

# EQUALITY AND DIVERSITY POLICY

**Document Owner:** HR Director

**Date:** September 2020

**Status:** Non-statutory



<b>Document Type</b>	Equality & Diversity Policy			
<b>Reference Number</b>	CLT-EQD-V1.0			
<b>Summary</b>	The purpose of this policy is to define the Trust's commitment to equality and diversity and represents our commitment to a common set of values and objectives, and to a consistent approach to communicating, implementing and monitoring the policy.			
<b>Associated Documents</b>	SEN Policy/Local Offer Admissions Policy All Employment Policies Accessibility Student Attendance Exclusion Policies			
<b>Target Audience</b>				
<b>Document Version No:</b>	V1.0			
<b>Date of this Version</b>	September 2020			
<b>Document Owner</b>	HR Director			
<b>Review Body</b>	Policy & Procedures Working Party			
<b>Union Consultation Date/s:</b>	n/a			
<b>Review Body Meeting Date</b>				
<b>Approved/Ratified by</b>	Board of Trustees			
<b>Approval Date</b>	14th December 2020			
<b>Date uploaded on website/s</b>				
CLT	Haywood	Trentham	Mill Hill	Smallthorne
<b>Review Frequency</b>				
<b>Review Date:</b>				
<b>Signature of Chair of Trustees</b>				
<b>Acknowledged by:</b>	<b>Local Governing Committee:</b>			
	Haywood	Trentham	Mill Hill	Smallthorne

## VERSION CONTROL

Version No:	Type of change	Date	Revisions from previous version
0.1	New Document	April 2020	New Policy
1.0	Bi-annual review	Sept 2020	No changes

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## 1. STATUS

- a. Non statutory.

## 2. PURPOSE AND GUIDING PRINCIPLES

- a. The purpose of this policy is to define the Trust's commitment to equality and diversity and represents our commitment to a common set of values and objectives, and to a consistent approach to communicating, implementing and monitoring the policy.
- b. The Trust and its member Academies are committed to equality in both employment and education provision. We aim to ensure that students, parents, governors, employees, contractors, partners, clients and those who may potentially join the Trust community, are treated fairly, and with dignity and respect.
- c. This policy encompasses the following protected characteristics:
  - i. Age
  - ii. Disability
  - iii. Race, colour, nationality, ethnic or national origin
  - iv. Sex (including transgender)
  - v. Gender reassignment
  - vi. Pregnancy and maternity
  - vii. Religion or belief
  - viii. Sexual orientation
  - ix. Marriage and civil partnership (for employees)
- d. This policy recognises the four types of unlawful behaviour (see Appendix A)
  - i. Direct discrimination
  - ii. Indirect discrimination
  - iii. Harassment
  - iv. Victimisation
- e. Every possible step will be taken into account in the aim of ensuring individuals are treated fairly and decisions are based on objective criteria.

## 3. LINKS TO OTHER POLICES OR LEGISLATION

- a. This statement applies to every policy, procedure and guidance document that is produced in relation to students, staff, parents and governors.
- b. This statement is underpinned by the Equalities Act 2010
- c. Other Academy policies which link to this statement are:
  - i. SEN Policy/Local Offer
  - ii. Admissions Policy
  - iii. All Employment Policies
  - iv. Accessibility
  - v. Student Attendance
  - vi. Exclusion Policies
- a. This list of policies is not exhaustive.

## 4. EQUALITY STATEMENT

- a. The Trust will ensure that equal opportunities and the principles of fairness underpin all aspects of policy procedure, education provision, consultation and decision making.

- b. The Trust is committed to equality in its delivery of education, whether or not the service is directly provided by us or contracted out to a third-party provider.
- c. The Trust aims to provide high quality education services, making sure that services are easily accessible. We will continue to improve by consulting with staff, students, parents and governors, their communities and external organisations.
- d. We will make every effort in creating equality of opportunity in order to ensure they are accessible and fair to everyone. Every person has the right to be treated fairly, regardless of race, gender, sexuality, disability, age culture, religion, nationality or caring responsibilities. Where necessary we will implement reasonable adjustments, or additional support, to ensure equality of access to an education and suitable working environment.
- e. Our staff and governors who agree and deliver our education provision will recognise diversity and demonstrate a proactive approach in their day-to-day work. They will ensure that everyone is treated fairly, recognising special needs and understanding differences. Behaviour will reach our high standards of conduct (Staff and students) and the learning environment we provide will be safe and accessible for those studying and working.
- f. The Trust will adhere to statutory government legislation and give consideration to other relevant guidance, which aim to make sure that everyone is treated with equality.
- g. The Trust will not tolerate any form of discriminatory behaviour against members of the Academy stakeholders.

#### **4.1 Employment**

- a. The Trust is committed to ensuring that employees have equal access to jobs, training, and professional development opportunities.
- b. All employment policies refer to the provision of the Equalities Act 2010.
- c. The Trust recognise that the Act extends beyond the protected characteristics of an individual employee and has broader responsibilities to employees and situations that may be covered by the Act. For example, an employee with parental or caring responsibilities for a disabled dependent may have rights under the Act which the Academy would need to consider.
- d. All recruitment will be within the provisions of the Act but does not apply to students in the Academies.
- e. Employees who are in breach of this policy will be dealt with under the Trust's disciplinary policy.

#### **4.2 Student Provisions**

- a. The Trust and its member Academies will ensure that students are provided with appropriate support to recognise their individual needs. This includes protection under the Act extending the reasonable adjustment duty to require schools to provide auxiliary aids and services to disabled students.
- b. All policies relating to the provision of education, the curriculum, behaviour for learning, attendance, exclusion, medical treatment and Child Protection and safeguarding policies should consider the provisions and duties of the Act.

#### **4.3 Contractors and Service Providers**

- a. The Trust will ensure that all service providers that are contracted to provide services to students, staff or visitors will comply with Equalities legislation.
- b. Where services are deemed not to meet Trust / Academy standards, in relation to equal opportunities and fairness, contracts may be terminated.

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 The Trust Board are responsible for:**

- a. Making sure the Academies follow all of its equality and diversity policies and meets its legal responsibilities with respect to equality.

### **5.2 The Headteacher/Principal is responsible for:**

- a. Giving a consistent and high-profile lead on equality and diversity.
- b. Putting the Trust's equality and diversity policies into practice.
- c. Ensuring that all staff know their responsibilities and receive the support and training necessary to carry them out.
- d. Following the relevant procedures and taking action in cases of unfair discrimination, harassment, bullying or victimisation.

### **5.3 All staff are responsible for:**

- a. Promoting equality and diversity and avoiding discrimination.
- b. Actively responding to any incidents of unfair discrimination, related to protected characteristics perpetrated by students, other staff or visitors.
- c. Keeping up to date with equality law and participating in equal opportunities and diversity training.
- d. Complaints from parents, students and the community will be dealt with on line with the Academy's complaints procedure, and as such appropriate staff will deal with the relevant stage of the complaint.

### **5.4 Students are responsible for:**

- a. Respecting others in their language and actions
- b. Complying with all of the Academy equality and diversity policies.

## **6. COMPLAINTS**

- a. The Trust will treat seriously all complaints of unlawful (or potentially unlawful) discrimination.
- b. Any complaints will be investigated in accordance with the Trust's grievance or complaints policy.

## **7. MONITORING AND REVIEW**

- a. Any reviews to the policy will be consulted on and brought to a Trust Board Committee.
- b. Monitoring the implementation of this policy is the responsibility of each Local Governing Committee.

## APPENDIX A

The Equalities Act 2010 defines four kinds of unlawful behaviour – direct discrimination, indirect discrimination, harassment and victimisation.

### Direct Discrimination

Occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example, if an employee was refused a promotion because of their race.

### Indirect Discrimination

Occurs when a “provision, criterion or practice” is applied generally, but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. An example of this might be holding a parents’ meeting on a Friday evening, which could make it difficult for observant Jewish parents to attend, or arranging the weekly CPD sessions for teachers on days when no part time staff are available for work. It is a defence against a claim of indirect discrimination if it can be shown to be “a proportionate means of achieving a legitimate aim”. This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

### Harassment

Has a specific legal definition in the Act – it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic. Where schools are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does not mean that schools are free to bully or harass pupils on these other grounds – to do so would still be unlawful as well as unacceptable. Any case against the school would be on grounds of direct discrimination rather than harassment.

### Victimisation

Occurs when a person is treated less favourably than they otherwise would have been because of something they have done (“a protected act”) in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person’s complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.

As well as it being unlawful to victimise a person who does a protected act, a child must not be victimised because of something done by their parent or a sibling in retaliation to the Act. This means that a child must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the school, or her brother has claimed that a teacher is bullying him because he is gay, whether or not the mother or brother were acting in good faith. If a pupil has himself or herself done a protected act – such as making a complaint of discrimination against a teacher – then the child’s own good faith will be relevant. For example, if the parent’s complaint is based on information from her son and the son was deliberately lying. It is not victimisation for the school to punish him in the same way as it might do any other dishonest pupil. Unless it can be clear that the mother was also acting in bad faith (for example that she knew her son was lying) it would still be unlawful to victimise her for pursuing the complaint.