



LYDIATE  
LEARNING  
TRUST

# Equality & Diversity Policy



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ENGAGE, ENABLE,  
EMPOWER

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 1 of 9</i>	<i>Date</i>
<b>AST</b>	<b>LLT Board</b>	<b>1</b>		<b>2020</b>

# Equality & Diversity Policy (LLT)

## INTRODUCTION

Lydiate Learning Trust schools are guided by a clear set of objectives and values, one of which is equality. We are committed to eliminating unlawful discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between different groups within the local community. We are determined to do everything we can to make sure that people are treated fairly and that everyone has access to good quality services.

Unlawful discrimination, which results in unfairness in any aspect of Trust school's employment policies and practices, curriculum or service delivery, will not be acceptable under any circumstances. In accordance with our mission statement and Trust values, we pledge to respect the equal human rights of our pupils, staff and other members of the school community, and to educate them about equality, diversity and cohesion.

## LEGISLATION AND DUTIES

The following list identifies the equality legislation that affects Lydiate Learning Trust schools.

- Human Rights Act 1998
- Education Act 2002 (Section 78)
- Education and Inspectors Act 2006 (Section 38 (1))
- Equality Act 2010
- The Equality Act 2010 (Specific Duties) Regulations 2011
- Children and Families Act 2014

## HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 makes it unlawful for schools to behave in a way that is not compatible with the provisions of the European Convention on Human Rights. Any action taken by a school that interferes with an individual's Human Rights must only be considered if it is a justified and proportionate means of achieving a legitimate end.

## EDUCATION ACT 2002 (SECTION 78)

Section 78 requires governing bodies for schools to provide a curriculum that "promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and prepare pupils at the school for the opportunities, responsibilities and experiences of later life".

## EDUCATION AND INSPECTIONS ACT 2006 (SECTION 38 (1))

Section 38 (1) of the Education and Inspections Act 2006 states that:

The governing body of a school, shall, in discharging their functions relating to the conduct of the school:

- Promote the wellbeing of pupils at the school, and
- Promote community cohesion.

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 2 of 9</i>	<i>Date</i>
<b>AST</b>	<b>DRAFT</b>	<b>1</b>		<b>May 2020</b>

# Equality & Diversity Policy (LLT)

## **THE CHILDREN AND FAMILIES ACT 2014**

Sets out how the School will support children and young people with Special Educational Needs, Social Care Needs and Health Needs. The School will

- Contribute appropriately to the 'local offer' detailing relevant services available for children with disabilities and / or Special Educational Needs.
- Contribute appropriately to a pupil's Education, Health and Care Plan.

## **EQUALITY ACT 2010**

The General Public Sector Duty of the Equality Act 2010 requires schools, in the exercise of their functions and decisions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it
- Foster good relations between persons who share a protected characteristic and persons who do not share it.

Lydiat Learning Trust schools will take the following action as reasonable steps to demonstrate due regard to the General Duty of the Equality Act 2010:

- Ensure the Lydiat Learning Trust framework and school policy is strictly adhered to, identifying action to be taken to eliminate discrimination, advance equality of opportunity and foster good relations between different groups across school activity.
- Ensure hate incidents and hate crime reporting is integrated within the School's Anti Bullying Policy
- Audit the curriculum, and teaching and learning methods, to ensure they are accessible, inclusive in the language and representation used, promote inclusion and physical activity for disabled pupils, and challenge stereotypes to promote community cohesion, British values, and a positive image of a diverse community.
- Make reasonable adjustments to ensure that disabled staff, pupils and parents are not disadvantaged in employment or the provision of education, and have equality of access to information, facilities and other services at the School.

Equality Act 2010 (Section 10) requires schools to prepare and maintain an accessibility plan in order to

- increase the extent to which disabled pupils can participate in the school's curriculum
- improve the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school, and
- improve the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled

In order to meet Section 10 of the Equality Act 2010 Lydiat Learning Trust schools will publish the outcome of our Equality and Accessibility Audit and Action Plan on the school's website. In addition, the School takes into account the widening definition of disability within its decisions

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 3 of 9</i>	<i>Date</i>
<b>AST</b>	<b>DRAFT</b>	<b>1</b>		<b>May 2020</b>

# Equality & Diversity Policy (LLT)

and functions, and gives due regard to the “Social Model” of disability. This model recognises the barriers caused by the environment and people’s attitudes to disability.

The Equality Act 2010 (Specific Duty) Regulations 2011 requires schools to set measurable equality objectives and to publish information about their performance on equality, so that the public can hold them to account.

In order to meet the Specific Duty, Lydiate Learning Trust schools will

- Publish sufficient information to demonstrate compliance with the general equality duty across its functions.
- Prepare and publish equality objectives to demonstrate how the general equality duty will be met.

## **PROTECTED CHARACTERISTICS UNDER THE EQUALITY ACT 2010**

The Equality Act 2010 identifies a list of nine characteristics that are subject to its general duty. They are: Age, Disability, Gender, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion, Sexual orientation.

## **RESPONSIBILITIES**

### **Trustees and Governors are responsible for:**

- Ensuring that the School meets the duty of the Equality Act 2010.
- Ensuring that they understand the equality implications of all key decisions on policy and practice before they are made.
- Requesting reports from the Head Teacher on progress against the school’s equality policy, equality objectives and action plan.
- Monitoring of equality beyond school control eg; employment

### **The Head Teacher is responsible for:**

- Implementing and maintaining the school’s
  - Equality Policy
  - Publishing the School’s contribution to the “local offer”
- Ensuring all staff know their responsibilities under the Equality Policy, and receive training and support in carrying these out
- Ensuring that hate incidents and hate crime reporting is integrated within the School’s Complaint Process and Anti Bullying Policy
- Ensuring tools are in place to show how the school has shown due regard to all protected groups, such as;
  - Equality impact assessment of policies
  - Equality monitoring of policies e.g. admissions, pupil attainment, exclusion, hate incidents
  - Curriculum Equality Audit
- Completing of the equality and accessibility audit and action plan
- Publishing the Trust’s Equality Policy and the outcome of the equality and accessibility audit and action plan, on the school website, to demonstrate compliance with the general equality duty across its functions

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 4 of 9</i>	<i>Date</i>
<b>AST</b>	<b>DRAFT</b>	<b>1</b>		<b>May 2020</b>

# Equality & Diversity Policy (LLT)

- Using information from the equality and accessibility audit to develop equality objectives for the school
- Publishing the equality objectives on the school website
- Reporting to Academy Governance Committee annually against the School's Equality Policy, Equality Objectives and Action Plan
- Ensuring the Trust's Equality Policy is readily available and that the governors, staff, pupils, and their parents/carers and guardians know about it
- Ensuring the Trust's Equality Policy is followed consistently by all staff and pupils
- Ensuring appropriate and consistent action is taken in cases of discrimination, harassment, victimisation, hate incidents and hate crimes

## **Pupils, parents, visitors and contractors are responsible for:**

- Ensuring they follow the equality policy and procedures
- Behaving in a dignified manner towards others, and respecting individuals regardless of protected characteristic
- A consistent challenge to unwanted behaviour, including inappropriate use of language

## **DEFINITIONS OF DISCRIMINATION, HARASSMENT AND VICTIMISATION**

Under the law, there are different categories of discrimination, with differences in the legal framework surrounding them. These are:

Direct Discrimination, which occurs when a person is treated less favourably than another on grounds of a personal characteristic.

Discrimination by Association occurs when a pupil is treated less favourably because of their association with another person who has a protected characteristic (other than pregnancy and maternity). This might occur when you treat a pupil less favourably because their sibling, parent, carer or friend has a protected characteristic.

Discrimination arising from perception takes place where education provider behaves as if the person has the characteristic and treats them worse than others as a result. This applies whether the perception is true or not, even if the education provider knows that the person does not have the protected characteristic.

Discrimination because of pregnancy and maternity occurs when women (including a female pupil of any age) are treated less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger.

Indirect Discrimination, which occurs when a rule or condition which is applied equally to everyone:

- Can be met by considerably smaller proportion of people from a particular group
- Is to the disadvantage of that group
- Cannot be justified by the aims and importance of the rule condition

Discrimination arising from a disability, which occurs when an education provider treats the disabled person unfavourably, this treatment is because of something which has come about as a result of the disabled person's disability ('something arising in consequence of the person's

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 5 of 9</i>	<i>Date</i>
<b>AST</b>	<b>DRAFT</b>	<b>1</b>		<b>May 2020</b>

# Equality & Diversity Policy (LLT)

disability’), and the education provider cannot show that this treatment is justified as a balanced way of achieving something for a good reason (in legal language ‘a proportionate means of achieving a legitimate aim’).

Discrimination arising from disability is different from direct discrimination. Direct discrimination refers to less favourable treatment and requires a comparison to show that a person without the protected characteristic would be treated differently. Discrimination arising from disability refers to unfavourable treatment and does not require a comparison to a non-disabled person.

Harassment, occurs when unwanted conduct has the purpose or the effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them, on grounds of disability, race or gender. Although the harassment provisions do not explicitly apply to the protected characteristics of gender reassignment, sexual orientation, religion or belief; or pregnancy and maternity, in relation to schools, unwanted conduct related to any of these protected characteristics that results in a pupil, governor, staff or visitor being disadvantaged would constitute direct discrimination.

Victimisation: occurs when a person is treated less favourably because they have taken action in respect of discrimination, e.g. by bringing a complaint or giving evidence for a colleague.

## Language

- Prejudice and discrimination may arise and be reinforced by our use of language, which may not be neutral and value-free. Words and phrases can be associated with apparently negative attitudes and may unwittingly give offence to people including members of groups that are subject to prejudice, harassment or discrimination.
- Everyone is expected to seek to ensure that their written, spoken and electronically transmitted or published material does not contain language that may knowingly cause offence to others. Rather than be prescriptive about use of language, staff and students are asked to exercise good judgement and be aware of 6 common, inappropriate or offensive references in relation to the protected characteristics.

## DISCRIMINATION, HARASSMENT AND VICTIMISATION WITH REGARD TO PUPILS

We will not discriminate, harass or victimise any child seeking admission, nor with regard to any pupils, or their parents or carers on grounds of gender, race, disability, sexual orientation, religion or belief, pregnancy and maternity. This includes discrimination, harassment or victimisation in provision of teaching or allocating the pupil to certain classes, applying different standards of behaviour, dress and appearance, excluding pupils or subjecting them to any other detriment, and conferring benefits, facilities or services.

- *With regard to disability, the school will make such reasonable adjustments as are necessary to prevent disabled pupils being at a substantial disadvantage in comparison with people who are not disabled, even if it means treating them more favourably*

## EMPLOYMENT

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 6 of 9</i>	<i>Date</i>
<b>AST</b>	<b>DRAFT</b>	<b>1</b>		<b>May 2020</b>

# Equality & Diversity Policy (LLT)

We are committed to a fair and equal pay policy and a free from bias pay structure.

We will not discriminate, harass or victimise in employment unlawfully on grounds of gender, gender reassignment, race, disability, sexual orientation, religion or belief or age. This includes discrimination, harassment or victimisation in relation to recruitment, terms and conditions, promotions, transfers, dismissals, training and employment practices such as dress codes and disciplinary procedures.

With regard to disability, we will 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.

The school will monitor the information as set out below disaggregated by disability, gender, religion, sexual orientation and different racial group.

- The number of staff in post, and
- The number of applicants for employment, training and promotion

The school will ensure that it sends employment equality monitoring data to the Trust's Human Resources Section, in a format specified by the Trust.

## **STAFF**

### **Recruitment**

All appropriately qualified applicants will be given equal consideration during the recruitment process and will not be discriminated against on any grounds referred to above in this policy statement. A recruitment monitoring form will be sent with all application forms. Information gathered on this form will not be used in the selection process and will only be used for monitoring purposes.

### **Selection and Promotion**

Selection criteria for all posts will be clearly defined and reflected in the Job Description and Person Specification. Shortlisting and interviewing processes will be thorough, carried out objectively and without illegal discrimination. The appointment panel, where possible, will include staff appropriately trained in recruitment and selection and be aware of relevant employment legislation. Lydiat Learning Trust welcome applications from suitably qualified disabled people and will make reasonable adjustments to the selection process and to the workplace and working arrangements to accommodate successful disabled candidates.

### **Working Conditions**

Lydiat Learning Trust schools will take account of the requirements of individual members of staff and, wherever reasonably practicable, will use the procedures in the Work Life Balance Policy to support staff needs, in line with the relevant legislation. The School will also make reasonable adjustments to an individual's working environment, to enable a disabled employee to carry out their job.

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 7 of 9</i>	<i>Date</i>
<b>AST</b>	<b>DRAFT</b>	<b>1</b>		<b>May 2020</b>

# Equality & Diversity Policy (LLT)

## Staff Development

Lydiate Learning Trust schools will not discriminate on any grounds, in the provision of training and development to assist staff, (part-time or full-time, permanent or fixed-term), to perform their jobs more effectively.

## MONITORING AND ANALYSIS

Academy/School AGC will monitor the following material to ensure that we are meeting equality duties.

- Pupil Exclusion
- Pupil Attainment
- The progress of pupils identified as having special educational needs
- Hate Incidents
- Satisfaction Surveys

The Trust Board will review any reviews to the statement and under relevant policies

- Pupil admission
- Employment

We will disaggregate the results of monitoring by the equality profile (race, gender, religion and disability) to identify if there were any issues or outcomes particular to one specific group. Where relevant, actions will be taken to improve any adverse outcomes for any group.

## Complaints of Discrimination

- If a student, member of staff or visitor believes that they have suffered any form of discrimination, harassment or victimisation the school takes this very seriously. All complaints will be dealt with in accordance with the agreed procedures. Anyone who makes a complaint of discrimination will not be victimised and we will make every effort to ensure victimisation does not occur and that any complaints are dealt with promptly.
- Students can raise this through reporting to a designated Safeguarding Officer.
- Staff can raise this through the Grievance Procedure.
- Parents and Members of the public can raise this through the Complaints Policy.
- Lydiate Learning Trust has a separate policy relating to harassment and bullying called the Dignity at Work Policy which also sets out the specific procedure for seeking support or making a complaint in relation to harassment or bullying.

It is important that students, staff or visitors who are victims or witnesses of apparent racism report it, whether the alleged incidents occur on or off site, to help us make the school a safe place. To support this process, we have:

- Racist and Incident Reporting Procedures

## Relevant Equality Policies, Schemes and Procedures

The following Equality and Diversity Policies form part of this overall Equality and Diversity Policy:

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 8 of 9</i>	<i>Date</i>
<b>AST</b>	<b>DRAFT</b>	<b>1</b>		<b>May 2020</b>

# Equality & Diversity Policy (LLT)

- Dignity at Work - These policies are available at: <https://lydiatelearningtrust.co.uk/>

The Recruitment and Selection policy directly relates to staff and applicants for employment.

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 9 of 9</i>	<i>Date</i>
<b>AST</b>	<b>DRAFT</b>	<b>1</b>		<b>May 2020</b>