

Equality and Diversity Policy and Equality Objectives

Dated 22nd May 2023

Policy reference:	A14
This policy is to be reviewed:	3 yearly
The next review date is:	May 2026
Review is the responsibility of:	Trust Board

Review History

Review ratified:	December 2016, March 2020
Review ratified:	May 2022
Review ratified:	May 2023

Authorised by: Full Trust Board

1. Purpose of policy and guiding principles

1.1. The purpose of this policy is to define Aspire Learning trust's commitment to equality in everything that we do.

1.2. Aspire Learning Trust is committed to equality in both employment and education provision. We recognise the diverse nature of our locations and services, and aim to ensure that students, parents, governors, employees, contractors, partners, directors, clients, and those who may potentially join the trust community, are treated fairly, and with dignity and respect.

1.3. The trust opposes all forms of discrimination, and it is our policy and ethos to promote equality to all, irrespective of:

- Age
- Disability
- Sexual orientation
- Race (including nationality, ethnic or national origin)
- Gender (including gender reassignment)
- Religion or belief
- Pregnancy or maternity
- Marital status (including civil partnerships)
- Carer responsibilities
- Domestic circumstances
- Trade Union affiliation.

1.4. The trust undertakes not to discriminate unlawfully, or treat people less favourably, on the grounds of any Protected Characteristics defined by the Equality Act 2010 (and any future amendments to the Act), or any other ground that cannot be justified.

1.5. The trust recognises that it is also unlawful to discriminate by association or perception, e.g. treating a student unfairly based on the Protected Characteristics of their parents or other family members.

1.6. This policy recognises the four types of unlawful behaviour. **Appendix 1** provides these definitions.

1.7. Every possible step will be taken into account in the aim of ensuring individuals are treated fairly and decisions are based on objective criteria.

2. Consultation

2.1. Directors and Senior Leaders have been consulted on this policy, and its ethos and aims have their full commitment.

2.2. This policy has been developed in consultation with recognised Trade Unions.

2.3. Further information on consultation and engagement is outlined in Appendix 2.

3. Links with other policies or legislation

3.1. This policy and its ethos applies to every policy, procedure and guidance document that is produced in relation to students, staff, parents, and governance.

3.2. The following policies are particularly relevant to achieving the objectives of this policy:

- SEN policy
- Admissions policy
- Anti-bullying policy
- Behaviour for Learning policy
- Students with medical needs policy
- Accessibility plans (for each academy)
- Recruitment and Selection policy
- All other employment policies.

3.3. This policy is underpinned by the Equalities Act 2010.

4. Public Sector Equality Duty (PSED)

4.1. Under the Equality Act 2010 the trust is required to meet the Public Sector Equality Duty (PSED). The trust is required to have due regard to:

- Eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations across all protected characteristics between people who share a protected characteristic and people who do not share it.

4.2. In relation to this our Equality Objectives are outlined in Appendix 2.

5. Equality Statement

There are some specific areas of the policy:

5.1. The trust will ensure that equal opportunities and the principles of fairness underpin all aspects of policy, procedure, education provision, consultation and decision making.

5.2. The trust is committed to equality in its delivery of education, whether or not the service is directly provided by us or contracted to a third-party provider. Senior leaders will monitor

this education provision to ensure that students acquire the skills which enable them to be proactive in their behaviour and learning and to become responsible citizens.

5.3. We aim to provide high quality education services, making sure services are easily accessible. We will improve what we do by continuing to consult with staff, students, parents, governors, local communities, and other partners about equality issues. We will promote our equal opportunities policy in our contact with parents, staff, governors, and external organisations.

5.4. We will make every effort in creating equality of opportunity in order to ensure they are accessible and fair to everyone. Every person has the right to be treated fairly, regardless of any criteria as detailed on paragraph 1.3.

Where necessary we will implement reasonable adjustments or additional support, to ensure equality of access to an education and suitable learning and working environments.

5.5. Our staff and governors who plan, agree, and deliver our education provision will recognise diversity and demonstrate a proactive approach in their day-to-day work. They will ensure that everyone is treated fairly, recognising special education or physical needs, and understanding differences. Behaviour will reach our high standards of conduct (staff and students) and the learning environment we provide will be safe and accessible for those studying and working.

5.6. The trust will adhere to statutory legislation and give consideration to other relevant guidance, which aims to make sure that everyone is treated equitably. We will work with other people and organisations to encourage fair treatment of all. We will collect information, which will help us plan and develop services to meet the special needs of all members of the community.

5.7. The trust will not tolerate any form of discriminatory behaviour against members of the trust or local community.

5.8. Employment

5.8.1. The trust is committed to ensuring that employees have equal access to recruitment and career opportunities, training, and professional development.

5.8.2. The trust recognises that the Act extends beyond the protected characteristics of an individual employee and has broader responsibilities to employees and situations that may be covered by the Act. For example, an employee with parental or caring responsibilities for a disabled dependent may have rights under the Act which the trust, as their employer, would need to consider.

5.8.3. All recruitment will be within the provisions of the Act, and applications will be monitored to report on recruitment activity, in line with the Act.

5.8.4. We will make every effort in creating equality of opportunity for employees, ensuring these are accessible and fair to all. Where necessary we will implement reasonable adjustments or additional support, to ensure equality of access to the working environment and opportunity to undertake the job role successfully.

5.8.5. HR policies and procedures will be reviewed regularly to improve, adapt, or amend current practices to promote equality of opportunities. All HR and employment policies will be applied consistently and fairly and refer to the provisions of the Equalities Act 2010.

5.8.6. In addition employees have access to a range of policies which aim to support and encourage flexibility and diversity in our workplaces.

5.8.7. Employees who are in breach of this policy will be dealt with under the staff disciplinary policy.

5.9. Student provisions

5.9.1. The academy will ensure that students are provided with appropriate support to recognise their individual needs. This includes protection under the Act extending the reasonable adjustment duty to require schools to provide auxiliary aids and services to disabled students.

5.9.2. Protection under the Equality Act is extended to students who are pregnant, have recently given birth or are undergoing gender reassignment.

5.9.3. All policies relating to the provision of education, the curriculum, behaviour for learning, attendance, exclusion, medical treatment and Child Protection and safeguarding policies should consider the provisions and duties of the Act. See Section 6.

5.10. Contractors and service providers

5.10.1. Across the trust we will ensure that all service providers that are contracted to provide services to students, staff or visitors will comply with Equalities legislation.

5.10.2. Where services are deemed not to meet these standards, in relation to equal opportunities and fairness, contracts may be terminated.

6. Positive Action

6.1. Positive action provisions allow the trust to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, students with particular protected characteristics. Such measures will need to be a proportionate way of achieving the relevant aim.

7. Roles and responsibilities

7.1. The role of Trustees and Governing Bodies

- 7.1.1. Trustees will approve this policy and are committed to ensuring that this policy is applied consistently and fairly.
- 7.1.2. Governors will ensure that this policy is applied consistently and fairly in all aspects of academy life.
- 7.1.3. The Governing Body will monitor, evaluate, and review policies in line with statutory and best practice guidelines.
- 7.1.4. The Governing Body will nominate a SEN Governor with responsibility for monitoring the quality of the academy's SEN provision.

7.2. The role of academy and trust leaders

- 7.2.1. The role of CEO is to ensure that this policy is applied fairly and consistently across the trust.
- 7.2.2. The role of a Principal is to ensure that this policy is applied fairly and consistently across an academy.
- 7.2.3. Academy senior leaders will be responsible for ensuring that their academy offers an inclusive curriculum, which promotes equal opportunity and good relations across all groups of students.
- 7.2.4. Academy senior leaders will be responsible for ensuring that their academy has in place a SEN policy, pastoral care policies and a Behaviour for Learning policy, all of which will promote equal opportunity and good relations across all groups of students.
- 7.2.5. Academy Senior Leaders will be responsible for ensuring that their academy develops teaching and learning strategies and quality CPD that ensure all staff are able to deliver inclusive learning.
- 7.2.6. The Operations Director is responsible for all employment policies and ensuring the principles of this policy are reflected in all our employment practices. The Operations Director will deal, in the first instance, with complaints raised under the grievance policy.
- 7.2.7. Site Managers will monitor contractor and service provider compliance.
- 7.2.8. Within each school the SENCo is responsible for the day-to-day management and coordination of education to students with special, or disability related, needs.

7.3. The role of the employee/other staff

- 7.3.1. The role of all staff is to adhere to this policy, and the spirit of the law.
- 7.3.2. Complaints from parents, students and the community will be dealt with in line with the academy's complaints procedure, and as such appropriate staff will deal with the relevant stage of the complaint.

8. Complaints

- 8.1. The trust will treat seriously all complaints of unlawful (or potentially unlawful) discrimination.
- 8.2. Any complaints will be investigated in accordance with the grievance or complaints policy, whichever is appropriate.

9. Monitoring and Evaluation

- 9.1. Recruitment applications will be recorded and monitored to ensure compliance to the policy.
- 9.2. Requirements of contractors and other services managers will be monitored and documented through service level agreements.
- 9.3. Complaints will be monitored by the Chief Operating Officer.
- 9.4. Any reviews to the policy will be consulted on and brought to a Trustees' meeting.

11. Equality Impact Assessment

- 11.1. This policy sets out to ensure all stakeholders are treated equally and fairly during their relationship with the academy.

Appendix 1

The Equalities Act 2010 defines four kinds of unlawful behaviour – direct discrimination, indirect discrimination, harassment, and victimisation.

Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if a school were to refuse to let a student be a prefect because she is a lesbian, or an employee was refused a promotion because of their race.

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. An example might be holding a parents’ meeting on a Friday evening, which could make it difficult for observant Jewish parents to attend or arranging the weekly CPD sessions for teachers on days when no part-time staff are available for work. It is a defence against a claim of indirect discrimination if it can be shown to be “a proportionate means of achieving a legitimate aim”. This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

Harassment has a specific legal definition in the Act - it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic. Where schools are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation, or gender reassignment. It is very important to recognise that this does not mean that schools are free to bully or harass pupils on these other grounds - to do so would still be unlawful as well as unacceptable. Any case against the school would be on grounds of direct discrimination rather than harassment.

Victimisation occurs when a person is treated less favourably than they otherwise would have been because of something they have done (“a protected act”) in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person’s complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.

As well as it being unlawful to victimise a person who does a protected act, a child must not be victimised because of something done by their parent or a sibling in relation to the Act. This means that a child must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the school, or her brother has claimed that a teacher is bullying him because he is gay, whether or not the mother or brother was acting in good faith.

If a pupil has himself or herself done a protected act – such as making a complaint of discrimination against a teacher – then the child's own good faith will be relevant. For example, if the parent's complaint is based on information from her son and the son was deliberately lying, it is not victimisation for the school to punish him in the same way as it might do any other dishonest pupil. Unless it can be clear that the mother was also acting in bad faith (for example that she knew her son was lying) it would still be unlawful to victimise her for pursuing the complaint.

Appendix 2 – Equality Objectives April 2023- April 2026

Objective	Actions	Lead person
Educational Objectives		
Monitor and analyse pupil progress and attainment through race, gender and disability putting in place restorative programmes where required.	Academy data drops twice yearly take this objective into account when considering subsequent actions to be taken. SEND EAL Pupil Premium children are also considered.	Headteacher in partnership with the data manger within school.
To ensure that the curriculum in all schools is broad, balanced and reflects the importance of equalities and inclusivity.	High quality curriculum put in place. PSHE curriculum is carefully sequenced to ensure the objective is met. Cross-curricular activities to support the objectives are identified and delivered. Extra-curricular activities are open to all.	CEO Curriculum Leads.
Aim to reduce the number of prejudice-based incidents year on year.	School ethos embedded at all levels. PSHE curriculum in place. All incidents are dealt with an approach that aims to reduce reoccurrence.	School Staff
To value and support all staff within the Trust, by providing high quality professional development and career progression opportunities.	Review professional development programmes to ensure that those protected by the equalities act have equal access and entitlement. Make any necessary changes and implement actions.	CEO
Operational Objectives		
Conduct Equality Impact assessments for at least one relevant HR policy each year.	Director of Operations to create an annual schedule and to train staff within the team to carry out assessments. Assessment findings to be brought to the Board.	Chief Operating Officer