



HAMSTEAD HALL

Academy Trust



Equality Policy

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The Equality Act 2010 and Changes for Schools

On 1st October the Equality Act 2010 came into force, consolidating, harmonising and streamlining nine previous Acts and nearly 100 sets of regulations enacted over 40 years. The three existing general and specific equality duties on schools (race, disability and gender) to eliminate discrimination and advance equality of opportunity have been combined.

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 pupils because of their sex, race, disability, religion or belief and sexual orientation. Protection is now extended to pupils who are pregnant or undergoing gender reassignment. It is now unlawful to discriminate against a transgender pupil.

It is unlawful for a school to discriminate against a pupil or prospective pupil by treating them less favourably because of their:

- Sex
- Race
- Disability
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy or maternity

How Does the Equality Act (EA) Change Hamstead Hall Academy Trust's Current Legal Obligations?

The equality act 2010 introduced a single Public Sector Equality Duty (PSED) on public bodies including maintained schools and Academies. This combines **Equality Duty** came into effect in April 2011. It has three main elements. In carrying out their functions, public bodies are required to **have due regard to the need to:**

1. **Eliminate unlawful discrimination, harassment and victimisation** and other conduct prohibited by the Act.
2. **Advance equality of opportunity** between people who share a protected characteristic and those who do not.
3. **Foster good relations** between people who share a protected characteristic and those who do not.

Positive Action

New Positive Action provisions 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. Previously a school providing – for example – special catch-up classes for Roma children or a project to engage specifically with alienated Asian boys might not have been discriminating unlawfully but excluding children who didn't belong to these groups.

Changes to the Definition of 'Disability' and 'Discrimination'

1. The EA **Changes the definition of disability**. The definition is almost the same as that under the Disability Discrimination Act 1995, with two main exceptions:
 - i. There is now no longer a requirement that a mental impairment must be a clinically well-recognised illness.
 - ii. There is no longer an exhaustive list of what constitutes day-to-day activities.

The consequence of the relaxation of the 'definition of disability' is that more pupils are now legally disabled. It follows that more SEN children will now also be classed as disabled to a greater extent than before. As before, as soon as a child is legally disabled and the school either knows or could reasonably have been expected to know that they are disabled, discrimination provisions come into play to protect the pupil.

2. The EA **extends the definition of discrimination**. Prior to the EA there were two types of disability discrimination:
 - i. Treating a disabled pupil or prospective pupil less favourably than another for a reason related to their disability without justification.
 - ii. Failing to make reasonable adjustments to avoid placing disabled pupils at a substantial disadvantage compared to non-disabled pupils.

The definition of unlawful discrimination has not altered substantially but there is new terminology used to describe discrimination. There is now:

- i. **Direct discrimination:** When you treat pupils less favourably than you would another pupil because of a protected characteristic. It involves real and hypothetical comparators; it can never be justified.
- ii. **Indirect discrimination:** When you apply a provision, criterion or practice in the same way for a group of pupils but which has the effect of putting pupils sharing a protected characteristic at a particular disadvantage, and you cannot justify the practice as being a 'proportionate means of justifying a legitimate aim.'

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.” It covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

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. A protected act might involve, for example, making an allegation or bringing a case under the Act, or supporting another person’s complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting 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.

There is still discrimination by association and discrimination by perception, and a **new concept of ‘discrimination arising from a disability’ which replaces ‘disability-related discrimination’ under the Disability Discrimination Act 1995.**

3. There are **new positive action provisions:** the EA permits schools to take proportionate action to address disadvantage faced by particular groups of pupils.

Changes from April 2011

Until April 2011 the existing Race Equality Duty, Disability Equality and Gender Equality Duties which involve publishing Equality Schemes will continue to apply.

Introduction

This Equality Policy has been developed by Hamstead Hall Academy Trust to include changes under the Equality Act 2010. It represents the schools commitment to its values of ‘humanity, diversity, equality and respect’ and to the school’s consistent approach to communicating, implementing and monitoring equality and diversity.

Why We Have Developed This Equality Policy

This Equality policy developed by Hamstead Hall Academy Trust brings together all previous policies, schemes and action plans around equality including those that we had previously for Race, Gender and Disability. It includes all the **protected characteristics** covered under the Equality Act 2010 as well as other aspects which have the potential to discriminate against or to devalue any individuals within our community. We are further committed to the development of cohesive communities and prevention of extremism and radicalisation both within our school and

within our local, national and global environments. Our school embraces the aim of working together with others to improve children's educational and wellbeing outcomes, and notes the rights set out in the UN Convention on the Rights of the Child.

Aims

Hamstead Hall Academy Trust is committed to advancing and achieving **equality of opportunity** for all students, parents/careers/associated persons/ staff, governors and visitors. We believe that all people are equal value and are entitled to **equality of opportunity** and that our diversity enriches our community. The purpose of this Policy is to set out how our practice and policies have due regard to the need to:

- Eliminate discrimination, harassment and victimisation;
- Advance quality of opportunity and
- Foster good relationships between groups.

Overall Aims of Our Equality Policy

The objectives of this equality policy are to:

- Develop an ethos which respects and values all people
- Actively advance equality of opportunity
- Prepare students for life in a diverse society
- Promote good relations amongst staff and pupils across the Academy Trust and the wider communities within which we work.
- Eliminate all forms of unfair indirect and direct discrimination, bullying, harassment, victimisation or other oppressive behaviour
- Deliver equality and diversity through our academies policies, procedures and practice
- Make reasonable adjustments and do our utmost, within available resources to remove barriers which limit or discourage access to the academies and activities.
- Take positive action to provide encouragement and support to individuals and groups whose progress has been limited by protected characteristics, stereotyping and cultural expectations
- Monitor the implementation of equality and diversity across the academy trust
- Set targets for improvement and evaluate the impact of equality and diversity action in achieving our goals

Scope

This policy encompasses and protects the following **protected characteristics**:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership

Our Approach

We seek to embed equality of access, opportunity and outcome for all members of the academy trust, within all aspects of school life.

We Actively Seek Out Opportunities to Embrace the Following Key Concepts:

- Shared humanity. Identify commonality and shared values, aspirations and needs underpin our approach to equality. We value our fundamental similarities and universality.
- Valuing difference and diversity. We appreciate the richness within our differences and look for ways of celebrating and understanding them better.
- Interdependence, interaction and influence. We recognise that, as they evolve, distinct cultures, beliefs and lifestyles will impact on and inform each other.
- Social cohesion across the academy trust and within our local community.
- Excellence. We aim to inspire and recognise high personal and collective achievement throughout our community, the UK and the wider world. Excellence is to be found everywhere.
- Personal and cultural identity. We will provide opportunities to explore and value the complexity of our personal and cultural identities.
- Fairness and social justice. We will develop our understanding of the inequality that exists in society and explore ways of individually and collectively promoting a more equitable society.

Our Duties

We recognise and accept our equality duties as set out in the Equality Act 2010.

We will ensure we identify opportunities for promoting our school ethos ‘learning through diversity’, the key concepts and our duties on equality and legislation across all aspects of academy life.

These aspects are likely to include the following:

- The engagement, participation and involvement of a broad and diverse range of children, young people, their parents and partner agencies
- Preparation for entry to the school
- School policies
- Breaks and lunchtimes
- The provision of school meals
- Interaction with peers
- Opportunities for assessment and accreditation
- Exam arrangements
- Behaviour management approaches and sanctions
- Exclusion procedures
- School clubs, activities and school trips
- The schools arrangement for working with other agencies
- Preparation of pupils for the next phase of education
- Learning and teaching and the planned curriculum
- Classroom/learning environment organisation
- Timetabling
- Grouping of pupils
- Homework
- Access to schools facilities
- Activities to enrich the curriculum, for example, a visitor to the school
- School sports

- Employees' and staff welfare

Communication of the Equality Policy

We will take active steps to communicate this Equality Policy to all pupils, parents/carers/associated persons, staff, governors, partners, stakeholders, contractors and visitors to the academy trust.

Responsibilities and Accountabilities

The governors are responsible for:

- Making sure the academy trust follows all of its Equality Policy aims, and meets its legal responsibilities with respect to equality

The Executive Principal is responsible for:

- Giving a consistent and high-profile lead on equality and diversity
- Advancing equality and diversity across the academy trust and in the wider community
- Ensuring policies and procedures are in place to comply with all equality legislation
- Ensuring that the academy trust implements its Equality Policy and codes of practice

Managers across the trust (for example senior, subject, pastoral leaders and administrative) are responsible for:

- Putting the academy trust equality policy and codes into practice
- Making sure that all staff know their responsibilities for enforcing the Equality Policy and receive the support and training necessary to carry them out.
- Following the relevant procedures and taking action in cases of unfair discrimination, harassment, bullying or victimisation

All staff (teaching and non-teaching) is responsible for:

- Promoting equality and diversity, and avoiding unfair discrimination harassment, bullying or victimisation
- Actively responding to any incidents of unfair discrimination harassment, bullying or victimisation, related to protected characteristics perpetrated by pupils, other staff or visitors
- Keeping up-to-date with the equality law and participate in equal opportunities and diversity training

Students/Parents/Carers are responsible for:

- Respecting others in their language and actions
- Obeying all of the schools Equality Policy and codes

The specific duties regulations require schools:

- To publish information to demonstrate how they are complying with the public sector equality duty, and
- To prepare and publish equality objectives.

Schools have had until 6 April 2012 to publish their initial information and first set of objectives. They will then need to update the published information at least annually and to publish objectives at least once every four years.

Hamstead Hall Academy Trust's Equality Objectives

Equality objectives may arise from analysis schools have carried out on their published data or other information, where they have identified an area where there is potential for improvement on equalities or they may – for example – be set in anticipation of a change in local circumstances. Some examples might be:

- To encourage girls to consider non-stereotyped career options.
- To anticipate to needs of incoming pupils from new groups

Equality Policy: Our Staff

We comply fully with legislation which protects our staff (including teachers, teaching assistants, supervisors and student teachers) from discrimination based on the ***protected characteristics***.

With regard to disability, we make such reasonable adjustments as are necessary to prevent a disabled person being at a substantial disadvantage in comparison with people who are not disabled. This includes discrimination in relation to recruitment, terms and conditions, promotions, transfers, dismissals, training and employment practices (such as dress codes) and disciplinary procedures.

We make efforts to ensure that the diversity of our workforce reflects that of our local community and wider society. In accordance with the Equality Act 2010 we do not enquire about the health of an applicant until a job offer has been made or require job applicants to complete a generic 'all encompassing' health questionnaire as part of the application procedure.

We will ensure the safety and well-being of our staff and take seriously and act on incidents of harassment and discrimination recognising that our staff may be either victims or perpetrators We interpret our duties positively; take the necessary actions to remove barriers to inclusion and work hard to ensure a safe, positive and inclusive environment.

Responding to Hate or Prejudice-Based Incidents and Bullying

We recognise that hate incidents or prejudice-based bullying behaviour is driven by negative assumptions, stereotypes or misinformation. These are then directed against an individual or a group, based on difference (real or perceived), and liked to, for example, racism, homophobia, negative views or disabled people or sexism. We will take action to prevent, challenge and eliminate any such behaviour.

We recognise that we as individuals and society often struggle with difference of any kind (perceived or actual), which can result in seizing upon the most visible sign of difference e.g. skin colour or disability.

Through the academy trust ethos and curriculum, we want our pupils to understand better the diversity that exists in society. We want to provide opportunities for them to explore the subtleties and complexities in order to prevent and respond to incidents and situations. We will address the experience, understanding and needs of the victim, the perpetrator, bystanders and the wider school community through our actions and responses.

Implementation, Monitoring and Reviewing

Implementation, monitoring and review are the responsibility of our Senior Leadership Team, our governors and board of trustees who have agreed and published this policy which sets out our priorities and objectives. We will report annually on the policy and analyse whether our policy and related objectives have furthered the aims of general equality duty and in particular educational outcomes for all within the trust community with reference to the protected groups.

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