

**Berkshire Schools Trust**

**Equal Opportunities Policy**

**December 2018  
Annual Review**

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## **1. Statement of Intent**

This equality statement and procedure provides a framework outlining how BST will be a fair employer and promote equal opportunities which do not disadvantage any person on the grounds of a protected characteristic. It is designed to ensure that clear and transparent guidelines are provided for all working in BST and to ensure that BST complies with its legal obligations under the Equality Act (2010).

## **2. Introduction**

The Equality Act came into force on 1<sup>st</sup> October 2010 and provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Act brings together previous legislation into one single Act providing individuals with protection in relation to the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race, including ethnic or national origins, colour and nationality
- Religion or belief, including the lack of belief
- Sex
- Sexual orientation

In accordance with its responsibilities under the Act, the school is committed to ensuring the fair and equal treatment of its employees and all other stakeholders including pupils, contractors and applicants.

## **3. Objectives**

The equality and diversity procedure aims to:

- value and recognize all stakeholders and enable them to develop and perform to the best of their ability;
- promote good relations between different groups sharing protected characteristics and those who do not;
- support dignity and respect for all, where no form of discrimination, intimidation, bullying or harassment is tolerated;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- where appropriate, allows positive action to be taken for under-represented groups;
- allow breaches of equality to be investigated and dealt with accordingly as matters of misconduct;
- enable BST to comply with its statutory obligations under the Equality Act (2010).

#### **4. Scope**

- Board of Trustees
- Local Governing Body
- All School Staff
- Pupils
- Contractors/ Service Providers

#### **5. Relevant Legislation**

- Equality Act 2010
- Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Part-time Employees (Prevention of Less Favourable Treatment) Regulations 2000

#### **6. Related Policies**

- Disciplinary Policy
- Grievance Policy
- Maternity Policy
- Pay Policy
- Whistleblowing Policy

#### **7. General Principles**

##### Definitions

- Where the term “relevant body” has been used throughout this policy, this refers to the Board of Trustees of BST;
- Unless indicated otherwise, all references to “teacher” include the headteacher;
- Unless indicated otherwise, all references to ‘staff’ include teaching, support and centrally employed staff.

##### Consistency of Treatment and Fairness

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.

##### Delegation

The Board of Trustees has chosen to delegate some of its functions to the Headteachers as set out in this policy.

##### Monitoring and Evaluation

The Local Governing Body and Headteacher will monitor at school level the operation and effectiveness of this policy. The Headteacher / Chair of the Local Governing Body may be periodically asked to report to the BST pay and personnel sub- committee the details of the operation of this procedure in their school.

All schools also have a public sector equality duty in respect of equality procedures and reporting. Details of this are also provided within this document.

## 8. Responsibilities

It is the school's view that promoting and delivering Equality within the school is the responsibility of each employee, pupil and stakeholder. Examples of where each group can play their part are as follows:

Key Group	Responsibility
Local Governing Body	<ul style="list-style-type: none"> <li>• Ensuring on a day to day basis the implementation and adherence to equality procedures in the school</li> <li>• Ensure that the school meets its specific duties under the Public Sector Equality Duty: i.e. to publish equality objectives every four years and annually publish information demonstrating how the school is meeting the aims of the general PSED</li> <li>• Ensure that any concerns raised under equality procedures are dealt with seriously, sensitively and promptly</li> </ul>
Headteacher	<ul style="list-style-type: none"> <li>• Acting as a role model to ensure that all individuals are treated with dignity and respect</li> <li>• Promoting key messages to staff, parents and children and young people about equality and the expectations of them, and the expectations they can have of the school</li> <li>• Ensuring appropriate training is provided to the school community</li> <li>• Ensure that any concerns raised under equality procedures are treated seriously, sensitively and promptly</li> </ul>
School staff	<ul style="list-style-type: none"> <li>• Treating everyone with dignity and respect</li> <li>• Act as a role model</li> <li>• Raising any concerns in relation to equality procedures</li> <li>• Support colleagues within the school</li> </ul>
Parents	<ul style="list-style-type: none"> <li>• Take an active part in identifying any barriers to equality and report these to the LGB</li> <li>• Support and challenge the school to achieve equality of opportunity for all</li> </ul>
Children and young people	<ul style="list-style-type: none"> <li>• Treating everyone with dignity and respect</li> <li>• Raising any concerns in relation to equality procedures</li> </ul>

## 9. Equality Statement & Procedures

### Aims

The Equality and Diversity Procedure aims to:

- ensure that the school fulfils its legal obligations in accordance with the Equality Act (2010);
- value and recognize all stakeholders and enable them to develop and perform to the best of their ability;
- promote good relations between different groups sharing protected characteristics and those who do not;
- support dignity and respect for all, where no form of discrimination, intimidation, bullying or harassment is tolerated;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- where appropriate, allows positive action to be taken for under-represented groups;
- allow breaches of equality to be investigated and dealt with accordingly as matters of misconduct.

### Application

The Equality and Diversity Procedure applies to all employees within the school, including those engaged on permanent and fixed-term contracts, casual workers, agency workers and apprentices. It also applies to job applicants.

Through application of the equality and diversity procedure, the school aims to promote a culture of fairness and to ensure that no employee, or applicant, is treated less favourably than another on the grounds of a protected characteristic.

The scope of the procedure covers all aspects of the employment relationship including selection for employment; promotion; learning and development; pay and benefits; employment practices and performance management.

### Discrimination, Victimisation and Harassment

The school is committed to the avoidance of all forms of discrimination, victimisation and harassment in the workplace. This could take various forms as outlined below.

**Direct discrimination** occurs when a person treats another less favourably than they treat or would treat others because of a protected characteristic. This could arise at any point in the employee life-cycle from recruitment through to selection for redundancy.

Direct discrimination includes discrimination by perception: i.e. when an individual is treated less favourably because others think they possess one of the protected characteristics even if this isn't actually the case.

Direct discrimination also includes associative discrimination where someone is treated less favourably because they associate with another person who possesses a protected characteristic; e.g. turning down someone for a job because they are known to have caring responsibilities for someone with a disability.

**Indirect discrimination** may occur if a particular working practice or rule is applied which puts one group of employees, who share a protected characteristic, at a disadvantage- e.g. limiting part-time employees from training opportunities would impact females indirectly as they make up the largest component of part-time workers. Indirect discrimination can only be lawful if there is an objective justification for it and it is a proportionate means of achieving a legitimate aim.

**Harassment** is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment is conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation

**Victimisation** is where an employee is subject to a detriment because they have made or supported a complaint or grievance under the Equality Act or because they are suspected of doing so.

Positive action is permitted under law and BST may take positive action if it is believed that employees or applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic.

Academies with a religious character are allowed by specific legislation in the School Standards and Framework Act 1998 to use religious criteria in the appointment of some teaching staff in ex-VC schools that are not sponsored academies and of all teaching staff in ex-VA schools and in all sponsored academies. Also in certain circumstances an 'occupational requirement exception' may arise in respect of a non-teaching post allowing an employer to require employees or applicants to have religious or other particular protected characteristics.

Support is available centrally from the BST HR team and it is expected that the Local Governing Body, headteacher or centrally employed line manager, will seek their advice in the event of any query relating to discrimination, victimisation or harassment.

#### Protected Characteristics

The School is committed to the fair and equal treatment of all its employees and will not tolerate discrimination on the basis of any of the following protected characteristics.

**Age:** The school recognises the positive contribution employees from all age groups can bring to the organisation and employees will be treated fairly regardless of age across the whole employment life-cycle. Employees will also not be compulsorily retired because of their age (although there are certain exceptions that may be justified if there are genuine age-based rules or work practices that have to be complied with).

**Disability:** a person is disabled if they have a physical or mental impairment which has a substantial, long-term adverse effect on their ability to carry out normal day to day activities. The school commits that its employees will not be directly or indirectly discriminated against on the grounds of a disability and that applicants and employees who are disabled are treated fairly with any needs arising as a consequence of the disability being addressed during the recruitment process and during employment.

The school will:

- Take prompt action to identify and implement reasonable adjustments to ensure, wherever possible, disabled people can access, progress and remain in employment;
- Access specialist support and advice where required;
- Ensure action is taken against those who discriminate against disabled people;
- Take all reasonable steps to ensure employees understand their responsibilities under the Equality Act in relation to disabled workers.

Any information disclosed by an individual to the school about a disability will be treated sensitively and confidentially.

**Gender reassignment:** people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their gender have the protected characteristic of gender reassignment. The school commit that any such employee or applicant will not be discriminated against on account of this characteristic, e.g. absence from work due to a gender reassignment process will be treated in the same manner as absence for illness or injury.

**Marriage or civil partnership:** School employees and job applicants who are married or in a civil partnership will be treated fairly and equally to all others.

**Pregnancy and maternity:** women who are pregnant or on maternity leave are protected from discrimination during the period of pregnancy or statutory maternity leave to which they are entitled. Additional statutory rights are also applicable to a pregnant employee such as time off for antenatal care and unfair dismissal protection.

**Race:** a racial group is a group of people who have or share a colour, nationality and ethnic or national origins. School employees will not be treated less favourably on account of these characteristics.

**Religion or belief:** School employees and applicants will not be discriminated against on the basis of their religion or beliefs and will be respectful of those of other religions or their own. This protection also applies to those who do not follow a religion.

**Sexual orientation:** School employees and applicants will be treated fairly regardless of their sexual orientation and the dignity of all should be respected. Care should be taken to avoid situations where a person feels excluded or unwelcome because of their sexual orientation and line managers should be aware that harassment that takes the form of a general culture, e.g. the telling of homophobic jokes, should not be tolerated.

**Sex:** male and female employees and job applicants will not be treated less favourably on the basis of their gender.

#### General Provisions

In recruiting staff, the school will ensure that its practices do not discriminate against candidates in ways which are unrelated to their ability to carry out the role.

All opportunities for employees to develop their skills and expertise will be carried out in a fair manner.

The pay of staff within the school will be based upon their skills and abilities, and linked to their job role, and not based upon any particular characteristic.

The school is committed to ensuring relevant training is provided to employees in respect of the provisions of the Equality Act and any subsequent revisions to it.

The Equality and Diversity Procedure is applicable to all staff, governors and contractors working within a school. Pupils are subject to separate policies relating to Behaviour.

### Raising Concerns

If any employee has concerns about conduct or behaviour in the workplace pertaining to the Equality and Diversity Procedure they should speak to their line manager at the earliest opportunity. In the event that the concern relates to the line manager, an employee should speak to the headteacher in the first instance.

Any employee found to be in breach of this procedure as a result of behaviour, conduct or comments towards another employee or stakeholder will be subject to disciplinary proceedings.

If a parent/carer feels that their child or young person is being treated unfairly they should follow the school's Complaints Procedure.

## **Appendix 1 – The Public Sector Equality Duty**

The Equality Act 2010 sets out the equality matters that schools need to consider when making decisions that affect pupils or staff with different protected characteristics. This duty has three elements.

In carrying out their functions public bodies, such as schools, are required to have 'due regard' when making decisions and developing policies, to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- Foster good relations across all protected characteristics – between people who share a protected characteristic and people who do not share it.

In order to help schools in England meet the general equality duty, there are two specific duties that they are required to carry out. These have been in place since April 2012 and are:

- To publish information to demonstrate how they are complying with the equality duty;
- To prepare and publish one or more specific and measurable equality objective.

Further guidance on equality objectives is contained in Appendix 2.

## Appendix 2 – Guidance on Equality Objectives for Schools

### Background

The DfE's guidance on [Statutory Policies for Schools](#) (Sep 2014) states that schools have responsibilities to:

- draw up and publish equality objectives every four years, and
- annually publish information demonstrating how they are meeting the aims of the general public sector equality duty.

### What this means in practice?

The public sector equality duty applies to all schools, including academies, and this is therefore a statutory responsibility for all BST schools.

### Whose responsibility is it?

As these should be produced on a school by school basis it is a responsibility delegated by the Board of Trustees of BST to the Local Governing Body who may in turn delegate this to a committee of the governing body, the headteacher or possibly an individual governor.

### Producing equality objectives

- The DfE [guidance](#) is clear that schools are free to meet their duties in ways appropriate to their own circumstances and also that the process is not intended to be overly burdensome,
- Schools are therefore able to choose equality objectives that best suit their individual situation and contribute to the welfare of their pupils and the school community,
- Objectives do need to be specific and measurable and should be used as a tool to help improve the school experience of a range of different pupils. They should also be achievable,
- A school should set as many objectives as it believes are appropriate to its size and circumstances.

### Publishing equality objectives

It is up to schools themselves to decide in what format they publish equality information but they must be accessible to those members of the school community and the public who want to see it. Setting up a webpage on the school's website would be an effective means of doing this.

As BST has responsibility for the schools in the Trust it's also important that a copy of the annual report is provided to the People and Pay committee by the end of each academic year.

## Equality Statement & Policy

### Example Equality Objectives

Any equality objective needs to be relevant to your school but the following are examples of objectives you could consider:

- To increase the extent to which all pupils, including in particular those with protected characteristics as defined by the Equality Act, feel valued and confident, and in consequence more likely to achieve their potential,
- To promote spiritual, moral, social and cultural development through all appropriate curricular opportunities, with particular reference to issues of equality and diversity,
- To promote cultural development and understanding through a rich range of experiences both in and beyond the school,
- To reduce prejudice and increase understanding of equality through direct teaching across the curriculum,
- To narrow the gap between boys and girls in writing by the end of KS1
- To support learners with particular needs.

e.g.

Equality Objective	Actions required	Success Criteria
Supporting learners with particular needs	<ul style="list-style-type: none"> <li>• Teachers and support staff attend training relating to the needs of individuals or groups of children as appropriate.</li> <li>• Teachers prepare Individual Education Plans where necessary and share regularly with parents.</li> <li>• Extra tuition is provided where appropriate.</li> <li>• Transition arrangements for children with disabilities, medical needs and/or learning disabilities are carefully managed with support from outside agencies where appropriate.</li> </ul>	<p>The school will have in place:</p> <ul style="list-style-type: none"> <li>• Individual Education Plans that focus on learning priorities</li> <li>• Basic Skills support, where appropriate</li> <li>• Language support available as required</li> <li>• Tutoring/mentoring schemes available as appropriate</li> <li>• Homework/Revision support provided as appropriate</li> <li>• Appropriate training to enable staff to meet particular learning needs - planned well in advance of a child's admission.</li> </ul>
Making the school accessible to all	<ul style="list-style-type: none"> <li>• Good interagency links are maintained by the school.</li> <li>• Very supportive relationships with parents of children with additional needs</li> <li>• Children with additional physical, medical and emotional needs are supported appropriately in school (and outside e.g. home school link, Seesaw)</li> <li>• Adaptations are made so as to include all children in educational visits, extra-curricular opportunities, residential etc.</li> </ul>	<p>The school will ensure that:</p> <ul style="list-style-type: none"> <li>• It meets the needs of pupils, staff and others with physical disabilities</li> <li>• It meets the needs of pupils, staff and others with other disabilities</li> <li>• Curricular and extra-curricular opportunities are available for pupils with disability</li> <li>• It will identify further developments to address outstanding issues where these constitute reasonable adjustments.</li> </ul>

## Equality Statement & Policy

### Further examples of equality objectives

Further generic examples can be found at the link immediately below and an internet search will provide other examples-

<https://www.cumbria.gov.uk/elibrary/Content/Internet/537/6381/6386/40828154541.pdf>

### Useful links

Statutory policies for schools:

<https://www.gov.uk/government/publications/statutory-policies-for-schools>

The Equality Act and Schools:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315587/Equality\\_Act\\_Advice\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf)

Equality and Human Rights Commission Guidance:

[http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/PSED/public\\_sector\\_equality\\_duty\\_guidance\\_for\\_schools\\_in\\_england.doc](http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/PSED/public_sector_equality_duty_guidance_for_schools_in_england.doc)

***Approved by the Berkshire Schools Trust Board of Trustees December 2018***

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