

Equality, Diversity and Inclusion Policy 2022

The Midland Academies Trust

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Document History

Version Number	Amended By	Date of Revision	General Revision Description

Equality, Diversity and Inclusion Policy 2022

1. Introduction

- 1.1 The Midland Academies Trust (the Trust) is committed to equality, valuing diversity and inclusion and actively supports practices that promote genuine equality of opportunity for all staff and young people.
- 1.2 The Midland Academies Trust (the Trust) is committed to promoting a positive and diverse culture in which all staff and young people are valued and supported to fulfil their potential irrespective of their age, disability, race, religion, belief, sex or sexual orientation.
- 1.3 We recognise our obligations under the Equality Act 2010 and are committed to promoting the equality, diversity and inclusion of all those we work with especially our employees, pupils, young people and visitors. We oppose all forms of unlawful and unfair discrimination, bullying and harassment and will make every effort to comply with the requirements of the Act and its subsequent provisions.
- 1.4 The following groups have been identified as key recipients in terms of the provision of this statement:
 - i. Are being looked after or on the edge of care.
 - ii. Have special educational needs/learning difficulties and disabilities.
 - iii. Are excluded or at risk of exclusion from school.
 - iv. Are from an ethnic group, including those from Gypsy, Roma, Traveller background.
 - v. Have English as an additional language.
 - vi. Are missing in education.
 - vii. Have ill health, including hospitalisation, affecting attendance at school.
 - viii. Are Not in Education, Employment or Training (NEET).
 - ix. Have drug or alcohol abuse.
 - x. Are school age/teenage parents.
 - xi. Are young carers.
 - xii. Are offending or at risk of offending.
 - xiii. Have mental health issues.
 - xiv. Are in receipt of free school meals.
 - xv. Live in areas of deprivation.
 - xvi. Gifted and talented.
- 1.5 This Policy and all associated procedures apply to all staff (including volunteers and pupils on placement), young people and visitors and should be read in conjunction with the following policies:
 - i. Dignity at Work Policy.
 - ii. Compliments and Complaints Policy.
 - iii. E-Safety and Multi-Media Policy.
 - iv. Health and Safety Policy.
 - v. Management of Behaviour: Rewards and Sanctions Policy.
 - vi. Off-Site Visits Policy.
 - vii. Privacy Policy.
 - viii. Recruitment and Selection Policy.
 - ix. Restrictive Physical Intervention (RPI) Policy.

- x. Runaway and Missing from Home, Care and Education (RMFHCE) Policy.
- xi. Safe Working (Caring) Practice Policy.
- xii. Safeguarding and Child Protection Policy.
- xiii. Whistleblowing Policy.
- 1.6 Failure to comply with these policies and procedures may result in disciplinary action.
- 1.7 Discriminatory treatment, bullying or harassment of staff or young people by visitors will also not be tolerated.

2. Compliance

2.1 Compliance with the Equality Act 2010 is the responsibility of all members of staff. The Trust does not condone any act of direct discrimination, indirect discrimination, harassment or victimisation. Any breach of this policy may lead to disciplinary action.

3. Definitions

- 3.1 The Equality Act covers nine protected characteristics upon which discrimination is unlawful:
 - i. Age.
 - ii. Disability.
 - iii. Gender reassignment.
 - iv. Marriage and civil partnership.
 - v. Pregnancy and maternity.
 - vi. Race.
 - vii. Religion or belief.
 - viii. Sex.
 - ix. Sexual orientation.
- 3.2 For further information on types of unlawful discrimination see Appendix 1.

4. Roles and Responsibilities

- 4.1 The designated senior member of staff with overall responsibility for all equality, diversity and inclusion matters at the Trust is the Executive Principal and at the School it is the Principal. For further information on the roles and responsibilities of the Designated Person see Appendix 2.
- 4.2 It is the responsibility of all staff to:
 - i. Treat colleagues, young people and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;
 - ii. Support and participate in any measures introduced to promote equality, diversity and inclusion;
 - iii. Actively challenge discrimination and disadvantage in accordance with their responsibilities;
 - iv. Report any issues associated with equality, diversity and inclusion in accordance with this policy.
- 4.3 It is important to appreciate that an employee is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable.

4.4 Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee doing so will be subject to disciplinary action.

5. Duty to Make Reasonable Adjustments

- 5.1 We will actively seek to make reasonable adjustments, where there is a need to ensure that a disabled person has the same access to everything as a non-disabled person, as far as is reasonable.
- 5.2 We will take positive and proactive steps to remove, reduce or prevent the obstacles faced by a disabled individual, as far as is reasonable.
- 5.3 For further information, visit the Equality and Human Rights Commission website at: www.equalityhumanrights.com

6. Admissions Policy

6.1 Our admissions criteria are defined under the admissions policy and are applied consistently to every young person, irrespective of any protected characteristic.

7. Curriculum Delivery

- 7.1 The curriculum is crucial to tackling inequalities for pupils including gender stereotyping, preventing bullying and raising attainment for certain groups. The principles of equality, diversity and inclusion are embedded in our academic and social curriculum.
- 7.2 Positive and proactive steps will be taken to prevent discrimination against or victimisation of any young person in the provision of education or access to any benefit, facility or service including educational trips, work experience and leisure activities.

8. Exclusion Policy

- 8.1 The decision to suspend / exclude a child for a fixed period or permanently is a last resort.
- 8.2 Our suspension / exclusion criteria are defined under the Exclusion policy and are applied consistently to every young person, irrespective of any protected characteristic.

9. Recruitment and Selection

- 9.1 All employees, whether part-time, full-time, temporary or permanent will be treated fairly and equally.
- 9.2 We will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Selections will be made on the basis of aptitude, ability and/or merit, where appropriate.
- 9.3 Where appropriate, the Trust will endeavour to make all reasonable and effective adjustments during the recruitment and selection process.
- 9.4 Where recruitment and selection is carried out by a third party, on behalf of the Trust we will take all reasonable steps to ensure they adhere to the principles of this Policy.

10. Reporting and Recording Incidents of Discrimination and Harassment

- 10.1 All incidents of discriminatory treatment, bullying and harassment must be reported to senior staff and recorded as soon as is reasonably possible (and in any event within 24 hours of the incident).
- 10.2 All bullying-related incidents (confirmed or otherwise), will be addressed in accordance with our Dignity at Work Policy.

11. Complaints and Grievances

11.1 If an individual believes that they have been discriminated against, harassed or victimised, they are asked to follow our complaints or grievance procedure.

12. Implementation, Monitoring, Evaluation and Review

- 12.1 The designated senior member of staff with overall responsibility for the implementation, monitoring and evaluation of the 'quality, Diversity and Inclusion Policy is the Principal.
- 12.2 The designated member of staff is also responsible for ensuring that all young people, staff, parents/carers and placing local authorities are aware of our policy. Additional support would also be provided to any parent or significant person, wishing to know more about the Policy and procedures outlined above. A copy of this Policy is available for inspection on the premises during office hours and an electronic copy is posted on our website.
- 12.3 This Policy document will be reviewed and publicised in writing, at least annually and if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policy, guidance and practice.

Further Information About Equality, Diversity and Inclusion

Types of Unlawful Discrimination

- i. Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).
- ii. Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- iii. Perception discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
- iv. Indirect discrimination occurs when a condition, provision, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.
- v. Discrimination arising from disability occurs when you treat a disabled person unfavourably because of something connected with their disability and cannot justify such treatment. Discrimination arising from disability is different from direct and indirect discrimination.
- vi. Harassment occurs when a person is subject to "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".
- vii. Third-party harassment occurs where, during the course of their duties, an employee is harassed by an individual or individuals who are not under the direct control of the School and the harassment relates to a protected characteristic.
- viii. Victimisation occurs when an individual is subject to a detriment because they have made an allegation of, or given evidence about, the treatment of any individual (including themselves) who has been subject to any of the above.
- ix. Any individual making allegations of a false, malicious or vexatious nature would not be protected against victimisation and will be subject to disciplinary action.

Roles and Responsibilities

The designated senior member of staff with overall responsibility for all equality, diversity and inclusion matters of each School is the Principal.

The role of the Designated Person is to:

- i. Create an environment in which all members of the community are expected to treat one another with mutual respect, dignity and tolerance.
- ii. Ensure that the School complies with equality legislation;
- iii. Ensure all policies, practices and procedures, associated with equality, diversity and inclusion including admissions, curriculum, recruitment and selection are implemented;
- iv. To make effective and reasonable adjustments where appropriate to meet the individual needs of staff, young people and others who may have business with the School;
- v. Ensure that all staff are aware of and follow the School's policy; and receive appropriate equality, diversity and inclusion training, in accordance with their roles and responsibilities;
- vi. Take 'all reasonable steps' to prevent discrimination, harassment and victimisation from taking place;
- vii. Take responsibility for recording, managing and analysing incidents of discrimination, harassment and victimisation in accordance with the School's policies, procedures and guidance.

It is the responsibility of all staff to:

- i. Treat colleagues, young people and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;
- ii. Support and participate in any measures introduced to promote equality, diversity and inclusion;
- iii. Actively challenge discrimination and disadvantage in accordance with their responsibilities;
- iv. Report any issues associated with equality, diversity and inclusion in accordance with this policy.

It is important to appreciate that an employee is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable.

Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee caught doing so will be subject to disciplinary action.

Equality Act 2010 Obligations

1. Eliminating Discrimination

The School 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 pupils and staff are treated with respect and dignity and the School 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 School ensures that the curriculum and training promotes fundamental 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, individual liberty and respect.
- vi. The School embraces diversity in all aspects including socio-economic and strives to employ a workforce that reflects at every level, the community and the pupils it serves.
- vii. The School will encourage and expect partners to adopt the same commitment to equality, diversity and inclusion.
- viii. All current and new employees are informed of the School'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 School 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 pupils are involved in the development of our equality work.
- xi. The School embeds and integrates equality analysis throughout all aspects of the pupil experience to help prepare pupils to live and work as active and responsible members of society and as employees.
- xii. The School proactively uphold all aspects of legislation relating to equality.
- xiii. Where relevant, School policies include reference to the importance of avoiding discrimination and other prohibited conduct.

2. Advancing Equality of Opportunity

The School aims to advance equality of opportunity by:

- i. Removing or minimising disadvantages suffered by people, which are connected to a particular protected characteristic they have.
- ii. Taking steps to meet the particular needs of people who have a particular protected characteristic by making reasonable adjustments (e.g. enabling Muslim staff/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 staff/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 School 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 School has and will maintain the Disability Confident accreditation, which allows for all those declaring a disability to be guaranteed an interview if they meet the person specification.

In fulfilling this aspect of the duty, the School 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.

3. Fostering Good Relations

The Trust aims 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 through the PSHE aspects of the tutorial programme but also activities in other curriculum areas. For example, as part of teaching and learning in English pupils will be introduced to literature from a range of cultures.
- ii. Inviting external speakers to contribute to the Trust community in line with topical issues linked to fundamental British values.
- iii. Working with local communities. This includes inviting leaders of local faith groups into schools and organising educational trips and activities based around the local community.
- iv. Encouraging and implementing initiatives to deal with tensions between different groups of pupils within the School. All pupils are encouraged to participate in the School activities such as clubs, pupil voice and the full range of enrichment activities. The School will also work with parents to promote knowledge and understanding of different cultures.
- v. The School 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

The Trust will ensure it has due regard to equality considerations, whenever significant decisions are made.

The School will always consider 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 pupils with disabilities.
- iii. Has equivalent facilities for male and female pupils, and that gender-free facilities are available.

The School will keep a written record to show that equality duties have been actively considered and relevant questions asked.

Complying with the Public Sector Equality Duty

1. Introduction

The Equality Act 2010 introduced the public sector equality duty that applies to public bodies (PSED) including maintained schools and schools and extends to all of the following protected characteristics (except marriage or civil partnerships with regard to ii and iii in 1.2 below):

- i. Race
- ii. Disability
- iii. Sex
- iv. Age
- v. Religion or belief
- vi. Sexual orientation
- vii. Pregnancy and maternity
- viii. Gender reassignment
- ix. Marriage and civil partnership

In carrying out its functions, the School is 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.

Having "due regard" means giving relevant and proportionate consideration to the duty. For Schools this means:

- i. Decision makers in the School 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. School leaders 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 School 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. Schools cannot delegate responsibility for carrying out the duty to anyone else.

2. Having Due Regard in Practice

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.

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. Deciding when and where to have a School trip may raise a range of considerations:
 - Are the facilities accessible to disabled pupils?
 - Does the date cut across any religious holidays and so, exclude some pupils?

ii. An initiative to raise pupil attainment for a particular gender could create issues related to race that need to be considered.

It is good practice for the School 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.

It is good practice for the School to keep a written record to show that they have actively considered the equality duties and have asked themselves relevant questions.

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).

If the School 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 School 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.

Equality Act 2010 Protected Characteristics

The Equality Act 2010 applies to the School as both an employer and education provider. The Act identifies nine 'protected characteristics'

1. Age

The Act protects people of all ages; however different treatment because of age is not unlawful discrimination if an organisation can justify it as a "proportionate means of achieving a legitimate aim".

2. Disability

Under the Act a person has a disability if they have a physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities. HIV, Cancer and MS are included from the point of diagnosis.

3. Sex

Both men and women are protected under the Act.

4. Gender Reassignment

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected, so a woman who decides to live as a man but does not undergo any medical procedures would be covered.

5. Marriage and Civil Partnership

The Act protects employees who are married or in a civil partnership. Single people are not protected.

6. Pregnancy and Maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and up to 26 weeks after she has given birth.

7. Race

For the purposes of the Act, race includes colour, ethnic origin, national origin and nationality (including citizenship).

8. Religion or Belief

In the Act religion includes any religion and it includes a lack of religion. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief (e.g. humanism) or a lack of such belief. To be protected, a belief must satisfy various criteria including that it is a weighty and substantial aspect of human life and behaviour.

9. Sexual Orientation

The Act protects bisexual, heterosexual/straight, gay and lesbian people.

Guidance Notes: 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 School by making sure we do not discriminate and that 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 protected characteristics 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 School's equality, inclusion and diversity goals.

2. What is Meant by 'Impact'?

Negative or Adverse Impact

This is an impact that could disadvantage one or more 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 pupils or staff with a hearing impairment.

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.

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?

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 and experience, research and reports, internal and external specialist advice etc.

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 HR department. Any steps taken or suggested actions will need to be identified on the assessment.

4. Justifying Adverse Impact

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.

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.

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.

The grounds for justification may include:

- i. Where positive action is being undertaken.
- ii. Health and safety.
- iii. Business efficiency.

Equality Impact Assessment Tool

Name: (Person responsible for the document/activity/decision).				Contact Details:					
Date of Assessment:									
Description of the matter being assessed:									
What is the aim of the matter being assessed?									
How does it co	ontribute to	wards	achie	eving	the si	ngle equa	ality duty?		
Which MAT eq	uality obje	ctive d	oes t	he ac	tivity c	ontribut	e to and how	?	
Who is affected?	•		Staff:			Other (please specify):			
Does the docu	ıment/activi	ity hav	e an i	impac	t on a	ny of the	following gro	oups?	
Protected Characteristic			Type of Impact				Identified Issues and Supporting Evider		
Frotected Cita	iracteristic	+	-	МО	None		illeu issues i	and Supporting	LVIGETICE
Age									
Race									
Gender									
Gender reassig	nment								
Religion, faith o	or belief								
Sexual orientation									
Disability									
Maternity									
Marriage / Civil partnership									

Protected Characteristic	Engagemen	t undertaken				
Age						
Race						
Gender						
Gender reassignment						
Religion, faith or belief						
Sexual orientation						
Disability						
Maternity or pregnancy						
Marriage/Civil partnership						
Can the impacts be mana	ged by revis	ing the document/activity?				
Protected Characteristic	What chang	ges could be made?				
Age						
Race						
Gender						
Gender reassignment						
Religion, faith or belief						
Sexual orientation						
Disability						
Maternity or pregnancy						
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 proidentified	posals or su	ggestions to reduce any dis	criminatory impact you have			

Concern:	Proposed Action:			

If necessary, please complete an Action Plan

Action Plan

ı	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