

The NSB Trust

Equality and Diversity Policy

Approved by: The NSB Trust Board

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1. Aim of policy

The NSB Trust Board is committed to promoting equality of opportunity for all staff and job applicants. We aim to create a supportive and inclusive working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

We do not discriminate against staff on the basis of age; race; sex; disability; sexual orientation; gender reassignment; marriage and civil partnership; pregnancy and maternity; religion, faith or belief. (Equality Act 2010 (Amendment) Regulations 2023 protected characteristics). The principles of non-discrimination and equality of opportunity also apply to the way in which staff, trustees and governors treat visitors, volunteers, contractors, students and former staff members.

All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status.

Staff have been consulted on this policy.

Our Statement under Public Sector Equality Duty is attached as Appendix A.

This policy does not form part of any employee's contract of employment and may be amended at any time.

2. Who is covered by the policy

The Trust welcomes its legal duties and responsibility to promote equality and eliminate discrimination within trust schools in accordance with the Equality Act 2010 (Amendment) Regulations 2023 and the Public Sector Single Equality Duty. We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion. We welcome the duty under the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.

This policy covers all individuals working at all levels and grades, including senior managers, employees, trainees, part-time and fixed-term employees, volunteers, casual workers, agency staff and governors (collectively referred to as staff in this policy).

This policy considers all learners are of equal value

- whether or not they are disabled
- whatever their ethnicity, culture, religious affiliation, national origin or national status
- whatever their gender or sexual orientation

3. Who is responsible for the policy

The Trust Board has ultimate responsibility for the effective implementation of this policy and Headteachers in trust schools have overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. The Trust Board is responsible for monitoring the implementation of this policy and reporting on the progress

made in achieving any targets set. Day-to-day operational responsibility has been delegated to Headteachers.

All leaders must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Leaders will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice. Headteachers have overall responsibility for equal opportunities training. All members of staff are personally responsible for ensuring that they adhere to the policy and promote our aims and objectives with regard to equal opportunities. In certain circumstances the Trust Board could be held to be vicariously liable for actions of their staff. Staff should be aware that they may be personally liable if they are found to have discriminated against another person whilst in school or on school-related business.

Headteachers will:

- Provide proactive leadership to create a community that recognises and celebrates difference within a culture of respect and co-operation;
- Ensure staff, pupils, parents and carers and other stakeholders are aware of this policy and receive training and support in carrying these actions out;
- Monitor to ensure the effective implementation of this policy;
- Provide reports to the Trust Board on progress and achievement;
- Allocate responsibilities and provide training and development opportunities for staff to implement this policy;
- Assess and monitor the impact of this policy;
- Ensure that the policy is made available to all stakeholders;
- Take appropriate action in any cases of victimisation, harassment and discrimination in line with the Trust complaints and grievance procedures;
- Report racist incident monitoring information to the LA as required.

The Senior Leadership Team in Trust schools will:

- Implement this policy;
- Support staff to play their role in implementation of this policy;
- Provide effective leadership on all equality, inclusion and community cohesion matters;
- Promote the principles of this policy widely;
- Respond in a timely manner when dealing with any incidents or issues of discrimination, victimisation or harassment;
- Assist in implementing reviews of the policy and action plan;
- Have a nominated lead to act as the co-ordinator for policy development and action planning.

If you are involved in management or recruitment and you have any questions about the content or application of this policy, you should contact your Headteacher to request training or further information.

4. Scope and purpose of the policy

This policy applies to all aspects of our relationship with staff and to relations between staff members at all levels. This includes 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.

We will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities. Please see the following for specific information on our approach to these issues:

- Appointments Policy
- Staff Dress Code
- Flexible Working Policy

We see all learners and potential learners as of equal value:

- whether or not they are disabled;
- whatever their ethnicity, culture, religious affiliation, national origin or national status;
- whatever their gender or sexual orientation.

We recognise and respect diversity - treating people equally does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate (directly or indirectly), but are differentiated as appropriate to take account of differences of life-experience, outlook and background, and in the kinds of barrier and disadvantage which people may face, in relation to:

- disability, so that reasonable adjustments are made;
- ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised;
- gender, so that the different needs and experiences of girls and boys, women and men are recognised.

5. Forms of discrimination

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.

Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not 'fit in' would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time may put women at a particular disadvantage if they have greater childcare commitments than men. Such a requirement will need to be objectively justified.

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. Harassment is dealt with further in our Harassment and Bullying Policy.

Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.

6. Staff Recruitment

Policies and procedures at the school should benefit all future employees and potential employees:

- whether or not they are disabled;
- whatever the ethnicity, race, religion or belief, national origin or national status;
- whichever gender, sexual orientation or sexual status.

7. Staff training and promotion and conditions of service

Staff training needs are identified through regular staff appraisals. All 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. Workforce composition and promotions 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 special needs of disadvantaged or under-represented groups.

Our 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.

8. Discipline and Termination of Employment

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

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

9. Disability Discrimination

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you should speak initially to your senior staff line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your senior staff line manager may wish to discuss the matter with the school's Headteacher and consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.

We will monitor the physical features of our premises to consider whether they place disabled workers or job applicants at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff.

10. Fixed Term employees, casual and agency workers

We will monitor our use of fixed-term employees, casual and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

11. Part-time work

We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

12. Breaches of this policy

If you believe that you may have been discriminated against you should raise the matter through our Grievance Procedure. If you believe that you may have been subject to harassment or bullying you should raise the matter through our Harassment and Bullying Policy.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Staff 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.

Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

13. Addressing prejudice-based bullying (refer to Child Protection Policy and anti-bullying policy)

The school is opposed to all forms of prejudice which stand in the way of fulfilling the legal duties:

- prejudices around disability and special educational needs;
- prejudices around racism and xenophobia, including those that are directed towards religious groups and communities, for example antisemitism and Islamophobia, and those that are directed against Travellers, refugees and people seeking asylum;
- prejudices reflecting sexism and homophobia.

14. Monitoring and review of the policy

This policy is reviewed by The Trust Board. Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the Executive Headteacher.

Appendix A – Equality Act Compliance Statement

- 1 Trust schools provide training to all staff to outline the requirements of the Equality Act 2010 (Amendment) Regulations 2023 and the Public Sector Equality Duties.
- 2 The Trust has a diverse workforce and an equality statement is included on all vacancy adverts.
- 3 Information is provided to the Local Authority about workforce diversity as part of the School Workforce Census.
- 4 Trust schools monitor pupil's performance to assess whether or not they are achieving their potential and to target support where it is needed, using:
 - SISRA analytics
 - tracking of individual pupil progress via our assessment systems, scheduled on the assessment calendar
 - tracking of other vulnerable groups, including those known to have protected characteristics via the inclusion report
- 5 An accessibility plan is maintained by each Trust school and reviewed annually.
- 6 SEND children have a review meeting at least annually. At this meeting the children and their parents are asked about any ways in which their school can help them further. The information from these meetings is reviewed by the SENCO so that any equality issues can be highlighted, and action taken to address them.
- 7 Children with protected characteristics are included in all aspects of school life. This includes participation in extracurricular activities and during our enrichment time.
- 8 During lesson planning, all staff consider the learning needs of individual students and plan accordingly to ensure that all students can access and make progress. Classcharts and individual school Management Information Systems support the sharing of information to teaching staff and the consideration of differentiation requirements. These systems provide information on SEND, gifted and talented, English as an Additional Language, medical needs, pastoral needs, literacy needs and examination access arrangements.
- 9 PSHE lessons include equality topics, including racism and discrimination based on faith or sexuality.
- 10 The Trust's policies are reviewed to make sure that they comply with the Equality Act 2010 (Amendment) Regulations 2023.
- 11 Continuing Professional Development is used where it is appropriate to upskill staff to ensure that the needs of students are met.
- 12 Any bullying incidents are categorised on each Trust school's behaviour recording system. Systems are regularly interrogated by the Pastoral Welfare Team to check for instances of identity-based bullying.

- 13 Small group interventions are provided by the Inclusion Team for many students with protected characteristics including EAL students and those with other pastoral needs. Extra provisions also exist for gifted and talented students and individual care arrangements are made as required for those with specific medical needs.
- 14 Trust schools run before school, break and lunch clubs for students who require assistance or support during social time. After school Home Learning clubs also run.
- 15 School staff have been provided with safeguarding training and clear policies and procedures are in place.

Appendix B – Summary of Legal Obligations (2017)

Equality law in Great Britain is governed by the Equality Act 2010 (Amendment) Regulations 2023.

Protected Characteristics

Schools and academies **cannot lawfully discriminate** against the following *protected characteristics*:

- Sex
- Race
- Disability
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Age

However, in schools, age is only a protected characteristic in relation to employment and the provision of goods and services. Age as a protected characteristic does not apply to pupils (even those who are over 18).

Public Sector Equality Duty

The Act introduces the Public Sector Equality Duty, which replaced the three pre-existing equality duties.

Schools and academies are **required to**:

Have 'due regard for the need to':

- Eliminate discrimination and other conduct that is prohibited by the Equality Act 2010 (Amendment) Regulations 2023;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- Foster good relations across all characteristics, between people who share a protected characteristic and people who do not share it.

In schools and academies, 'due regard' means:

- Decision makers must be **aware of the duty** to have due regard when making a decision or taking an action, and must assess whether it may have implications for people with particular protected characteristics;
- Schools should **consider equality implications** before and at the time that they **develop policy** and take decisions, **not as an afterthought**, and they need to keep them under review on a continuing basis;
- The PSED has to be integrated into the carrying out of a school's functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind

Required documentation

A school must publish information to demonstrate how you are complying with the PSED **(annually)**

A school must publish equality objectives **(every four years)**

Reasonable Adjustments for those with Disability

- Schools **must** make 'reasonable adjustments' for those with disability.
- Where something a school does places a disabled pupil at a disadvantage compared to other pupils, then the school must take reasonable steps to try to avoid that disadvantage.
- Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils

Accessibility planning

An accessibility plan is listed as a statutory document. The act requires schools to have an accessibility plan aimed at:

- Increasing the extent to which disabled pupils can participate in the curriculum
- Improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided
- Improving the availability of accessible information to disabled pupils

The accessibility plan must be:

- Reviewed every three years
- Approved by the Trust Board, which is free to delegate this to a local governor committee, an individual governor or the headteacher

There is no specific national requirement to have a physical assessment of accessibility, however, it is widely considered that it would be difficult to write an accessibility plan without first doing an assessment of accessibility.

An accessibility plan may be a freestanding document but may also be published as part of another document such as the school development plan

Positive Action (positive discrimination)

Positive action is lawful but **not required** in order to address an equality issue.

- A positive action initiative specifically to help a particular gender in such a position would not necessarily be unlawful but the school would need to be able to show that this was a proportionate way of dealing with a specific disadvantage experienced by, and connected to, their gender.
- As an example, it would not be proportionate simply to refuse help to girls with reading difficulties in order to help boys as a group catch up with the higher average attainment of girls.

Health-related questions for job applicants are prohibited

- Section 60 of the Equality Act prohibits employers from asking health-related questions of applicants before a job offer, unless the questions are specifically related to an intrinsic function of the work.
- It is now illegal to use a health questionnaire, although targeted questions, which “ask any health questions which are necessary to ensure that the applicant can carry out an intrinsic function of the work for the post they have applied for”, are permitted.