

## **7. Collating, Analysing and Reporting on Equality Information**

We will collate, analyse and publish information about equality and diversity in the workforce, service delivery and where appropriate our communities. This will be used to help us develop

and monitor equality objectives, inform our service planning and decision making, identify ways of improving performance and demonstrate compliance with the Equality Duty. This will be achieved via the School Census, data returns and school monitoring procedures.

We use this information to adjust future teaching and learning plans, as necessary. Resources are available to support groups of pupils where the information suggests that progress is not as good as it should be. The governing body receives regular updates on pupil performance information.

School performance information is compared to national data and Local Authority data, to ensure that pupils are making appropriate progress when compared to all schools, and to schools in similar circumstances.

As well as monitoring pupil performance information, we also regularly monitor a range of other information. This relates to:

- Exclusions and truancy
- Incidents of racism, disability, sexist incidents and all forms of bullying;
- Parental involvement
- Participation in extra curriculum activities
- Attendance

Our monitoring activities enable us to identify any differences in pupil performance. This allows us to take appropriate action to meet the needs of specific groups and to set targets in our strategic plan, to make the necessary improvements.

We will routinely ask staff and service-users to provide information about their personal characteristics. This will only be done where the information is relevant to the aims of the equality duty – for example if there are known inequalities in relation to a particular outcome or service. Normanby Primary School will always make it clear that disclosure of sensitive information is optional. However, without gathering some form of evidence, it may be difficult to monitor the impact of policies and procedures on certain protected groups. Normanby Primary School will endeavour to overcome this by creating a culture of trust whereby individuals are comfortable disclosing such information. Whenever we ask for equality information, we will explain why the information is needed, how it will be used, and how we will ensure that privacy will be protected.

Normanby Primary School will uphold its duty to protect an individual's right to privacy, and will not publish information that could identify an individual. Nor will the information be used to identify an individual or make a decision about them purely on the grounds of the information that has been provided in relation to their protected characteristics. All personal data will be processed in accordance with the Data Protection principles and in compliance with our Data Protection Notification with the Information Commissioner. Further details are included in our GDPR documentation and Privacy Notices

## **8. Making our services accessible and easy to use**

We constantly strive to deliver services that are easily accessible by all who need them, and to support people to participate in public life. This in turn will help us achieve our duty to foster good relations between different groups and individuals. We are committed to having conversations with residents, service users and customers to develop an understanding of how we can break down barriers and better meet their needs. This may involve making



adjustments to the way we deliver services where it is reasonable to do so. Relevant actions are detailed within our School Improvement Plans or teachers curriculum planning.

Through our [School Improvement Plan](#) we will make our activities and services more accessible and inclusive, and encourage people from diverse backgrounds to come together to identify and tackle local issues.

We will make sure that everyone has the information they need about our services. We will endeavour to provide all information in plain English and in alternative formats on request. We will follow the Local Authority practice in this area, more information can be found in their Guidance on Communicating with Diverse Groups.

We are committed to engaging effectively with parents and carers, pupils and other stakeholders. We will actively seek their views about Normanby Primary School and the services they receive, as well as involving them in shaping services, curriculum delivery and decision- making.

We actively support those who find it difficult to express themselves (for example children who have physical or learning disabilities will be supported when a questionnaire is used).

## **9. Agreeing what we will do to advance equality and making sure we do it**

### **Promoting Equality through the Curriculum Learning and Teaching**

We aim to provide all our pupils with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, teaching and learning will:

Ensure quality of access for all pupils and prepare them for life in a diverse society;

Promote attitudes and values that will challenge discriminatory behaviour;

Provide opportunities for pupils to appreciate their own culture and religions and celebrate the diversity of other cultures;

Use a range of sensitive teaching strategies when teaching about different cultural and religious traditions;

Develop pupil's advocacy skills so that they can detect bias, challenge discrimination, leading to justice and equality;

Ensure that the PSHE and Citizenship curriculum cover issues of equalities, diversity, religion, human rights and inclusion;

Seek to involve all parents in supporting their child's education;

Provide educational visits and extra-curricular activities that involve all pupil groupings;

Take account of the performance of all pupils when planning for future learning and settling challenging targets;

Make best use of all available resources to support the learning of all groups of pupils;

Identify resources that support staff development.

### **Learning Environment**

There is a consistently high expectation of all pupils regardless of age, gender, ethnicity, ability or social background. All pupils are encouraged to improve on their own achievements and not to measure themselves against others. Parents are also encouraged to view their own children's achievements in this light.

#### **To secure the desired outcomes we recognise:**

Teacher enthusiasm is a vital factor in achieving a high level of motivation and good results from all pupils. We will use materials that reflect a range of cultural backgrounds, without stereotyping. All subject departments, where appropriate, promote and celebrate the contribution of different ethnic groups to the subject matter. Adults in the school will try to provide good, positive role models in their approach to all issues relating to equality of opportunity.

The school should place a very high priority on the provision for Special Educational Needs and Disability. We aim to meet all pupils' learning needs including the more able by carefully assessed and administered programmes of work.

The school must provide an environment in which all pupils have equal access to all facilities and resources.

All pupils are to be encouraged to be actively involved in their own learning. A range of teaching methods are to be used throughout the school to ensure that effective learning takes place at all stages for all pupils.

### **Curriculum**

At Normanby Primary School, we aim to ensure that our:

Planning reflects our commitment to equality in all subject areas and cross-curricular themes promote positive attitudes to equality and diversity. Pupils will have opportunities to explore concepts and issues relating to identity and equality. All steps are taken to ensure that all pupils have access to mainstream curriculum by taking into account the cultural and lifestyle backgrounds of all pupils, their linguistic needs are taken into account and their learning styles are considered.

### **Ethos and Atmosphere**

At Normanby Primary School, we are aware that those involved in the leadership of the school community are instrumental in demonstrating mutual respect between all members of the school community. There should be an openness of atmosphere that welcomes everyone to the school. The children are encouraged to greet visitors to the school with friendliness and respect. The displays around the school are of a high quality and reflect diversity across all aspects of equality of opportunity and are frequently monitored.

Although physical access to the school is difficult under normal circumstances, vehicular access to a safe parking space can be easily arranged for disabled visitors;

Provision is made to cater for the spiritual needs of all the children through planning of assemblies, classroom based and externally based activities.

### **Resources and Materials**

The provision of good quality resources and materials within Normanby Primary School is a high priority. These resources should:

Reflect "the reality of an ethnically, culturally and sexual diverse society;"

Reflect a variety of viewpoints; Show positive images of males and females in society including

people with disabilities; they should not include explicitly and implicitly racist, sexist, homophobic or ageist materials.

## **Language**

We recognise that it is important that all members of the school community use appropriate language which:

- Does not transmit or confirm stereotypes;
- Does not offend;
- Creates and enhances positive images of particular groups identified at the beginning of this document;
- Creates the conditions for all people to develop their self esteem;
- Uses correct terminology in referring to particular groups or individuals e.g. Inuit rather Eskimo, Native Americans rather than Red Indians.
- Use, when possible, first language effectively for learning

### **Extra-Curricular Provision**

It is the policy of this school to provide equal access to all activities from an early age e.g. girls playing football, boys playing netball and mixed teams wherever possible. We also provide equality of access to Sunshine Club.

We undertake responsibility for making contributors to extra-curricular activities aware of the school's commitment to equality of opportunity (e.g. sports helpers, coach drivers) by providing them with written guidelines drawn from this policy.

We work to ensure that all such non-staff members who have contract with children adhere to these guidelines.

### **An example of provision for pupils from an identifiable group: Bilingual pupils at Normanby Primary School.**

We would undertake to make appropriate provision for all EAL/bilingual children to ensure access to the whole curriculum. This has been done through close work with the Local Authority support service. These groups have included:

- Traveller and Gypsy Roma children;
- Those from refugee families;
- Pupils whom English is an additional language;
- Pupils who are new to the United Kingdom.

Their performance has been noted at Standards Meetings and thus shared with Governors and Leadership Team.

### **Personal Development and Pastoral Guidance**

All pupils/staff/parents/carers are given support as appropriate when they experience discrimination. We also recognise that the perpetrators of discrimination are themselves sometimes victims of their personal circumstances and therefore where appropriate remedial work is done to ensure that the actions do not occur again. Positive role models are used when the opportunity arises throughout the school to ensure that different groups of pupils can see themselves reflected in the school community.

Emphasis is placed on the value that diversity brings to the school community rather than the challenges.

### **Staffing and Staff Development**

We recognise the need for positive role models and distribution of responsibility among staff. This must include pupil's access to a balance of male and female staff at each key stage.

We undertake to encourage the career development and aspirations of all individuals.

It is our policy to provide staff with training and development, which will increase awareness

of the needs of different groups of pupils in the various dimensions of equality of opportunity. We will agree clear and challenging objectives in our School Improvement Plan that will focus our efforts on improving the lives of children at risk of inequality, exclusion and lower than

expected attainment. These state what we want to achieve, and are supported by clear actions and measures of performance. The objectives are included within Normanby Primary School's strategic planning document: the School Improvement Plan. They will also be included in our emerging issues/ Leadership Team plans and other key documents. This will ensure that equality is an integral part of our day-to-day business planning and activities.

Progress towards achieving these objectives will be monitored as part of Normanby Primary School's Performance Management systems.

## **10. Employing, Supporting and Developing our People**

We will treat all of our staff, and anyone who applies to work for us fairly and equally. Our employment practice is guided by the principles of equality and fairness. This includes recruitment, terms and conditions, appraisals, learning and development, promotion and when ending employment. Our activities and approach to achieving this are available via our Human Resources

We want our staff to reflect the diversity of the communities that we serve, and will ensure we follow guidance from the Local Authority when we recruit that may include taking steps to encourage applications from groups who we know are under-represented in our workforce. The Local Authority has been awarded use of the Positive about Disabled People Two Tick Symbol in recognition of our commitment to employ, retain and develop the skills of disabled people. This symbol will be used in all of our recruitment material when handled on our behalf by the Local Authority.

All employees and elected members should be treated with respect and dignity in the workplace. Normanby Primary School will not tolerate bullying and harassment in any form, and the [Raising Staff Concerns Policy](#) sets out how individual members of staff might raise concerns they have about actions taking place within the workplace. It specifically covers issues around bullying and harassment; grievances and whistle blowing.

Employees from protected groups will be supported and encouraged to organise their own interest groups where they can meet to share information, raise concerns and raise awareness.

We will adopt a range of methods to ensure an inclusive approach to engaging with staff about issues that affect them. This may include trade unions, team meetings, Local Authority arranged road shows, use of the intranet, staff surveys, focus groups and written communication.

## **11. Working with Other Organisations**

Normanby Primary School will use its role as community leader to promote equality in partnership working with public, private, voluntary and community sector organisations.

The [Redcar and Cleveland Partnership](#) is the Local Strategic Partnership for the Borough. Normanby Primary School will work collaboratively through the Partnership to protect people from unfair treatment and disadvantages, to remove barriers that prevent people from

accessing services, progressing and achieving in life, and to support local people to build strong positive relationships between and within their communities. The Partnership [Statement of Priorities](#) sets out the Outcomes that we want to achieve, along with objectives that have been developed to reduce inequality in our Borough. The [Stronger Communities Partnership](#) will champion equalities and ensure that information, experience and best practice is shared.

The [Redcar and Cleveland Compact](#) is a set of principles within which the public, voluntary and community sectors agree to work together. The Compact includes a Code of Practice on Equality and Diversity, to which Normanby Primary School is fully committed.

Normanby Primary School procures a wide range of goods, services and works from third party suppliers. As part of Normanby Primary School's procurement through the Local Authority process, suppliers are required to sign a Declaration of Undertaking in relation to Equality and Diversity, which confirms their compliance and commitment to all legal obligations in relation to Equality, and Diversity. It is the responsibility of the Bursar that procurement activities ensure equality is embedded into all aspects of the process from writing specifications to contract management. Normanby Primary School's Scheme of Delegation is available within School.

## **12. Protecting People**

Safeguarding children, young people and vulnerable adults is everybody's business, wherever they work and whatever they do for Normanby Primary School. This includes staff, volunteers and people who work for organisations that provide services on behalf of Normanby Primary School. We will endeavour to ensure all staff and elected members are trained in Safeguarding Awareness. The [Teeswide Inter-agency Policy, Procedure and Practice Guidance](#) is used to assist staff of all agencies in working together to identify and support adults who may be vulnerable to abuse and/or mistreatment.

Normanby Primary School has an absolute commitment to the well being of children and young people. Our [anti-bullying policy](#) aims to reduce incidents of bullying that involve children and young people, and to encourage children, young people and adults to show respect and consideration for others. The Redcar & Cleveland Safeguarding Children Board is responsible for agreeing how organisations in Redcar & Cleveland co-operate to safeguard and promote the welfare of children and young people and ensure the effectiveness of what they do. More information, including policies and procedures to safeguard children and young people to be followed by staff are published on the internet. A link is available from the school website.

We will continue to work with our partners to tackle domestic and sexual violence, and will implement our part in the Local Authority Partnership [Domestic and Sexual Violence Reduction Strategy](#) to ensure that all residents in the Borough have a fundamental right to live their lives in an environment which will not tolerate domestic violence, will support victims/survivors and will hold perpetrators accountable for their actions. At Normanby Primary this has included specific works with groups of pupils.



Normanby Primary School is also committed to working in partnership to ensure that hate crime is not tolerated within our communities and neighbourhoods. Hate crime is motivated because of prejudice, hostility or hatred towards a person, family or groups because of their sexuality, gender identity, disability, ethnicity, religion or faith. It can include physical attacks to a person or their property, threats, verbal abuse and insults. Nobody should suffer because of who they are, and nobody should put up with it. Through the planned curriculum and when opportunities arise we will tackle incidents as well as raise awareness of hate crime, encourage victims to report incidents, support known victims and take actions against offenders as necessary. More information on the Local Authority systems in place can be found in our [Community Safety Plan](#) and our [Stronger Communities Plan](#)

### **13. Good Practice in Equalities**

Our work will be guided by the guidance and codes of practice published by the Equality and Human Rights Commission, and informed by the Equalities Framework for Local Government. We will share best practice through membership of local equality groups, and internally, through the regular Leadership and Team Meetings.

### **14. Other Relevant Policies, Procedures, Strategies and Guidance**

In addition to the many documents referred to within this policy, Normanby Primary School has in place a range of policies, procedures, strategies and guidance that have an important role in ensuring we are meeting the needs of, and advancing equality for protected groups. These are detailed within the Equality Policy Framework in appendix 1.

#### **Notes**

This Policy was written in light of the Redcar and Cleveland Local Authority Policy. It is subject to review yearly.

## Appendix 1 Associated Policies

### Appendix 2

#### The protected characteristics

The following characteristics are protected characteristics—

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

#### 5Age

(1) In relation to the protected characteristic of age—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular age group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same age group.

(2) A reference to an age group is a reference to a group of persons defined by reference to age, whether by reference to a particular age or to a range of ages.

#### 6Disability

(1) A person (P) has a disability if—

(a) P has a physical or mental impairment, and

(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

(2) A reference to a disabled person is a reference to a person who has a disability.

(3) In relation to the protected characteristic of disability—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability;

(b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.

(4) This Act (except Part 12 and section 190) applies in relation to a person who has had a disability as it applies in relation to a person who has the disability; accordingly (except in that Part and that section)—

(a) a reference (however expressed) to a person who has a disability includes a reference to a person who has had the disability, and

(b) a reference (however expressed) to a person who does not have a disability includes a reference to a person who has not had the disability.

(5) A Minister of the Crown may issue guidance about matters to be taken into account in deciding any question for the purposes of subsection (1).

(6) Schedule 1 (disability: supplementary provision) has effect.

#### 7Gender reassignment

(1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

(2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.

(3) In relation to the protected characteristic of gender reassignment—

(a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person;

(b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

## **8 Marriage and civil partnership**

(1) A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.

(2) In relation to the protected characteristic of marriage and civil partnership—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner;

(b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

## **9 Race**

(1) Race includes—

(a) colour;

(b) nationality;

(c) ethnic or national origins.

(2) In relation to the protected characteristic of race—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular racial group;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same racial group.

(3) A racial group is a group of persons defined by reference to race; and a reference to a person's racial group is a reference to a racial group into which the person falls.

(4) The fact that a racial group comprises two or more distinct racial groups does not prevent it from constituting a particular racial group.

(5) A Minister of the Crown may by order—

(a) amend this section so as to provide for caste to be an aspect of race;

(b) amend this Act so as to provide for an exception to a provision of this Act to apply, or not to apply, to caste or to apply, or not to apply, to caste in specified circumstances.

(6) The power under section 207(4)(b), in its application to subsection (5), includes power to amend this Act.

## **10 Religion or belief**

(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.

(2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

(3) In relation to the protected characteristic of religion or belief—

(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;

(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

## **11 Sex**

In relation to the protected characteristic of sex—

(a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

## **12 Sexual orientation**

(1) Sexual orientation means a person's sexual orientation towards—

(a) persons of the same sex,

(b) persons of the opposite sex, or

(c) persons of either sex.

(2) In relation to the protected characteristic of sexual orientation—

(a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation;

(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.