

SINGLE EQUALITY POLICY

I. Opening Statement

Academies South West Multi-Academy Trust (ASW) has obligations under the Equality Act 2010 as an employer and a school. The Act created a single equality duty to replace the race, disability and gender equality duties. The duty came into force in 2011. Our core values include an explicit commitment to valuing people's differences. This policy contains guidance, concerns our obligations particularly to staff, students, prospective students and in some limited circumstances, former students. Raising standards is our mission thus we will also work towards tackling inequalities arising directly from poverty. This policy is an important reflection of our commitment to equality and human rights, essential if we are to break down the barriers to achievement.

This **Single Equality Policy** sets out two key equality objectives, and outlines what we will do to achieve them. The equality objectives are:

- to ensure that best practice in equality and human rights is rooted in all aspects of our work
- to ensure that the promotion of equality and human rights and elimination of discrimination and harassment is embedded in all ASW practice through leadership and organisational commitment

In particular we:

- regularly review data to measure the impact of the Single Equality Policy on equality and human rights
- identify and employ good practice in promoting equality and human rights
- consult and involve students, parents, staff, stakeholders and anyone with an interest in improving education and care for children and young people and education and training for learners of all ages to help inform our future objectives and practice
- provide staff with support and training to enable them to lead the promotion of equality and human rights

The single equality duty requires that we:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity between different groups
- foster good relations between different groups

The public sector equality duties requires that we:

- publish equality objectives, at least every four years (see 'equality' page of the each schools annual improvement plan)
- conduct Equality Impact Assessments and publish information to demonstrate compliance with the equality duty, at least annually (see 'equality' page of the school website and Equality Impact Assessment Report in each school's Self Evaluation Form)

2. Background

The Equality Act 2010 brings together lots of different equality laws and has replaced all existing equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act. The aim of the Equality Act 2010 is to provide a modern, single legal framework, and a clearer, more streamlined law that will be more effective at tackling disadvantage and discrimination. For the most part, the effect of the new law is the same as it has been in the past – meaning that schools cannot unlawfully discriminate against students/employees because of their sex, race, disability¹, religion or belief and sexual orientation. Protection is now extended to persons who are pregnant, have recently had a baby or are undergoing gender reassignment. Employees are also protected against discrimination on the grounds of age and marriage/civil partnership.

- The exceptions to the discrimination provisions for schools that existed under previous legislation – such as the content of the curriculum, collective worship and admissions to single-sex schools and schools of a religious character, are all replicated in the new act. However, there are some changes as follows:
 - New Positive Action provisions² will allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics. Such measures will need to be a proportionate way of achieving the relevant aim – for example a project to engage specifically with disengaged boys.
 - Introducing the concepts of direct and indirect discrimination³ and extending the reasonable adjustment duty to require schools to provide auxiliary aids and services to disabled pupils.

3. What we mean by ‘equality’

¹ A person has the protected characteristic of disability if they have a physical and/or mental impairment, which has what the law calls ‘a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities’. There is no need for a person to have a medically diagnosed cause for their impairment; what matters is the effect of the impairment not the cause. Examples include: arthritis, hearing or sight impairment (unless this is correctable by glasses or contact lenses), diabetes, asthma, epilepsy, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs, severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met. Mental impairment includes conditions such as dyslexia and autism as well as learning disabilities such as Down’s syndrome and mental health conditions such as depression and schizophrenia are covered. The test to apply to decide if someone has the protected characteristic of disability are:

- the length of time the effect of the condition has lasted or will continue: it must be long term.
- the effect of the impairment is to make it more difficult and/or time-consuming for a person to carry out an activity compared to someone who does not have the impairment, and this causes more than minor or trivial inconvenience.

² Positive Action provisions enable schools to take action to tackle the particular disadvantage, different needs or disproportionately low participation of a particular student group, provided certain conditions are met. These allow (but do not require) the College to take proportionate action to address the disadvantage faced by particular groups of students. Such action could include targeted provision, resources or putting in place additional or bespoke provision to benefit a particular disadvantaged student group. Positive action is intended to be a measure that will allow schools to provide additional benefits to some students to address disadvantage and is not the same as positive discrimination. Positive discrimination would be providing preferential treatment for a particular disadvantaged student group that exceeded the positive action conditions. It should be noted that it is never unlawful to treat disabled students (or applicants) more favourably than non-disabled students (or applicants). That is, the College is permitted to positively discriminate in favour of disabled students (applicants).

³ Direct discrimination occurs when you treat a student less favourably than you treat (or would treat) another student because of a protected characteristic. Indirect discrimination occurs when you apply a provision, criterion or practice in the same way for all students or a particular student group, such as A-level physics students, but this has the effect of putting students sharing a protected characteristic within the general student group at a particular disadvantage. It doesn’t matter that you did not intend to disadvantage the student with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such students compared with students who do not share that characteristic.

Equality means treating everyone with equal dignity and worth regardless of particular characteristics such as their age, marital/civil partnership status, disability, gender, ethnicity, religion or belief, or sexual orientation or gender identity. People have different needs, situations and goals. Thus, achieving equality requires the removal of discriminatory barriers that limit what people can do and can be. We recognise that people can experience inequality in terms of: outcomes, access to services, the degree of independence they have to make decisions affecting their lives, inequality of treatment, including in relation to employment, through direct and indirect discrimination or disadvantage imposed by other individuals, groups, institutions or systems intentionally or inadvertently.

A core human rights belief is that everyone should be treated fairly and with dignity. The College respects the fundamental human rights which became law under the Human Rights Act 1998. Our core values place students first, and we are committed being an 'outstanding' College, behaving with integrity and valuing people's differences in all our work.

4. Related Policies:

- Accessibility Policy
- SEND Policy
- Intimate Care Policy
- Medical Policy

5. Our commitment

We act quickly to identify and put in place reasonable adjustments⁴ for disabled students. Academies in the ASW take reasonable steps to avoid substantial disadvantage⁵. The duty is an anticipatory and continuing one and we will plan ahead for the reasonable adjustments we may need to make by anticipating need. We cannot hope to anticipate the needs of every prospective student but will take reasonable and proportionate steps to overcome barriers that may impede students with different kinds of disabilities. For example, it may be appropriate to provide large print for a student with a visual impairment. A useful starting point when determining what a reasonable adjustment might be is to consider how to ensure that disabled pupils can be involved in every aspect of Academy life. Often effective and practical adjustments involve little or no cost or disruption. For example: asking a teacher to face the class when giving instruction so a student with hearing impairment may lip-read. Where disabled students are placed at a substantial disadvantage by a provision,

⁴ The duty to make reasonable adjustments sits alongside our duties and those of the local authority under Part 4 of the Education Act 1996. In some cases the support a disabled pupil may receive under the special educational needs framework may mean that they do not suffer a substantial disadvantage and so there is no need for additional reasonable adjustments to be made for them. In other cases disabled pupils may require reasonable adjustments in addition to the special educational provision they are receiving. There are also disabled pupils who do not have special educational needs but still require reasonable adjustments to be made for them. The level of support a pupil is receiving under Part 4 of the Education Act 1996 is one of the factors to be taken into account when considering what it would be reasonable for you to do.

⁵ A substantial disadvantage is not trivial. It is the level of disadvantage created by a lack of reasonable adjustments measured in comparison with what the position would be if the disabled student in question did not have a disability.

We will need take into account a number of factors when considering whether or not the disadvantage is substantial such as:

- the time and effort that might need to be expended by a disabled student
- the inconvenience, indignity or discomfort a disabled student might suffer

criterion or practice or the absence of a Teaching Assistant, we will consider whether any reasonable adjustment can be made to overcome that disadvantage. The SENCo will work collaboratively with students and their parents in determining what reasonable adjustments can be made.

In ensuring that staff members and in particular teaching staff are carrying out their responsibilities the Leadership Team:

- monitors the equality and human rights performance of staff through surveys, 'lesson drop ins' and lesson observations to identify good practice
- reports the findings from surveys, 'drop ins' and lesson observations to the Academy Principal to ascertain:
 - whether there are concerns regarding the ability of staff to promote and secure equality and human rights and therefore to ensure achievement
 - whether examples of good practice are apparent

These actions feed into the annual **Equality Impact Assessment Report**. Findings are shared with the aim of improving provision and outcomes, raising aspirations and contributing to a longer-term vision for achieving equality.

In addition, the annual **Equality Impact Assessment Report** includes:

- regular reviews of data, practices, policies and procedures to ensure that there is no discrimination against students with a protected characteristic and that good practice is identified
- consultation involving: students, parents, staff, stakeholders and anyone with an interest in improving education for our students to inform our objective setting and practice
- effective staff training to help to avoid unlawful discrimination and share good practice

Regularly reviewing the **Behaviour Management Policy** helps us to ensure that we do not inadvertently discriminate. Thinking about the reasons behind a student's behaviour helps us to identify instances of disability-related behaviour. Students will not be excluded because of their protected characteristic. This does not mean that we will not exclude a student with a protected characteristic when it is appropriate.

The exclusions guidance makes it clear that students should only be excluded from Academies in the ASW as a last resort and that exclusions should only be made on grounds of a student's behaviour. Academies have a duty to disabled students to make reasonable adjustments to procedures if needed. This might include:

- an appropriate response to behaviour which is a direct consequence of their disability
- making reasonable adjustments to manage such behaviour
- considering alternative, more appropriate punishments, and

- ensuring that a disabled student is able to present their case fully where their disability might hinder this.

5. Responsibilities

All members of ASW have a responsibility to comply with this **Single Equality Policy** based upon the Equality Act 2010. However, the local governing body is liable for any breaches of the Equality Act 2010.

Our Academies will not instruct, cause or induce someone to discriminate against, harass⁶ or victimise⁷ another person, or to attempt to do so. Staff members are personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment (even if they did not know their actions were against the law), whether or not the Academy is also liable. However, an employee is not personally liable in relation to disability discrimination in Academy.

Academies in ASW take steps to advance equality of opportunity, foster good relations and eliminate discrimination. This means:

- We actively encourage positive attitudes towards students and staff and expect everyone to treat others with dignity and respect.
- We regularly consider the ways in which the taught and wider curricula will help to promote awareness of the rights of individuals and develop the skills of participation and responsible action.
- We regularly consider the ways in which our teaching and the curriculum provision will support high standards of attainment, promote common values, and help.

⁶ Harassment occurs when you engage in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- violating a person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for the person

⁷ Victimisation is defined in the Act as:

Treating someone badly because they have done a 'protected act' (or because the school believes that a person has done or is going to do a protected act).

There are additional victimisation provisions for schools, which extend the protection to students who are victimised because their parent or sibling has carried out a protected act. A 'protected act' is:

- Making a claim or complaint of discrimination (under the Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that the school or someone else has breached the Act.
- Doing anything else in connection with the Act.

If the College treated a student less favourably because they have taken such action then this will be unlawful victimisation.

The less favourable treatment does not need to be linked to a protected characteristic. For example: A teacher shouts at a student because he thinks she intends to support another student's sexual harassment claim. This would amount to victimisation.

students understand and value the diversity that surrounds them, and challenge prejudice and stereotyping.

- We monitor the progress and achievement of students by the relevant and appropriate protected characteristics. This information will help the Academy to ensure that individuals are achieving their potential, the Academy is being inclusive in practice, and trends are identified, which inform the setting of our equality objectives on the 'equality' page of Academy improvement plans.
- We collect and analyse information about protected characteristics in relation to staff recruitment, retention, training opportunities and promotions to ensure all staff have equality of opportunity. We will not ask health related questions to job applicants before offering a job, unless it relates to an intrinsic function of the work they do. We will make reasonable adjustments such as providing auxiliary aids for our disabled staff.
- We ensure the curriculum is accessible to all students with special educational needs and disabilities (SEND) or those for whom English is not their first language. Auxiliary aids and services will be provided for them, where reasonable adjustments are required. By planning ahead, we will ensure that all students are able to take part in extra-curricular activities and residential visits, and we will monitor the uptake of these to ensure no one is disadvantaged on the grounds of a protected characteristic.
- We seek the views of advisory staff and outside agencies and partnerships with other Academies where this is needed. In planning the curriculum and resources we will take every opportunity to promote and advance equality.
- Bullying and Prejudice Related Incidents are carefully monitored and dealt with effectively. Regular training will be given to both existing and new staff to ensure that they are aware of the process for reporting and following up incidents of prejudice related bullying.
- We expect all staff to be role-models for equal opportunities, deal with bullying and discriminatory incidents and be able to identify and challenge prejudice and stereotyping.
- Throughout the year, on-going events raise awareness of equality and diversity. This may include a focus on disability, respect for other cultures, religions and beliefs, anti-homophobia/gay pride, gender equality, and an understanding of the effects of discrimination. Planned events are set out as objectives on the 'equality' page of the College Improvement Plan.
- Consultation is regularly sought in the development and review of this **Single Equality Policy**.
- We seek the views of students, parents, advisory staff and visitors to our Academics, to ensure that the environment is as safe and accessible as possible to all users.
- We welcome a diverse range of candidates and implement positive actions to encourage recruitment and career progression for people from under-represented groups.

- We ensure that all staff are aware of their legal duties under the Equality Act 2010, the different forms of discrimination and what reasonable adjustments mean in practice.
- We set out training and awareness sessions in the Academy's improvement plan.
- We consult with stakeholders, i.e. students, parents/carers, staff and relevant community groups, to establish equality objectives and draw up a plan based on information collected on protected groups and accessibility planning. These equality objectives are reviewed and reported on annually.
- We maintain and update an equality page on the Academy website to show how it we are complying with the Public Sector Equality Duty (PSED) in the Equality Act 2010 and advancing equality of opportunity.
- When drawing up policies, we carry out an Equality Impact Assessment (EIA) to ensure a policy does not, even inadvertently, disadvantage groups of students with protected characteristics. We consider to what extent a new/revised policy, practice or plan meets the Public Sector Equality Duties (eliminates discrimination, advances equality and fosters good relations for all the protected characteristics) and recommend changes/mitigations where necessary.
- Annually outcomes of Equality Impact Assessments are published on the 'equality' page of each Academy's website and in the Academy's Self Evaluation Form and used to set objectives to increase the scope for equality and human rights and integrate them effectively within the Academies in our ASW. They are recorded on the 'equality' page of each Academy's improvement plan. The assessments demonstrate how we are complying with the Public Sector Equality Duties. As part of this assessment communications are reviewed to ensure the widest access to published information.

6. Admissions

Information about how to apply for admission for Academies in ASW does not discriminate by suggesting that applications from students with certain protected characteristics would not be welcome as this would be direct discrimination.

In relation to disabled students we ensure that the information and application process is accessible and we make reasonable adjustments as necessary.

Admissions criteria do not discriminate, either directly or indirectly, against anyone with a protected characteristic. We will not refuse to admit a child as a student for discriminatory reasons.

7. The Curriculum

Academies within ASW do not discriminate against, harass or victimise a student:

- in the way we provide education for the student
- in the way we afford the student access to a benefit, facility or service
- by not providing education for the student

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This statement covers the curriculum as well as: extra-curricular activities, leisure activities, breakfast, break, lunchtime and after-school clubs, sports activities, trips and facilities such as libraries and IT.

Making assumptions about a person's ability to excel in a subject due to a protected characteristic could lead to unlawful discrimination.

Trips, including field trips and residential trips are an important part of Academy life. We seek to ensure that any trips arranged do not discriminate against any of our students. However, in some limited cases it may be impossible to make a trip accessible for all students and the learning needs of other students will be part of the decision making process. Cancelling the trip because a disabled student can't attend where it puts other students at a disadvantage may not be the best or only decision.

The risk assessments carried out in relation to trips will include a consideration of the reasonable adjustment needs of disabled students and we will follow good practice in seeking ways of including rather than excluding such students on trips.

Students are given the same opportunities for work experience and placements and assumptions are not made about what would suit students with particular protected characteristics; for example, assuming that only boys would be interested in placements involving bricklaying or car maintenance or that only girls would be interested in hairdressing.

Effective communication with work experience providers and supporting students while they are on placement helps to reduce the chances of discrimination during work experience.

8. Assessments and exams

As well as public exams such as GCSEs, which are set by external bodies, Academies in ASW assess students regularly using a variety of methods. Reasonable adjustments are made during assessment for disabled students such as extra time or rest breaks, or to the assessment method such as allowing a disabled student to submit their work in an accessible format. The SENCo in conjunction with the Exams Officer makes application for appropriate exam access arrangements for public examinations.

9. Religion and belief exceptions

Acts of worship and other religious observance are not covered by the Equality Act 2010.

This means that the Academies in ASW can carry out collective worship of a broadly Christian nature without this being unlawful under the Equality Act.

The Equality Act does not require schools to provide opportunities for separate worship for the different religions and beliefs represented among your pupils but we are free to organise or to participate in ceremonies and festivals celebrating any faith, such as Christmas, Diwali, Chanukah or Eid, without being subject to claims of religious discrimination against children of other religions or of none.

Parents can remove their children from collective worship and sixth form students can remove themselves.

10. Complaints

A staff member, student (or parent of a student) who believes that they have been discriminated against, harassed or victimised can make a claim under the Equality Act, however it is usually in everyone's best interests to attempt to resolve disputes without the need for legal action. The member of staff, student (or their parent acting on their behalf) who believes they have discriminated unlawfully against should approach the Leadership Team before commencing legal proceedings. The Complaints Procedure will be evoked. If the matter cannot be resolved through the internal complaints procedure then mediation might assist in resolving the dispute. Local authorities have in place independent disagreement resolution services to deal with disputes between parents and schools in relation to special educational needs disputes, and in some cases these services are available to help to resolve other disputes.

11. Review of Policy

This policy is reviewed every three years by the Board of Directors at Academies South West.

POLICY HISTORY

Ratified by the MAT:	21st October 2015
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Date of next review:	As required
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