Hanley and Upton Educational Trust

Equalities Policy

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1. Summary of legal duties and responsibilities

1.1 The Equality Act 2010 (the Act) replaced the previous anti-discrimination laws with a single Act. It simplified the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthened the law in important ways, to help tackle discrimination and inequality.

1.2 The Public Sector Equality Duty came into force on 5 April 2011. The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

1.3 The Equality Duty is a duty on public bodies and others carrying out public functions. It ensures that public bodies consider the needs of all individuals in their day-to-day work – in shaping policy, in delivering services, in relation to their own employees and to the wider community.

1.4 The Equality Duty covers the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race – this includes ethnic or national origins, colour or nationality
- Religion or belief – this includes lack of belief
- Sex
- Sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

1.5 The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

1. Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
2. Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
   and
3. Foster good relations between people who share a protected characteristic and people who do not share it.

1.6 Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

1.7 The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or

treating disabled people better than non-disabled people in order to meet their needs.

1.8 Public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.

1.9 The law also requires all public organisations, including MATs and their schools, to publish:

- Annually updated information to show how they are complying with the public sector equality duty;
- The MAT's equality objectives (which should be updated every four years);
- Details should include how discrimination is being eliminated, how equality is being improved, as well as the way in which affected people and students are involved and consulted.

HUET publishes the required documentation for the Trust and its schools on its website. Further information is available on request.

2. Policy Aims

2.1 The Hanley and Upton Educational Trust (HUET) is committed to eliminating discrimination against any member or prospective member of the HUET community on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

2.2 The HUET embraces a broad range of individuals and groups whose varied backgrounds, experiences, lifestyles, languages and cultures enrich all our lives and educational processes. We are committed to promoting the benefits of such diversity and to challenge and eradicate practices that are prejudicial and discriminatory, and which contribute to inequality on the grounds of ethnicity, gender, religion, sexual orientation, social circumstances, ability and disability.

2.3 It is the responsibility of all members of the HUET community – teaching and support staff, parents/carers, students, the board of trustees' and academy standards committees (ASC) – to uphold these aims and to ensure that strategies are put into place to ensure that they are achieved.

2.4 This policy operates in conjunction with a range of human resources policies adopted by the HUET from Worcestershire County Council.

3. Policy statement

3.1 The HUET strives to ensure that the culture and ethos of its schools are such that, whatever the heritage, origins or characteristics of members of the school community, everyone is equally valued and treats one another with respect. These values are actively promoted through our admissions policies, our

curriculums and through all the activities, support and provision that the schools offer.

3.2 In practice, this means that the HUET and its schools must have 'due regard' to eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations in all their conduct, including:

(a) Monitoring, reviewing and evaluating policies and systems
(b) Behaviour, discipline and exclusions
(c) Personal development and pastoral care
(d) Teaching, learning and assessment
(e) Admissions and attendance
(f) The curriculum
(g) Staff recruitment and professional development
(h) Partnerships with parents, trustee/ASC members and communities

3.3 Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

3.3.1 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics outlined in section 1.4.

3.3.2 Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men.

3.3.3 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.

3.3.4 Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.

4. Equality Objective 1 – promoting equal opportunities for staff

4.1 Equality objective 1 is to eliminate discrimination, harassment, and victimisation in our employment practice and actively promote equality across all groups within the workforce.

4.2 Equality aspects relating to race, religion or belief, gender, disability, gender reassignment, sexual orientation, pregnancy and maternity and age are considered where appropriate when making appointments, changing staffing structure or allocating responsibilities, to ensure decisions are not discriminatory.

4.3 Actions to ensure this commitment is met include:

- Monitoring of recruitment and retention including bullying and harassment of staff;

- Continued professional development opportunities for staff;
- Pay is relative to experience and responsibility, not to gender or sexual orientation.

4.4 We understand that in some circumstances it may be appropriate to treat groups of adults in the workforce differently, if that action is aimed at overcoming previous, current or possible future disadvantage.

4.5 The HUET has a duty to identify and address incidents of discrimination which contribute to inequality.

4.6 Examples of incidents of discrimination may include:

- Derogatory name calling, insults, jokes and language
- Refusal to co-operate with others for reasons related to a protected characteristic
- Discriminatory comments or graffiti
- Written abuse
- Incitement of others to act in a discriminatory way
- The use of literature, the internet or other technology to communicate any of the above
- The impact of a school system or policy which is discriminatory towards persons with protected characteristics

4.7 No incident which is or appears to be discriminatory should go unchallenged, and every member of staff within the HUET has a responsibility to respond appropriately.

4.8 The action taken will depend on the incident, whether the perpetrator is a student, member of staff, family member, visitor or other member of the HUET community.

4.9 Harassment, abuse or victimisation from any student towards members of staff will not be tolerated and will be dealt with as a serious breach of academies' behaviour management policies. Disciplinary action will be taken as appropriate.

4.10 Harassment, abuse, or victimisation from any member of staff towards a student, family member or a colleague will not be tolerated and will be dealt with as a serious breach of the school's code of conduct. Disciplinary action will be taken as appropriate.

4.11 We recognise that appropriate training and support is necessary for all staff.

4.12 Where the perpetrator is employed by an outside company the relevant person at this company must be informed of the behaviour of their employee.

5. Equality Objective 2 – eliminating illegal discrimination and inequality in relation to the protected characteristics, including racial discrimination and inequality

5.1 The HUET is happy to embrace a broad range of individuals and groups whose varied backgrounds, experiences, lifestyles, languages and cultures enrich all our lives, our academies, our organisation and wider community.

5.2 We are committed to promoting the benefits of such diversity and to challenging and eradicating practices that are prejudicial and discriminatory, and which contribute to inequality on the grounds of ethnicity, colour, gender, religion, sexual orientation, social circumstances, ability and disability.

5.3 We fully support the active promotion of fundamental British values, particularly tolerance and the celebration of diversity.

5.4 It is the responsibility of all members of the school community – teaching and support staff, parents/carers, students, the board of trustees', academy standards committees (ASC), and visitors – to uphold these aims and to ensure that strategies are put into place to ensure that they are achieved.

5.5 Harassment on account of race, gender, disability, sexual orientation or other factor is unacceptable and is not tolerated within the school environment. All staff are expected to deal with discriminatory incidents; know how to identify and challenge prejudice and stereotyping; and support the full range of diverse needs according to students' individual circumstances.

5.6 Harassment on grounds of race, gender, disability, sexual orientation or other factors, can take many forms including verbal, physical abuse, name calling, exclusion from groups or activities, unwanted looks or comments, jokes or graffiti. A racist incident is defined as "any incident which is perceived to be racist by the victim or any other person".

5.7 Types of discriminatory incidents that can occur:

- Physical assault because of race, gender, disability, sexual orientation or other factors
- Use of derogatory names, insults or jokes
- Racist, sexist, or homophobic graffiti
- Provocative behaviour such as wearing racist, sexist, or homophobic badges or insignia
- Damage to property
- Bringing discriminatory material into school, including via the Internet or other technology
- Verbal abuse or threats
- Incitement of others to discriminate due to race, gender, disability or sexual orientation
- Attempts to recruit others to discriminatory organisations or groups
- Ridicule of an individual
- Refusal to cooperate with others on groups of race, gender, disability or sexual orientation
- Using the Internet or other technology to communicate any of the above

5.8 Any act of discrimination by or against a student, employee, trustee/ASC member or volunteer will be treated with zero tolerance and will be responded to using academies' behaviour management policies (for students and parents) or academies' disciplinary procedures.

5.9 It should be made explicit to all involved that any discriminatory behaviour is totally unacceptable.

5.10 No incident that is, or appears to be, discriminatory should go unchallenged, and every member of staff has a responsibility to respond appropriately.

5.11 The action taken will depend on the incident, whether the perpetrator is known, whether they are a student, member of staff, family member, visitor or other member of the HUET community.

5.12 In all cases a member of staff should explain why discriminatory behaviour is unacceptable. Any disciplinary action taken, including any form of exclusion, will be in line with academies' sanctions and procedures.

5.13 The parents or carers of the victim and the perpetrator must be informed of the incident and the outcomes.

5.14 Where the perpetrator is a visitor or is unknown, staff should attempt to discuss the matter with them and, if necessary, involve senior staff and/or outside agencies.

5.15 The HUET records all discriminatory incidents. Although some incidents may seem minor, it is important to record them as any repeat incident can be treated as having greater importance and be dealt with accordingly. Records are stored in each academy and should be reported to the DSL at Hanley Castle High School on a half-termly basis.

5.16 The HUET Board will be informed annually of the number of incidents recorded and action taken, or more frequently in the case of a serious incident.

5.17 The pattern and frequency of incidents will be analysed regularly in order to inform future planning.

5.18 Any serious racist incident may lead to involvement of appropriate outside agencies, including the police.

5.19 When dealing with the victims of discriminatory incidents (particularly racist incidents) involving students or other young people staff should:

- Listen attentively, reassuring the young person that they are doing the right thing in talking about the incident
- Remain calm and accept the young person's vocabulary and terminology
- Remember that confiding in a member of staff often takes courage
- Acknowledge the feelings of the young person
- Establish if the incident is part of a pattern
- Explaining the need to take the matter further and share with others in order to stop further incidents
- Deal with all incidents sensitively and, in certain cases, protect the victim's identity
- Always record the incident and pass to the head teacher who is responsible for recording and monitoring discriminatory and supplying the information to the HUET (see above).

6. Equality Objective 3 – eliminating discrimination and inequality of opportunity in relation to disability

6.1 The Disability Discrimination Act (DDA) defines a person with a disability as someone who has 'a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities':

- ‘physical impairment’ includes sensory impairments
- ‘mental impairment’ includes learning difficulties and an impairment resulting from or consisting of a mental illness
- ‘substantial’ means ‘more than minor or trivial’
- ‘long term’ is defined as 12 months or more

6.2 The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments and Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the person’s ability to carry out normal day-to-day activities is substantial and long-term as defined above.

6.3 The Disability Discrimination Act also covers those with:

- Severe disfigurements
- Impairments controlled or corrected by the use of medication or prostheses
- Progressive symptomatic conditions
- A history of impairment
- Children under the age of 6 with impairments which, in an older person, would result in that person being covered

6.4 Since December 2005 (Disability Amendment Act) persons with HIV, cancer and multiple sclerosis are also covered at the point of diagnosis.

6.5 The Disability Discrimination Act does not cover:

- An addiction to or dependency on nicotine, tobacco or other non-prescribed drugs or substances
- Seasonal Allergic Rhinitis (hay fever)
- Certain mental illnesses with anti-social consequences

6.6 The definition of disability under the Act is different from the eligibility for special educational needs provision. This means that disabled students may or may not have special educational needs.

6.7 The HUET is committed to:

- Promoting equality of opportunity between disabled people / students and others
- Eliminating discrimination and harassment of disabled people in relation to their disability
- Encouraging participation in all academy activities and public life by disabled people / students
- Taking all reasonable steps to meet disabled people’s / student’s needs, even if this requires more favourable treatment

6.8 It is the responsibility of all members of the school community – teaching and support staff, parents/carers, students, the board of trustees and academy standards committees (ASC) – to honour these commitments and to put strategies in place to ensure they are achieved.

6.9 The HUET strives to ensure that the culture and ethos of its organisation and member academies are such that, whatever the disability of members of the school community, everyone is equally valued and treats one another with respect. These values are actively promoted through our admissions policies, our curriculum and through all activities, support and provision that academies offer.

6.10 In particular the HUET and its schools will focus on:

- Enabling staff with a disability to have access to premises and facilities that they need for their contracted duties
- Ensuring that the needs of visitors with a disability are taken into account
- Better identification of students with disabilities, particularly at transition
- Improved training for teaching and non-teaching staff to better support the success of students with disabilities
- Improving the physical environment of the school in order to enable students with a disability to take advantage of education and associated services
- Increasing the extent to which students with a disability can participate in the school curriculum, extra-curricular activities, trips and visits
- Improving the delivery to students with a disability, within a reasonable time and in ways which are determined after taking into account their disabilities and any preferences expressed by them or their parents, of information which is provided in writing for students who are not disabled.