



The Robert Carre Trust

Equal Opportunities Policy

For Clerk's Use Only			
Trust Policy / School Policy / SLT Policy			
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Next Review	March 2019	Board/LGB/SLT Sign off date	
Notes:			

Introduction

The Robert Carre Trust welcomes diversity within its community. The Trust is opposed to any practice which causes unequal access or underachievement in education, for those students meeting the criteria of the Admissions Policies of the Trust's schools.

The Trust is committed to providing an environment where all members are equally valued and respected, irrespective of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation, and in which all students may develop to their full potential.

As a matter of principle and in accordance with its foundation, the Trust will promote equality of opportunity in its employment policy and practice.

Legal framework

The Trust's policy and procedure relies on the provisions of a range of Acts and Regulations, in particular (but not exclusively): The Education Act 1944, The School Standards and Framework Act 1998, The Race Relations (Amendment) Act 2000, The Disability Discrimination Act 1995, the Race Relations Act 1976, The Sex Discrimination Acts 1975 and 1986, the Equal Pay Act 1970, the Equality Act 2010 and the Technical Guidance for Schools in England published by the Equality and Human Rights Commission in 2013.

The public sector equality duty consists of a general equality duty, which is set out in section 149 of the Equality Act 2010 itself, and the specific duties which came into law on 10 September 2011 in England which are imposed by secondary legislation. The general equality duty came into force on 5 April 2011.

In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

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

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The new duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.

Unlawful behaviour

The Equality Act 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.

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. 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.

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.

General statement of policy

The Robert Carré Trust is the employer of its entire staff and is responsible for ensuring equal opportunities in employment. No individual or group shall be disadvantaged because of their sex, marital status, race, colour, nationality, national origin, sexual orientation, disability or by any other condition or requirement which cannot be shown to be justifiable in accordance with any relevant legislation or regulations.

Application of the policy

The principles of this policy apply to any person or employee, whether in full, part-time or temporary employment, who acts on behalf of the Trust's schools, and all students.

This policy statement sets out how the schools will promote equality and education for all as an integral part of its general role and responsibilities.

This statement is relevant to everyone in the Trust's schools regardless of their cultural, ethnic, linguistic or religious backgrounds.

Principles

The Trust is opposed to any practice which causes unequal access or underachievement in education and extends this commitment to equality in its recruitment and selection process.

All aspects of the Trust's services will be required to comply with these principles.

What equal opportunities means in the Robert Carre Trust:

The schools in the Robert Carre Trust promote Equal Opportunities for all students and staff. Specifically we aim:

- to enable each student to become a positive and active member of their school community and society;
- to encourage students to have a "whole world" view; to recognise and value the diversity of cultures, languages, religions, opinions and beliefs in society;
- to provide all students with equal access to the opportunities which the school provides;
- to develop an awareness among students and staff of possible areas of discrimination and of the need to take positive action to avoid discrimination.

What equal opportunities means for students at schools in the Robert Carre Trust

Your rights:

- You have the right to be treated as well as everyone else at the school;
- You have the right to be treated with respect;
- You have the right to have the same chance as everyone else to access excellent learning and teaching;
- You have the right to the same opportunities for learning and for developing your natural talents both inside and outside the classroom;
- You have the right to have access to the whole curriculum.

Your responsibilities:

- We expect you to treat other students and staff with respect;
- We expect you to avoid using language which might offend others;
- We expect you to be tolerant of the views of others with whom you do not agree.

What equal opportunities means for staff working at schools in the Robert Carre Trust

Your rights:

- You can expect to be offered appropriate staff development opportunities;
- You can expect to be treated with respect;

- You can expect to be offered a proper, positive system of appraisal and review.

Your responsibilities:

- You are responsible for implementing the Trust policy for equal opportunities, race and gender equality;
- You are responsible for implementing your team's policy for equal opportunities, race and gender equality;
- You are responsible for taking positive action against discrimination;
- You are responsible for being aware of the use and abuse of language and for taking appropriate action where necessary;
- You are responsible for presenting a positive role model to students and others in relation to equal opportunities and, where appropriate, taking the opportunity to promote equal opportunities and challenge discrimination in lesson activities.

Definitions

Equal opportunity

In the context of the Robert Carre Trust we feel the most appropriate definition is that:

Equal opportunity is the right of everyone to equal chances, and each individual is respected for who they are.

Gender Equality

All letters from staff, and all forms or literature associated with the Trust, should take care to avoid references that neglect the existence of one gender or the other;

eg letters concerning students in the sixth form from schools in the Trust should refer to "son/daughter" rather than "son" alone.

The mode of address should be same for both male and female students ie first names and/or last names.

The type or style of retribution or remonstrance, whatever the circumstances, should not depend on whether it's directed at male or female students.

Time given to individual students in class should not, in broad terms, be different for male and female students, and each should be encouraged to contribute equally to discussions.

Reference to different schools or origins of students from other schools should be avoided.

School visits and activities cannot be sanctioned unless they are equally available to students that could participate.

There should be no item in a scheme of work or issue brought up during class discussion that could lead to the non-participation of either gender.

Students will be expected to treat all members of staff with equal respect regardless of their gender.

Application of equal opportunity to the Learning Environment

There is a consistently high expectation of all students regardless of age, gender, ethnicity, ability or social background.

- Teacher enthusiasm is a vital factor in achieving a high level of motivation and good results from all students.
- The adults in the schools are expected to provide good, positive role models in their approach to all issues relating to equality of opportunity.
- The Trust's schools provide an environment committed to extending students' access to all facilities and resources.
- A range of teaching methods is expected throughout the Trust's schools to ensure that effective learning takes place at all stages for all students.

Harassment and Bullying

It is the duty of all schools in the Trust to challenge all types of discriminatory behaviour eg. unwanted attentions (verbal or physical), unwelcome or offensive remarks, or suggestions about another person's appearance or character. The Trust has a clear, agreed procedure for dealing with incidents such as these (see Behaviour Policy and also the policy for Staff Conduct).

Disability Equality

Definition of Disability under the Equality Act 2010

In the Act, a person has a disability if:

- they have a physical or mental impairment;
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial;
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions);
- 'normal day-to-day activities' which, within a school context, would include classroom activity, assessment and exams.

People who have had a disability in the past that meets this definition are also protected by the Act.

Progressive conditions considered to be a disability

There are additional provisions relating to people with progressive conditions. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled.

Conditions that are specifically excluded

Some conditions are specifically excluded from being covered by the disability definition, such as a tendency to set fires or addictions to non-prescribed substances.

How the legislation differs for disabilities

The overriding principle of equality legislation is generally one of equal treatment - i.e. that the Trust must treat a black person no less well than a white person, or a man as favourably as a woman. However, the provisions relating to disability discrimination are different in that the Trust may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what the Trust offers to the same extent that a person without

that disability can. So in the school setting the general principle is that the any school in the Trust has to treat male, female, black, white, gay, bisexual, straight and transgender students equally - but the Trust may be required to treat disabled students differently. Discrimination is also defined rather differently in relation to disability.

The rather different and more complex provisions that apply in the case of disability are set out here:

Direct Discrimination: The Trust must not treat a disabled student less favourably simply because that student is disabled – for example by having an admission bar on disabled applicants.

Indirect Discrimination: The Trust must not do something which applies to all students but which is more likely to have an adverse effect on disabled students only – for example having a rule that all students must demonstrate physical fitness levels before being admitted to the school – unless they can show that it is done for a legitimate reason, and is a proportionate way of achieving that legitimate aim.

Discrimination arising from disability: The Trust must not discriminate against a disabled student because of something that is a consequence of their disability – for example by not allowing a disabled student on crutches outside at break time because it would take too long for him/her to get out and back. Like indirect discrimination, discrimination arising from disability can potentially be justified.

Harassment: The Trust must not harass a student because of his/her disability – for example, a teacher shouting at the student because the disability means that he/she is constantly struggling with class-work or unable to concentrate.

Reasonable adjustments and when they have to be made

The duty to make reasonable adjustments applies only to disabled people. For the Trust the duty is summarised as follows:

- where something in a school in the Trust does places a disabled student at a disadvantage compared to other students then the school must take reasonable steps to try and avoid that disadvantage.
- a school in the Trust will be expected to provide an auxiliary aid or service for a disabled student when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the student faces in comparison to non-disabled students.

The schools' duties around accessibility for disabled students

Schools in the Trust will carry out accessibility planning for disabled students. These are the same duties as previously existed under the DDA and have been replicated in the Equality Act 2010.

The Trust will implement an accessibility plan which is aimed at:

- increasing the extent to which disabled students can participate in the curriculum;
- improving the physical environment of schools to enable disabled students to take better advantage of education, benefits, facilities and services provided; and
- improving the availability of accessible information to disabled students.

The Trust will also need to have regard to the need to provide adequate resources for implementing plans and will regularly review them.

Furtherance of this policy

All persons responsible for or involved in selection, interviewing, confirming appointments and deciding levels of pay shall be made aware of this policy (for example by means of training or by advisory memoranda) and shall act in accordance with it. Applicants for vacancies shall also be made aware of the policy by means of advertisements, application forms or by other appropriate means.

The Trust shall continue to apply nationally agreed terms and conditions of service as appropriate.

The Trust has a programme of action to facilitate the adoption of appropriate procedures, including monitoring and the provision of training for staff and others to assist them with the implementation of this policy.

Reviewed at the meeting of the Education and Personnel Committee on 8 March 2018

Adopted at the meeting of the Board on 26 March 2018

Next review: March 2019 (annually)