



## **NICHOLAS POSTGATE CATHOLIC ACADEMY TRUST**

### **EQUALITY STATEMENT & OBJECTIVES**

**Adopted By: Trinity Catholic College & Sixth Form**

**Policy Reviewed and Adopted by Board – Feb 2017**

**Date of Next Review: Feb 2021**

**Responsible Officer: DFCS**

## **Overview**

1.1 The Equality Act 2010 replaced previous anti-discrimination laws with a single Act. It applies to all public sector organisations. The Act introduced a single **Public Sector Equality Duty (PSED)**, also referred to as the “**General Duty**”, which extends to protected characteristics – race, disability, sex, age, religion or belief, sexual orientation, pregnancy/maternity and gender reassignment. This combined duty came into effect in 2011.

1.2 In England and Wales, the Act applies to all academies and special academies. The Act makes it unlawful for the responsible body of a academy to discriminate against, harass or victimise a pupil or potential pupil:

- in relation to admissions
- in the way it provides education for pupils
- in the way it provides pupils access to any benefit, facility or service, or
- by excluding a pupil or subjecting them to any other detriment.

1.3 The Act deals with the way in which academies treat pupils and prospective pupils. The relationship between one pupil and another is not within its scope. The academy’s individual policies and procedures will bear directly on this relationship.

1.4 Implementation of the duties under the Equality Act is the legal responsibility of each Local Management Board. The Trust will have the responsibility for reviewing and agreeing this policy and setting the overall Equality Objectives.

## **2. The General Duty**

2.1 The General duty has three aims. It requires public bodies to have a due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equal opportunity
- foster good relations.

At St. Hilda’s Catholic Academy Trust, we commit to abide by the Equality Act 2010.

2.2 We accept our legal duty to ban unfair treatment and achieve equal opportunities in the classroom, the workplace and in wider society. Equality considerations are embedded in day-to-day academy practice to tackle discrimination and inequality. By

placing an equality perspective in all our policies and practices, we recognise that we are not thinking about people as a homogenous group but as distinct groups and individuals with differing needs, characteristics and behaviours. Our legal duty applies to all aspects of the academy community and our public sector interface. It relates equally to children and adults, and applies to all pupils, staff, visitors and contractors.

2.3 Our duties and obligations are set out below.

The Act defines types of discriminatory (“**unlawful**”) behaviour and categories (“**protected characteristics**”) to which the law applies and against which it offers protection. The provisions concerning protected characteristics and unlawful behaviour also apply to the Trust as an employer.

### **3. Protected Characteristics**

3.1 The term “**protected characteristics**” refers to the categories to which the law applies. Under the Act, it is unlawful for the academy to discriminate on the grounds of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

or to fail to make reasonable adjustment to accommodate disability.

3.2 A person’s age is a protected characteristic in relation to employment and extends to goods and services, but does not apply to pupils. The academy remains free to admit and organise children in age groups and to treat pupils in ways appropriate to their age and stage of development.

3.3 The extended scope of the Act makes it also unlawful to discriminate on these grounds against another person with whom a pupil or member of staff is associated (“**by association**”) or because of a characteristic which it is thought a person has, even if this is mistaken (“**by perception**”).

### **4. Discriminatory Behaviour**

**Unlawful behaviour** is defined as: **direct discrimination, indirect discrimination, harassment, and victimisation.**

4.1 **Direct discrimination** occurs when one person treats another less favourably, because of a protected characteristic, than they treat or would treat other people.

4.2 **Indirect discrimination** occurs when a “provision criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic.

4.3 **Harassment** has a specific legal definition in the Act. It is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour but potentially also extends to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

4.4 Where academies are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does **not** mean that academies are free to bully or harass pupils on these grounds – to do so would still be unlawful as well as unacceptable. Any case against an academy would be on grounds of direct discrimination rather than harassment.

4.5 **Victimisation** occurs when a person is treated less favourably than they otherwise would have been because of something they have done (“a protected act”) in connection with the Act. Even if what was said or done was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, protection against retaliation is given unless the action was in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.

As well as it being unlawful to victimise a person who does a protected act a child must not be victimised because of something done by a person with whom the child is associated, whether or not that person was acting in good faith.

If a pupil has done a protected act, then the child’s own good faith will be relevant.

## **5. General Exceptions**

Relevant exceptions which apply to the academy:

### **5.1 Curriculum**

The content of the academy curriculum has never been subject to discrimination law, and the Act now states explicitly that it is excluded. However, the way in which the academy provides education – the delivery of the curriculum – is explicitly included. This ensures that the academy is free to include a full range of issues, ideas and materials in the syllabus, and to expose pupils to thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic.

will take steps to ensure that the way in which issues are taught does not subject individual pupils to discrimination.

## **5.2 Uniforms**

The Act does not deal specifically with academy uniform or other aspects of appearance, however, the general requirement not to discriminate in the treatment of pupils applies. It is for the Local Management Board to decide on uniform and rules relating to appearance, under the duties placed upon it by statute to manage the academy.

Academies must have regard to their obligations under the Human Rights Act 1998, as well as under equality law, and to ensure that blanket uniform policies do not discriminate because of race, religion or belief, gender, disability. We will ensure to consider the implications of uniform requirements and act reasonably to accommodate needs, without compromising important academy policies, such as academy safety or discipline. (Refer to the academy's Uniform Policy).

## **5.3 Bullying**

The issue of bullying motivated by prejudice is a particularly sensitive issue. Although the relationship between one pupil and another is not within the scope of the Act, academies need to ensure that all forms of prejudice-motivated bullying are taken seriously and dealt with equally and firmly.

(Refer to the academy's Anti-Bullying Policy).

## **5.4 Academy's duty of care**

In addition to the Equality Act, the academy also has many other duties, including the duty of care to pupils, and the duty to deliver key areas of the curriculum such as religious education or sex and relationship education.

(Refer to the appropriate sections in other academy policies).

## **6. Positive Action**

The Act makes provision for **Positive Action**, which allows academies to target measures designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics. In employing Positive Action, we will ensure such measures are a proportionate way of achieving the relevant aim.

## **7. Disability**

The Act encompasses specific provision regarding disability. The overriding principle of equality legislation is generally one of equal treatment. However, the provision relating to

disability discrimination is different in that it allows, and in some cases requires, more favourable treatment to ensure, as far as is reasonably possible, that a person with a disability can benefit from what is on offer to the same extent as a person without that disability.

### **7.1 Definition of disability**

The Act defines disability as when a person 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”. Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect. Long term is defined as lasting, or likely to last, for at least 12 months.

The provisions on **unlawful behaviour** towards disability are reinforced.

**7.2 Direct discrimination.** An academy must not treat a disabled pupil less favourably simply because of disability. There are no grounds for direct discrimination.

**7.3 Indirect discrimination.** An academy must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only unless it can be shown to be for a legitimate reason, and a proportionate way to achieve that legitimate aim.

**7.4 Discrimination arising from disability.** An academy must not discriminate against a disabled pupil because of something that is a consequence of their disability. Like indirect discrimination, discrimination arising from disability can potentially be justified.

**7.5 Harassment.** An academy must not harass a pupil because of disability.

### **7.6 Reasonable Adjustments and Auxiliary Aids**

The duty to make reasonable adjustments applies only to disabled people. Our duty is summarised as:

- Where something the academy does places a disabled pupil at a disadvantage compared to other pupils then the academy must take reasonable steps to try and avoid that disadvantage.

- Academies are expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.

Academies are not subject to the other reasonable adjustment duty to make alterations to physical features as this is already considered part of their planning duties.

### **7.7 Auxiliary aids and services**

Since September 2012, we also have an extended duty to supply auxiliary aids and services for disability as reasonable adjustments, if these are not already covered or supplied through Education, Health and Care (EHC) Plans (replacing Special Educational Needs (SEN) statements) or other sources. We have committed to provide adequate financial resources for this and to carry out regular review. This duty is intended to avoid disadvantage in relation to disability and extends to pupils and to the Trust as an employer.

### **7.8 Duties around Accessibility for Disabled Pupils**

Academies need to carry out accessibility planning for disabled pupils. We have a duty to implement disability accessibility plans and to make all reasonable adjustments aimed at:

- increasing the extent to which disabled pupils can participate in the curriculum
- improving the physical environment, to enable disabled pupils to take better advantage of education, benefits, facilities and services, and
- improving the availability of accessible information to disabled pupils.

We commit to providing adequate resources for implementation of plans and regular review.

## **8. The Public Sector Equality Duty**

8.1 The Public Sector Equality Duty (PSED) came into force in April 2011 and extends to **protected characteristics** – race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity, gender reassignment. In relation to these groups, it calls for the academy to have a **due regard to the need to:**

- eliminate discrimination
- advance equality of opportunity
- foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.



8.2 This means we will ensure that:

- decision-makers are aware of the PSED duty to have “due regard” when making a decision or taking an action and give relevant and proportionate consideration when assessing whether it may have implications for people with particular protected characteristics.
- equality implications are taken into consideration in developing policies and taking decisions, and are reviewed on a continuing basis.
- the PSED is integrated into all the academy's functions and policies and that the analysis necessary to comply with the duty is carried out seriously, rigorously and with an open mind.

8.3 The academy cannot delegate responsibility for carrying out the PSED duty to anyone else.

## **9. “Due Regard”**

The duty to have “due regard” to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications. The significance of the implications, and the amount of thought that needs to be devoted to them, will vary depending on the nature of the decision. It is good practice to keep a note of any equality consideration although this does not necessarily need to take the form of a formal equality analysis. Records in academy documents will demonstrate that the due regard duty is being fulfilled.

## **10. Education Specific Employment Provisions**

10.1 The role of the Trust as an employer is covered by separate employment legislation and codes of practice. In addition to these, the Equality Act brought in some specific employment issues just for academies.

10.2 All of the protected characteristics, including age, are covered by the employment provisions of the Act.

10.3 As an employer, the Trust must not discriminate against a potential employee in respect of whether to offer a job or the terms on which a position is offered and must not discriminate against an existing employee in respect of the benefits, facilities and services offered to employees, including training opportunities, promotion or dismissal.

10.4 Harassment (as defined above) against potential or existing employees in relation

to any of the protected characteristics is also unlawful, as is victimisation of any person who has done a protected act (as above).

10.5 The Trust is under the same duty to make reasonable adjustments in relation to disability for employees or potential employees as for pupils, as set out earlier. Reasonable adjustments must be made to arrangements or practices to alleviate disadvantage and must also take reasonable steps to provide any necessary auxiliary aids and services. The duty also calls for consideration to be given to alterations to physical features of the academy where that is reasonable to avoid disadvantage caused by disability.

10.6 The Act also introduced provision to make it unlawful for an employer to enquire about the health of an applicant for a position until a job offer has been made, unless the questions are specifically related to an intrinsic function of the work. Job applicants can no longer be required to complete a generic health questionnaire as part of the application process. There are potential implications in relation to establishing teachers' fitness and ability to teach (as required by the Health Standards (England) Regulations 2003). Existing academy practices must now comply with both the Health Standards Regulations and Section 60 of the Equality Act. Necessary health questions may be asked after job offer. Any health-related questions must be targeted, necessary and relevant to the position applied for.

## **11. Community Cohesion**

11.1 The Education and Inspections Act (EIA) 2006 requires academies to promote community cohesion under a duty which came into force in 2007. It links in with the Public Sector Equality Duty under "foster good relations". Though the requirement for Ofsted inspectors to grade academies on community cohesion work was dropped in 2012, this duty remains and is the legal responsibility of the Local Management Board. Ofsted inspections are still required to consider the spiritual, moral, social and cultural development of pupils.

11.2 This provides an opportunity for the academy to demonstrate how wider links with the community contribute to pupils' development in these areas. To fulfil the duty, we must demonstrate that we understand the context of our community; that we have planned and taken an appropriate set of actions; and that there is evidence of the impact of these actions.

11.3 From our perspective, "**community**" has a number of dimensions, including:

- the academy community, our pupils, their families, our staff and Local Management Board and the wider community which uses our facilities and services



- the community within which we are located, including Middlesbrough, the UK and the global community.

Our focus on community cohesion work is about promoting cohesion across different cultures, religious or not, ethnic and socio-economic groups as we are responsible for equipping pupils to live and thrive alongside people from many different backgrounds.

11.4 Our main contributions to community cohesion can be made in three areas:

- **teaching, learning and the curriculum:** using the curriculum to value diversity whilst also promoting shared values
- **equity and excellence:** ensuring equity and high standards for all and tackling underperformance by any particular group
- **engagement and extended services:** engaging with other academies, parents and the community, as well as local authorities and other partners in developing extended services.

11.5 To meet the duty, in practice this means we will:

- monitor and deal effectively with racial incidents and bullying
- ensure the curriculum is inclusive
- recognise and value diversity
- take Positive Action to:
  - close attainment gaps
  - raise expectations
  - increase workforce representation
- offer staff development inclusive of support staff
- develop cultural and local community links.

## **12. Compliance with the Equality Duty**

Under the Act, whilst the Trust and its academies are free to meet the Equality Duties in ways appropriate to our own set of circumstances, we have a specific duty:

- a. to publish information to demonstrate compliance
- b. to prepare and publish equality objectives.

## **13. Information Gathering**

We will continually seek the views of stakeholders in order to improve our practice. In gathering information, we will consult and engage both with people affected by decisions: pupils, parents and carers, staff, governors, members of the local community – and with others with specialist knowledge to inform the academy's approach, as

appropriate. Sources might include: pupil data and surveys, academy council, assertive mentoring and EHC/SEN reviews, parents' evenings, surveys and informal conversations, staff and committee meetings, performance management reviews, workforce statistics, training, curriculum review, staff surveys, policy, procedure and financial review, etc.

#### **14. Publication, Review and Revision**

All our policies and procedures are subject to review by either the Trust or Local Management Boards at appropriate intervals. We are required to update published information at least annually and to update equality objectives at least once every four years, against actions taken and progress made. Information will be made available on the academy website and in academy documents. Evidence of the duty and engagement with people affected by its decisions will be recorded in: academy policies, development plans, notes from relevant committees, pupil performance data, RAISE online, and Head Teacher reports, staff training, community involvement, and other sources as appropriate.

#### **15. Equality Objectives**

All academies are required to prepare and publish specific and measurable objectives to pursue over the coming years to achieve the three aims of the duty.

Our Trust's Equality Objectives are:

- a. to provide a safe and accessible environment and address any issues of exclusion
- b. to ensure equity and high standards for all and to tackle under-performance by any particular group
- c. to continue to raise attainment in literacy and numeracy
- d. to continue to raise attendance and to address related issues
- e. to foster an environment of dignity and respect
- f. to advance equality of opportunity, remove or minimise disadvantage and encourage participation in all activities
- g. to promote tolerance and friendship
- h. to eliminate and take action against all forms of discrimination
- i. to continue to address workforce-based equality issues by conforming to agreed Human Resource procedures on appointments, promotions and other employment issues but always appointing the best candidate



- j. to continue to seek the views of pupils, staff, parents and carers, and stakeholders in the wider community
- k. to work in partnership with outside agencies and the local community to achieve these aims.

## **16. Leadership**

16.1 All directors, staff and governors within the Trust are responsible for the implementation of the equality and community cohesion duties.

16.2 **Governors** are responsible for:

- ensuring that their academy complies with the relevant equality legislation
- ensuring that procedures are followed and regularly reviewed.

16.3 **The Headteachers and Leadership Teams** are responsible for:

- a. promoting equality throughout the academy, including policies and actions
- b. ensuring that staff, pupils, parents and carers, governors are aware of and follow equality procedures
- c. producing regular information for staff and governors, highlighting and addressing any inequalities
- d. taking action against any form of discrimination
- e. ensuring that all staff know their responsibilities and receive training and support.

16.4 All **Staff** are responsible for:

- being able to recognise and tackle bias and stereotyping or prejudice and to deal with any incidents
- promoting equal opportunities and avoiding discrimination
- keeping up to date with legislative and professional developments
- taking up training and learning opportunities
- notifying the headteachers or LT of actions outside this policy.

## **17. Procurement and Contractors**

We will take steps to ensure that our contractors are adhering to our commitment to equality in their employment and service delivery and will make them aware of academy expectations as regards adult/pupil relationships. Work will be carried out in academy holidays or out of academy hours wherever possible.

## **18. Visitors**

We will take steps to ensure that visitors to our academy including parents are adhering

to our commitment to equality and will make them aware of academy expectations and policies as regards adult/pupil relationships. We will challenge any discriminatory or inappropriate behaviour.

St. Hilda's Catholic Academy Trust staff will abide by the recommendations and rulings in this policy and actively work hard to ensure that diversity is celebrated and not discriminated against.

## **Appendix A – Checklist for Directors, governors and staff**

- Is information collected on race, disability and gender with regards to both pupils and staff e.g. pupil achievement, attendance, exclusions, staff training?
- Is this information used to inform the policies, plans and strategies, lessons, additional support, training and activities the academy provides?
- How has your Equality Plan been shaped by the views, input and involvement of staff, parents and pupils?
- Is pupil achievement analysed by race, disability and gender? Are there trends or patterns in the data that may require additional action, and has action been taken to address these?
- Does the curriculum include opportunities to understand the issues related to race, disability and gender?
- Are all pupils encouraged to participate in academy life? Are pupils who make a positive contribution reflective of the academy's diversity e.g. through assemblies/councils?
- Is bullying and harassment of pupils and staff monitored by race, disability and gender, and is this information used to make a difference to the experience of other pupils? Are racist incidents reported to the governing body and local authority on a termly basis?
- Are visual displays reflective of the diversity of the academy's community?
- How are minority ethnic, disabled and both male and female role models promoted positively in lessons, displays and discussions such as circle time and class assemblies?
- Does the academy take part in annual events such as Black History Month, Deaf Awareness Week and One World Week to raise awareness of issues around race, disability and gender?
- Is the academy's environment as accessible as possible to pupils, staff and visitors to the academy?
- Are open evenings and other events which parents, carers and the community attend held in an accessible part of the Academy, and are issues such as language barriers considered?
- Are the accessibility needs of parents, pupils and staff considered in the publishing and sending out of information, in terms of race, disability and gender?
- Have you published information on your website to demonstrate how you are

meeting the Trust's Equality Objectives?