

Equality and Diversity Policy

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Document Control

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1.0	July 2019	H Mills	Initial draft
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Introduction

BMAT 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. Discriminatory treatment, bullying or harassment of staff or young people by visitors will also not be tolerated.

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, 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.

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

- Anti-Bullying Policy
- Compliments and Complaints Policy
- E-Safety and Multi-Media Policy
- Health and Safety Policy
- Exclusions Policy
- Performance Management Policy
- Management of Behaviour: Rewards and Sanctions Policy
- Off-Site Visits Policy
- Privacy Policy
- Recruitment and Selection Policy
- Restrictive Physical Intervention (RPI) Policy
- Safeguarding and Child Protection Policy
- Whistle Blowing Policy
- Admissions/selection policy and figures
- Equality Targets
- Performance Information, achievement/ attainment levels of pupils

Definition of discrimination

1. Types of unlawful discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex sexual orientation). Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination occurs when a condition, provision, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Discrimination arising from disability occurs when you treat a disabled person unfavourably because of something connected with their disability and cannot justify such treatment. Discrimination arising from disability is different from direct and indirect discrimination. Harassment occurs when a person is subject to “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Third-party harassment occurs where, during the course of their duties, an employee is harassed by an individual or individuals who are not under the direct control of BMAT and the harassment relates to a protected characteristic.

Victimisation occurs when an individual is subject to a detriment because they have made an allegation of, or given evidence about, the treatment of any individual (including themselves) who has been subject to any of the above.

Failure to comply with these policies and procedures may result in disciplinary action.

The Equalities Act and Statutory Responsibilities

The Equality Act 2010 combined nine separate pieces of legislation into one single Act simplifying the law and strengthening it in important ways to help tackle discrimination and inequality.

The Act introduced 9 protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race
- Religion and belief
- Sex
- Sexual orientation
- Pregnancy and maternity

The Act also specifies particular areas of protection e.g. in employment and within education and sets out general and specific duties which schools must meet. The public sector Equality Duty consists of a general duty and some specific duties that have been designed to help organisations meet their general duty.

Public Sector Equality Duty (PSED)

The General Duty has three aims; it requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

- Foster good relations between people who share a protected characteristic and people who do not.

Compliance with the general duty is a legal obligation but also makes good business sense because it will enable BMAT to provide services, which meet the diverse needs of our pupils, parents and staff.

Specific Duties

- BMAT will publish relevant, proportionate information demonstrating compliance with the Equality Duty. Subsequently, the information will be published at least annually.
- BMAT will set and publish first equality objectives, which are specific and measurable. Any subsequent objectives will be published at least every four years.

Roles and Responsibilities

BMAT's Board has overall responsibility for the effective operation of this policy and for ensuring compliance with equality legislation. Operational responsibility, including regular review of this policy, has been delegated to the CEO.

Compliance with the Equality Act 2010 is the responsibility of all members of staff. BMAT does not condone any act of direct discrimination, indirect discrimination, harassment or victimisation. Any breach of this policy may lead to disciplinary action.

Individuals in the school are expected to take responsibility for supporting and promoting equality in school above and beyond the responsibilities listed below.

Role of Governors (Trustees and Local Governors)

The board / governing body will:

- create and approve this document with the help of the headteacher/*pupil/parents/pastoral leader* and ensure that it is adopted correctly throughout the school
- ensure the academy/ academies comply with all equality legislation and the equality objectives
- monitor and evaluate the effectiveness of the equalities plan *on annually* and make any amendments to improve on the plan when and where necessary
- nominate a named trustee/ governor to oversee the implementation of the equalities plan, monitor equality outcomes, and regularly report back to the rest of the trust board/ governing body
- ensure that parents are informed of any incident related to this scheme which could directly affect their child
- report to parents, carers, and the wider community on the progress of the equality plan through the school prospectus, the school website, and the school's annual report.

Role of Executive Leaders

Executive Leaders with the support of the rest of the senior leadership team, will:

- promote the single equalities plan both within the school and externally to the rest of the community
- ensure that all staff are aware of their role and responsibilities regarding the promotion and delivery of equality in school

- report back to the governing body on how the plan is working and any amendments that they feel should be made, as well as feedback from staff, pupils and parents
- challenge inappropriate language and behaviour
- tackle bias and stereotyping
- take appropriate action where discrimination or victimisation occurs.

Role of Staff

School staff will:

- ensure that they are up to date and aware of the contents of this plan and the school's policy towards all types of discrimination
- challenge inappropriate language and behaviour
- tackle bias and stereotyping
- work to promote anti-bullying strategies as outlined in BMAT's Behaviour Policy and Anti-bullying Policy
- show a commitment to undertake development and training within this area
- engage with the school in eliminating any discrimination and act as a good example to pupils
- promote a positive working environment
- report back to their managers immediately on any incidents relating to discrimination or victimisation, either by staff, pupils, or any other member of the school community, so that these incidents can be reviewed and action taken where necessary.

It is important to appreciate that an employee is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment at BMAT, whether or not the employer is also liable. Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee doing so will be subject to disciplinary action.

Role of Pupils

Pupils at the school will:

- engage with the school in eliminating any discrimination
- promote a positive work environment and a positive attitude towards equality when both in school and off the school site
- report to school staff any incidents of inappropriate language or behaviour, discrimination or victimisation that they know to have occurred
- work to promote the anti-bullying strategies outlined in the school's BMAT's Behaviour Policy and Anti-bullying Policy
- set a good example regarding behaviour and social awareness to younger pupils and their peers.

Role of Parents, Carers, and Visitors

Parents, carers, and visitors to the school are expected to:

- familiarise themselves with the school's single equality plan and support the scheme by promoting a positive attitude towards equality at home
- attend any relevant meetings/awareness-raising sessions that they are invited to relating to the school's equality plan
- work with the school to resolve any incident relating to discrimination or victimisation that their child is involved in
- respect and follow our equality plan when visiting the school.

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.

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.

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.

Implementation, Monitoring, Evaluation and Review

The CEO has overall responsibility for the implementation, monitoring and evaluation of the 'Equality and Diversity Policy' and delegates this responsibility at school level to the Head Teacher/ Head of School.

This policy document will be reviewed and publicised in writing, annually.

Termly monitoring will take place to ensure that the policy is effective in tackling discrimination, promoting access and participation, equality and good relationships between different groups.