

# Equality, Diversity & Inclusion Policy inc. Accessibility

Equality information and objectives (public sector  
equality duty) statement for publication

This policy was approved by the Board on 8<sup>th</sup> February 2023

Adopted on 9<sup>th</sup> February 2023

This policy will be reviewed every four years on or before 1<sup>st</sup>  
September

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## 1 Introduction

- 1.1 The Trust is committed to providing high quality teaching and learning for our pupils. 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 first class education and value the differences workforce brings to the Trust.
- 1.2 We aim to create a 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 also value diversity and recognise the varied contributions that a diverse workforce brings to an organisation; we are committed to drawing on different perspectives and experiences of individuals which will add value to what we do.
- 1.3 We will ensure that we do not discriminate against staff on the basis of age, disability, gender reassignment, gender definition, intersex and non-binary, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin religion or belief, sex or sexual orientation (the protected characteristics).
- 1.4 The principles of non-discrimination also apply to how we expect our staff to treat colleagues, pupils, parents and carers, visitors, clients, customers, suppliers and former staff regardless of whether the legal protection of having a protected characteristic applies.
- 1.5 This policy complies with the requirements of the Gender Reassignment Act 2004 and the Equality Act 2010. Under the general public sector equality duty of the Equality Act 2010, our Trust must have due regard to and are committed to:
  - 1.5.1 eliminate discrimination, harassment and victimisation;
  - 1.5.2 advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - 1.5.3 set diversity objectives
  - 1.5.4 identify a senior level champion for leading the diversity strategy
  - 1.5.5 secure top-level ownership and sponsorship
  - 1.5.6 develop and cascade a diversity vision statement
  - 1.5.7 foster good relations between people who share a protected characteristic and those who do not.

The duty covers the protected characteristics of race, disability, sex, age, sexual orientation, religion or belief, pregnancy and maternity, gender reassignment, gender definition, intersex and non-binary. 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. We will also publish gender pay gap reporting in line with the regulations.
- 1.6 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 our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time, in relation to how we collect, hold and share personal data.

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

## **2 Scope and purpose**

- 2.1 This policy covers all individuals working at all levels and grades in the Trust, including trustees, governors, Head Teacher, senior leadership, employees, consultants, contractors, trainees, part-time and fixed-term employees, volunteers, casual workers and agency staff (collectively referred to as **employees** in this policy).
- 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, appraisals, 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. This policy focuses on employment and does not cover the provision of services to our students.
- 2.3 The purpose of this policy is to set out our approach to equal opportunities, how we will tackle discrimination and how we will put our commitment into action and comply with the law, to ensure that equality and diversity is promoted in the workplace and our employees are not subject to and do not commit unlawful acts of discrimination.

## **3 Roles and responsibilities**

- 3.1 Our Board of Trustees has overall responsibility for the effective operation of this policy and for ensuring compliance with equality legislation. Day-to-day operational responsibility for this policy including regular review of this policy, has been delegated to the Head Teachers and Heads of School.
- 3.2 All senior 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. Senior leaders will be given appropriate training on equal opportunities awareness, and recruitment and selection best practice.
- 3.3 All employees must be aware of this policy and have a duty to act in accordance with this policy and not to discriminate against or harass other people including employees, former employees and job applicants treating them with dignity at all times. This also applies on work-related trips or events including social events. They should also apply this to how they treat members of the public in the provision of services and should support the Trust in meeting its commitment to provide equal opportunities for all and promoting diversity in the workplace.
- 3.4 If you are involved in management or recruitment, or if you have any questions about the content or application of this policy, you should contact the HR team to request training or further information.
- 3.5 Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the HR team.

## **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.

- 4.2 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics as set out above. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim. It will only be exceptional circumstances that this will apply in our Trust.
- 4.3 Indirect discrimination occurs where someone is disadvantaged by a provision, criterion or practice that applies to everyone but puts people with a protected characteristic at a particular disadvantage. Such a requirement will need to be objectively justified. Such a requirement would be discriminatory unless it can be objectively justified.
- 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. Harassment is dealt with further in our Anti-Bullying and Harassment Policy.
- 4.5 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.
- 4.6 Discrimination by association is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
- 4.7 Discrimination by perception 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).
- 4.8 Third-party harassment occurs where 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.
- 4.9 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 Applying our policy to recruitment and selection**

- 5.1 We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics. Our 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 our Recruitment Statement which sets out how we will gather, process and hold personal data of individuals during the recruitment process. Our recruitment processes are set out in our Recruitment Statement.
- 5.2 Job selection criteria as set out in the person specification will be regularly reviewed to ensure that they are relevant to the job. Short listing of applicants should be done by more than one person wherever possible and will be carried out objectively against the requirements of the job.

- 5.3 Job advertisements should avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying.
- 5.4 We 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 our Trust. This policy will be made available to applicants upon request.
- 5.5 Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to;
  - 5.5.1 establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).<sup>1</sup>
  - 5.5.2 establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.
  - 5.5.3 carry out equal opportunities monitoring (which will not form part of the decision-making process).

Job offers will be conditional upon a satisfactory medical check in accordance with our obligation under Keeping Children Safe in Education<sup>2</sup>, where a school must verify the candidate's mental and physical fitness to carry out their work responsibilities in accordance with the Education (Health Standards) (England) Regulations 2003.

- 5.6 Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy or gender identity or history. Applicants will not be asked about matters which may suggest an intention to discriminate on ground of a protected characteristic.
- 5.7 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. The list of acceptable documents is available from Human Resources.
- 5.8 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our Trust, we monitor diversity data as part of the recruitment process and as set out in our Recruitment Statement and Privacy Notice. 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 removed from applications before short listing, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

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<sup>1</sup> Section 60 of the Equality Act 2010

<sup>2</sup> Keeping Children Safe in Education 2022

## **6 Applying our policy to training, promotion, pay decisions and conditions of service**

- 6.1 All employees will be provided with a copy of our Privacy Notice which sets out how we will collect, hold and share personal data of individuals during their employment.
- 6.2 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.
- 6.3 Pay and promotion decisions will be based on an employee's performance (where relevant), skills and experience and as detailed in our Pay Policy.
- 6.4 Our 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.
- 6.5 Relevant national and local conditions of service within our Trust as applied to our employees, will meet the requirements of equal opportunities.

## **7 Applying our policy when terminating employment**

- 7.1 We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.
- 7.2 We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## **8 Discrimination against a Protected Characteristic**

- 8.1 Discrimination includes direct or indirect discrimination, any unjustified less favourable treatment because of a protected characteristic, and failure to make reasonable adjustments where appropriate to alleviate any circumstances caused by a protected characteristic.
- 8.2 If you experience difficulties at work, you may wish to contact Human Resources to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Human Resources may wish to consult with you 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.
- 8.3 We will monitor the physical features of our premises to consider whether they place disabled employees or job applicants at a substantial disadvantage compared to other employees. Where reasonable, we will take steps to improve access for employees who have a disability.

## **9 Breaches of this policy**

- 9.1 If you believe that you may have been discriminated against you are encouraged to raise the matter through our Grievance Procedure. If you believe that you may have been subject to harassment you are encouraged to raise the matter through our Anti-Bullying and Harassment Policy. If you are uncertain which policy applies or need advice on how to proceed you should speak to Human Resources.
- 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 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.

## **10 Review of policy**

- 10.1 This policy is reviewed every four years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.



## APPENDIX 1 - Equality Objectives School Action Plan

The Denbigh Alliance

Date of Publication: 8<sup>th</sup> February 2023

*All schools are required to publish one or more measurable and specific equality objectives at least once every four years. The Trust has committed to reviewing these objectives annually.*

Objective	How will we know we have achieved the objective?	Lead and other key players
1. Build diversity monitoring into strategic workforce plan	Increased diversity in staff population and particularly SLT	HR Manager, Head Teachers
2. Ensure students with SEND have the same level of education as those without	Monitoring student outcomes and feedback from parents/carers	SEND Team, Head Teachers

## APPENDIX 2 - School Accessibility Plan

### 1.0 Introduction

- 1.1 In accordance with the Equality Act 2010, the Public Sector Equality Duty and the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, the aim of this plan is to demonstrate how schools within the Denbigh Alliance plan to;
  - 1.1.1 Improve the extent to which disabled students can participate in the curriculum;
  - 1.1.2 Improve the physical environment of schools to enable students with a disability to take better advantage of education, benefits, facilities and services. This covers improvements of physical aids for students to access education;
  - 1.1.3 Improve the availability of accessible information to students with disabilities, examples might include handouts, timetables, textbooks and information about the school'; and
  - 1.1.4 Improve awareness of Equality and Inclusion for all stakeholders.

### 2.0 Ethos towards Disability and Equality

- 2.1 The Denbigh Alliance has high ambitions for all of its students, regardless of disability, and expects them to participate and achieve their full potential in every aspect of school life. We aim to ensure that every student is given the best opportunity to achieve.
- 2.2 We aim to provide an appropriate but challenging education for students of all abilities, providing each student with the support to maximise their chances of success. The Trust responds in a positive manner to the diverse individual needs of each young person.
- 2.3 We aim to be a friendly, caring and stimulating community, which motivates young people to enjoy learning and enthusiastically join in the wider activities.
- 2.4 The Trust strives to identify and remove barriers which prevents students with disabilities taking an active part in every feature of school life. We recognise there is always room to improve.

### 3.0 Accessibility Plan

- 3.1 The Trusts Accessibility Plan outlines how we ensure that we are working to remove barriers to learning and access in our Schools, this plan is reviewed every three years.
- 3.2 Trust staff are trained in understanding equality and diversity issues in line with the Equality Act 2010.
- 3.3 It is the responsibility of the Head of School to ensure that the school has an Accessibility Plan which matches the needs of the school and to ensure that it is available on the school's website.

### 4.0 Legislation

- 4.1 This document meets the requirements of schedule 10 of the Equality Act 2010 and the Department for Education (DfE) guidance for schools on the Equality Act 2010.
- 4.2 The Equality Act 2010 defines an individual as disabled if he or she has a physical or mental impairment that has a 'substantial' and 'long-term' adverse effect on his or her ability to undertake normal day to day activities.

- 4.3 Under the Special Educational Needs and Disability (SEND) Code of Practice, 'long-term' is defined as 'a year or more' and 'substantial' is defined as 'more than minor or trivial'. The definition includes sensory impairments such as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes, epilepsy and cancer.
- 4.4 Schools are required to make 'reasonable adjustments' for pupils with disabilities under the Equality Act 2010, to alleviate any substantial disadvantage that a disabled pupil faces in comparison with non-disabled pupils.

### APPENDIX 3 - The Denbigh Alliance Accessibility Plan 2022-2026

This plan will outline a number of actions that will be taken by all schools to meet the requirements of the legislation; however, all schools must also develop a local plan which will be reviewed annually by the Local School Board and reported to the Trust annually.

#### Improving the extent to which disabled students can participate in the curriculum and extra-curricular activities

Aim	Strategy	Outcome	Timeframe
Ongoing scrutiny of the performance of groups of students (including SEND) to ensure the curriculum is enabling them to make the same progress as students without SEND.	<p>Focused lesson observations for SEND students</p> <p>Use of expertise of outside agencies</p> <p>Scrutiny of books /coursework for SEND students</p>	<p>All groups of students make similar progress.</p> <p>Greater satisfaction for the disabled students and parents.</p>	Ongoing
Continue to ensure that students are not disadvantaged by being unable to attend extra-curricular activities or school trips.	<p>Ongoing scrutiny and review of extra-curricular activities and school trips by Senior Leadership Teams and Curriculum focused Committees.</p> <p>Fixed paragraph in communications home regarding school trips about alerting schools to any access requirements so that these can be accommodated.</p>	<p>All groups of students attending extra-curricular activities and school trips.</p> <p>Greater satisfaction for the disabled students and parents.</p>	Ongoing

**Improve the physical environment of schools to enable students with a disability to take better advantage of education, benefits, facilities and services**

Aim	Strategy	Outcome	Timeframe
Continue to ensure that students and staff are not disadvantaged by being unable to access Trust sites	Fixed paragraph in communications home regarding parental information evenings/open days about alerting schools to any access requirements so that these can be accommodated.	Ensuring parents/carers are able to fully engage with schools	Ongoing

**Improving the availability of accessible information to students with disabilities.**

Aim	Strategy	Outcome	Timeframe
All teachers to use appropriate materials in lessons which enable those with disabilities to fully access the curriculum e.g. enlarged texts, laptops which can be used in lessons	Staff training in improving accessibility of learning materials	Barriers to learning associated with the delivery of written information are removed.  Some students to use laptops to record notes.	Ongoing

**Improve awareness of Equality and Inclusion for all stakeholders.**

Aim	Strategy	Outcome	Timeframe
Adherence to Equality legislation to be reported to the Local School Board annually	Annual Equality report to be provided to the last LSB meeting of each academic year.  Local plan and action points to be reviewed and updated by Headteachers and Heads of School each academic year.	Adherence to legislation	Ongoing

<p>Adherence to Equality legislation to be reported to the Trustees annually</p>	<p>Annual Equality report to be provided to the last Board of Trustees meeting of each academic year.</p> <p>Trust, local plans and action points to be reviewed and agreed annually at last Board of Trustees meeting of each academic year.</p>	<p>Adherence to legislation</p>	<p>Ongoing</p>
<p>Whole staff awareness of Equality, diversity and inclusion with some key staff members trained in mental health awareness to support others</p>	<p>Annual Trust E&amp;D training for all staff.</p> <p>E&amp;D training to form part of induction for all new staff.</p> <p>Trust and school staff to be identified for mental health awareness training annually, training maintained accordingly.</p>	<p>Improved knowledge and awareness of equality, diversity and inclusion.</p> <p>Improved knowledge and awareness with staff of mental health issues and strategies to support young people.</p>	<p>Ongoing</p>

