

EQUALITY AND DIVERSITY POLICY

Date: Summer 2023

Review of policy due: Summer 2026



Endeavour
Schools Trust
Inspired to Excel

A handwritten signature in blue ink, appearing to be 'C. Kelly', is written over a light blue horizontal line.

Signed by: Chair of Trust Board

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1 INTRODUCTION/PURPOSE

The Trust is committed to promoting a positive and diverse culture in which all colleagues and young people are valued and supported to fulfil their potential irrespective of their age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation (the protected characteristics).

The Trust aims to create a working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. The Trust also values diversity and recognises the varied contributions that a diverse workforce brings to an organisation; the Trust is committed to drawing on different perspectives and experiences of individuals which will add value to what we do.

The Trust will ensure that there is no discrimination against employees on the basis of their protected characteristics.

The principles of non-discrimination also apply to how the Trust expects employees to treat other employees, pupils/students, parents and carers, visitors, clients, customers, suppliers and former employees regardless of whether the legal protection of a protected characteristic applies.

The Trust recognises its obligations under the Equality Act 2010 and is committed to promoting the equality and diversity of all those the Trust works with especially its employees, pupils¹/students, young people and visitors. The Trust opposes all forms of discrimination, bullying and harassment and must make every effort to comply with the requirements of the Act and its subsequent provisions.

The following groups have been identified as key recipients in terms of the provision of this statement: Those who:

- are being looked after or on the edge of Care
- have Special Educational Needs / Learning Difficulties and Disabilities
- are excluded or at risk of exclusion from school
- are from an ethnic group, including those from Gypsy, Roma, Traveller background
- have English as an additional language
- are missing in education
- have ill health, including hospitalisation, affecting attendance at school
- are Not in Education, Employment or Training (NEET)
- are being treated for drug or alcohol dependency
- are school age / teenage parents
- are young carers
- are offending or at risk of offending
- have mental health conditions
- are in receipt of free school meals
- live in areas of deprivation
- are gifted and talented

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

¹ The categories of people covered by the schools provisions include prospective, current and former pupils.

- Fairness and Dignity at Work Policy
- E-Safety
- Health and Safety Policy
- Behaviour Policy (School and Academy based policies)
- Educational Visits Policy
- Privacy Notice for Workforce
- Safer Recruitment & Employment Procedure
- Use of Force and Physical Intervention (Guidance on the)
- Child Protection and Safeguarding Policy
- Confidential Reporting (Whistleblowing) Policy

This policy covers all individuals working at all levels and grades in the Trust, including Directors, Governors, Trust Leaders, Central Team colleagues, Headteachers, senior leadership colleagues, employees, consultants, contractors, trainees, part-time and fixed-term employees, volunteers, casual workers and agency colleagues (collectively referred to as colleagues in this policy).

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.

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

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

2 COMPLIANCE

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

3 DEFINITIONS

The Equality Act covers nine protected characteristics upon which discrimination is unlawful:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and
- sexual orientation

For further information on **types of unlawful discrimination** see Appendix 1.

4 ROLES AND RESPONSIBILITIES

The Designated Senior Member of staff with overall responsibility for all equality and diversity matters at each school is the Headteacher. For further information on the **roles and responsibilities** of the Designated Person see Appendix 2. The Trust will also encourage each School and the Central team to nominate a Diversity, Equity and Inclusion (DEI) representative, representatives will form part of a Trust-wide network.

It is the responsibility of all colleagues to:

- Treat colleagues, pupils/students, young people and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;
- Support and participate in any measures introduced to promote equality and diversity;
- Actively challenge discrimination and disadvantage in accordance with their responsibilities;
- Report any issues associated with equality and diversity in accordance with this policy.

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, whether the employer is also liable or not.

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.

5 DUTY TO MAKE REASONABLE ADJUSTMENTS

The Trust will actively seek to make reasonable adjustments including supporting with applications to Access to Work, where there is a need to ensure that a disabled person has the same access to everything as a non-disabled person, as far as is reasonable.

The Trust will take positive and proactive steps to remove, reduce or prevent the obstacles faced by a disabled individual, as far as is reasonable; and is aware of its obligations under the Equality Act 2010.

For further information, visit the Equality and Human Rights Commission website at:

www.equalityhumanrights.com

6 ADMISSIONS POLICY

The Trust's and Schools' admissions criteria are defined in Admissions Policies and are applied consistently to every young person, irrespective of any protected characteristic.

7 RECRUITMENT AND SELECTION

The Trust aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics. The Trust's recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant skills and abilities.

All applicants will be provided with a copy of the Trust's Recruitment Privacy Notice which sets out how the Trust will gather, process, and hold personal data of individuals during the recruitment process.

Job selection criteria are regularly reviewed to ensure that they are relevant to the job. Shortlisting of applicants should be done by more than one person wherever possible.

Job advertisements should avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying.

The Trust will take reasonable steps, where appropriate depending on the situation, to ensure that our vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in the Trust.

Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to:

- (a) establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- (b) establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.
- (c) carry out equal opportunities monitoring (which will not form part of the decision-making process).

Applicants will not be asked about matters concerning the protected characteristics for e.g., pregnancy.

The Trust is 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.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the Trust, the Trust monitors diversity data as part of the recruitment process and as set out in the Trust's Recruitment Privacy Notice and Data Protection Policy. Provision of this information is voluntary, and it will not adversely affect an individual's success at recruitment, or any other decision related to their employment. The information is collected separately from the applications kept by the central team in an anonymised format solely for the purposes stated in this policy. Analysing this data helps the Trust take appropriate steps to avoid discrimination and improve equality and diversity.

Where recruitment and selection is carried out by a third party, on behalf of an academy or the Trust, we will take all reasonable steps to ensure they adhere to the principles of this policy.

8 APPLYING THE POLICY TO TRAINING, PROMOTION, PAY DECISIONS AND CONDITIONS OF SERVICE

CONDITIONS OF SERVICE

All employees will be provided with a copy of the Trust's Workforce Privacy Notice (available from the Trust Sharepoint and on the Trust Website) which sets out how we will collect, hold, and share personal data of individuals during their employment.

Employees training needs will be identified through the appraisal process. All employees will be given appropriate access to training for their job and in order to enable them to progress within the Trust.

Pay and promotion decisions will be based on an employee's performance (where relevant), skills and experience as detailed in the relevant Pay or Appraisal Policy.

Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all employees who should have access to them and that there are no unlawful obstacles to accessing them.

9 APPLYING THE POLICY WHEN TERMINATING EMPLOYMENT

The Trust will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

The Trust will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal, or other disciplinary action.

10 DISABILITY DISCRIMINATION

If an employee is disabled or becomes disabled, the Trust encourages self-disclosure and encourages employees to tell the Trust about the condition so that the Trust can support as appropriate.

If any employee experiences any difficulties at work because of their disability, they may wish to contact their Line Manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The Line Manager (with support from the Headteacher or HR) may wish to consult with the employee and their medical adviser(s) about possible adjustments.

The Trust will consider the matter carefully and try to accommodate needs within reason. If the Trust considers that a particular adjustment would not be reasonable, the reasons will be explained and alternative solutions will be found, where possible.

The Trust is aware that sickness absence may result from a disability for which the management is detailed in the Trust's Managing Sickness Absence Policy. The Trust will monitor the physical features of

premises to consider whether they place disabled employees or job applicants at a substantial disadvantage compared to other employees. Where reasonable, the Trust will take steps to improve access for employees who have a disability including working with external agencies that can provide support such as Access to Work.

11 BREACHES OF THIS POLICY

If an employee believes that they may have been discriminated against or subject to harassment and bullying they are encouraged to raise the matter through the Trust's Dignity at Work Policy. If the employee is uncertain which applies or need advice on how to proceed, they should speak to their Line Manager.

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 the Trust's Disciplinary Procedure.

12 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.

13 SUSPENSION AND EXCLUSION POLICY

The decision to suspend a child for a fixed period or permanently exclude is a **last resort**. Our exclusion criteria are defined under the Trust's Exclusion Policy and are applied consistently to every young person, irrespective of any protected characteristic.

14 REPORTING AND RECORDING INCIDENTS OF DISCRIMINATION AND HARASSMENT

All incidents of discriminatory treatment, bullying and harassment must be reported to senior colleagues 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 the Trust's Dignity at Work Policy.

15 COMPLAINTS AND GRIEVANCES

If an individual believes that they have been discriminated against, harassed or victimised, they are asked to follow the Trust's Fairness and Dignity Policy.

16 EQUALITY IMPACT ASSESSMENTS

The Trust will carry out Equality Impact Assessments (EIAs), where necessary. The purpose of an EIA is to ensure the Trust is as inclusive as possible, both as a service deliverer and as an employer. It also demonstrates the Trust's compliance with Public Sector Equality Duty (PSED).

17 IMPLEMENTATION, MONITORING, EVALUATION, DATA PROTECTION AND REVIEW

The designated senior member of staff with overall responsibility for the implementation, monitoring and evaluation of the 'Equality and Diversity Policy' in each School is the Headteacher.

The designated member of staff is also responsible for ensuring that all young people, colleagues, parents/carers and placing local authorities are aware of this policy. Additional support would also be provided to any parent or significant person, wishing to know more about the policy and procedures outlined above. An electronic copy of this policy document is published on the Trust/School websites.

This policy 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.

As part of the application of this policy, the Trust may collect, process and store personal data and special categories of data in accordance with the Trust's Data Protection Policy.

The Trust will comply with the requirements of Data Protection Legislation including UK GDPR and Data Protection Act 2018 in relation to how we collect, hold, and share personal data. Records will be treated as confidential.

This policy has been implemented to include an Equality Impact Assessment following consultation with the recognised Trade Unions. It has been formally adopted by the Trust.

This policy does not form part of any employee's contract of employment and may be amended annually in consultation with the recognised Trade Unions.

APPENDIX 1: FURTHER INFORMATION ABOUT EQUALITY AND DIVERSITY

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 less favourably 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 the Academy 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.

Any individual making allegations of a false, malicious or vexatious nature would not be protected against victimisation and will be subject to disciplinary action.

APPENDIX 2: ROLES AND RESPONSIBILITIES

The designated senior member of colleague with overall responsibility for all equality and diversity matters in the Central Team is the HR Manager and in Schools is the Headteacher.

The role of the Designated Person is to:

- Create an environment in which all members of the community are expected to treat one another with mutual respect, dignity, and tolerance.
- Ensure that the Trust complies with equality legislation;
- Ensure all policies, practices and procedures, associated with equality and diversity, including admissions, curriculum, recruitment and selection are implemented;
- To make effective and reasonable adjustments where appropriate to meet the individual needs of colleagues, young people and others who may have business with the Trust;
- Ensure that all colleagues are aware of and follow policies; and receive appropriate equality and diversity training, in accordance with their roles and responsibilities;
- Take 'all reasonable steps' to prevent discrimination, bullying, harassment and victimisation from taking place;
- Take responsibility for recording, managing and analysing incidents of discrimination, bullying, harassment, and victimisation in accordance with the Trust policies, procedures and guidance.
- Take responsibility for considering the impact of significant decisions on particular groups. For example, when a school trip is being planned, should the schools consider whether the trip
 - Cuts across any religious holidays
 - Is accessible to pupils with disabilities
 - Had equivalent facilities for boys and girls
- Take responsibility for keeping a written record should they have actively considered their equality duty and asked themselves relevant questions.

It is the responsibility of all colleagues to:

- Treat colleagues, pupils/students, young people and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation;
- Support and participate in any measures introduced to promote equality and diversity;
- Actively challenge discrimination and disadvantage in accordance with their responsibilities;
- Report any issues associated with equality and diversity in accordance with this policy.

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, 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.

The Trust will monitor this policy and undertake reviews annually in line with section 17 of the policy.