



# Equality Policy

Last reviewed: October 2016

This document applies to all academies and operations of the Vale Academy Trust: [www.vale-academy.org](http://www.vale-academy.org)

This policy replaces the previous Disability Equality Scheme, the Equal Opportunity Policy, the Gender Equality Policy and the Race Equality Policy.

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## **Legal duties (The Equality Act 2010)**

As an Academy Trust we welcome our duties under the Equality Act 2010. The general duties are to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Equality Act 2010 replaces all previous, separate equality laws including the Disability Discrimination Act, Race Relations Act and others. It simplifies the law by removing anomalies and inconsistencies, and extends protection against discrimination in certain areas. The Act covers all aspects of Academy life with how its Children and Young People (C&YP), prospective C&YP, parents, carers and members of the local community are treated.

Equality means treating people fairly, with respect, having regard for rights and wishes.

We understand the principal of the act and the work needed to ensure that those with protected characteristics are not discriminated against and are given equality of opportunity.

A protected characteristic under the act covers the following:

- Age (for employees not for service provision)
- Disability
- Race
- Sex (including issues of transgender)
- Gender reassignment
- Maternity and pregnancy
- Religion and belief
- Sexual orientation
- Marriage and Civil Partnership (for employees)

In order to meet our general duties listed above the law requires us to do some specific duties to demonstrate that we meet the general duties. These are to:

- Publish equality information – to demonstrate compliance with the general duty across its functions (we will not publish any information that can specifically identify a CoYP)

- Prepare and publish equality objectives

To do this we will collect data related to the protected characteristics above and analyse this data to determine our focus for our equality objectives. The data will be assessed across our core provisions as an Academy. This will include the following functions:

- Admissions
- Attendance
- Attainment
- Exclusions
- Prejudice related incidents

Our objectives will detail how we ensure equality is applied to the services above however where we find evidence that other functions have a significant impact on any particular group we will include work in this area.

We also welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.

We recognise that these duties reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

In fulfilling our legal obligations we will:

- Recognise and respect diversity
- Foster positive attitudes and relationships and a shared sense of belonging
- Observe good equalities practice, including staff recruitment, retention and development
- Aim to reduce and remove existing inequalities and barriers
- Consult and involve widely
- Strive to ensure that society will benefit

### **Addressing Prejudice Related Incidents**

The Academy is opposed to all forms of prejudice and we recognise that C&YP who experience any form of prejudice related discrimination may fair less well in the education system. We provide C&YP and staff with an awareness of the impact of prejudice in order to prevent any incidents. If incidents occur we address them immediately, record and report them appropriately.

## Responsibility

We believe that promoting Equality is the whole Academy's responsibility.

<b>Community</b>	<b>Responsibility</b>
Board of Directors	Evaluate how well the Trust is already achieving the three aims of general duty. Develop, monitor and review the Single Equality Policy
Local Governing Body	Evaluate how well the Academy is already achieving the three aims of general duty. Monitor the implementation of the Single Equality Policy. Report to the Board of Directors through the Pastoral Committee
Headteacher	As above including: Promoting key messages to staff, parents, C&YP about equality and what is expected of them and can be expected from the Academy in carrying out its day to day duties. Ensuring that the Academy community receives appropriate training to meet the need of delivering equality, including student awareness. Ensure that all staff are aware of their responsibility to report and record prejudice related incidents.
Leadership Team	To support the Headteacher as above. Ensure fair treatment and access to services and opportunities. Ensure that all staff are aware of their responsibility to report and record prejudice related incidents.
Teaching Staff	Help in delivering the right outcomes for C&YP. Design and deliver an inclusive curriculum. Uphold the commitment made by the Headteacher on how C&YP, parents / carers, staff and the wider community can be expected to be treated. Support colleagues with the Academy. Be aware of the responsibility to report and record prejudice related incidents.
Support Staff	Support the Academy, Local Governing Body and Board of Directors in delivering a fair and equitable service to all stakeholders. Uphold the commitment made by the Headteacher on how C&YP, parents / carers, staff and the wider community can be expected to be treated. Support colleagues with the Academy. Be aware of the responsibility to report and record prejudice related incidents.

Parents	Take an active part in identifying barriers for the Academy community and in informing the Governing Body of actions that can be taken to eradicate these. Take an active role in supporting and challenging the Academy to achieve the commitment made in tackling inequality and achieving equality of opportunity for all.
C&YP	Supporting the Academy to achieve the commitment made to tackling inequality. Uphold the commitment made by the Headteacher on how C&YP, parents / carers, staff and the wider community can be expected to be treated.
Local community	Take an active part in identifying barriers for the Academy community and in informing the Governing Body of actions that can be taken to eradicate these. Take an active role in supporting and challenging the Academy to achieve the commitment made in tackling inequality and achieving equality of opportunity for all.

We will ensure that the whole Trust community is aware of the Single Equality Policy, our published equality information and equality objectives through our usual methods of communication (First Thursday, Website, Staff Bulletin)

### **Monitor and Review**

Each year we will review our objectives in relation to any changes in our profile. Our objectives will sit within our Trust Development Plan and will therefore be reviewed as part of this process.

### **How can parents/carers raise concerns?**

If a parent / carer feels that their child or young person (CoYP) is being treated unfairly then they must follow the Trust complaints procedure.

Useful resources:

- <http://homeoffice.gov.uk/equalities/equality-act/>
- The Equality and Human Rights Commission

## **Appendix 1 – Definitions**

**Direct discrimination** – occurs when a person treat another person differently than they would treat another person because of a “protected characteristic”.

**Indirect discrimination** – can occur when the Academy applies a “provision, criterion or practice” e.g. what is felt to be a general policy or practice (which puts C&YP sharing a protected characteristic at a particular disadvantage).

**Harassment** – the legal definition within the Act 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”.

**Victimisation** – occurs when a person is treated less favourably than they would otherwise have been because of something they have done (“a protected act”) in connection with the Act.

**Protected Act** – might involve making an allegation of discrimination, or bringing a case under the Act, or supporting another person’s complaint. The person is protected against retaliation, unless they were acting in bad faith.

**Protected Characteristics** - people from the groups listed below are known to experience discrimination more often than other people in society. They are now protected in law from being treated unfairly.

- Age - in relation to employment, but not in relation to C&YP
- Disability – a person who has physical or mental impairment which affects their ability to carry out normal day-to-day activities
- Race – a group of people defined by their race, colour, nationality, ethnic or national origins.
- Sex – male or female, including issues of transgender
- Gender reassignment – the process of changing from one gender to another
- Maternity and pregnancy – being pregnant or expecting a baby; maternity refers to the period after the birth.
- Religion and belief – belief includes religious and philosophical beliefs including lack of belief
- Sexual orientation – whether a person’s sexual attraction is towards their own sex, the opposite sex, or both sexes.
- Marriage and Civil Partnership (for employees only)

**Positive Action** – new Positive Action provisions allow the Academy to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, C&YP with protected characteristics

**Curriculum** – the content of the curriculum is explicitly excluded from discrimination law, but the delivery of the curriculum is explicitly included.

## **Appendix 2 – Disabilities**

**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 are considered as disabilities regardless of their effect.

### **Reasonable adjustments and when they have to be made.**

The duty to provide reasonable adjustments applies only to disabled people and is summarised as follows:

- Where something the Academy does places a disabled CoYP at a disadvantage compared to other C&YP, then the Academy must take reasonable steps to try to avoid that disadvantage.
- The Academy will be expected to provide an auxiliary aid or service for a disabled CoYP when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage (N.B. – the duty to provide auxiliary aids will not be introduced until a later date)

If an adjustment is reasonable, then it should be made, and there can be no justification for why it is not made. The Academy will not be expected to make adjustments that are not reasonable.

The Act does not set out what constitutes a reasonable adjustment, however, based on the circumstances of each case, the Academy may consider the financial, or other resources required for the adjustment, its effect on other C&YP, health and safety requirements and whether aids have been made available through the SEN route.

**Special provisions for Disability** – the law on disability discrimination is different from the Act in several ways. In particular, it works in only one direction. The Academy is allowed to treat disabled people more favourably than non-disabled C&YP by making reasonable adjustments to equalise their chances with non-disabled C&YP.

The disability provisions in the Equality Act mainly replicate those in the former DDA. There are some differences:

- The Equality Act does not list the types of day to day activities which a disabled person must demonstrate that they cannot carry out.
- Failure to make reasonable adjustment can no longer be defended as justified.
- Direct discrimination against a disabled person can no longer be defended as justified.
- The Academy is under a duty to provide auxiliary aids and services as reasonable adjustments where these are not supplied through SEN statements.

The Academy must implement an **Accessibility Plan**, and review it regularly

### **Appendix 3 - Employment Provision**

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

The Academy as an employer is under the same duty to make reasonable adjustments in relation to disability for its employees, as with C&YP.

The Academy may not enquire about the health of an applicant for a job, until the offer of the job has been made, unless the questions are specifically related to an intrinsic function of the work. The Academy must comply with both the Health Standards Regulations and Section 60 of the Equality Act.

### **Appendix 4 - Public Sector Employment Duty**

The Equality Act 2010 introduced a Public Sector Employment Duty (PSED) that applies to public bodies, including Academies, and which extends to all protected characteristics. The Academy is required to have **due regard** to the three general duties. Having 'due regard' means giving relevant and proportionate consideration to the duty, whenever significant decisions are being made or policies are being developed.

The specific duties regulations require the Academy to:

- Publish information to demonstrate how they are complying with the PSED and
- Prepare and publish equality objectives.

### **Appendix 5 – Objectives**

1. Foster good relations among all members of the Academy to improve C&YP experiences:
  - raise awareness of, and promote positive attitudes towards, a diverse community
  - promote greater understanding of people with protected characteristics.
2. To reduce the number of C&YP with SEN from being excluded:
  - Improving differentiation in lessons for SEN C&YP, so engaging SEN C&YP more in their learning.
  - Review the behaviour policy to determine other methods of managing behaviour that some C&YP can present which may result in exclusion.
  - Consult with parents of SEN C&YP.