



Equality and Diversity Policy

Document provenance

This policy was approved by Trustees as follows –

Board/Committee: Board of Trustees

Date: February 2019

Frequency of review: Four years

ELT Owner: Director of Governance

Author: Regional Education Director (North)

Summary of changes at last review:

- Specific reference to adherence to the Public Sector Equality Duty and Equality Objectives
- A section for equality and diversity in academies has been added in relation to pupils
- Correct terminology and references to the protected characteristics have been added throughout particularly in relation to faith or no faith; and gender identity.
- Two circumstances added by which an academy may segregate pupils on grounds of gender
- A section on use of derogatory language has been added
- New sections added about discrimination to make sure the policy does not highlight one protected characteristic over another

Related documents:

- Grievance Policy & Procedure
- Disciplinary Policy & Procedure
- Code of Conduct
- Leave of absence policy
- Employment and pay policies
- Safeguarding policy
- Behaviour and bullying policies
- Equality Objectives and associated guidance document

Equality and Diversity Policy

1. Introduction and purpose

- 1.1. Provide a secure environment in which all our students can flourish and achieve;
- 1.2. Provide a learning environment in which staff and pupils see themselves reflected and feel a sense of belonging;
- 1.3. Prepare students for life in a diverse society in modern Britain, as well as valuing and positively contributing to local, regional, national and international communities;
- 1.4. Include and value the contribution of all families to our understanding of equality and diversity.
- 1.5. Provide positive non-stereotyping information about different groups of people regardless of gender; gender reassignment; ethnicity; disability; sexual orientation; faith, belief or no faith; marriage and civil partnership; maternity and paternity and age
- 1.6. Promote diversity and actively challenge discrimination, stereotyping and disadvantage.

2. Scope

- 2.1. This policy applies equally to all staff and students.
- 2.2. This policy does not form part of any member of staff's contract of employment and may be amended at any time.

3. Legislation and regulation

- 3.1. E-ACT's legal obligations and duties include those defined by the Equality Act 2010 in relation to discrimination.

4. Policy statement

- 4.1. E-ACT is committed to ensuring equality of opportunity in line with the requirements of the Equality Act 2010 and public sector equality duty. E-ACT seeks to reduce disadvantage, discrimination and inequalities of opportunity, and promote diversity in terms of its students, workforce and the communities it serves. Unlawful discrimination and harassment of any member of the academy community is expressly prohibited, and E-ACT is committed to protecting all visitors, students/staff and prospective staff from unlawful discrimination and harassment.
- 4.2. E-ACT will assist students in achieving their potential. Where students experience barriers to their success or detriments to their wellbeing, E-ACT will work with them to address these in a sensitive and sympathetic way. E-ACT will teach students the importance of equality and diversity and what forms discrimination can take and the impact discrimination can have. E-ACT will also encourage students to make their own commitment to promoting equality.
- 4.3. E-ACT is committed to attain a workforce which is representative of the area in which each academy is situated but also to create a workforce which makes good connections with groups and communities outside its immediate area. E-ACT is also committed to creating an

environment in which individual differences and the contributions of all staff and job applicants are recognised and valued. Where staff/prospective staff experience barriers to their success or detriments to their wellbeing, E-ACT will work with them to address these in a sensitive and sympathetic way. Training, development and progression opportunities will be available to all staff.

- 4.4. E-ACT is committed to adherence to the Public Sector Equality Duty (PSED) and associated Equality Objectives. Each academy is required to publish Equality Duties which meet the requirements of the Duty, and the community it serves. In addition, E-ACT will produce a set of trust-wide objectives which will focus on the Duty across the systems and processes of the trust.
- 4.5. In relation to staff, students and the wider academy community, E-ACT will not discriminate on any of the grounds listed below (known as the Protected Characteristics) save where such discrimination is permitted by law. Examples of permitted discrimination may include:
 - An academy may arrange pupils in classes based on age.
 - An academy may take positive action to deal with particular disadvantages affecting pupils of one racial group if this is a proportionate means of dealing with the issue.
 - If the educational reasons are sound, and agreed by the regional education director, an academy may arrange pupils based on gender for some lessons or subjects such as physical education (but not for social times)
- 4.6. The Protected Characteristics that apply to academies are:
 - Race (which includes colour; ethnic or national origin);
 - Religion, belief or no faith/religion;
 - Gender;
 - Gender Reassignment;
 - Sexuality;
 - Marital or civil partner status;
 - Pregnancy or maternity;
 - Disability;
 - Age.
- 4.7. E-ACT will not tolerate any of the following in relation to the Protected Characteristics set out above:
 - Direct or Indirect Discrimination;
 - Harassment;
 - Victimisation
- 4.8. Fairness at school and good achievement go hand-in-hand. Tackling discrimination at the academy is imperative if pupils are to achieve and learn well. E-ACT is opposed to all forms of unlawful and unfair discrimination and harassment of any kind, and will work to eliminate it, to create an environment in which each pupil, regardless of protected characteristic, is treated with dignity and respect.
- 4.9. Derogatory language by or towards any visitor, pupil, member of staff or any person in the community will not be tolerated. This includes racist language; homophobia, sexist comments, generalisations and stereotyping; name-calling or other derogatory comments. Language such as this could lead to exclusion, banning from the premises and, in staff, gross misconduct under the disciplinary rules.
- 4.10. Staff must also challenge social exclusion and discrimination, promote equality and celebrate diversity to achieve excellence.

Adults

- 4.11. Fairness at work and good job performance go hand in hand. This means that tackling discrimination helps to attract, motivate and retain staff and enhances E-ACT's reputation as a good employer. By having fair and robust employment policies and procedures, E-ACT will ensure that all staff have equal access to work and to develop their skills. Employees may exercise their right to belong to a trade union and to participate legitimately in trade union activities.
- 4.12. E-ACT is opposed to all forms of unlawful and unfair discrimination and harassment of any kind, and will work to eliminate it, to create a working environment where everyone is treated with dignity and respect. All staff are expected to be accountable and to challenge discrimination.
- 4.13. This policy covers all individuals working at all levels and grades, including staff at all levels, consultants, contractors, trainees, home-workers, part-time and fixed-term staff, volunteers, casual workers and agency staff (collectively referred to as staff in this policy). It also applies to the wider academy community such as pupils/students, job applicants, governors and parents.
- 4.14. As an employer, service provider and contractor, E-ACT will also challenge social exclusion and discrimination, promote equality and celebrate diversity to achieve excellence. E-ACT is also committed to meeting the public sector equality duty which requires it to give due regard to:
- The need to eliminate discrimination;
 - Advance equality of opportunity; and
 - Foster good relations between those who share a protected characteristic and those that do not. Forms of discrimination

Forms of Discrimination

- 4.15. Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- 4.16. Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics (see above). Direct discrimination may take the form of direct discrimination by association. For example, someone is treated less favourably due to the protected characteristic of someone they are associated with (e.g. a disabled partner). Direct discrimination can also take the form of direct discrimination by perception. That is a person is treated differently based on a protected characteristic they are thought to have, whether this perception by others is actually correct or not, such as being perceived to be bisexual.
- 4.17. Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the shared protected characteristic at a particular disadvantage.
- 4.18. Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 4.19. Victimisation is when a person suffers a detriment thereby causing them a disadvantage, damage, harm or loss due to: -
- Making an allegation of discrimination, and/or

- Supporting a complaint of discrimination, and/or
- Giving evidence relating to a complaint about discrimination, and/or
- Raising a grievance concerning equality or discrimination, and/or
- Doing anything else for the purposes of (or in connection with) the Equality Act 2010

Supporting diversity

4.20. Supporting diversity is about recognising, respecting and responding to individual differences and needs. Similarly, it is about treating people fairly and equally but not necessarily in the same way.

4.21. Supporting diversity is a core part of E-ACT's business, integrated within E-ACT's and each academy's strategic goals, annual plan and service plans. All staff are required to work within the ethos of equality and diversity and will be given appropriate training and guidance to do this.

Recruitment and employment

4.22. E-ACT aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. Recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. For example, job application forms should be made available in a variety of formats, and job applicants will not be asked about their health and/or disability before a job offer is made, in accordance with section 60 of the Equality Act 2010. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.

4.23. E-ACT has implemented and will continue to develop policies and practices to achieve equality of opportunity for job applicants and staff including the use of flexible working, where appropriate.

4.24. E-ACT will ensure that applicants are drawn from the widest possible pool. E-ACT will also ask recruitment agencies, where used, to draw applicants from a diverse pool of workers. Conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them. Furthermore:

- All job applicants will be asked to complete a confidential equality monitoring form;
- These forms will be kept separate from the job application, and will not be provided to the staff members undertaking the recruitment selection; and
- The information gathered in equality monitoring forms will be used to review the recruitment process and ascertain if any positive action is required.

4.25. We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance, name or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original specified documents before employment starts to satisfy The trust's obligations under the Immigration Rules.

Disability Discrimination

- 4.26. Staff who are disabled or become disabled are encouraged to tell E-ACT about their condition so that they can be supported as appropriate.
- 4.27. If staff experience any difficulties at work because of their disability, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty or its impact on them. The line manager should consult with the member of staff and their medical adviser(s) about reasonable adjustments. E-ACT will consider the matter carefully and try to accommodate needs, where reasonable to do so. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where reasonable.
- 4.28. E-ACT will monitor the physical features of all premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, E-ACT will take steps to improve access for disabled staff and service users.

Racial discrimination

- 4.29. If staff experience any difficulties at work because of their race or ethnicity, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff. E-ACT will consider the matter carefully and try to accommodate needs, where reasonable to do so. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where reasonable.

Age discrimination

- 4.30. If staff experience any difficulties at work because of their age, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff. E-ACT will consider the matter carefully and try to accommodate needs, where reasonable to do so. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where reasonable.
- 4.31. E-ACT will not discriminate at application or appointment because of a person's age. It will not suggest a time for someone to retire.

Gender reassignment discrimination

- 4.32. If staff experience any difficulties at work because of gender reassignment, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff. E-ACT will consider the matter carefully and try to accommodate needs, within reason, such as amending facilities, allowing for changes of staff name; allowing time for transitioning. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where reasonable.

Sexuality discrimination

- 4.33. If staff experience any difficulties at work because of their sexuality or perceived sexuality, they should contact their line manager to discuss any reasonable adjustments that would help

overcome or minimise the difficulty. The line manager should consult with the member of staff. E-ACT will consider the matter carefully and try to accommodate needs, where reasonable to do so. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where reasonable.

4.34. Academies must ensure that people with different sexualities are treated fairly and have the same procedures, rules etc as other members of staff, for example, care leave, maternity leave, and leave of absence.

Faith/or no faith discrimination

4.35. If staff experience any difficulties at work because of their faith or belief/no faith, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff. E-ACT will consider the matter carefully and try to accommodate needs, where reasonable to do so. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find alternative solutions where reasonable.

Gender discrimination

4.36. If staff experience any difficulties at work because of their gender, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff. E-ACT will consider the matter carefully and try to accommodate needs, where reasonable to do so. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find alternative solutions where reasonable.

Marriage discrimination

4.37. If staff experience any difficulties at work because of their marriage/civil partnership, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff. E-ACT will consider the matter carefully and try to accommodate needs, where reasonable to do so. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find alternative solutions where reasonable.

Paternity/maternity discrimination

4.38. If staff experience any difficulties at work because of their maternity/paternity, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff. E-ACT will consider the matter carefully and try to accommodate needs, where reasonable to do so. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find alternative solutions where reasonable.

5. Breaches of this policy

- 5.1. Staff who believe that they may have been discriminated against are encouraged to raise the matter through E-ACT's Grievance Procedure.
- 5.2. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant policy. Staff who make such allegations in good

faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under E-ACT's Disciplinary Policy.

- 5.3. Any member of staff who is alleged to have committed an act of discrimination or harassment will be subject to an investigation under the Disciplinary Policy. Such behaviour may constitute gross misconduct and as such, may result in summary dismissal. E-ACT adopts a strict approach to serious breaches of the policy.
- 5.4. No member of staff has the right to directly or indirectly be abusive to or about a pupil, visitor, colleague or parent for example by using homophobic, racist, transphobic, sexist, derogatory faith-based language.

6. Occupational requirements

- 6.1. Schedule 9 of the Equality Act 2010 allows E-ACT to lawfully treat people differently in very limited circumstances, as a proportionate means of achieving a legitimate aim where a specific and justifiable occupational requirement exists.
- 6.2. When deciding if this applies it is necessary to consider the nature of the work and the context in which it is carried out. Jobs may change over time and E-ACT should consider whether the requirement continues to apply, particularly when recruiting to a role where an occupational requirement has previously been justified.

7. Training

- 7.1. E-ACT is committed to providing regular equality training to all staff members and other relevant individuals, such as those in governance roles. This training will form part of the induction process for newly appointed staff and other relevant individuals.
- 7.2. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.
- 7.3. Learning and development needs will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.

8. Responsibilities and Accountability

Responsibilities

The following responsibilities apply in relation to this policy:

- The National Directors, Regional Directors and headteachers have day-to-day responsibility for embedding diversity into the culture of each academy. E-ACT is responsible for implementing and monitoring any diversity issues.
- The National Directors, Regional Directors and headteachers will ensure that opportunities for promotion, learning and development are accessible to all staff and are available on a fair and equal basis. New staff will undertake an appropriate induction which covers equality and diversity.

- The National Directors, Regional Directors and headteachers understand that discrimination and harassment are unlawful and totally unacceptable and will challenge any inappropriate or discriminatory behaviour of which they become aware.
- The National Directors, Regional Directors and headteachers are responsible for ensuring that all staff understand that if they harass colleagues they may be subject to disciplinary action and could also be held personally liable.
- Staff are expected to take an active part in promoting equality and diversity in everything that they do at work and to treat everyone in their working environment with dignity and respect.

Accountabilities

- 8.1. Headteachers hold delegated responsibility for discharging the application of all E-ACT policies within the relevant Academy.
- 8.2. In accordance with E-ACT's terms of reference, the Regional Education Directors have delegated responsibility for direct line management of headteachers and day to day oversight of each Academy within their respective regions.
- 8.3. Should the subject of the application of this policy be the headteacher, the Regional Education Director will be responsible for discharging the relevant policy.
- 8.4. Should the subject of the application of this policy be the Regional Education Director, the National Directors will be responsible for discharging the relevant policy.
- 8.5. Should the subject of the application of this policy be a National Director, the CEO will be responsible for discharging the relevant policy.
- 8.6. Should the subject of the application of this policy be the CEO, the Trustees will be responsible for discharging the relevant policy.
- 8.7. Headteachers should inform the Regional Education Directors, who in turn should inform the CEO, of all matters relating to serious breaches of this policy including any major incident to be addressed under this policy promptly, preferably prior to action being taken insofar as is reasonably practicable.
- 8.8. E-ACT requires all staff to behave in a non-discriminatory way towards colleagues, students and members of the public. Failure to do so will be taken seriously and could lead to disciplinary action.
- 8.9. Staff may challenge inappropriate or discriminatory behaviour where they feel confident to do so or to report it to their senior manager. They can also raise concerns about behaviour they find offensive even if it is not specifically directed at them.
- 8.10. Staff who make unfounded or malicious complaints or operate those procedures vexatiously may be subject to disciplinary action.

9. Monitoring and compliance

- 9.1. E-ACT will continue to carry out an annual review of the effectiveness of this policy to ensure it is achieving its objectives. As part of this process E-ACT will monitor the composition of job

applicants and the benefits and career progression of its staff.

- 9.2. The impact of both new and existing policies and practices on different groups will be assessed routinely in consultation with the recognised trade unions as necessary.