

Equality and Inclusion Policy 2018

The Midland Academies Trust

HR Provider



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Equality and Inclusion Policy 2018

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Equality and Inclusion Policy 2018

1. Introduction

- 1.1 The Midland Academies Trust ('the Trust') is committed to promoting equality and diversity of opportunity for all its staff and students.
- 1.2 This Policy sets out how the Trust and its academies will comply with their legal obligations as well as demonstrating their commitment to ensuring equality of opportunity and inclusivity.
- 1.3 To this end the Trust will ensure the development of:
 - i. equality aims and objectives;
 - ii. a robust and effective equality governance framework;
 - iii. a coherent and consistent approach to ensuring equality is fully integrated into all aspects of the Trust and academy life and activity;
 - iv. dynamic and responsive action plans to enable the Trust to meet its legal obligations and demonstrate best practice.

2. Definitions

- 2.1 'Activity' means a strategy, policy, procedure, guidance, project, service or decision whether formal or informal, proposed or existing, internal or external to the Trust and its Academies;
- 2.2 'Academies' mean any school or academy which is part of the Trust;
- 2.3 'Action plans' mean academy equality and diversity action plans;
- 2.4 'Duty' means a mandatory and legal obligation to do something;
- 2.5 'Equality analysis (EA)' means a review of the activities carried out by the Trust and / or its academies to ascertain how they impact on each individual or group with one or more protected characteristics. Based on the result of this review, the Trust and / or its academies may need to redesign the activities to meet the different needs of these individuals or groups;
- 2.6 'Protected characteristics' mean the characteristics of a person which are protected by the Equality Act 2010 which are age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief; sex and sexual orientation.
- 2.7 'The Act' means the Equality Act 2010.

3. Principal Related Policies

- 3.1 Bullying and Harassment policies and procedures;
- 3.2 Complaints Policy;
- 3.3 Child Protection and Safeguarding Policies and procedures;
- 3.4 All Trust HR policies and procedures;
- 3.5 Public Interest Disclosure (Whistleblowing) Policy;
- 3.6 GDPR Policy;
- 3.7 Freedom of Information Policy;
- 3.8 Other policies and documents may be identified from time to time as circumstances change or policies are reviewed and may be added to this list.

4. Legislation and Guidance

- 4.1 This Policy aims to meet the requirements of the following legislation and guidance:
- i. [The Equality Act 2010](#), which introduced the public sector equality duty and protects people from discrimination.
 - ii. [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#), which requires schools to publish information to demonstrate how they are complying with the public sector equality duty and to publish equality objectives.
- 4.2 This Policy has also been developed in line with non-statutory advice from the Department for Education (DfE) contained within: [The Equality Act 2010 and schools](#).

5. Rationale

- 5.1 The Act defines an academy as a public authority and, as such, in the exercise of its functions it must have regard to the public sector equality duty.
- 5.2 The Act outlines certain conduct which is prohibited, namely discrimination (direct or indirect), harassment and victimisation, as well as failing to comply with the duty to make reasonable adjustments.
- 5.3 Although not a requirement, in applying the Act in relation to the provision of education, the Trust will take into account the protected characteristics of age and marriage and civil partnership.
- 5.4 As an employer, the Trust must take account of all protected characteristics and comply with further equality requirements. In certain specified circumstances it may also take positive action when recruiting and promoting staff.
- 5.5 Equality is about creating a fairer society where all can participate and have the opportunity to fulfil their potential; to live as equal citizens in a society free from discrimination, harassment and victimisation.
- 5.6 Diversity is about respecting, valuing and celebrating aspects that make people unique as individuals and the recognition that everyone contributes to society because of those aspects, not in spite of them.

6. Policy Aims

- 6.1 The Trust will meet its obligations under the equality duty by having due regard to the need to:
- i. eliminate discrimination and other conduct that is prohibited by the Equality Act 2010;
 - ii. advance equality of opportunity between people who share a protected characteristic and people who do not share it;
 - iii. foster good relations across all protected characteristics.
- 6.2 The Trust aims to embrace equality and diversity by promoting and maintaining a positive, diverse and inclusive working, learning and social environment where everyone is free from discrimination, prejudice and all forms of harassment and victimisation, enabling everyone to achieve their potential.
- 6.3 The Trust aims to be a beacon of exceptional practice, positively promoting a culture of inclusivity, respect and fairness within the Trust, its academies and the wider community.
- 6.4 The Trust aims to actively promote shared values that include equality, diversity and social inclusion, involving its communities, valuing their contribution to the delivery of its work and actively listening to and involving stakeholders.

7. Equality Objectives

- 7.1 The purpose of setting specific and measurable equality objectives is to help the Trust and its academies to effectively comply with the general equality duty and achieve required outcomes.
- 7.2 The identification and development of equality objectives focuses attention on the priority equality issues within the Trust so that improvements in policy making, educational and service delivery and employment, including resource allocation, are made.
- 7.3 The Trust and its academies will assess existing practices in relation to equality and identify objectives which will support improvement and development.
- 7.4 The Trust will set equality objectives which take a strategic whole Trust perspective.
- 7.5 Academies will set equality objectives which best suit their individual circumstances and contribute to the welfare of their students, staff and local communities.
- 7.6 Equality objectives which focus on ensuring that:
 - i. all employees, students and others for whom the Trust has responsibility are valued and to treated with respect and dignity;
 - ii. inequality, discrimination and prejudice are challenged;
 - iii. all education and training promotes respect for the cultural, socio-economic and linguistic diversity in its communities;
 - iv. embrace diversity in all aspects, including socio-economic and aims to employ a workforce that reflects, at every level, the community and the students it serves;
 - v. all aspects of equality legislation are proactively upheld.

8. The Equality Governance Framework

8.1 General Points

- 8.1.1 Governance is a framework of responsibility, accountability and communication. By establishing an equality and diversity governance framework, the Trust will ensure that it and its academies openly and transparently complies with legal and regulatory responsibilities.
- 8.1.2 The equality governance framework is designed to ensure the ethos of equality and inclusivity is embedded throughout the Trust and its academies.

8.2 Application of the Policy

This Policy applies to the following persons:

- i. Directors and Raising Achievement Board members;
- ii. all students;
- iii. all staff, whether full-time or part-time, in teaching, support or voluntary working roles for the Trust. (Staff on agreed leave of absence will continue to be regarded working for the Trust);
- iv. parents and carers;
- v. visitors to academies;
- vi. outside contractors working in any of the academies;
- vii. employers responsible for students on work-based learning placements.

8.3 Implementation of the Policy

The Trust will ensure that:

- i. Directors, Raising Achievement Board members, students, staff, parent/carers and stakeholders are aware of the Policy and the actions required for its implementation.

- ii. Students, staff, parent/carers and stakeholders are aware of the value placed on equality of opportunity and that action will be taken in the event of any breach of equality legislation.
- iii. Directors, Raising Achievement Board members and staff have access to equality action plans, information and progress reports to assist them to plan, implement and monitor actions to comply with the equality duty.
- iv. Students or potential students will not be discriminated against, harassed or victimized based on any protected characteristic:
 - in relation to admissions;
 - in the way education is provided;
 - in the way students are provided with access to any benefit, facility or service; or
 - by excluding a student or subjecting them to any detriment.
- v. Care is taken to ensure that students with protected characteristics who have experienced unlawful or unfair discrimination have access to appropriate support and facilities.
- vi. Publicity materials present appropriate and positive images that support these provisions and the Trust will actively monitor such material to ensure balance and representation.
- vii. Measures are introduced to facilitate understanding and conciliation between groups of different beliefs, to foster good relations between people of different faiths and beliefs.
- viii. Relevant policies and procedures are reviewed to ensure that anti-bullying objectives incorporate the need to eliminate unlawful harassment and to tackle prejudice to foster good relations.
- ix. The Trust will endeavor whenever possible, to draw applications for employment from a wide pool with positive action, where appropriate, to encourage applications from under-represented groups.
- x. Recruitment, selection and promotion procedures are designed to enable people from under-represented and disadvantaged groups to participate fully in the process.
- xi. Action is taken to ensure that individuals are treated equally and fairly and that decisions on pay, training, career management and termination of employment are based solely on objective, job related criteria.
- xii. Staff development schemes are designed to raise awareness and effectively meet the learning needs of all staff including disadvantaged and under-represented groups to advance equality of opportunity for all.
- xiii. The Trust and its academies work in partnership with a broad range of organisations to provide services and support others in achieving community cohesion.
- xiv. The Trust and its Academies will ensure that those partners adopt the same commitment to equality to ensure that students across all delivery areas enjoy the same positive experience wherever their place of study. To this end partners will be worked with closely to share best practice.

8.4 Roles and Responsibilities:

8.4.1 The Board of Directors will:

- i. Ensure that academy based equality objectives are developed, implemented, evaluated and published.
- ii. Approve annual equality objectives.
- iii. Receive an annual report on the implementation and impact of equality objectives.

8.4.2 The Executive Principal will:

- i. Develop annual Trust-wide equality objectives.
- ii. Monitor the achievement and impact of equality objectives and report to each meeting of the Board of Directors.

8.4.3 Principals will:

- i. Develop annual academy based equality objectives.
- ii. Monitor the achievement and impact of equality objectives and report on a termly basis to Raising Achievement Boards and annually to the Board of Directors.
- iii. Promote knowledge and understanding of equality objectives amongst staff and students.

8.4.4 **The HR Provider will:**

- i. Support Principals in promoting knowledge and understanding of the equality objectives amongst staff and students.
- ii. Support Principals to identify any staff training / development needs and deliver training as necessary.

9. Monitoring and Review Arrangements

- 9.1 The Policy and associated documentation will be reviewed on a three yearly basis or as required by changes in the law, regulation or as directed by the Chief Executive.
- 9.2 The Trust will update the equality information it publishes, as described in this Policy at least every year.

Appendix 1

Equality Act 2010 Obligations

1. Eliminating Discrimination

- 1.1 The Trust is aware of its obligations under the Equality Act 2010 and complies with non-discrimination provisions.
- i. Staff are regularly reminded of their responsibilities under the Equality Act, for example during meetings. Where this has been discussed during a meeting it is recorded in the meeting minutes.
 - ii. New staff receive training on the Equality Act as part of their induction, and all staff receive refresher training annually.
 - iii. All students and staff are treated with respect and dignity and the Trust seeks to provide a positive working, learning and social environment free from discrimination, harassment or victimisation.
 - iv. Inequality and prejudice is challenged wherever it exists especially for those with a protected characteristic and groups such as young carers, those in or leaving care, ex-offenders and those from those groups where there is traditionally a low participation in education.
 - v. The Trust and its academies ensures that the curriculum and training promotes British values such as mutual tolerance and respect for the faiths and beliefs, cultural, socio-economic and linguistic diversity in our communities whilst embedding and promoting British values of democracy, the rule of law, freedom of the individual and respect.
 - vi. The Trust and its academies embraces diversity in all aspects, including socio-economic and strive to employ a workforce that reflects, at every level, the community and the students it serves.
 - vii. Academies will adopt the same commitment to equality diversity and inclusion and ensure that students enjoy the same positive experience.
 - viii. All current and new employees are informed of the Trust's commitment to deliver services that meet the diverse needs of our employees and all our communities and to aim to respect and value differences.
 - ix. The Trust and its academies will ensure that all aspects of its policies and activities are sensitive to discriminatory issues and fully exploit opportunities to advance equality and foster good relations.
 - x. The full diversity of students are involved in the development of our equality work.
 - xi. The Trust and its academies embed and integrate equality analysis throughout all aspects of the student experience to help prepare students to live and work as active and responsible members of society and as employees.
 - xii. The Trust and its academies pro-actively uphold all aspects of legislation relating to equality.
 - xiii. Where relevant, Trust policies include reference to the importance of avoiding discrimination and other prohibited conduct.

2. Advancing Equality of Opportunity

- 2.1 The Trust and its academies aim to advance equality of opportunity by:
- i. Removing or minimising disadvantages suffered by people which are connected to a particular **protected** characteristic they have (e.g. students with disabilities, or gay pupils who are being subjected to homophobic bullying).

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- ii. Taking steps to meet the particular needs of people who have a particular **protected** characteristic by making reasonable adjustments (e.g. enabling Muslim pupils to pray at prescribed times).
 - iii. Encouraging people who have a particular **protected** characteristic to participate fully in any activities (e.g. encouraging all pupils to be involved in the full range of school societies, this may mean making reasonable adjustments such as improving the physical environment of the Academy buildings or improving the delivery of information to those with protected characteristics).
 - iv. Ensuring equality through the employment cycle, including recruitment, selection, staff development, performance management and grievances. The Trust has the 'two ticks' quality mark which allows for all those declaring a disability to be guaranteed an interview if they meet the person specification.
- 2.2 In fulfilling this aspect of the duty, academies will:
- i. Publish attainment data each academic year showing how pupils with different **protected** characteristics are performing.
 - ii. Publish staff demographic data each academic year showing the representation of different groups across the workforce.
 - iii. Analyse the above data to determine strengths and areas for improvement, implement actions in response and publish this information.
 - iv. Make evidence available identifying improvements for specific groups (e.g. declines in incidents of homophobic or transphobic bullying).
 - v. Publish further data about any issues associated with particular protected characteristics, identifying any issues which could affect students.

3 Fostering Good Relations

- 3.1 The Trust and its academies aim to foster good relations between those who share a protected characteristic and those who do not share it by:
- i. Promoting tolerance, friendship and understanding of a range of religions and cultures through different aspects of the curriculum. This includes teaching in RE, citizenship and personal, social, health and economic (PSHE) education, but also activities in other curriculum areas. For example, as part of teaching and learning in English/reading, students will be introduced to literature from a range of cultures.
 - ii. Holding assemblies dealing with relevant issues. Students will be encouraged to take a lead in such assemblies and we will also invite external speakers to contribute.
 - iii. Working with local communities. This includes inviting leaders of local faith groups to speak at assemblies, and organising educational trips and activities based around the local community.
 - iv. Encouraging and implementing initiatives to deal with tensions between different groups of students within academies. All students are encouraged to participate in the academy activities, such as sports clubs. Academies will also work with parents to promote knowledge and understanding of different cultures.
 - v. The Trust and its academies will develop links with people and groups who have specialist knowledge about particular **protected** characteristics, which helps inform and develop approaches to these characteristics.

4 Equality Considerations In Decision-Making

- 4.1 The Trust and its academies will ensure they have due regard to equality considerations whenever significant decisions are made.

Appendix 1

- 4.2 The Trust and its academies will always considers the impact of significant decisions on particular groups. For example, when an educational visit or activity is being planned, consideration will be given as to whether the visit or activity:
- i. Is planned when a religious holiday is taking place.
 - ii. Is accessible to students with disabilities.
 - iii. Has equivalent facilities for boys and girls.
- 4.3 Academies will keep a written record to show that equality duties have been actively considered and relevant questions asked. This record will be completed at the same time as the visit / activity risk assessment is undertaken and will be completed by the member of staff organising the activity. The record should be stored with the completed risk assessment.

Appendix 2

Complying with the Public Sector Equality Duty

1. Introduction

- 1.1 The Equality Act 2010 introduced the public sector equality that applies to public bodies (PSED), including maintained schools and academies, and extends to the following protected characteristics:
- i. race,
 - ii. disability,
 - iii. sex,
 - iv. age,
 - v. religion or belief,
 - vi. sexual orientation,
 - vii. pregnancy and maternity
 - viii. gender reassignment.
- 1.2 In carrying out their functions, the Trust and its academies are required to have due regard to the need to:
- i. eliminate discrimination and other conduct that is prohibited by the Act;
 - ii. advance equality of opportunity between people who share a protected characteristic and people who do not share it;
 - iii. foster good relations across all **protected** characteristics, between people who share a protected characteristic and people who do not share it.
- 1.3 Having “due regard” means giving relevant and proportionate consideration to the duty. For academies this means:
- i. Decision makers in the Trust and its academies must be aware of the duty to have ‘due regard’ when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics.
 - ii. The Trust and its academies 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.
 - iii. The PSED has to be integrated into the carrying out of the Trust and academies functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind; it is not just a question of ticking boxes or following a particular process.
 - iv. Academies can’t delegate responsibility for carrying out the duty to anyone else.

2. Having Due Regard in Practice

- 2.1 The duty to have “due regard” to equality considerations means that whenever significant decisions are being made or policies developed or activities undertaken, thought must be given to the equality implications.
- 2.2 The significance of those implications and the amount of thought that needs to be devoted to them will vary depending on the nature of the decision. For example,
- i. a decision to change the time of school assembly is unlikely to have a significant impact on any particular group;
 - ii. deciding when and where to have a school trip may raise a range of considerations:
 - are the facilities for boys and girls equivalent; are they accessible to disabled students;
 - does the date cut across any religious holidays and so exclude some students, and so on.
 - iii. An initiative to raise student attainment in a single sex school might not have any gender implications, but there could be race issues that need to be considered.

Appendix 2

- 2.3 It is good practice for academies to keep a note of any equality consideration, although this does not necessarily need to take the form of a formal equality analysis. Publishing it will help to demonstrate that the due regard duty is being fulfilled.
- 2.4 It is good practice for the Trust and academies to keep a written record to show that they have actively considered the equality duties and have asked themselves relevant questions.
- 2.5 There is no legal requirement to produce a formal equality impact assessment document, although for key decisions this might be a helpful tool (see Appendix 4).
- 2.6 If the Trust or an academy does not record its consideration of the general equality duty when making a decision or carrying out a particular function, this does not automatically mean that the duty to have 'due regard' has not been met. However, if challenged, it will be easier for the Trust or an academy to demonstrate that the duty has been met if a record has been made at the time. The duty only needs to be implemented in a light-touch way, proportionate to the issue being considered.

Appendix 3

Guidance Notes for Undertaking an Equality Impact Assessment

1. What is the Equality Impact Assessment Tool?

The purpose of this tool is to improve the work of the Trust by making sure we do not discriminate, and that where we can we will promote equality at all levels. Completing this tool will ensure that those with responsibility for developing policy, procedure, guidelines or activities take time to consider carefully the likely impact that these may have on those covered by the seven 'equality streams' and to take action where any unjustified negative impact is detected in the development or administration of such policy, procedures or guidelines. By using this tool, the authors of such documents can make every effort to eliminate negative impact and take the opportunity to promote the Trust's equality and diversity goals.

2. What is Meant by 'Impact'?

2.1 Negative or Adverse Impact

This is an impact that could disadvantage one or more equality groups. The disadvantage may be differential, where the negative impact on one particular group of individuals or equality groups is likely to be greater than another.

Example: Undertaking training in a location with no induction loop facility may have a negative impact on students or staff with a hearing impairment.

2.2 Positive Impact

An impact that could have a positive impact on one or more groups or improve equal opportunities and/or relationships between groups. This positive impact may also be differential, where the positive impact on one group/or groups of individuals may be greater than another.

Example: A targeted training programme for black and ethnic minority women would have a positive impact on black and minority ethnic women compared with its impact on white women and all men. It would not necessarily have a negative impact on white woman and all men.

2.3 Missed Opportunity

This is where an opportunity to promote equality of opportunity has been missed; consideration must be given as to what. If anything can be done to remedy the situation. If action can be taken it should be included in the action plan.

3. When Should an Equality Impact Assessment Tool Be Completed?

3.1 Initial Screening

An initial screening of the proposed policy, procedure or guidelines should be undertaken by the author(s) of such a document. This should be completed during the review or development of these documents. At this stage you should be assessing obvious negative or positive impact or any gaps in your knowledge about the likely impact. It should be a shortened process which makes use of any previous consultation results, your personal knowledge & experience, research and reports, internal and external specialist advice etc.

3.2 Full Screening

If, as part of the initial assessment, it was identified that a negative impact may exist a full screening of the document should take place. This may involve other groups, for example the Equalities or Safeguarding thematic groups, Central Team or the HR department. Any steps taken or suggested actions will need to be identified on the assessment.

Appendix 3

4. Justifying Adverse Impact

- 4.1 If it proves impossible either to alter the activity, or to achieve its aims with a different activity without causing an adverse impact on one or more groups, there are two possibilities:
 - i. The activity's continued existence must be justified, or
 - ii. The activity and its aims should be abandoned.
- 4.2 Justification has two main elements:
 - i. It must be demonstrated that the activity is important on grounds unconnected with the discrimination that is taking place; and
 - ii. That it proved impossible to find other ways of achieving the activity's aim without causing an adverse impact for one or more relevant groups.
- 4.3 Is it therefore vital to demonstrate that alternatives have been explored before deciding that an adverse impact is justified. Justification of an activity that causes an adverse impact should be seen as a last resort, where eliminating that adverse impact has proved impossible. In addition, even where an activity causes a justifiable impact, the steps should still be taken to mitigate that adverse impact.
- 4.4 The grounds for justification may include:
 - i. where positive action is being undertaken;
 - ii. health and safety;
 - iii. business efficiency.

Appendix 4

Equality Impact Assessment Tool

Name: <i>(Person responsible for the document/activity/decision).</i>		Contact Details:			
Date of Assessment:					
Description of the matter being assessed:					
What is the aim of the matter being assessed?					
How does it contribute towards achieving the single equality duty?					
Which Academy equality objective does the Activity contribute to and how?					
Who is affected?	Students:		Staff:		Other (please specify):
Does the document/activity have an impact on any of the following groups?					
Protected Characteristic	Type of Impact				Identified Issues and Supporting Evidence
	+	-	MO	None	
Age					
Race					
Gender incl. transgender					
Religion, faith or belief					
Sexual Orientation					
Disability					
Maternity					
Marriage / Civil Partnership					
Outline any engagement undertaken with protected groups to establish evidence of impacts:					
Protected Characteristic	Engagement undertaken				
Age					

Appendix 4

Race	
Gender incl. transgender	
Religion, faith or belief	
Sexual Orientation	
Disability	
Maternity	
Marriage/Civil Partnership	
Can the impacts be managed by revising the document/activity?	
Protected Characteristic	What changes could be made?
Age	
Race	
Gender incl. transgender	
Religion, faith or belief	
Sexual Orientation	
Disability	
Maternity	
Marriage/Civil Partnership	
Could we take different action? - Is there anything that cannot be changed?	
What cannot be changed?	Can this be justified?
	Is so, how?
Please outlined any proposals or suggestions to reduce any discriminatory impact you have identified	
Concern:	Proposed Action:

If necessary please complete an **Action Plan**

Action Plan

	Recommendation	Action Required	By Whom	By When	Priority*	Intended Outcome / Success Criteria
1.						
2.						
3.						
4.						

* **Priority:** Short Term (ST) - taking place over several weeks; Medium Term (MT) - taking place over several months; Long Term (LT) - taking place over an academic year