



SIR ROBERT PATTINSON ACADEMY

EQUALITY AND DIVERSITY POLICY

Date Reviewed in School: September 2022
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1. Introduction

This policy sets out the Academy's policy on equality and diversity, which incorporates our social and legal responsibility to our staff and pupils.

The Academy 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 or any other characteristic protected by law.

We recognise our obligations under the Equality Act 2010 and are committed to promoting the equality and diversity of all those we work with, especially our employees, workers, 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.

Some protected characteristics are obvious, but there are certain characteristics which rightly attract protection under the law that may not be so obvious. Some examples include:

- Special Education Needs, including learning difficulties
- Individuals whose first language is not English
- Connections or membership of ethnic groups such as Gypsy, Roma or Traveller
- School age / teenage parents
- Obesity
- Young carers
- Gender questioning or going through transition
- Individuals with a particular religion, or have no religion
- Individuals with a particular political affiliation
- Mental health

The list is by no means exhaustive.

This policy and all associated procedures apply to all staff (including volunteers, governors and students on placement), young people and visitors and should be read in conjunction with the following policies:

- Anti-Bullying Policy
- Behaviour Policy
- Complaints Policy
- Social Media Policy
- Health and Safety Policy
- E-Safety Policy
- Off-Site Visits Policy
- Privacy Policy
- Recruitment and Selection Policy
- Physical Intervention and Use of Reasonable Force Policy

- Attendance Policy
- Safe Working (Caring) Practice Policy
- Child Protection and Safeguarding Policy
- Whistle Blowing Policy
 - Harassment Policy

Failure to comply with these policies and procedures may result in disciplinary action. Repeated or serious breach may lead to dismissal. Unlawful discriminatory treatment, bullying or harassment of staff or young people by visitors will not be tolerated.

2. Legal framework

A summary of the relevant legal framework is set out in **Appendix 1**.

This policy deals with discrimination in the legal sense. That means discrimination on the grounds of a Protected Characteristic. Pursuant to the Equality Act 2010, the Protected Characteristics are:

- 1 Age
- 2 Disability
- 3 Gender reassignment
- 4 Marriage and civil partnership
- 5 Pregnancy and maternity
- 6 Race
- 7 Religion and belief
- 8 Sex
- 9 Sexual orientation

In an employment context, there are separate regulations prohibiting discrimination on the grounds that a worker is employed under a fixed term contract or employed to work part time.

Staff should be aware of the following additional types of discrimination:

- (a) **Associative discrimination** – this involves treating someone less favourable because of someone associated with them who has a Protected Characteristic. For example, ostracising someone because they have a son who is a Muslim would be a form of associative discrimination.
- (b) **Perceptive discrimination** – this involves treating a person less favourably because of a perceived Protected Characteristic, even if they do not in fact possess that characteristic. For example, teasing or bullying someone on the basis that they are assumed to be gay would be discrimination, even if it turns out that they are not.

The Academy condemns all forms of mistreatment and prejudice, whether or not such practices are discriminatory. Employees are alerted to the fact, however, that some characteristics may not obviously be protected but actually are. Obesity, for example, can be

a disability. Further, it should not be assumed that, just because unacceptable treatment does not amount to discrimination, it suddenly becomes acceptable (although it may not be dealt with under this policy).

3. Duty to make reasonable adjustments

If any provision, criterion or practice used by or on behalf of the Academy, or any physical feature of premises occupied by the Academy, puts disabled people at a substantial disadvantage compared to people who are not disabled, the Academy will take such reasonably practicable steps as it can to prevent this disadvantage. This is known as the duty to make *reasonable adjustments*. This applies to both our workers and pupils.

The following general steps should always be considered where issues concerning disabilities arise or may arise:

- Be flexible. There may be many different ways to avoid discrimination or to minimise the effects of discrimination. A small adjustment may be all a person needs.
- Consider any performance, behaviour or attendance problems in the context of the person's disability and its effect on their ability to meet performance, behaviour and attendance expectations.
- Do not make assumptions. Whenever possible talk to the disabled person to find out how their disability affects them and what steps they think might help.
- Do not discipline, dismiss, exclude or sanction a disabled person for performance, behaviour or attendance-based reasons without first establishing whether the person's performance, behaviour or attendance is affected by the disability and that appropriate adjustments to accommodate the disability have been made.
- Seek expert advice. Disability issues can be complex and we may need expert medical advice about a person's disability, or expert technical advice about adjustments to technology or premises that might help the disabled person.
- Think ahead. We will try to anticipate the effects that practices, policies and procedures may have on disabled people, even if there are no disabled persons at the time, to prevent problems occurring in the future.

Importantly, if you consider yourself to be disabled, and you would like us to make reasonable adjustments, you must tell us. We can only act on the information that is made available to us; many disabilities are hidden or not obvious.

4. Admissions, exclusions and behaviour

Our admissions arrangements are fair and transparent, and we do not discriminate against students by treating them less favourably on the grounds of their sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or any other characteristic protected by law.

The school's Code of Conduct for Pupil Behaviour takes full account of our duties under the Equality Act 2010. We make reasonable, appropriate and flexible adjustments for students

with a disability. Students with disabilities are not, however, exempt from the principles of the Code of Conduct, or sanctions, but the application of the Code of Conduct must be adapted appropriately where behaviour is caused by disability. Our behavioural expectations of all of our pupils is universal, but our application of the rules may differ to take into account protected characteristics.

We closely monitor data on exclusions and absence from school for evidence of over representation of different groups and take action promptly to address concerns.

The school challenges all forms of prejudice and prejudice based bullying, which stand in the way of fulfilling our commitment to inclusion and equality. These may include: Prejudices around disability and special educational needs; prejudices around race, religion or belief, for example anti-Semitism and Islamophobia, travellers, migrants, refugees and people seeking asylum; prejudices around gender and sexual orientation, including homophobic and transphobic attitudes.

We treat all bullying incidents equally seriously. We keep a record of different prejudice related incidents and provide a report to the governors about the numbers, types and seriousness of prejudice related incidents at our school and how we have dealt with them. We review this data regularly and take action to reduce incidents.

5. Curriculum delivery

The curriculum is crucial to tackling inequalities for pupils including gender stereotyping, preventing bullying and raising attainment for certain groups. The principles of equality and diversity are embedded in our academic and social curriculum.

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.

6. Reporting and recording incidents of discrimination and harassment

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). All bullying-related incidents (confirmed or otherwise), will be addressed in accordance with our Anti-Bullying Policy.

7. Complaints and grievances

If an individual believes that they have been discriminated against, harassed or victimised, they are asked to follow our complaints or grievance procedure, as outlined in the Complaints Policy.

8. Implementation, monitoring, evaluation and review

The designated senior member of staff with overall responsibility for the implementation, monitoring and evaluation of the 'Equality and Diversity Policy' is the Head teacher.

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 document is available for inspection on the premises during office hours and an electronic copy is posted on our website.

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.

9. Key principles

- There should be no unlawful discrimination on the grounds of a Protected Characteristic or, in the employment context, because of fixed term or part time status.
- *As a general rule*, all employees and pupils should be treated equally. In general terms, the Academy will appoint, train, develop, reward and promote on the basis of merit and ability.
- This general rule is absolute in certain circumstances (when it comes to pay for example). However, in other circumstances, differential treatment may not amount to discrimination because, for example, it is a form of indirect discrimination that is justified or part of our responsibility to comply with the Equality Act 2010 (for instance, the Equality Act 2010 may require us to favour disabled workers to non-disabled workers when making reasonable adjustments).
- Employees should bear in mind therefore that the key aspiration is *fair and lawful treatment*, not necessarily equal treatment.
- Employees and pupils should be treated equally and with respect at all times, regardless of their characteristics. All employees have a responsibility to apply, observe and police this policy.
- Any incident of actual or potential discrimination, irrespective of how serious, must be reported to Mrs R Gilbert, Deputy Head Teacher including Safeguarding and Behaviour, immediately, *even if there are no apparent consequences*.

- Staff must ensure they understand their responsibilities and their legal obligations. *Staff may have a personal liability to pupils if they discriminate against them.* Staff should seek guidance where appropriate – the Academy encourages open and transparent communication, especially where issues are sensitive.
- The Academy operates a no blame culture insofar as staff follow this policy. The law concerning discrimination is complicated and constantly evolving. Discrimination can often be inadvertent and can be based on prejudices and misunderstandings that individuals are not able to admit to themselves, let alone the outside world.
- In general terms, staff who are open minded, non-judgmental, tolerant, communicative and act appropriately and responsibly will not be penalised. Staff who ignore issues or are restrained, hostile, operate systems of favouritism or do not seek out help appropriately are exposing themselves to criticism.

10. Particular forms of discrimination

Discrimination can take a number of different forms and may be direct, indirect or amount to harassment. See Appendix 1 for further details regarding the legal framework. The following list is an example of common forms of discrimination but is by no means intended to be a definitive list:

(a) Stereotyping

Stereotyping involves holding a fixed and often oversimplified view about another person's beliefs, needs or characteristics. Stereotyping can be:

- (i) Negative. For example, the idea that vegetarians are pedantic; or
- (ii) Positive. For example, the idea that all Asian students are good at maths.

Both positive and negative stereotypes can have a negative effect on an individual and lead to feelings of isolation and promote a sense of “us and them” within communities. Stereotyping is not conducive of inclusiveness and is therefore unacceptable within our working environment.

We understand that stereotyping is, to a degree, a product of culture but ask staff to treat all of our pupils with respect and with an open mind. Many studies have shown that *stereotypes are rarely correct.*

(b) Cultural or other ignorance

It should always be borne in mind that an intention to discriminate is not necessary for discrimination to have taken place; discrimination may occur because of covert or subconscious prejudices but also because of a lack of understanding.

For example, the role of eye contact across different cultures differs considerably. Most white British people value eye contact as a key aspect of effective communication and may regard people who deliberately avoid eye contact as rude. In many other cultures, for example, in such some Asian cultures, avoiding eye contact may be a sign of respect,

especially if the person avoiding making eye contact is subordinate to the person with whom he or she is communicating.

We do not expect our staff to be cultural diversity experts. Nonetheless, we encourage staff to engage meaningfully and non-judgmentally with pupils about their wants and needs and to consider carefully the way that interactions are managed. Staff who are concerned about a particular form of behaviour may like to consider that culture or other characteristics may play a part in influencing that behaviour. That is likely to be something to discuss Mrs R Gilbert, Deputy Head Teacher including Safeguarding and Behaviour.

(c) **Making assumptions**

The Academy regards the making of assumptions particularly unacceptable because, much (albeit not all) of the time, *confusion and distress can be avoided through proper and effective communication.*

We encourage our employees to engage with pupils to ascertain their wants and needs. Provided that such engagement is appropriate and in accordance with this policy, we do not blame our employees if offence is taken unreasonably.

Making assumptions about a disabled person's capabilities is a particularly common form of discrimination.

Do not assume. Ask.

(d) **Prejudice**

Whilst stereotyping is usually an exaggerated belief about a particular group of people, prejudice occurs where a person develops a negative attitude towards a particular person simply because of that person's affiliation with a particular group. This may or may not be because of stereotyping.

Staff are asked to think carefully about prejudice. *Most people harbour some forms of prejudice; that is not unusual.* However, allowing prejudices to affect the way that employees work or treat people is unacceptable, irrespective of whether or not any harm was intended.

(d) **Bullying**

In the legal sense, bullying that is influenced by a Protected Characteristic is likely to be regarded as a form of harassment (see the legal framework in Appendix 1). Staff who harass pupils are likely to have personal liability for that harassment and, in extreme cases, may also be committing a criminal offence.

Bullying is usually regarded as the most serious manifestation of discrimination in this context and is totally unacceptable. The Academy takes a zero-tolerance approach to instances of bullying.

11. Recruitment and selection, promotion and transfer

The following principles should be adhered to when recruitment or selection takes place:

- individuals will be assessed according to their personal capability to carry out a given job
- assumptions that only certain types of person can perform certain types of work must not be made
- any qualifications or requirements applied to a job that have or may have the effect of inhibiting applications from certain types of person should only be retained if they can be justified in terms of the job to be done
- recruitment solely or primarily by word of mouth should be avoided if its effect is or may be to prevent certain types of person from applying
- selection tests should be specifically related to job requirements and measure the person's actual or inherent ability to do or train for the work
- applications from different types of person should be processed in the same way
- written records of interviews and reasons for appointment and non-appointment shall be kept for a period of 6 months and thereafter destroyed
- if the Academy's arrangements for recruitment, selection or promotion put disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments to the arrangements should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage
- no decisions regarding recruitment, selection or promotion should be made by a person who has not read and understood this policy
- traditional qualifications and requirements (such as length of service and age) that may discriminate against certain groups of workers will be reviewed and only continue to be applied if it is genuinely reasonable to do so in the circumstances

12. Terms of employment

The following principles apply to terms of employment, benefits, facilities and services:

- the terms of employment, benefits, facilities and services available to employees should be reviewed regularly to ensure that they are provided in a way that is free from unlawful discrimination;
- part-time employees should receive pay, benefits, facilities and services on a pro rata basis to their full-time comparator, unless otherwise objectively justified;
- if the Academy's arrangements relating to terms of employment, benefits, facilities and services put disabled workers at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments to the arrangements will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage;
- pay and bonus criteria, policies and arrangements should be carefully examined and monitored, and if it appears that any group of workers are disadvantaged, they will be checked to make sure that this is not due to any hidden or indirect discrimination.

13. Disabilities

Policy

It is the Academy's policy that disabled people, including job applicants and workers, should be able to participate in all of the Academy's activities fully and on an equal basis with people who are not disabled, where it is reasonably practicable to achieve.

Definition of disabilities

Pursuant to the Equality Act 2010, a disability is either physical or mental impairment that has a substantial and long-term effect upon a person's ability to carry out normal day-to-day activities. In this context, 'long-term' means lasting, or anticipating to last, for more than 1 year.

Some disabilities are immediately obvious (for example, use of a wheelchair), while other disabilities may not be apparent at all (for example, HIV infection). Certain conditions are not considered to be disabilities, for example poor eyesight that is corrected simply by wearing prescription spectacles, or addiction to alcohol or other substances.

The definition is wide and the focus is on what an individual cannot do, not what they can. If you would like further information about whether a particular condition is classified as a disability, you should contact the HR Manager. In certain cases, it may be necessary to take expert legal or medical advice.

Generally speaking, an individual should be assumed to be disabled if they say they are, unless the Academy reasonably satisfies itself that this is not the case.

Principles

The general equal opportunity principles set out earlier in this policy will apply in relation to disabled people.

The Academy will take all reasonably practicable steps to ensure that disabled people can participate in its business and activities on an equal basis with people who are not disabled, if it is reasonably practicable to do so. Disabled individuals may need to accept, however, that this is not always possible to achieve.

The Academy will not treat disabled people unfavourably because of something arising in consequence of their disability, unless that treatment can be objectively justified.

If any provision, criterion or practice of the Academy, or any physical feature of premises occupied by the Academy, puts disabled people at a substantial disadvantage compared to

people who are not disabled, the Academy will take such steps as are reasonable to avoid this disadvantage. **Procedure**

Due to the wide variety of potential disabilities and the likelihood of a disability affecting different people in different ways, it would be inappropriate to prescribe rigid rules on how issues concerning disabled people should be handled. What is essential, however, is that all managers and supervisors take all reasonably practical steps to ensure that disabled people are not unfavourably treated or disadvantaged by comparison to people who are not disabled in relation to their work, working environment or any provision, criterion or practice of the Academy.

14. Employees' interactions with pupils and third parties

Staff must be particularly conscious to avoid:

- (a) Being judgmental;
- (b) Making assumptions about a pupil's wishes, capabilities or dispositions;
- (c) Stereotyping

In general, employees should ensure that all pupils are treated equally and their views and beliefs respected. *Where it is necessary to treat pupils differently, this should only be done where any potential discrimination is indirect and can be objectively justified.*

Employees must be aware that, in deciding what may or may not amount to unlawful discrimination, the perception of the 'victim' is likely to be regarded as more significant than the perception of the 'perpetrator'. Everyone is different and people have different levels of sensitivity to certain behaviours, which employees must respect. What one person may regard as harmless fun, another may take offence to.

Employees should be aware that pupils do not have to be addressed directly to be discriminated against. For example, a pupil overhearing another conversation who finds the content offensive may have been discriminated against.

In matters of discrimination, the 'perpetrator's' intention is usually irrelevant. *It does not matter that the 'perpetrator' did not intend to discriminate, it is the effect of his or her conduct that is measured when deciding whether discrimination has taken place.*

15. Employees' rights

Our employees are no less important than our pupils. They have the right to work in an environment free from discrimination, harassment and prejudice.

If employees experience behaviour from pupils that they consider to be discriminatory towards them then they should, in the first instance, report this promptly to Ms E Allsopp/Assistant Head Safeguarding. Any concerns raised under this policy will be treated with confidence and urgency.

Upon receiving a concern under this section, Ms E Allsopp/Assistant Head Safeguarding shall agree a way of dealing with the issue with the complainant employee but consideration should always be given to seeking to resolve an issue informally at first through open communication with pupils and parents where appropriate. Only where informal action is inappropriate (for example where the behaviour is particularly serious) or unsuccessful should Ms E Allsopp/Assistant Head Safeguarding escalate the matter and consult with the senior leadership team.

In serious or repeated cases of discriminatory conduct, or where the matter is particularly complicated (such as where conflicting Protected Characteristics are at play – the potential conflict between religion and sexuality is a prime example) the Academy may consider taking expert advice as part of a strategy for ensuring that both staff and pupils are protected, insofar as is reasonably possible.

Employees are also referred to the Academy's policy and procedure on harassment.

Appendix: the legal framework

The Equality Act 2010 came into force on 1st October 2010 and consolidated all previous antidiscrimination laws, including:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Equality Act 2006, Part 2
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Equality Act (Sexual Orientation) Regulations 2007

The Equality Act 2010 is concerned with the avoidance of discrimination and the promotion of environments where diversity can be encouraged and people of all kinds can work together. Working in a non-discriminatory environment is a basic human right. The Academy expects our staff to avoid all kinds of discrimination and to work positively with staff of all backgrounds.

The Equality Act 2010 identifies various forms of discrimination, in particular:

Direct Discrimination

This is to find us treating someone or a group less favourably than you would treat anyone else in the same circumstances. For example, refusing care or support to somebody who has met all of the criteria but who has one of the protected characteristics under the Equality Act 2010, for example, they are black, deaf or unmarried.

Indirect Discrimination

This happens when a requirement or condition is put into place that means that some members of a group are unable to comply with it, even though it is applied equally to anyone. For example, refusing care to people who are shorter than 5'8" is discriminatory to women, whose average height is 5'7".

Victimisation

This has a special meaning under the Equality Act 2010. A victimisation occurs if a person is treated less favourably because they have complained about some other unlawful activity under the Equality Act 2010.

The complaint does not have to be substantiated provided that it is made in good faith.

Harassment

Harassment is any form of unwanted conduct on the grounds of a protected characteristic that effects somebody's dignity or has the purpose or effect of creating an intimidating, hostile, degrading or offensive environment. Harassment is dealt with in a separate policy and is more particularly defined there.

Disability Discrimination

As well as being a form of direct and indirect discrimination, disability discrimination also occurs where a disabled person is treated unfavourably because of something arising in consequence of their disability which cannot be justified as a proportionate means of achieving a legitimate end. For example, refusing to teach a pupil who is disruptive because of a social disorder may well be a form of disability discrimination.

