



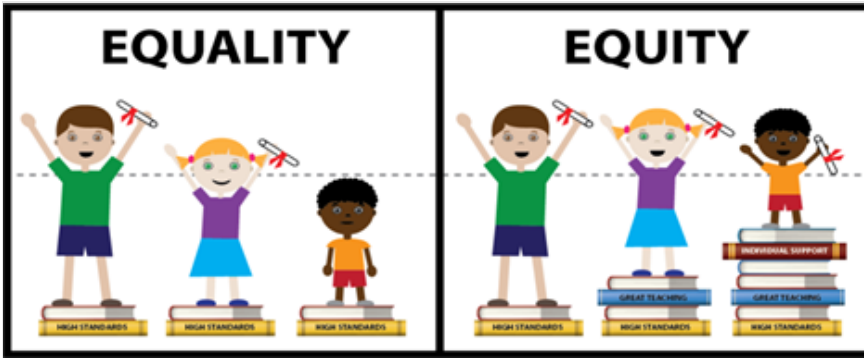
## **Equality, Diversity and Inclusivity Policy**

### **2021-2024**

This Policy supersedes all previous issues and will be reviewed in 2024, thereafter on a three yearly cycle unless legislative changes require an earlier revision.

Following a period of consultation with all interested parties, this Policy will be approved by the Trust's Board.

Approved by the Board on: .....



To address equality, is to address equality of opportunity (equity); to provide access to participation to all individuals and groups and act to protect those discriminated against.



We are all different whether because of our physical abilities and qualities, appearance, life and work experience, commitments or other experiences. Diversity enriches decision making, is an enabler for role models and should reflect the diversity of our communities.



Inclusion is the feeling of being respected, valued, safe and trusted.

Staff and Pupils in inclusive environments have a sense of belonging and are able to be their best selves and to do their best work.

The University of Chichester Academy Trust's Mission is to create a vibrant inclusive and aspirational family of academies, transforming life chances for pupils through excellent teaching, learning and leadership.

## 1. Introduction

The University of Chichester Academy Trust ('the Trust') recognises and celebrates the diversity of its academies and the communities in which it serves. There is a shared commitment across the Trust to forge a culture of respect, where discrimination is not tolerated and individuals are treated equitably and fairly. With policy in place and role models who inspire and engage, we strive for an inclusive environment where staff and pupils are comfortable to express their own identity should they wish, in which diversity and equality is of mutual benefit for individuals, the Trust and society as a whole.

## 2. Legal context

For the purpose of the Equality Act 2010 ('the Act') the Trust is defined as a public sector body.

The characteristics protected by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race, including colour, nationality and ethnic or national origins
- Religion or belief, including philosophical belief and a lack any such religion or belief
- Sex
- Sexual orientation

There are some specific exceptions to this and these are highlighted where relevant in this policy.

The Trust acknowledges that whilst the Act does not take precedence over any other statutory duties that an academy may have, the existence of other legislative provisions and responsibilities does not necessarily provide a defence in a claim under the Act.

The Trust and its academies' obligations and commitment to the Equality Act 2010 are in relation to Part 3 (services and public functions), Part 5 as an employer, Part 6, Chapter 1 as a school and Part 11 which is specific to the public sector. For the purpose of clarity, a summary of the Trust's obligations is detailed as follows, although it should be noted the Act provides for some exceptions.

### 2.1 Public Sector Duty

The Trust is committed to the public sector duty or 'general duty' to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

As further set-out in the Act, the Trust in its commitment to advance equality of opportunity must have due regard to:

- remove or minimize disadvantage suffered by persons who share a relevant protected characteristic and that are connected to that characteristic
- take steps to meet the needs of persons who share a relevant protected characteristic which are different from the needs of persons who do not share that characteristic;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

In order to address this duty, the Trust will exercise its right to take positive action where it can evidence that specific groups are disadvantaged in their learning, or under-represented in the workplace or in other areas that can influence school activity, e.g. local governing body and parents' focus groups.

## **2.2 Schools**

Part 6, Chapter 1 of the Act covers all school activities such as extracurricular and leisure activities, afterschool and homework clubs, sports activities and school trips, as well as school facilities such as libraries and IT facilities. The Act also covers arrangements of tests, assessments or examinations, or in the way in which it provides career education, information, advice or guidance, or work placements.

The protected characteristics of Age, Marriage and Civil Partnerships do not apply to schools in regard to it being unlawful to discriminate against, whether direct or indirect, harass or victimise a pupil or potential pupil:

- in the way in which it provides education for the pupil;
- in the way in which it affords the pupil access to a benefit, facility or service;
- by not providing education for the pupil;
- by not affording the pupil access to a benefit, facility or service; or
- by subjecting the pupil to any other detriment.

## **2.3 Employment**

The Trust is committed to ensuring:

- it will not discriminate against a person, or victimise a person in the arrangements of both deciding who is offered employment and who is not
- it will not discriminate against an employee, or victimise an employee in terms of their employment including opportunities for promotion, transfer, training or any other benefit, facility or service, or in dismissing an employee.
- it will support and make reasonable adjustments where required.
- a candidate or employee is not harassed or harasses another employee, nor is an employee subject to harassment by a third party
- contract workers receive the protection afforded to them under para. 41 of the Act.

## **2.4 Services and Public Functions**

Noting the exceptions as detailed in the Act, the Trust will uphold its commitment to Part 3 of the Act, in its activities in providing services and facilities.

**Appendix 1** outlines the language and definition of discrimination, harassment, victimisation and positive action for the purpose of the Act.

### **3. Scope**

This Policy applies to all academies in regard to upholding their obligations and commitment to the Equality Act 2010. For the purpose of this policy, reference to the Trust, is reference to its academies which includes its employees, local governing body, service providers, pupils, parents, volunteers and visitors.

In addition, Nurseries maintained by an academy must adhere to the same obligations as the academy.

The Act does not override health and safety legislation nor take precedence over other statutory duties and the Trust will take whatever action is necessary to ensure it fulfils its responsibilities both under the Act and under any other legislation that applies to it.

### **4. General Principles**

The Trust believes:

- There is no place for discrimination within its Trust, be it in relation to employment, education, research or in its learning environment. This includes all contractual service providers and collaborative partners, who are required to adhere to equality legislation when providing goods, facilities or services.
- Promoting equality of opportunity will better enable staff and pupils to reach their full potential.
- For the benefit of the Trust, employees and pupils should feel able to express their own identity without fear of abuse or discrimination.
- It is important to acknowledge and celebrate the breadth of experience and intellectual resources that people from diverse backgrounds bring to the life of the Trust.
- Creating an ethos which promotes equality, develops understanding and challenges myths, stereotypes, misconceptions and prejudices is important.
- Monitoring, evaluating and reviewing progress and impact of actions will create a cycle of continuous improvement to advance equality, diversity and inclusivity.
- Mandatory training will raise awareness and enable individuals to be equipped to recognise and challenge assumptions, stereotyping and undertake action that will present the Trust as culturally diverse and inclusive.

### **5. Framework**

To meet our legal obligations and drive the equality agenda forward, the Trust has established a framework. Senior Leaders will consider how best to embed a culture in which equality of opportunity, diversity and inclusivity is valued and celebrated, taking the lead to 'champion' the equality agenda.

Two focus groups have been established for a collaborative approach to address areas of commonality across the Trust, enabling a level of consistency that aligns with the requirements set out in the Act. The focus groups will share knowledge and best practice, identifying areas of priority and initiatives to meet the Trust's obligations and commitments.

1. EDI Focus Group – Pupil and Curriculum focus
2. EDI Focus Group – Employee and Services focus

The Chairs of the EDI focus groups will meet with the Trust's Executive Committee, so as to provide a holistic and cohesive approach to EDI across the two focus groups and the Trust

and for reporting purposes. Terms of Reference for the focus group will be agreed with the Trust's Executive Committee.

Each Local Governing Body will review and challenge its leaders in regard to their equality action plan and level of progress in advancing the EDI agenda, ensuring compliance with its obligations.

Curriculum and Standards Committee will monitor and review the progress and actions to address equality, diversity and inclusivity related to the curriculum, extra curricula activity or pupil provision and resources. The Curriculum and Standards Committee will receive an overview each year in order to hold Trust leaders to account.

The Finance and Audit Committee will monitor and review the progress and actions connected with the workforce and service provision. The Finance and Audit Committee will receive an overview each year in order to hold Trust leaders to account.

The Curriculum and Standards Committee and the Finance and Audit Committee represent the Board who are the responsible body liable for any breaches of the Act.

Each academy will complete an equality action plan on a four-year cycle to address the specific needs of their academy and community that:

- addresses inequalities of outcome which result from socio-economic disadvantage, which will differ in each academy.
- Creates a culture in which discrimination, unfair treatment and disadvantage is not tolerated.
- Focuses on diversity, taking pro-active measures to address under-representation, or in activities that inform or influence the academy's Journey to Excellence Plan.

**Appendix 2** provides guidance and a template for academies to complete.

Staff surveys, data collation from recruitment campaigns, DfE data, census data, pupil and parental questionnaires, and research and information drawn from a broad range of known expertise in specific areas of EDI, such as GEO, MIND, Edurio, EHRC, Stonewall, SoS, GIRES, Educate against Hate and the Race Equality Foundation will help to inform the Trust and its EDI focus groups in developing its action plans.

## **6. Accountability and Responsibility**

### **6.1 The Trust's Executive Team are responsible for:**

- Ensuring a cohesive approach to EDI, ensuring EDI focus groups are held throughout the year and key data is reviewed to identify initiatives or action that would be beneficial to driving the equality agenda forward.
- Considering equality implications set out in the equality analysis guidance in **appendix 3** when developing policy and in strategic decision making.
- Embedding good practice in its policies to advance equality of opportunity and address disadvantage and discrimination.
- Considering accessibility strategies when prioritising capital expenditure
- Monitoring compliance with the Equality Act 2010 and requirement for a published equality action plan, with an annual review and report on progress.
- Maintaining an awareness of the importance of addressing equality, diversity and inclusivity with its academies, ensuring familiarity with all relevant legislation and the content of this Policy

- Ensuring adherence to Health Standards (England) Regulations 2003, section 60 of the EqA (health questions and fitness to work) and Safeguarding Children and Safer Recruitment in Education Guidance (sickness records)
- Compliance, ensuring there are no breaches of the Act in connection with admissions.
- Reviewing and publishing gender pay gap data in-line with statutory requirements.

### **6.2 The Academy's Local Governing Body is responsible for:**

- Reviewing and challenging their academy's equality action plan and level of progress, for the purpose of advancement of the EDI agenda and compliance with its obligations.
- Ensuring the LGB is drawn from a wide and diverse pool which is representative of its community
- Maintaining an awareness of the importance of addressing equality, diversity and inclusivity in its academy, ensuring familiarity with the content of this Policy.

### **6.3 The Headteacher in regard to their academy is responsible for:**

- Setting out and publishing on a four-year cycle, an equality action plan with monitoring and an annual summary of progress, which stakeholders understand their responsibilities to meet the Trust's commitment to EDI and its legal obligations.
- Ensuring its senior management team lead, and act as champions for equality, diversity and inclusivity, promoting an awareness of the value and benefits for all
- Ensure the curriculum is reviewed and implemented in line with the Trust's expectations for equality and diversity in the curriculum.
- Provide relevant leaders with the training, time and resources available to ensure the curriculum meets the Trust's expectations for equality and diversity
- Ensuring any behaviour policies adhere to the requirements of the Act and the spirit of this policy
- Considering the need to have "due regard" when making a decision or taking an action that may have particular implications for people with particular protected characteristics; ensuring policies and practices designed to protect pupils and staff do not inadvertently discriminate.
- Ensuring bullying by pupils related to a protected characteristic is treated with the same level of seriousness as any other form of bullying.
- Determining school uniform or other aspects of appearance such as hair colour and style, and wearing of jewellery or make-up consider its obligations under the Human Rights Act 1998 and the need to consider different cultures, races and religion
- Providing staff with appropriate training that raises awareness of and compliance with the Act, and which requires staff commitment to the general principles set out in this policy.
- Ensuring staff are aware of the named contact to report an allegation.
- Adherence to this Policy and statutory requirements laid out in section 2, such as in providing reasonable adjustments and the teaching of specific subjects related to a protected group, such as Sex and Relationships education and Religious Education.
- Monitoring compliance with the Act, with serious breaches reported to the Trust and managed swiftly in-line with Trust policy.
- Ensuring visitors and contractors are aware and abide by the general principles of this Policy and adhere to meeting their legal obligations.
- Materials and communications the academy releases in the public domain (e.g. publicity material, posters, electronic information) do not give offence to particular groups of staff, pupils, students or members of the community in line with the general principles detailed in this policy.

Headteachers may delegate some responsibility to their Senior Leaders or to line managers so as to fulfil their responsibilities.

#### **6.4 Employees are responsible for:**

- his or her own acts of discrimination, harassment or victimisation carried out whilst employed by the Trust, whether or not the Trust is also liable. However, an employee will not be held personally liable in relation to disability discrimination in its academy.
- Conducting themselves in a manner that is considered non-discriminatory.
- Upholding the commitment to the general principles detailed in this policy.
- Reporting any practices by staff, pupil or parents that could be considered inflammatory or discriminatory to equality, diversity and inclusivity.
- Develop a level of understanding that supports and contributes to the Trust being recognised as culturally diverse, inclusive and equitable and meeting its legal obligations.
- For staff who are in position of trust: considering the context when expressing their views must not extend to the point at which it could discriminate against others.

#### **6.4 Trust Community**

Each member of the Trust community has a responsibility for upholding this Policy and for behaving in ways that are consistent with fair and equal treatment for all. Equality is not optional or negotiable. Each person is responsible for their own learning and engagement with equality issues and actions, and has a duty to consider the impact of their actions to ensure that they do not have a detrimental effect on achieving equality of opportunity. This includes staff working for companies contracted to an academy and those involved in collaborative activities with the Trust in whatever form.

### **7. Public Reports**

#### **7.1 Equality Action Plan**

The Act sets out a specific requirement for schools:

- (a) to publish information to demonstrate how they are complying with the Public Sector Equality Duty, and
- (b) to prepare and publish equality objectives

This will be achieved through the academies producing an equality action plan, as detailed in this policy.

In setting out this requirement, the government has stated that it should not be overly burdensome on schools and will not be required to collect any statistical data which they do not already collect routinely. **Appendix 2** provides information to guide academies.

#### **7.2 Gender Pay Gap**

To advance gender equality, the Trust will complete an annual analysis and report to the Trust's Finance and Audit Committee on the Gender Pay Gap for the Trust as a whole. In line with statutory reporting, the Trust will submit a return to the DfE and publish its summary report on its website.

### **8. Policies and Practice**

The Trust is committed to the equality, diversity and inclusivity movement and believes in order to fully effect change, the principles of equality, diversity and inclusion should be



reflected in its ethos and embedded in its policies and practices; not delivered as a 'tick box exercise' to satisfy regulations.

To enable all staff and pupils to reach their full potential, the Trust further reflects on the Act when considering certain practices.

### **8.1 School Admissions**

The discrimination provisions on age do not extend to school admissions. Current approaches in which admissions and transition between schools are determined by a child's age will not be open to challenge.

When determining admissions, the academies where they are able to will also consider if pupils from a protected group receive less favourable treatment.

### **8.2 Competitive sport and sex discrimination**

The Act includes an exception for sex discrimination in relation to a competitive sport, game or other competitive activity. It will therefore be for the academy to determine whether for sporting competitions in which physical strength, stamina or physique are significant factors in determining success or failure, that separate events for boys and girls are held. However, academies must not preclude participation in a given sport on the grounds of sex.

### **8.3 Occupational Requirement**

The Act further allows discrimination because of a person's sex if someone of a particular sex is required for reasons of privacy and decency, or where personal services are provided.

### **8.4 School Curriculum**

Whilst the content of the school curriculum is outside of the Act, the way in which school provides education and the delivery of the curriculum is included. Each academy takes active steps to ensure that content and resources in all areas of the curriculum are inclusive, representative of modern Britain and promote a greater understanding of equality and diversity. There is acknowledgement of the importance of challenging stereotyping and discrimination in all areas of the curriculum.

Academies monitor pupils' attainment and progress by socio-economic background, ethnic group, by gender, EAL, AEN and other focus groups, believing that no group should be regarded higher than another, and tracking these groups help to ensure equity.

### **8.5 Religious Observance**

The Trust will be supportive and enable, where it is able to, the needs of both pupils and staff to participate in religious observance where it is a fundamental part of their faith.

#### **8.5.1 Daily Collective Worship**

The religion or belief provisions of the Act do not cover the daily act of collective worship, however to raise awareness and for inclusivity, the Trust encourages its academies to celebrate a range of religious festivals and non-religious events to raise pupil awareness of differing faiths and none.

### **8.6 Pupils with a declared disability**

The Trust understands that the definition of disability is not the same as the definition of special education needs in s20 of the Children and Families Act 2014, and recognises the importance of the need to treat pupils with a disability differently where it would put the pupil on more level footing with pupils without a disability.

Academies will consider providing auxiliary aids and services as a reasonable adjustment for pupils where these are not supplied through SEN statements, or from other sources in line

with EHRC published guidance. When considering reasonable adjustments, it is understood that the duty is anticipatory.

Schools will take responsibility to undertake accessibility planning for pupils including emergency evacuation plans.

Although ordinarily, the interests of other pupils regarding the reasonable adjustments required by a disabled pupil will be irrelevant, the Trust recognised there may be limited circumstances in which the provision of a particular reasonable adjustment for a disabled pupil will disadvantage other pupils. For example, where the adjustment results in significant disadvantage for other pupils. In such a case, the academy may decide that it is not reasonable to make the adjustment.

## 9. Reporting an Allegation

Individuals should feel able to inform an appropriate person wherever inappropriate or discriminatory practice occurs, without fear of retribution and in the knowledge that the matter will be handled effectively under the Trust's policies and procedures. The Academy will be responsible for informing individuals of the named contact.

The Trust will treat any contravention or breach of this Policy very seriously and take appropriate action wherever it is justified.

Where a staff member or pupil who, in bad faith, gives false information or evidence (that is, information or evidence that he or she knew was false), or alleges that was false and given in bad faith, would not be protected against victimisation. The original complaint or claim would not be affected, provided that it was not made in bad faith.

## 10. Resolving Disputes

Whilst the Trust would encourage, in the best interests of everyone, to attempt to resolve any disputes informally, where this may not be possible, the following policies should be referred to:

<b>Related to Pupils</b>	Complaints Policy	Available from the Academy or from <a href="http://unicat.org.uk">unicat.org.uk</a>
<b>Related to Employees</b>	Grievance Policy Disciplinary Policy	Available from the Business Manager or from <a href="mailto:unicathr@chi.ac.uk">unicathr@chi.ac.uk</a>

The Policies will be available in different languages or formats, if appropriate and requested.

If the dispute relates to alleged discrimination, it must be reported within six months of the alleged discrimination. Where there has been a continuing process of discrimination taking place over a period of time, the six months will begin at the date of the last discriminatory act.

The Government Equalities Office has issued a good practice guide on asking and responding to questions about discrimination in the provision of services and public functions including education services and can be found at:

[GEO GFS Guidance January 2014 v1.02.pdf \(publishing.service.gov.uk\)](#)

Parents/Carers can make a complaint to Ofsted if the complaint affects the school as a whole rather than an individual pupil. Ofsted will not deal with complaints where there is an alternative legal remedy.

## **11. Further information**

The Equality Act 2010 and schools, DfE. May 2014

Equality Act 2010: guidance, GEO, June 2015

Technical Guidance for Schools in England, EHRC. July 2014

Gender separation in mixed schools (non-statutory guidance), DfE. June 2018

SEND code of practice: 0 to 25 years, DfE/DoH. January 2015

## **Appendix 1 Language and Definitions**

Under the Act, it is unlawful to discriminate, harass or victimise someone because they have or are perceived to have a 'protected characteristic' or are associated with someone who has a protected characteristic.

### **1. Protected Characteristics**

#### **Age**

A person belonging to a particular age or range of ages.

#### **Disability**

A person is defined under the Act as disabled if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

The length of time for which the effect of the condition has lasted or will continue must be 'long term', which means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months, or the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition, but it is likely to recur, or if the person no longer has the condition, he or she will be considered to be a disabled person.

The activities upon which the impairment has a substantial adverse effect must be 'normal day-to-day activities'. Just because the activity is mainly undertaken at work does not mean that it is not a normal day-to-day activity.

'Substantial' means more than minor or trivial. The condition must have this impact without taking into account the effect of any medication that the person is taking, or any aids or assistance or adaptations that he or she uses, like a wheelchair, walking stick, assistance dog or special computer software. The exception to this is the wearing of glasses or contact lenses, for which it is the effect while the person is wearing the glasses or contact lenses that is taken into account.

The Act's definition of disability is not the same as the definition of special educational needs in section 20 of the Children and Families Act 2014. The Children and Families Act 2014 states that, 'a child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her'. In relation to school-age children, the learning difficulty could mean that they have much greater difficulty in learning than the majority of their peers, and/or that a disability stops or hinders them from using the educational facilities typically available in schools in the area. There will be some pupils who are covered by the Equality Act 2010's definition of disability, but not the Children and Families Act 2014's definition of special educational needs, and vice versa, although a significant number of pupils are covered by both.

#### **Gender reassignment**

Gender reassignment involves a person moving away from his or her birth sex to his or her preferred gender and thus expressing that gender in a way that differs from, or is inconsistent with, the physical sex with which he or she was born.

#### **Race**

Race refers to a group of people defined by their race, colour and/or nationality (including citizenship), ethnic or national origins.

Racial groups can comprise two or more distinct racial groups, such as 'British Asians'.

### **Religion or belief**

This refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief.

A belief need not include faith or worship of a god or gods, but must affect how a person lives his or her life or perceives the world.

### **Sex**

A person's sex refers to the fact that he or she is male or female.

### **Sexual orientation**

Sexual orientation means the attraction that a person feels towards one sex or another (or both), which determines with whom he or she forms intimate relationships or to whom he or she is attracted.

Sexual orientation discrimination also covers discrimination connected with manifestations of that sexual orientation, such as someone's appearance, the places that he or she visits or the people with whom he or she associates.

## **2. Meanings**

### **Discrimination**

The forms of **discrimination** that are unlawful under the school provisions are:

- Direct discrimination (including discrimination based on perception or association)
- Indirect discrimination
- Discrimination arising from disability
- Failure to make reasonable adjustments (for disabled people)
- Pregnancy and maternity discrimination

Protected characteristics for the school provisions in regard to harassment are:

- disability
- race
- sex

It is not possible to justify direct discrimination, so it will always be unlawful, irrespective of the academy's motive or intention and regardless of whether the less favourable treatment is conscious or unconscious. In order for someone to show that he or she has been directly discriminated against, he or she must compare what has happened to him or her to the treatment that a person without his or her protected characteristic is receiving, or would receive. A 'hypothetical comparator' may be considered.

### **Objective Justification**

If there is evidence to show that the provision, criterion or practice is justifiable, i.e. it is a 'proportionate means of achieving a legitimate aim', also known as objective justification, then it will not amount to unlawful indirect discrimination.

The financial cost of using a less discriminatory approach cannot, by itself, provide a justification, cost can be taken in to account as part of the academy's justification, if there are other good reasons for adopting the chosen practice.

## **Discrimination arising from disability**

Discrimination arises from disability when a disabled person is treated unfavourably because of something connected with his or her disability and cannot justify such treatment. The motive for the treatment does not matter; the question is whether the disabled person has been treated unfavourably because of something arising from his or her disability.

## **Unfavourable Treatment**

This means that a person has been put at a disadvantage and the unfavourable treatment must be because of something that arises as a consequence of the disability.

## **Harassment**

There are three different types of harassment that are unlawful under the Act:

- a. harassment related to a 'relevant protected characteristic',
- b. sexual harassment, and
- c. less favourable treatment because of a submission to, or a rejection of, sexual harassment and harassment related to sex.

Harassment occurs when a school, through its staff and/or agents, engages in unwanted behaviour that is related to a relevant protected characteristic and which has the purpose or effect of:

- violating a pupil's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the pupil

The word unwanted means unwelcome or uninvited. It is not necessary for the person to say that he or she objects to the behaviour for it to be unwanted.

The harassment provisions of the Act do not protect pupils from harassment by other pupils. However, the provisions on discrimination mean that schools have an obligation to ensure that bullying by pupils that is related to a protected characteristic is treated with the same level of seriousness as any other form of bullying.

## **Sexual Harassment**

When considering sexual harassment in the context of pupils, it is likely to result in criminal proceedings and raise safeguarding issues which are beyond the scope of the Equality Act.

Sexual harassment occurs when an individual engages in unwanted behaviour of a sexual nature. This can include verbal, non-verbal or physical conduct, including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

## **Victimisation**

The Act protects people from being subjected to a detriment (which is, in effect, the same as a disadvantage) because they have carried out what is called a 'protected act', or because the school believes that a person has carried out or is going to carry out a protected act. ss27, 27(1) 5.72

There are additional victimisation provisions for schools that extend the protection to pupils who are victimised because their parent or sibling has carried out a protected act. s86(2) 5.73

A 'protected act' is:

- Making a claim or complaint of discrimination (under the Act)
- Giving evidence or information in a claim under the Act
- Making an allegation that the school or someone else has breached the Act
- Doing anything else in connection with the Act

## **Positive Action**

Positive action' is the term used to describe action that the Act allows schools to take to counter the effects of past or present discrimination experienced by groups of pupils who share a protected characteristic, to meet the particular needs of pupils in such groups, or to facilitate their participation in activities in which participation by members of their group is disproportionately low.

It is good practice for schools, when considering positive action, to draw up an action plan that sets out:

- evidence of the disadvantage, particular needs and/or disproportionately low levels of participation, as appropriate, and an analysis of the causes;
- specific outcomes that the school is aiming to achieve;
- an identification of possible steps;
- an assessment of the proportionality of those possible steps.

## Appendix 2 Equality Action Plan Guidance

### Information

As detailed in this Policy, it is a statutory requirement for academies to:

- (a) publish information to demonstrate how they are complying with the Public Sector Equality Duty, and
- (b) prepare and publish equality objectives

When considering and reviewing your plan, as an academy, you should include evidence of the steps already set, steps being taken and progress made towards meeting the equality objectives.

The regulations are not prescriptive and it will be up to each academy to decide how, and in what format, the information is published, so long as it is accessible to those members of the school community and the public who want to see it.

When publishing information, it does not necessarily have to be statistical data. The EHRC suggest that many other kinds of information can be used to show how the school is promoting equality, such as publishing policies online, or publishing minutes of Governors' meetings.

The following are further examples, including examples suggested by The Key:

### Eliminating discrimination

- Staff and governors are regularly reminded of their responsibilities under the Equality Act, for example during meetings. Where this has been discussed during a meeting it is recorded in the meeting minutes.
- New staff receive training on the Equality Act as part of their induction, and all staff receive refresher training every
- The school has a designated member of staff for monitoring equality issues, and an equality link governor. They regularly liaise regarding any issues and make senior leaders and governors aware of these as appropriate.

### Advancing equality of opportunity

- Removing or minimising disadvantages suffered by people which are connected to a particular characteristic they have (e.g. pupils with disabilities, or gay pupils who are being subjected to homophobic bullying)
- Taking steps to meet the particular needs of people who have a particular characteristic (e.g. enabling Muslim pupils to pray at prescribed times)
- Encouraging people who have a particular characteristic to participate fully in any activities (e.g. encouraging all pupils to be involved in the full range of school societies)
- Assessing what a safe learning environment looks like for pupils with a protected characteristic
- Consider the impact of significant decisions on particular groups. For example, when a school trip or activity is being planned, the school considers whether the trip:
  - Cuts across any religious holidays
  - Is accessible to pupils with disabilities
  - Has equivalent facilities for boys and girls



### **Fostering good relations**

- Promoting tolerance, friendship and understanding of a range of religions and cultures through different aspects of our curriculum. This includes teaching in RE, citizenship and personal, social, health and economic (PSHE) education, but also activities in other curriculum areas. For example, as part of teaching and learning in English/reading, pupils will be introduced to literature from a range of cultures
- Holding assemblies dealing with relevant issues. Pupils will be encouraged to take a lead in such assemblies and we will also invite external speakers to contribute
- Working with our local community. This includes inviting leaders of local faith groups to speak at assemblies, and organising school trips and activities based around the local community
- Encouraging and implementing initiatives to deal with tensions between different groups of pupils within the school. For example, our school council has representatives from different year groups and is formed of pupils from a range of backgrounds. All pupils are encouraged to participate in the school's activities, such as sports clubs. We also work with parents to promote knowledge and understanding of different cultures
- We have developed links with people and groups who have specialist knowledge about particular characteristics, which helps inform and develop our approach

### **Equality Objectives**

Setting objectives may be very specific to your Academy following a review of data. However, the following are some examples of areas for consideration and objectives set by schools

#### **Staff Focus:**

- Introduce positive action to address areas of under representation
- Identify how recruitment and internal promotion can support and address under representation
- Increasing the confident levels of staff to recognise and challenge racial and other discrimination in resources and in remarks made in class or the school grounds?
- Consider the facilities and office environment to promote an inclusive workplace
- Have in place a reasonable adjustment agreement and PEEP for all staff who have declared a disability, to meet their needs better and ensure that any disadvantages they experience are addressed.
- Increase the representation of teachers from local black and minority ethnic communities over a 4-year period (from this July to July in 4 years' time), so that this group increases from 10% to 25% of the teaching workforce.

#### **Pupils Focus:**

- Publish attainment data each academic year showing how pupils with different characteristics are performing
- Analyse the above data to determine strengths and areas for improvement, implement actions in response and publish this information
- Make evidence available identifying improvements for specific groups (e.g. declines in incidents of homophobic or transphobic bullying)
- Publish further data about any issues associated with particular protected characteristics, identifying any issues which could affect our own pupils

### **Equality Analysis**

Consider a written equality analysis for policies, school trips and activities or where a strategic decision has been taken that could have a significant impact on a protected group. Refer to **Appendix 3** for further guidance.

## Template Equality Action Plan

Name of Academy:

Date:

Period:

This Action Plan forms part of the XXX Academy's Equality, Diversity and Inclusivity Policy.

Monitoring the impact of this policy will help highlight any differences between pupils/students and staff from different protected groups and decide if any further action will be necessary to meet particular needs and to improve the performance and attendance of pupils and welfare of staff from different groups in our commitment to the equality and diversity agenda, creating an inclusive environment.

Objective
Rationale for this objective
Actions required to achieve objective
How success of the objective will be measured
Timeframe outline

*Copy the table depending on the number of objectives set.*

**Progress against Objectives**

Objective 1:

Review Date:	Summary	Impact

Objective 2:

Review Date:	Summary	Impact

*Copy the table depending on the number of objectives set.*

Signed:

Headteacher

Date:

## Appendix 3 Equality Analysis

### 1. What does “equality analysis” mean?

Equality analysis is simply a process in which consideration is given to the implications that a policy or practice may have on a protected characteristic, so as to eliminate any negative impact that may create discrimination or disadvantage.

The process can also help to identify actions that advance equality more effectively and enable good practice to be shared. Equality analysis also helps us to establish whether our policies and practices have (or would) further the aims of the general equality duty. A protected characteristic can also be referred to as a protected group.

You may be better familiar with the term “Equality Impact Assessment” which has been a legal requirement on the grounds of disability, race and gender for a number of years. Equality Impact Assessment to Equality Analysis is a change in terminology, designed to emphasise the importance of the quality of analysis and how it is used in decision-making, rather than be seen as a process, or “tick-box” exercise.

### 2. What is a Policy or Practice?

Policy or practice is used as an abbreviated term for what needs to be analysed. Policy or practice should be considered in the wider context, to incorporate not only the full range of policies and practices, but also activities and decisions (sometimes referred to as provision and criteria) for which the organisation is responsible. **In other words “everything we do”.**

You may identify lots of practices that you carry out, but which cannot be assessed as there is no written procedure, as it is “just the way things are done around here”. In such cases you do still have a responsibility to stop and think about the effect of what you are doing is having on any particular protected group. This will mean that you have responsibility to ensure that you keep up to date with legislative and Trust policies and procedures/practice.

#### Examples of policies and practices:

- Strategic Plan
- Curriculum strategy
- Disciplinary Policy
- Purchasing process
- Admissions criteria
- The decision whether or not to outsource catering provision

### 3. When should I complete an equality analysis of my policy or practice?

Equality analysis should be carried out during the development or review of a policy or practice, rather than an exercise that is completed afterwards. By considering the impact from the outset, steps can be taken to ensure the policy or practice is fair for all. This will also save costs, not just in terms of the time taken to change policies or practices, but in the cost of printing or purchasing materials, or equipment, if relevant to the policy or practice, and in the worst-case scenario avoiding a discrimination claim.

### 4. How are we going to implement this at the Trust?

The owner of the Policy or practice should consider whether a written equality analysis should be completed

An equality analysis should be completed by an individual or group of people who are most familiar with the policy or practice. Individuals may form a working group to complete an analysis if the policy or practice applies more widely across the academy or Trust.

To support this, a three-step process has been produced.

## **Step 1 Screening Process**

There are 10 questions, aimed to assist you in considering whether a written equality analysis should be completed.

When considering a policy or practice you should consider its *relevance* to equality. Not all policies or practices will be relevant and, in such cases, you will state “**No**” to a ‘written equality analysis’. You may wish to state your justification as to why you did not think the policy or practice is relevant to equality in case of a challenge.

During the screening process you should also take a *proportionate* approach, which is taking an approach suitable to the importance of the policy or practice to equality.

If you feel a comprehensive equality analysis (written equality analysis) is required you should say ‘**Yes**’, and move to Step 2. It is not expected that you will complete it immediately, as it may take time to gather data and time to engage, as appropriate, with individuals and groups of a protected characteristic. You will be asked to give a rating score to the policy or practice which will help to determine its priority. Refer to the risk score table below.

To access the questions email [unicathr@chi.ac.uk](mailto:unicathr@chi.ac.uk)

## **Step 2 Assessment**

If you answered ‘**Yes**’ to a comprehensive equality analysis consider the following questions to support the assessment.

The equality analysis will determine one of three outcomes:

1. No change to the policy or practice
2. Adjust the policy or practice
3. Stop and remove the policy or practice

## **Step 3 Sign-off**

Whilst individuals who complete a written equality analysis should be aware of equality and diversity issues, the knowledge may vary and so when a written analysis of a policy or practice has been completed it should be sent in the case of a practice, to the academy’s Senior Leadership team to consider, or in the case of a Policy, to either or both EDI focus groups to consider with the Chair/s and the Executive Committee reviewing.

***This will not delay the process in submitting your policy or practice to a Group or Committee, where appropriate, although you must indicate on the submitted policy or practice that it has been mapped and screened.***

The sign-off comprise six questions that require completion, as appropriate. The relevant main contact should then enter their name and date to confirm when the equality analysis was considered to have been completed.

Any feedback from the equality focus groups or Executive Committee will be given to the main contact listed against the policy or practice in question. Feedback may include a requirement for action.