



SIR ROBERT PATTINSON ACADEMY

EQUALITY, DIVERSITY AND INCLUSION POLICY

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1. Introduction

This document sets out the Academy's policy on equality, diversity and inclusion (**EDI**), 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 pupils 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

While some of the examples listed above — such as obesity, political affiliation, first language, or young carer status — are not *protected characteristics* under the Equality Act 2010 in their own right, they may still attract legal protection in certain circumstances (for example, where linked to a disability, belief, or through associative discrimination). The Academy includes them here to reflect our wider commitment to inclusion and to ensure that all individuals are treated with dignity, respect, and fairness, even where legal protections may not apply directly. The list is by no means exhaustive.

This policy and all associated procedures apply to all staff (including volunteers, governors and students on placement), pupils, contractors, governors 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
- Bullying and Harassment Policy
- Sexual Harassment Policy

Employees who fail to comply with these policies and procedures may be disciplined. Repeated or serious breach may lead to instant dismissal, although action under this policy will only be taken in accordance with our Disciplinary Policy after an appropriate investigation. Unlawful discriminatory treatment, bullying or harassment of staff or pupils by **visitors** will not be tolerated and may result in removal from the premises or further action. Unlawful discriminatory treatment, bullying or harassment of staff or pupils by **pupils** is dealt with under our Behaviour Policy and Child Protection and Safeguarding Policy.

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 (in no particular order) are:

- 1 Disability
- 2 Gender reassignment
- 3 Pregnancy and maternity
- 4 Race
- 5 Religion and belief
- 6 Sex
- 7 Sexual orientation
- 8 Marriage and civil partnership (*does not apply to pupils*)
- 9 Age (*does not apply to pupils*)

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. Public Sector Equality Duty

As an academy, we are subject to the Public Sector Equality Duty (PSED) under the Equality Act 2010. In exercising our functions, we have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

To demonstrate compliance with the PSED, we publish equality information annually and set measurable equality objectives at least once every four years. These objectives are informed by analysis of data relating to staff, pupils, behaviour, attainment, exclusions and other indicators. Our aim is to ensure that equality considerations are embedded in all aspects of school life, including teaching, curriculum, recruitment, policies and governance.

4. 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 duty applies to all individuals who access our services or work with us, including pupils, staff, parents, and visitors.

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. This may include adjustments to policies, the provision of auxiliary aids and services, or changes to physical features of the premises.
- 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.

This duty is anticipatory, meaning that the Academy must consider and plan for potential barriers in advance, even where no specific request for adjustments has yet been made. However, if you consider yourself to be disabled, and you would like us to make reasonable adjustments, you are strongly encouraged to tell us. We can only act on the information that is made available to us; many disabilities are hidden or not obvious.

5. 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. Our admissions arrangements comply with the School Admissions Code and the Equality Act 2010.

The Academy'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 should be adapted appropriately where behaviour is caused by disability or other protected characteristic. In other words: our behavioural standards apply to all pupils, but how we apply those standards may differ based on individual needs or 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. Monitoring outcomes for different groups helps us to identify patterns, inform interventions, and meet our responsibilities under the Public Sector Equality Duty.

6. 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. In accordance with section 78 of the Education Act 2002, our curriculum promotes the spiritual, moral, social, cultural, mental and physical development of pupils and prepares them for the opportunities, responsibilities and experiences of life in British society.

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.

7. 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 ideally within 24 hours of the incident). All bullying-related incidents (confirmed or otherwise), will be addressed in accordance with our Anti-Bullying Policy. Where incidents raise safeguarding concerns, they will be addressed in accordance with the Academy's Child Protection and Safeguarding Policy, and appropriate referrals will be made.

8. Complaints and grievances

Individuals who believe they have experienced discrimination, harassment or victimisation are encouraged to raise their concerns promptly. Staff should use the Academy's Resolution Procedure (or, where appropriate, Bullying and Harassment Policy, or Sexual Harassment Policy), while pupils, parents and visitors should follow the Complaints Policy. Where appropriate, concerns may be raised informally in the first instance with a relevant senior member of staff. The Academy will support individuals who may need help accessing these processes, make reasonable adjustments where necessary, and ensure that no one is victimised for raising a concern in good faith.

9. 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. As part of our duty under the Equality Act 2010, we publish equality information annually and review our equality objectives at least every four years.

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. We welcome feedback from staff, pupils and parents to help inform future revisions of this policy.

10. General 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.
- In some contexts, such as pay and contractual terms, equal treatment is a strict legal requirement. In others, treatment may differ where this is justified by law (for example, making reasonable adjustments for disabled staff or pupils).
- 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.

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
- Any requirement which could disadvantage applicants with a protected characteristic must be a proportionate means of achieving a legitimate aim 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
- All recruitment will also follow safer recruitment practices in accordance with keeping children safe in education

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.
- We are committed to considering flexible working requests fairly and in line with statutory guidance and our internal policies

13. 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.*

In assessing whether conduct may amount to discrimination, the perception and experience of the person affected will be carefully considered, regardless of intent. 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.*

14. Employees’ rights

All employees are entitled to a working environment free from discrimination, harassment and victimisation, as protected under the Equality Act 2010..

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. All concerns will be handled sensitively and confidentially, in accordance with our safeguarding and HR procedures.

Employees are encouraged to refer to the Academy’s Bullying & Harassment / Sexual Harassment Policy for more detailed guidance on recognising and reporting inappropriate behaviour.

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.

Particular forms of discrimination

Discrimination can take a number of different forms and may be direct, indirect or amount to harassment. 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.