



Equality and Diversity Policy

Document provenance

This policy was approved by Trustees as follows –

Approver: Personnel Committee	Date of Approval: September 2020
Executive Leadership Team (ELT) Owner:	Date of Review: September 2022
Director of Governance and Strategy	

Unless there are legislative or regulatory changes in the interim, this policy will be reviewed every two years. Should no substantive changes be required at that point, the policy will move to the next review cycle.

Summary of Policy:

This Policy will be interpreted and applied in accordance with the employers' duty to respect the rights of employees under the Human Rights Act 1998¹, particularly the rights to freedom of speech, privacy, freedom of religion and belief and the right to freedom of association.

Summary of changes at last review:

- Updated the list of Protected Characteristics
- Updated references to meeting the Public Sector Equality Duty
- Updated the scope and purpose
- Included reference to the use of Equality and Diversity Champions
- Included reference to unconscious bias and staff training to mitigate this
- Updated types of discrimination to include discrimination by association and discrimination by perception
- Included reference to the new People and Organisational Development Director role (PODD).

Related documents:

- Equal Opportunities Policy²

¹<http://www.legislation.gov.uk/ukpga/1998/42/contents>

²<https://insight.e-act.org.uk/policies/equal-opportunities-policy-0>

Equality Statement

E-ACT is committed to ensuring equality of opportunity in line with the Equality Act 2010. E-ACT seeks to reduce disadvantages, discrimination, and inequalities of opportunity, and promote diversity in terms of its students, workforce, and the communities it serves. Unlawful discrimination and harassment of any member of the Trust, both in our national and regional teams and our academy communities is expressly prohibited. E-ACT is committed to protecting all pupils/students/staff and prospective staff from unlawful discrimination and harassment.

E-ACT will assist students in achieving their very best potential. Where students experience barriers to their success or detriment to their wellbeing, E-ACT will work with them to address these in a sensitive and sympathetic way. E-ACT will teach students the importance of equality and what forms discrimination can take, and the impact discrimination can have. E-ACT will also encourage students to make their own commitment to promoting equality and diversity.

E-ACT is committed to attaining a diverse workforce and to creating an environment in which individual differences and the contributions of all staff and job applicants are recognised and valued. Where staff and prospective staff experience barriers to their success or detriments to their wellbeing, E-ACT will work with them to address these in a sensitive and sympathetic way. Training, development, and progression opportunities will be available to all staff. We will strive to ensure that through our training we help staff understand unconscious bias and how to mitigate against it.

In relation to staff, students and the wider academy community, E-ACT will not discriminate on any of the grounds listed below (known as the Protected Characteristics) save where such discrimination is permitted by law. Examples of permitted discrimination are:

- An academy may arrange pupils in classes based on age.
- An academy may take positive action to deal with particular disadvantages affecting pupils of one racial group if this is a proportionate means of dealing with the issue.

The nine Protected Characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and Civil Partnership.

E-ACT will not tolerate any of the following:

- Direct or Indirect Discrimination
- Harassment
- Victimisation
- And any other conduct prohibited under the Equality Act 2010.

Equality and Diversity Policy

1. Introduction: Policy Statement

- 1.1. E-ACT is firmly committed to upholding the law and promoting the principles of equality, diversity and inclusion in both employment and the accessibility and delivery of services. We recognise that by valuing and promoting equal opportunities in employment for all employees and job applicants and avoiding unlawful discrimination in employment and delivery of services, we will be able to deliver excellence for our staff right across our Trust.
- 1.2. This means:
 - Promoting equality and making services and employment accessible to all;
 - Treating people fairly, regardless of their race (colour; ethnic or national origin), religion or belief, gender or gender identity, sex or sexuality, marital or civil partner status, pregnancy or maternity, disability, age or because of their association with someone who has that characteristic. These are known as Protected Characteristics. Employees who exercise their right to belong to a trade union and to participate legitimately in trade union activities must also be treated fairly and in accordance with relevant legislation
 - Enabling staff to understand how and why unconscious bias occurs and through training and develop staff awareness to help them challenge their own thought processes and decision making.
- 1.3. E-ACT will create a working environment in which all individuals are able to make best use of their knowledge and skills, free from discrimination or harassment, and in which all decisions are based on merit. We also value and promote diversity and recognise the varied contributions that a diverse workforce brings to an organisation; as a Trust we are committed to drawing on different perspectives and experiences of individuals, adding value to what we do daily.
- 1.4. The Trust will not discriminate against employees on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation (the Protected Characteristics).
- 1.5. The principles of non-discrimination also apply to how we expect our employees to treat our employees, pupils, parents and carers, visitors, clients, customers, suppliers and former employees regardless of whether the legal protection of having a Protected Characteristic applies.
- 1.6. Promoting and upholding the principles of equality, diversity and inclusion at work supports and sustains good job performance; these go hand in hand. Therefore, tackling discrimination robustly, helps to attract, motivate and retain staff and enhances E-ACT's reputation as a good employer. By having fair and robust employment policies and procedures, E-ACT will ensure that all staff have equal access to opportunities at work and to develop their knowledge and skills.
- 1.7. E-ACT is opposed to all forms of unlawful and unfair discrimination and harassment of any kind, and will work to eliminate it, to create a working environment where everyone is treated with dignity and respect. All staff are expected to be accountable and to challenge discrimination. We will ensure that through training and effective support across the Trust that staff are confident and competent in challenging unlawful and unfair discrimination of any kind. Staff

should not feel worried about challenging unlawful and unfair discrimination and we will help staff feel supported and safe to do so.

2. Scope and Purpose

- 2.1. This Policy covers all individuals working at all levels and grades, including staff at all levels, consultants, contractors, trainees, home-workers, part-time and fixed-term staff, volunteers, casual workers and agency staff (collectively referred to as staff in this policy). It also applies to the wider academy community such as pupils/students, job applicants, our E-ACT Ambassadors and parents.
- 2.2. This Policy applies to all aspects of the employment relationship and covers job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment. It also applies to former employees for example in the provision of employment references.
- 2.3. The purpose of this policy is to set out our approach to promoting equality and diversity and how we will tackle discrimination and challenge social exclusion. It explains how we, as an employer, service provider and contractor, will put our commitment into action and comply with the law, to ensure that equality and diversity is promoted in the workplace and our staff are not subject to and do not commit unlawful acts of discrimination.
- 2.4. E-ACT will celebrate diversity to achieve excellence.

3. Legal Framework

- 3.1. E-ACT's legal obligations and duties include those defined by the Equality Act 2010³. The Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.
- 3.2. E-ACT is also committed to meeting the Public Sector Equality Duty (April 2011⁴) which requires the Trust to give due regard to the need to:
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.3. This Duty covers the Protected Characteristics of race, disability, sex, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment. The first part of the Duty - the duty to eliminate discrimination, harassment and victimisation - also applies to the Protected Characteristic of marriage and civil partnership.

³ <https://www.legislation.gov.uk/ukpga/2010/15/contents/enacted>

⁴ <http://www.legislation.gov.uk/uksi/2011/2260/contents/made>

4. Forms of Discrimination

- 4.1. Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally. Through professional development training sessions devoted to promoting equality and diversity we will support all staff in understanding, preventing and knowing how to report any form of discrimination in our Trust.
- 4.2. **Direct discrimination:** this occurs where someone is treated less favorably because of one or more of the Protected Characteristics. Direct discrimination may take the form of direct discrimination by association whereby someone is treated less favorably due to the protected characteristic of someone they are associated with such as a disabled partner. Direct discrimination can also take the form of direct discrimination by perception whereby a person is treated differently based on a characteristic they are thought to have, whether this perception by others is actually correct or not, such as being perceived to be bisexual.
- 4.3. **Indirect discrimination:** this occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the shared protected characteristic at a particular disadvantage.
- 4.4. **Harassment** related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Pregnancy and maternity, and marriage and civil partnership are not protected directly under the harassment provisions. However, pregnancy and maternity harassment would amount to harassment related to sex, and harassment related to civil partnership would amount to harassment related to sexual orientation.
- 4.5. **Victimisation is prohibited.** It is when a person suffers a detriment thereby causing them a disadvantage, damage, harm or loss due to:
- 4.6. **Third-party harassment.** This takes place when an employee is harassed and the harassment is related to a Protected Characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as parents and carers, clients or customers.
- 4.7. **Unconscious bias.** Unconscious bias is attitudes or stereotypes that affect decisions in an unconscious manner and may influence decisions about recruitment, promotion and performance management.
- 4.8. **Discrimination by association.** This is when an individual is directly discriminated against or harassed for association with another individual who has a Protected Characteristic.
- 4.9. **Discrimination by perception.** This is where an individual is directly discriminated against or harassed based on a perception that a person has a particular Protected Characteristic, irrespective of whether they do have that Protected Characteristic (this does not include

marriage and civil partnership and pregnancy and maternity).

- 4.10. Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.

5. Managing and Promoting Equality and Diversity

- 5.1. Managing and promoting equality and diversity goes far beyond having a policy in place. It is about how the principles of the policy and the upholding of the law are enacted in the daily life and work of the Trust. It is about recognising, respecting and responding to individual differences and needs and treating people fairly and equally but not necessarily in the same way.
- 5.2. The ownership of managing diversity is a core part of E-ACT's business, integrated within the Trust wide core purpose and strategy, academy strategic aims, annual education and operational plans. All staff are required to work within the ethos of equality and diversity and will be given appropriate training and guidance to do this.

6. Learning and Development

- 6.1. Through our continuing professional development programmes, including regional and national INSET days, we will provide training to support understanding and promotion of equality and diversity. We will ensure that training for leaders helps them to understand how to prevent, identify and tackle discrimination and help their staff feel supported to do so.
- 6.2. Learning and development needs will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the needs of disadvantaged or underrepresented groups.
- 6.3. Staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.
- 6.4. Across the Trust we will work with Equality and Diversity Champions to develop high quality training. Through their work with staff teams and leaders we will ensure that the requirements and principles set out in this policy are secure in the day to day work of the Trust, in each academy and trust wide.

7. Recruitment and Employment

- 7.1. E-ACT aims to ensure that no job applicant suffers discrimination because of any of the Protected Characteristics. Recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant knowledge, skills, ability and merits. For example, job application forms should be made available in a variety of formats, and job applicants will not be asked about their health and/or disability before a job offer is made, in accordance with Section 60 of the Equality Act 2010. Job selection criteria, set out in person specifications and role descriptions, are regularly reviewed to ensure that they are relevant to

the job and are not disproportionate.

- 7.2. E-ACT will ensure that job advertisements avoid stereotyping or use wording that may discourage groups with a particular Protected Characteristic from applying. We will also ensure that where we are advertising nationally, we will also aim to secure local advertisements to help us reach potential applicants in the communities local to our academies.
- 7.3. E-ACT has implemented and will continue to develop policies and practices to achieve equality of opportunity for job applicants and staff including the use of flexible working, where appropriate.
- 7.4. E-ACT will ensure that applicants are drawn from the widest possible talent pool. Conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them. Furthermore:
 - all job applicants will be asked to complete a confidential equality monitoring form
 - these forms will be kept separate from the job application, and not provided to the staff members undertaking the recruitment selection; and
 - the information gathered in equality monitoring forms will be used to review the recruitment process and ascertain if any positive action is required.
- 7.5. Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to:
 - establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
 - establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.
- 7.6. Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy.
- 7.7. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment.
- 7.8. We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance, name or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original specified documents before employment starts to satisfy current immigration legislation.

8. Special Educational Needs and Disability Discrimination

- 8.1. E-ACT is an inclusive Trust welcoming all employees and the community who have disabilities or special educational needs. We maintain and drive a positive culture towards disabled people and those with special educational needs and the Trust will not treat people less favorably on

these grounds.

- 8.2. Disability discrimination includes direct or indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate the effects caused by a disability.
- 8.3. Staff who are disabled or become disabled or who have special educational needs are encouraged to update their line manager or a member of the HR People Team so that we can support you as appropriate.
- 8.4. If staff experience any difficulties at work because of their disability, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff and their medical adviser(s) about reasonable adjustments. E-ACT will consider the matter carefully and try to accommodate needs, within reason. If we consider a particular adjustment would not be reasonable, we will always explain our reasons and try to find an alternative solution where possible.
- 8.5. E-ACT will take steps to improve access for disabled staff and other service users.

9. Breaches of this Policy

- 9.1. Any staff who believe that they may have been discriminated against are encouraged to raise the matter through E-ACT's Grievance Policy and Procedure.
- 9.2. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Employees who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.
- 9.3. Any member of staff who is alleged to have committed an act of discrimination, harassment or victimisation will be subject to an investigation under the E-ACT Disciplinary Policy. Where the disciplinary procedure is invoked, then appropriate sanctions as set out in the policy will be considered up to and including dismissal. E-ACT adopts a strict approach to breaches of this Policy.

10. Occupational Requirements

- 10.1. Schedule 9 of the Equality Act 2010 allows E-ACT to lawfully treat people differently in very limited circumstances, as a proportionate means of achieving a legitimate aim, where a specific and justifiable occupational requirement exists.
- 10.2. When deciding if this applies it is necessary to consider the nature of the work and the context in which it is carried out. Jobs may change over time and E-ACT will consider whether the requirement continues to apply, particularly when recruiting to a role where an occupational requirement has previously been justified.

11. Responsibilities

- 11.1. E-ACT is responsible for making sure that through this Equality and Diversity Policy, that the Trust meets all required legislation and promotes equality and diversity throughout the Trust.
- 11.2. The Executive Leadership Team will work with our National Directors and Regional Directors to ensure that appropriate training is in place for Headteachers and their leadership teams to know how to implement this policy in full.
- 11.3. The Regional Directors and Headteachers have day to day responsibility for embedding equality of opportunity and diversity into the culture of each academy. They will ensure that opportunities for promotion, learning and development are accessible to all staff and are available on a fair and equal basis. New staff will undertake an appropriate induction in understanding this policy and the promotion of equality and diversity.
- 11.4. The National Directors, Regional Directors and Headteachers understand that discrimination and harassment are unlawful and totally unacceptable and will challenge any inappropriate or discriminatory behaviour they become aware of.
- 11.5. All staff have a responsibility to uphold this policy and to promote equality and diversity. All staff must ensure they take time to read and understand this Policy.
- 11.6. The National Directors, Regional Directors and Headteachers are responsible for ensuring that all staff understand that if staff are in breach of this Policy, they may be subject to disciplinary action.

12. Individual Responsibilities

- 12.1. Staff are expected to take an active part in promoting equality and diversity in everything that they do at work and to treat everyone in their working environment with dignity and respect.
- 12.2. E-ACT requires all staff to behave in a non-discriminatory way towards colleagues, pupils and members of the public. Failure to do will be taken seriously and may lead to disciplinary action.
- 12.3. Staff should always be vigilant and staff should challenge inappropriate or discriminatory behaviour where they feel confident to do so, or to report it to a senior manager. They can also raise concerns about behaviour they find offensive even if it is not specifically directed at them.
- 12.4. Staff who make unfounded or malicious complaints or operate those procedures in a vexatious manner may be subject to disciplinary action.

13. Monitoring of this Policy

- 13.1. E-ACT will continue to carry out an annual review of the effectiveness of this policy to ensure it is achieving its objectives. This will include evaluations of training sessions to assess how well the training and policy are supporting equality and diversity. As part of this annual review process E-ACT will also monitor the composition of job applicants and the benefits and career progression of its staff.
- 13.2. The impact of both new and existing policies and practices on different groups will be assessed routinely in consultation with the recognised trade unions.

14. Public Sector Equality Duty

- 14.1. E-ACT will uphold the Public Sector Equality Duty giving due regard to that duty when making decisions, taking actions and developing policies. In line with its specific duties under the Equality Act 2010, E-ACT will publish Equality Objectives and will publish information about how it is complying with the Public Sector Equality Duty annually. Equality Objectives will be updated every four years. This information will be available on the E-ACT website.

15. Accountability

- 15.1. Headteachers hold delegated responsibility for discharging the sound application of all E-ACT policies within the relevant academy.
- 15.2. The Regional Education Directors have delegated responsibility for direct line management of Headteachers and day to day oversight of each academy within their respective regions.
- 15.3. Should the subject of the application of this policy be the Headteacher, the Regional Education Director will be responsible for discharging the relevant Policy.
- 15.4. Should the subject of the application of this policy be the Regional Education Director, the National Directors will be responsible for discharging the relevant Policy.
- 15.5. Should the subject of the application of this policy be a National Director, the CEO will be responsible for discharging the relevant Policy.
- 15.6. Should the subject of the application of this policy be the CEO then the Board of Trustees will be responsible for discharging the relevant Policy.
- 15.7. Headteachers should inform the Regional Education Directors, who in turn should inform the Executive Leadership Team (ELT) and the People and Organisational Development Director (PODD), of all matters relating to serious breaches of this policy including any major incident to be addressed under this policy promptly, preferably prior to action being taken insofar as is reasonably practicable.

16. Training

- 16.1. E-ACT is committed to providing regular equality and diversity training to E-ACT employees and those in voluntary roles at E-ACT.
- 16.2. Training will form part of the induction process for newly appointed staff and other relevant individuals. During the year training will take place through required online EDUCARE modules, through regional and national INSET sessions and through additional sessions where staff request additional support and training.
- 16.3. Equality and Diversity Champions will work together to ensure that those leading training are supported fully in developing materials and in being fully conversant and confident with legislation and how to enact this policy in day to day practice.

17. Policy Status and Review

- 17.1. This Policy does not form part of any employee's contract of employment. However, contracts of employment themselves will be scrutinised as detailed above to ensure they are compliant with equality legislation and good practice.
- 17.2. This Policy will be reviewed and approved annually by the Personnel Committee.