



# The Academy for Character and Excellence



## Equality and Diversity Policy

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MAT Schools	<b>St Gabriel's C of E Primary Shaldon Primary Collaton St Mary Primary Galampton Primary</b>	<b>Totnes St John's Brixham Primary</b>

## Who should use this policy?

This policy sets out The Academy for Character and Excellence's approach to equality and diversity and its aims in being an inclusive organisation. The Trust is committed to promoting equality and diversity and a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the Trust. This policy is relevant to all staff, pupils, parents, carers, governors, trustees, volunteers, consultants and visitors alike.

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## 1 **Our Approach**

The Trust is fully committed to promoting the principles in respect of the Equality Act 2010 and also other legislation and international conventions designed to promote equality and respect for human rights.

We seek to embed equality of access, opportunity and outcome for all members of our Trust community, within all aspects of Trust life.

Our Mission is to achieve excellence through cultivating character, sharing talents and pursuing innovation. Each one of our schools in the Trust have their own set of values which sits under the Trust mission.

The Trust has established its core values of Uncompromising Excellence, Creativity, Tenacity, Courage, Responsibility, Community, Compassion and Equity.

In line with our values the Trust desires to advance equality of opportunity by ensuring that all aspects of the functions of the Trust promote equality and community cohesion and celebrate diversity. In addition, the Trust shall always seek to prevent and stop any discrimination, harassment or victimisation, and to ensure that no one is unfairly disadvantaged due to a protected characteristic.

It is essential to understand that it is everyone's duty (members, directors, governors, staff, volunteers and pupils) to follow the principles set out in this policy. Further, this applies to all aspects of the work of the Trust. This will include:

- All aspects of teaching and learning. This will include admissions, school discipline, exclusions and reward systems.
- All decisions made pursuant to any employment policies and practices.
- Any other function, for example, decisions made as part of the complaints policy or any other policy.

Furthermore, we respect the religious beliefs and practice of all staff, pupils and parents, and comply with all reasonable requests relating to religious observance and practice.

## 2 **Understanding Equality Law**

The Equality Act 2010 operates by identifying specific "protected characteristics" and then setting out what discrimination is prevented by law. It is very important to note that an employer may be liable in relation to disability discrimination both where it knows and where it ought reasonably to know that someone may be disabled. In relation to any protected characteristic, it is important to be proactively mindful of whether or not discrimination is taking place and not to just react to individuals raising concerns about discrimination. This means consideration should be given to

issues which may potentially be discriminatory before making decisions. It is important to document how equality issues were considered as part of decision making. Further the Trust has a general duty to promote inclusion and eliminate discrimination.

The protected characteristics are as follows:

- **Age** - A person of a particular age or a range of ages (e.g. 18 - 30 year olds). Age discrimination does not apply to the provision of education, but it does apply to employees and may also apply to the treatment of parents.
- **Disability** - A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.
- **Gender reassignment** - 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. A transsexual person therefore will have the protected characteristic of gender reassignment.
- **Marriage and civil partnership** – This applies to people who are married or who have entered into a civil partnership.
- **Race** - This includes colour, nationality and ethnic or national origins. This also include Travellers/Gypsies.
- **Pregnancy and maternity** – For the purposes of discrimination law, employees have specific rights through the 'protected period'. This starts when a woman's pregnancy begins and ends, if she is entitled to maternity leave, at the end of additional maternity or (if earlier) when she returns to work, or if she is not entitled to maternity leave, at the end of two weeks following the end of the pregnancy.
- **Religion and belief** - Religious and philosophical beliefs including lack of belief. Religion and belief discrimination does not prevent a school from carrying out collective worship or other curriculum-based activities, but pupils may withdraw from acts of collective worship.
- **Sex** - A man or a woman.
- **Sexual orientation** -Sexual orientation means a person's sexual orientation towards—persons of the same sex, persons of the opposite sex, or persons of either sex.

The different types of discrimination are as follows:

- **Direct discrimination.** This is less favourable treatment because of a protected characteristic.
- **Indirect discrimination.** This is when a provision, criteria or practice applied to all persons equally but which puts a person at a particular disadvantage and is not a proportionate means of achieving a legitimate aim.
- **Harassment.** This is conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

- **Victimisation.** This is subjecting a person to a detriment because of their involvement with proceedings (a complaint) brought in connection with the Equality Act 2010. In an educational establishment, this also extends protection to pupils whose parent or sibling has made a complaint in connection with the Equality Act 2010. Please note that a person does not have to have a protected characteristic for victimisation to apply.
- **Discrimination arising from disability.** Treating someone unfavourably because of something connected with their disability (such as periods of absence from work or medical conditions), where that treatment is not a proportionate means of achieving a legitimate aim.
- **Failure to make reasonable adjustments.** Failing to make reasonable adjustments where a provision, criterion or practice or physical feature places a disabled person at a substantial disadvantage.

Reasonable adjustments:

Schools are required to take reasonable steps to avoid disadvantage caused by a provision, criteria or practice or a physical feature that puts a disabled person at a substantial disadvantage compared to a non-disabled person. This involves removing or avoiding a physical feature and taking reasonable steps to provide auxiliary aids/services. In a school context, it will also include making sure that disabled pupils have the same level of access to education as non-disabled pupils.

In addition, there are specific forms of unlawful discrimination:

- **Discrimination by association or perception** - For example, discriminating against someone because they "look gay", or because they have a gay brother; discriminating against someone because they care for a disabled relative.
- **Gender re-assignment discrimination.** Not allowing reasonable absence from work for the purpose of gender-reassignment in line with normal provision (such as sick leave).
- **Pregnancy/maternity related discrimination.** Unfavourable treatment because of pregnancy or maternity. It includes unfavourable treatment of a female because she is breastfeeding.

### 3 Public Sector Equality Duty

The Trust shall also always have 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.
- Foster good relations between people who share a protected characteristic and those who do not.

In working towards achieving the public sector equality duty, the Trust shall seek to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

#### 4 Roles and responsibilities

The CEO has overall responsibility for equality and diversity matters across the Trust. Within each of our schools, the Headteacher is the designated senior member of staff with overall responsibility for all equality and diversity matters at that school. For further information on the **roles and responsibilities** of the Designated Person see Appendix 1.

It is the responsibility of all staff members, directors, governors and volunteers to:

- Know and understand this policy;
- Treat colleagues, pupils, parents/guardians/carers and visitors with dignity and respect;
- Avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;
- Support and participate in any measures introduced to promote equality and diversity;
- Actively challenge discrimination and disadvantage at all times;
- Report any issues associated with equality and diversity in accordance with this policy.

It is important to appreciate that an employee is **personally responsible** for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable. Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee doing so will be subject to disciplinary action.

#### 5 How to Apply the Policy

The duties described above apply at all times and they must be actively considered when making decisions. The following are designed to be examples only:

- If there is racist or homophobic bullying this must be properly addressed. This will include appropriate discipline and steps to educate any pupil doing such bullying to prevent this from occurring.

- If a pupil has special educational needs and is routinely the subject of discipline, then consideration should be given as to whether or not they require any adaptation of the school behaviour policy or if further investigation of their SEND needs is required.
- If, because of their disability, a pupil is unable to access a particular aspect of the curriculum, then it is important to proactively consider what adjustments can be made.
- It is very important to consider that school trips are properly accessible by pupils with a disability.
- If a pupil/member of staff is undergoing a gender transition, particular care and sensitivity will be required.

## 6 Breaches of this policy

Most of the time, applying this policy will be consistent with good professional practice. However, if you believe that you may have been discriminated against you are encouraged to raise the matter through our grievance procedure.

If you need advice on how to proceed you should speak to your Headteacher, line manager or Trust HR Manager.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Employees who make such allegations in good faith will not be victimised or treated less favorably as a result. False allegations which have been found to have been made in bad faith will, however, be dealt with under our disciplinary procedure.

Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behavior may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches to the policy.

## 7 Other factors to consider

The Equality Act 2010 is part of a number of legal duties which schools need to follow. The duties under the Equality Act 2010 will complement other duties such as the Public Sector Equality duty set out above but also the Human Rights Act 1998. It will be important to also consider these duties, such as freedom of expression when making decisions. In addition, there is a duty to be politically neutral which may also be relevant.

The Trust will monitor this policy and ensure that its application is compliant, consistent and fair to all staff.

For more information, guidance can be found from the Department of Education and the Equality and Human Rights Commission Website.

<https://www.gov.uk/government/organisations/department-for-education>

<https://www.equalityhumanrights.com/en>

## **8 Implementation, Monitoring, Evaluation and Review**

Within schools the designated senior member of staff with overall responsibility for the implementation, monitoring and evaluation of the 'Equality and Diversity Policy' is the Headteacher.

The designated member of staff is also responsible for ensuring that all pupils, staff, parents/carers are aware of our policy. Additional support would also be provided to any parent or significant person, wishing to know more about the policy and procedures outlined above. A copy of this policy document is available for inspection on the premises during office hours and an electronic copy is posted on our Trust website

<https://www.acexcellence.co.uk/policies> and our school website:

<https://www.StGabriel'sCofEprimary.org>

This policy document will also be issued as part of a new employee's induction and the contents will be discussed at staff meetings as ongoing training. A copy will be available for staff to access at school and any updates will be discussed with staff when approved.

This policy document will be reviewed and publicised in writing, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policy, guidance and practice

## **9 Equality and Impact Assessments**

The Trust is committed to promoting equality and participation in all of our activities, whether this is related to the education we provide for our pupils or whether this is related to our responsibilities as an employer.

An equality impact assessment (EIA) is an evidence-based approach designed to help organisations ensure that their policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups from participation. This covers both strategic and operational activities, including for example, providing education for our pupils, strategic decision-making, training courses and employment policies.

The EIA will help to ensure that:

- we understand the potential effects of the policy by assessing the impacts on different groups both external and internal
- any adverse impacts are identified and actions identified to remove or mitigate them

- decisions are transparent and based on evidence with clear reasoning.

These EIA's will be carried out wherever appropriate and will be conducted by the relevant team or nominated person. The Central Services Teams will advise on when these are appropriate.

## Appendix 1 - Roles and responsibilities

The designated senior member of staff with overall responsibility for all equality and diversity matters at St Gabriel's C of E Primary School is the Headteacher. The CEO has overall responsibility for equality and diversity matters across the Trust.

The role of the Designated Person is to:

- Create an environment in which all members of the community are expected to treat one another with mutual respect, dignity and tolerance.
- Working with the Trust HR Manager, ensure that St Gabriel's C of E Primary School complies with equality legislation;
- Ensure all policies, practices and procedures associated with equality and diversity including curriculum, admissions, recruitment and selection are implemented;
- Make effective and reasonable adjustments where appropriate to meet the individual needs of staff, pupils and others who may have business with St Gabriel's C of E Primary School;
- Ensure that all staff are aware of and follow the Trust's Equality and Diversity policy and receive appropriate equality and diversity training, in accordance with their roles and responsibilities;
- Take 'all reasonable steps' to prevent discrimination, harassment and victimisation from taking place;
- Working with the Head of Inclusion and Safeguarding and Trust HR Manager, take responsibility for recording, managing and analysing incidents of discrimination, harassment and victimisation in accordance with the Trust's and school's policies, procedures and guidance. This information is also shared with the DSL's and will be reported to the local committee and board of directors.

It is the responsibility of all staff, governors and directors to:

- Treat pupils, colleagues, governors, directors and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;
- Support and participate in any measures introduced to promote equality and diversity;
- Actively challenge discrimination and disadvantage at all times;
- Report any issues associated with equality and diversity in accordance with this policy.

It is the responsibility of all governors and directors to:

- Discuss information received regarding claims of discrimination, harassment or victimisation;
- Analyse data and trends and make recommendations.