



## The Schelwood Trust

### **Equality Policy** **Reviewed Summer Term 2020** **Reviewed Summer Term 2021**

**This is a statutory policy and applicable to all schools in the MAT**

#### **Introduction**

The Trust is committed to providing equality of opportunity in all areas of school life and to ensure that all members of the Trust school community experience an ethos of fairness, justice and dignity. We recognise, welcome and respect diversity.

We will strive to eliminate unlawful discrimination and to ensure that the school environment is free from harassment and bullying and that everyone is treated with dignity and respect.

The Trust Board, Governors and staff will commit to address and eradicate any form of prejudice or discrimination.

#### **Aims**

This policy is intended to assist the Trust school to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

#### **Consultation/formulation of policy**

This policy has been drawn up following consultation with the Trust school Headteacher, all employees and relevant recognised Trade Unions. It meets the requirements of all relevant legislation.

#### **Related Statutory Requirements/non-statutory guidance which inform policy**

The Equality Act 2010

Public Sector Equality Duty

General Data Protection Regulation (2016/679 Eu)

Data Protection Act 2018

#### **Link to other school/MAT policies, documents and required practice**

Maternity Pay and Leave Policy

Recruitment and Selection Policy

Admissions Policy

Anti-Bullying Policy  
Appraisal and Performance Management Policy  
Behaviour principles  
Curriculum  
Vision statement  
Accessibility Plan  
Pay Policy  
Recruitment and Selection Policy  
Safeguarding Policy  
Child Protection Policy  
Special Educational needs Policy  
Disciplinary Policy  
Students' progress and achievement;  
Teaching styles and strategies;  
Whistle Blowing Policy;  
Data Protection Policy.

## Procedure/Practice/Guidelines

### Data Protection

The Trust processes personal data collected in accordance with its Data Protection Policy. This data is held securely and accessed by, and disclosed to, individuals only for the purposes of equality in the workplace. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's Disciplinary Policy.

#### **1. The Law**

The Trust school welcomes its duties under the Equalities Act 2010 to:

- eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct;
- advance equality of opportunity between those who have a protected characteristic and those who do not;
- foster good relations between those who share a protected characteristic and those who do not.

It is unlawful to discriminate directly or indirectly because of age, disability, sex, gender, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

In addition, we will not discriminate on the basis of socio-economic background or family circumstance and we oppose any form of less or more favourable treatment of employees or potential employees on the basis of Trade Union membership, length of service, employment status or number of hours worked.

Discrimination after employment may also be unlawful, e.g. refusing to provide a reference for a reason related to one of the protected characteristics.

Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Acts of discrimination, harassment, bullying or victimisation by an employee, against any member of the school community (colleagues, customers, students, parents/carers, governors, etc) are disciplinary offences and will be dealt with under the Trust school's Staff Conduct, Discipline and Grievance Policy. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to summary dismissal without notice. Employees who commit serious acts of harassment may be guilty of a criminal offence.

## 2. Types of unlawful discrimination

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. In limited circumstances, the Trust school can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where criteria or a practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers.

For the Trust school to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the school is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

**Failure to make reasonable adjustments** is where a physical feature, criteria or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the school has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### 3. Equal opportunities in employment

The Trust school will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The Trust school will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Trust school considers it has good reasons, unrelated to any protected characteristic, for doing so. The Trust school will comply with its obligations in relation to statutory requests for contract variations. The Trust school will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Trust school will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these

groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The Trust school cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the Trust school may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that the Trust school identifies as being under-represented in particular types of job.

#### **4. Customers, suppliers and other individuals not employed by the Trust**

The Trust school will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Trust school. Employees should report any bullying or harassment by parents/carers, suppliers, visitors or others to their line manager or the Trust school Headteacher who will take appropriate action.

#### **5. Staff training**

The Trust school will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The Trust school will provide training to all existing and new employees and others engaged to work at the school to help them understand their rights and responsibilities and what they can do to help create a working environment free of bullying and harassment. The Trust school will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

#### **6. Staff grievances**

If any employee considers that they may have been unlawfully discriminated against, they may use the Trust school's Staff Conduct, Disciplinary and Grievance procedure to make a complaint.

The Trust school will take any complaint seriously and will seek to resolve any grievance that it upholds. Staff will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

#### **7. Equal opportunities for students**

We aim to provide all our students with the opportunity to succeed. To achieve this we will ensure that:

- curriculum planning reflects a commitment to equality and prepares students for a life in a diverse society;
- attitudes and values that celebrate and respect diversity and challenge discriminatory behavior and language are promoted wherever possible;
- images and materials used in the delivery of the curriculum positively reflect a range of cultures, identities and lifestyles;
- a range of teaching methods will be used throughout the Trust school to ensure that effective learning takes place at all stages for all students;

- students' views are actively encouraged and respected and given an effective voice through the Trust school's Student Council.

## **8. Roles and responsibilities**

The Trust School Headteacher and Senior Leadership Team will:

- oversee the effective implementation of the policy;
- ensure staff have access to training which helps to implement this policy;
- report to the Local Governing Board on the effectiveness of this policy;
- take appropriate action in cases of harassment and/or discrimination;
- enable reasonable adjustments to be made in relation to disability, in regard to students, staff, parents/carers and visitors to the school;
- keep up to date with any developments affecting the policy or arising from it.

The Local Governing Board will:

- ensure that the objectives arising from the policy are part of the School Improvement Plan;
- support the Trust school Headteacher and Senior Leadership Team in implementing the policy;
- evaluate and review the policy every three years and the equality objectives every four years.

Staff will be:

- made fully aware of the policy and how it relates to them;
- required to actively support the policy, act in accordance with it and promote equality in their work;
- encouraged to make known any queries or training requirements;
- held personally liable for any act of unlawful discrimination.

Students will be:

- made fully aware of the policy and how it relates to them;
- required to actively support the policy and are expected to act in accordance with it.

Parents/Carers will be:

- encouraged to actively support the policy;
- informed of any incident related to this policy that could affect their child.

## **9. Practice and Policy**

Equality and diversity principles will be embedded into our daily practices and policies, including:

- Admissions Policy;
- Anti-Bullying Policy;
- Appraisal and Performance Management Policy;
- Behaviour principles;
- Curriculum;
- Vision statement;
- Accessibility Plan;
- Pay Policy;

- Recruitment and Selection Policy;
- Safeguarding Policy;
- Child Protection Policy;
- Special Educational needs Policy;
- Staff Conduct, Discipline and Grievance Policy
- Students' progress and achievement;
- Teaching styles and strategies;
- Whistle Blowing Policy.

## **10. Equality objectives**

Taking into account the views of the Trust school community together with analysis of available information, specific and measurable objectives will be set to help the school achieve the aims of the Public Sector Equality Duty. These will be reviewed every four years and reported to the Trust Board.

## **11. Monitoring and review**

This policy will be monitored periodically by the Trust to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the Trust school will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review policy in accordance with the results shown by the monitoring. If changes are required, the Trust school will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

**Review date:** Summer Term 2023  
**Person responsible:** Karen Crump, Trust HR Manager