



**EQUALITY & DIVERSITY**

**POLICY AND PROCEDURE**

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## **1. INTRODUCTION**

Delta Academies Trust (“Delta” or “the Trust”) is committed to achieving a working and learning environment which provides equality of opportunity and freedom from unlawful discrimination. This policy aims to remove unfair and discriminatory practices within the organisation and encourage full contribution from its diverse community. The Trust is committed to actively opposing all forms of discrimination.

Throughout this document, the term ‘Manager’ is used to refer to the Principal/Head of Academy in the academy setting or the Head of Department in the core team setting. Reference to Delta/the Trust includes all academies as well as the Core Team function.

## **2. OBJECTIVES**

The purpose of this policy is to:

- Communicate Delta’s vision and commitment to Equality & Diversity
- Ensure compliance with the legal duties of The Equality Act 2010 in employment, facilities, goods and services and admission and treatment of employees and learners
- Ensure compliance with the general equality duty to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by The Equality Act 2010
- Ensure equality of opportunity between people from different groups and foster good relations between people from different groups
- Ensure that recruitment, promotion, training, development, assessment, benefits, pay, terms and conditions of employment, redundancy and disciplinary are determined on the basis of capability, qualifications, experience, skills and productivity

## **3. AIMS**

The Trust also aims to provide a supportive learning environment that does not discriminate against employees, learners and other stakeholders in the means by which they can access the services of the organisation. The Trust believes that all employees and learners are entitled to be treated with dignity and respect.

Delta’s mission is underpinned by the following values:

- Inclusion and access
- Respect and wellbeing for the individual
- Working positively in partnership
- Championing innovation and enterprise
- Empowerment with accountability
- Listening and responding

## **4. SCOPE**

This policy applies to all Directors, EAB members, Employees and Learners of Delta. In addition, anyone who comes into contact with the organisation, external or internal customers, will benefit from this policy. This policy is also binding on our external contractors, employers and partners.

## **5. RESPONSIBILITIES**

All employees, contractors, partners and learners are required to act in a way that does not subject anyone to direct or indirect discrimination, harassment or victimisation on the grounds of protected characteristics.

The co-operation of all employees is essential for the success of this policy. Managers and Education Advisory Bodies have a significant role in creating and maintaining an inclusive organisation where everyone can work, learn and reach their full potential.

The Trust may hold employees independently and individually liable for their discriminatory action against others and in some circumstances an Employment Tribunal may order the employee to pay compensation to the person who has suffered as a result of their discriminatory action.

The Trust takes responsibility for achieving the objectives of this policy and endeavours to ensure compliance with relevant legislation and codes of practice. The Trust will ensure that appropriate policies are in place, effectively implemented, monitored and reviewed to ensure they remain relevant and up to date.

The Trust will:

- Set and monitor challenging equality targets in accordance with its requirements under the Public Sector Equality Duty (see Section 6)
- Promote equality of opportunity and celebrate diversity
- Not discriminate on the grounds of any protected characteristic (see section 8) in any aspect of its work
- Listen to the voice of employees and learners and make improvements which support inclusion and drive equality forward
- Ensure everyone in our organisation is protected from bullying and discrimination wherever they are learning or working

## **6. THE PUBLIC SECTOR EQUALITY DUTY**

The Equality Act 2010 introduced a single Public Sector Equality Duty that applies to public bodies, including Academies, and which extends to all protected characteristics (see Section 8). It has three main elements which public bodies are required to have due regard to the need to:

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

Relevant and proportionate consideration to the duty must be given, meaning that:

- Decision makers must be aware of the duty to have 'due regard' when making a decision or taking action and must assess whether it may have implications for people with particular protected characteristics
- The Trust should consider equality implications before, and at the time, that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis
- The Public Sector Equality Duty has to be integrated into the carrying out of the Academies functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind
- Academies cannot delegate responsibility for carrying out the duty to anyone else

The specific duties regulations places emphasis on transparency, allowing the Academies local community to see how they are advancing equality in line with the Public Sector Equality Duty and how they are ensuring this happens. Academies are therefore required to:

- Publish information to demonstrate how they are complying with the Public Sector Equality Duty (updated at least annually)
- Prepare and publish equality objectives (published at least once every four years)

The Trust will publish this information on its main website, reflecting the details for the organisation as a whole. In addition, local information specific to each Academy will be published on the individual Academy websites.

The Trust will ensure:

- Equality objectives for the organisation are prepared and published once every four years (see Appendix 5)
- Information demonstrating compliance with the specific duties of the Equality Duty is published annually
- Information relating to our employees, and others affected by our policies, and procedures will be published. This information will cover areas of recruitment and promotion, pay and remuneration, training, appraisals, disciplinary actions, dismissals and other reasons for leaving
- Partner organisations that exercise functions also have due regard to this specific equality duty

## **7. EQUALITY IMPACT ASSESSMENT**

The Trust will carry out Equality Impact Assessments in order to ensure that policies, procedures and practices cater for the individuals who share protected characteristics in relation to the Equality Act 2010.

The purpose of these assessments is to ensure that policies, procedures and practices within the organisation are fair to all people. If unfairness is highlighted, this process is about looking at how this can be changed and where it can't be changed, how it can be improved.

An initial screening process will be used in the first instance to decide which policies, procedures or practices need to be subject to a full equality impact assessment. This will provide an effective screening process to decide on priorities based on proportionality, relevance and scale. During the initial screening process, a simple form will be completed (Appendix 2) and retained for records. These records will also provide evidence that the duty to have 'due regard' has been met.

If something is in place which could potentially detrimentally affect employees or a particular group of employees and/or if this of sufficient scale it will be necessary for a full equality impact assessment to take place. An equality impact assessment form should be completed (Appendix 3) and retained for records. These records will also provide evidence that the duty to have 'due regard' has been met.

## **8. LEGAL DUTIES**

Under the Equality Act 2010, the categories of age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage and civil partnership and pregnancy and maternity are now known as 'protected characteristics'.

Some new definitions of unlawful treatment were introduced by the Equality Act 2010, especially in relation to association discrimination, perceptive discrimination and victimisation.

It is unlawful to discriminate directly or indirectly in recruitment or employment because of any of the 'protected characteristics'. No employee, prospective employee or learner should receive unfair or unlawful treatment due to their protected characteristic(s). The Trust will seek to identify and act upon any unfair or unlawful discrimination which denies individual opportunities due to these criteria.

The Equality Act 2010 makes it unlawful for employees to discriminate, directly or indirectly, or harass others because of the protected characteristics in the provision of our services.

Reasonable adjustments will be provided for employees, learners and contractors who may be experiencing barriers due to disability, including alternative formats for other relevant protected characteristics.

The recruitment, retention and achievement of employees and learners will be monitored by protected characteristics, where possible, to determine trends and enable the Trust to provide focused support where it may be needed to ensure success.

## **9. DISCRIMINATION**

Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances on the grounds of a protected characteristic.

### **9.1 DIRECT DISCRIMINATION**

Direct discrimination occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of a protected characteristic.

### **9.2 ASSOCIATION DISCRIMINATION**

Association discrimination occurs when a person is treated less favourably because of their association with another person who has a protected characteristic.

### **9.3 PERCEPTIVE DISCRIMINATION**

Perceptive discrimination occurs when a person directly discriminates against another person because the person thinks they possess a particular protected characteristic. This applies even if the person being discriminated against does not have the protected characteristic.

### **9.4 INDIRECT DISCRIMINATION**

Indirect discrimination is the application of a policy, criterion or practice which is applied to all employees or learners but which is such that:

- It is detrimental to a considerably larger proportion of people from the group that the person that it is applied to represents
- The organisation cannot justify the need for the application of the policy on a neutral basis
- The person to whom the organisation is applying it suffers detriment as a result

Example: A requirement that all employees must be 6ft tall if that requirement is not justified by the position would indirectly discriminate against employees with an oriental ethnic origin as they are less likely to be able to fulfil this requirement.

### **9.5 HARASSMENT**

Harassment, as defined in the Equality Act 2010, 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 extends to actions which, whether intentional or unintentional, cause offence to a person because of a protected characteristic. It is important to recognise that this does not mean that the

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organisation is free to bully or harass learners or employees on other grounds as this would also be deemed as unacceptable.

## **9.6 VICTIMISATION**

Victimisation occurs when a person is treated less favourably because they have brought or intend to bring proceedings or they have given or intend to give evidence.

As well as it being unlawful to victimise a person who does a protected act, a learner must not be victimised because of something done by their parent or a sibling in relation to the Act.

## **10. DISABILITY**

Under the Equality Act 2010, an individual is disabled if they have a 'physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities'. Some specified medical conditions (e.g. HIV, multiple sclerosis and cancer) are considered as disabilities, regardless of their effect.

Provisions relating to disability discrimination may lead to the need to treat a disabled individual more favourably than a person who is not disabled and changes to practices may be required to ensure, as far as reasonably possible, that a disabled individual can benefit from what is on offer to the same extent that an individual without that disability can.

### **10.1 REASONABLE ADJUSTMENTS**

The Trust has a duty to make reasonable adjustments to facilitate the employment of a disabled person and the ability for a disabled learner to receive access to the same education as non-disabled learners.

These may include:

- Making adjustments to premises
- Consideration of re-allocating some of a disabled employee's duties
- Transferring a disabled employee to a role better suited to their disability
- Relocating a disabled employee to a more suitable office
- Giving a disabled employee/learner time off work/school for medical treatment or rehabilitation
- Providing training or mentoring for a disabled employee
- Supplying or modifying equipment, instruction and training/learning materials for disabled employees/learners
- Any other adjustments that the Trust considers reasonable and necessary providing such adjustments are within the financial means of the organisation

If an employee/learner has a disability and feels that any adjustments could be made by the Trust, they should raise this with the Manager.

## **11. GRIEVANCE (EMPLOYEES)**

If an employee feels that they have suffered direct or indirect discrimination, harassment or victimisation, this should be raised in accordance with the Trust's Grievance Policy and Procedure.

## **12. COMPLAINTS (LEARNERS/PARENTS/CARERS)**

If a learner, parent or carer feels they have a complaint which falls under the Equality Act 2010 they should, in the first instance, report this to a responsible person (e.g. this may be the form tutor or head of year). The Manager will facilitate an appropriate response, which will be recorded and may include an investigation and report on an issue.

## **13. EMPLOYEES ENGAGING IN INAPPROPRIATE CONDUCT**

Behaviour or actions found to be contrary to this policy and the general spirit of the laws on which it is based will be considered to be serious disciplinary matters. In the most severe of cases, the employee responsible may face dismissal. Such matters will be dealt with in accordance with the Trust's Disciplinary Policy and Procedure.

Discrimination leads to an unpleasant and non-productive environment. No employee has the right to discriminate against another. If an employee is executing the Trust's policy that may be indirectly discriminatory, the Trust will not normally hold the employee responsible for any negative effects of that policy. Employees should inform the Manager if they become aware of any discriminatory effects that a policy may have.

If a grievance is received by the Trust that cites the actions of an employee have been discriminatory against another employee, contractor or learner, the Trust will deal with the breach of the policy through the Trust's Disciplinary Policy and Procedure.

## **14. PROMOTING EQUALITY**

The Trust will promote equality in the following ways:

### **14.1 LEARNER ACHIEVEMENT AND PROGRESS**

- Will be monitored by protected characteristics
- Will be supported by strategies to tackle under achievement in protected characteristic groups
- Will be analysed at SLT level to ensure all learners are making appropriate progress
- Will be valued across the whole academy

### **14.2 Delta WILL ENDEAVOUR TO**

- Ensure all learners have equal access to extra-curricular activities
- Ensure all learners are offered the guidance and support they need
- Challenge all discrimination as outlined in the Equality Act 2010
- Ensure that learners on work experience or other off-site activities are treated in an equal and fair way

### **14.3 RELIGIOUS AND CULTURAL DIVERSITY**

- The Trust will use formal assemblies and group worship opportunities to celebrate awareness and understanding of faiths from around the world
- Teachers and other role models will be encouraged to share with learners their experiences about what faith means to them

### **14.4 CURRICULUM**

- The Trust will promote equality and diversity through an inclusive curriculum

- Discrimination will be challenged in all areas of the curriculum
- Curriculum planning will take account of the needs of all
- Curriculum provision will be monitored and evaluated by senior colleagues and the core team
- Allocation of learners to classes and option groups will reflect equality for all
- Assessment outcomes will be used to revise curriculum provision where appropriate
- Teaching methods will be diverse and appropriate for all needs and learning styles
- Resourcing will reflect the need to provide equal access for all
- The Trust will seek to make full use of resources available within the wider community

#### **14.5 BEHAVIOUR POLICIES**

- Procedures for managing both employee and learner behaviour and discipline will be fair and applied equally to all
- The Trust will seek to adopt good practice strategies that have been shown to reduce rates of exclusion for all
- The exclusion process will apply equally to all
- Strategies to re-integrate long term truants and excluded learners will address the needs of learners with any protected characteristics

#### **14.6 ADMISSIONS AND TRANSFERS (LEARNERS)**

- The Trust will adopt the relevant local authority procedures to ensure that admission is fair for all
- The Trust will monitor and act upon data gathered about the attendance of all pupils but with particular reference to those with protected characteristics
- The Trust will recognise the need for some learners to take time off for religious observance and seek to use ICT solutions to support learning during these periods

### **15. EMPLOYER RESPONSIBILITIES**

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

Harassment 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.

#### **15.1 ASKING QUESTIONS ABOUT HEALTH AND DISABILITY**

It is unlawful for the Trust to enquire about the health of a job applicant until after a conditional job offer has been made, unless the questions are specifically related to an intrinsic function of the role. For example, ensuring applicants for a PE teacher role have the physical capability to carry out the duties involved.

The Trust must ensure that whilst adhering to the requirements of the Equality Act 2010, there is also consideration of the requirements of the Health Standards (England) Regulations 2003 in relation to establishing teachers' fitness and ability to teach.

The Trust does not require job applicants to complete a generic health questionnaire as part of the application process. Questions relating to health will only be asked where they are necessary to ensure the applicant can carry out an intrinsic function of the work for the role they have applied for. The Trust may ask necessary health questions after a conditional job offer has been made, however these questions will be targeted, necessary and relevant to the job the applicant has applied for.

In relation to any Teacher post, medical questionnaires will be completed in accordance with the statutory requirements outlined in Government legislation.

The provision under the 'Safeguarding Children and Safer Recruitment in Education Guidance' advises past sickness records of candidates to be requested prior to interview. However, in order to comply with the requirements of the Equality Act 2010, the Trust will only request this information once a conditional job offer has been made.

### **15.3 RECRUITMENT OF EX-OFFENDERS**

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, the Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

For further details, refer to Appendix 4.

### **16. ADVICE AND SUPPORT**

Employees may contact their trade union representative for further advice and support regarding discrimination, harassment or victimisation.

In addition, further information for advice and support can be found at:

Equality and Human Rights Commission  
0845 604 6610      [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Citizens Advice Bureau [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Community Legal Services Direct  
0845 345 4 345      [www.communitylegaladvice.org.uk](http://www.communitylegaladvice.org.uk)

CareFirst – a free 24 hour confidential telephone counselling service available to all Delta employees on 0800 174319

### **17. REVIEW**

This policy will be reviewed every three years, or when relevant legislation changes, by the Trust and the JNC policy committee.