



Fylde Coast Academy Trust

(FCAT)

Equality Policy 2015 – 2017

The principles outlined here by FCAT of fair and equal treatment apply equally to our approach to staff, students and parents and to our dealings with members of the local community and all outside agencies. The over-riding premise that will be adhered to in matters of equality, by all, is that everyone has the right to be treated with dignity and respect

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Introduction

1.1 The Equality Act 2010

The Equality Act came into force from October 2010 providing a modern, single legal framework with clear, streamlined law to more effectively tackle disadvantage and discrimination. The Act was reviewed in 2013.

The provisions of the Equality Act became law in October 2010. As an employer, obligations remain largely the same. The Act harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in the workplace, a fair environment and compliance with the law. FCAT is bound by law not to discriminate on certain grounds.

This Act brings together lots of different equality laws, many of which we have had for a long time. By doing this, the Act makes equality law simpler and easier to understand.

The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are called ‘protected characteristics’.

The Act extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law.

The Equality Act Updated 2013

<http://www.legislation.gov.uk/ukpga/2010/15/contents>
<https://www.gov.uk/government/publications/equality-act-guidance>

Statement of Intent

2.1 Equality

Equal treatment involves much more than simply treating everyone alike; it requires recognition that some groups and individuals have particular and specific needs that need to be met if they are to enjoy equal access to the services offered by FCAT. FCAT recognises that it may need to provide services in a range of different or more flexible ways, in order to ensure genuine equality of access or opportunity for groups and individuals who approach those services from a position of persistent and longstanding disadvantage.

2.2 Diversity

Valuing diversity involves an acknowledgement of the benefits and intrinsic worth derived from the range of difference within our community, and fostering it as strength. FCAT aims to celebrate and to value the differences between individuals' cultural, social and intellectual contribution to academies and will seek to promote greater mutual understanding between groups and individuals who reflect these differences, and will seek to utilise the talents and experiences that each and every individual can bring.

2.3 Staff

Effective staff training will be implemented ensuring that all employees are fully aware of the requirements of the Act and the implications of this for education provision and delivery.

FCAT is committed to equality for all in the appointment, development, training and promotion of staff, and in all dealings with students, parents, and the wider community.

FCAT recognises the value of a diverse and inclusive workforce. FCAT and principals of academies will operate at all times within the requirements of anti-discrimination legislation and will promote equality positively in its staffing decisions.

All decisions, including advertising of vacancies, shortlisting, selection, induction, appraisal, training, development, promotion, terms and conditions of employment, dismissal and pay will be based on an objective and fair assessment of FCAT requirements.

The only personal characteristics, which will be taken into account, will be those which are necessary for the requirements and proper performance of the work involved. There will be no generalised concepts or assumptions about the characteristics of groups.

2.4 Students

FCAT will not discriminate against a student in the provision of education or access to any benefit, facility or service. FCAT is responsible for ensuring there is no discrimination in relation to education or access to any benefit, facility or service.

Students are expected to act with integrity at all times in recognising and respecting individuals' differences.

FCAT will not discriminate against, or victimise a student:

- In the way it provides education for the student
- In the way the student is afforded access to a benefit, facility or service
- By not providing education for the student
- By not affording the student access to a benefit, facility or service
- By subjecting the student to any other detriment.

Regular reviews of practices, policies and procedures will help to ensure that there is no discrimination against students with a protected characteristic.

Signed:

Date:

Executive, Principals

FCAT

June 2015

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Guiding Principles

3.1 Age

FCAT is opposed to any direct or indirect discrimination based on age.

3.2 Disability

FCAT is opposed to any discrimination against a person with disabilities based on assumptions of their ability or otherwise. Where an employee who has a disability is appointed to a post in an academy or a student is admitted, reasonable provision will be made for adjustments to the working conditions or environment where this is practicable.

3.3 Gender reassignment

FCAT is opposed to any discrimination as a result of a person proposing to undergo, undergoing or having undergone a process (or part of a process) for the purpose of reassigning the person's sex

3.4 Marital status or civil partnership

FCAT is opposed to any discrimination against employees who are married or in a civil partnership.

3.5 Pregnancy and maternity

FCAT is opposed to any discrimination against a woman / student because of her pregnancy and/or maternity leave.

3.6 Race

FCAT is opposed to any direct or indirect discrimination based on race, colour, ethnic or national origin. There may be situations in the Academy which require special consideration and where an occupational requirement may apply to justify the employment of someone of one particular race or ethnic origin. However, these situations will be unusual and exceptional, and will be discussed with the staff in advance.

3.7 Religion or Belief

FCAT is opposed to any direct or indirect discrimination based on religion or belief.

3.8 Sex

FCAT is opposed to any direct or indirect discrimination based on gender. There may be situations in which require special consideration and where a genuine and determining occupational requirement may apply to justify the employment of someone of a particular sex. However, these situations will be unusual and exceptional, and will be discussed in advance.

3.9 Sexual Orientation

FCAT is opposed to any direct or indirect discrimination based on perceived or actual sexual orientation.

3.10 Harassment or bullying

FCAT is opposed to any unwanted conduct relating to a protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. FCAT is further opposed to any act of victimisation, harassment or bullying either by an employee, student or third party based on assumptions about their status in the above categories or any other grounds. Such action will be investigated in accordance with FCAT procedure and appropriate action will be taken against the student or staff member.

3.11 Positive Action (Employee)

Section 159 of the Equality Act 2010 allows employers to use positive action in recruitment and promotion. FCAT may consider using positive action where there is enough evidence to make them reasonably think that people with a protected characteristic suffer some sort of disadvantage because of that characteristic or are disproportionately under-represented.

See FCAT Recruitment Policy

3.12 Breaches of the Equality Policy

FCAT will take very seriously any instances of non-compliance to the organisations Equality Policy by staff, students or other members of the FCAT community. All instances will be investigated and appropriate action will be taken against the student or staff member. All inappropriate behaviour and actions against the spirit of the Equality Policy will be challenged and not tolerated. Members of the FCAT community are expected to act with integrity at all times in recognising and respecting individuals' differences.

3.13 Harassment and grievance procedures

Harassment has the effect of destroying dignity and undermining confidence. It can take many forms including physical contact, bullying, threatening or ignoring someone. It can be a series of offensive remarks or a single incident. It can be behaviour that someone finds offensive even if not directed at them or harassment because of perception or association. FCAT is committed to the principles of dignity at work and being at school. This includes the right to be treated with respect by everyone. FCAT will consider any acts of harassment including those on the grounds of age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, as totally unacceptable and outside the ethos and culture of the organisation. Any such act by anyone against any adult or child will be treated as a breach of the equality policy.

3.14 Whistleblowing

This provides a framework that encourages and allows staff to raise concerns about serious malpractice. There will be assurance that there will be no risk to the employee's position if actions are based in good faith.

3.15 Time Off

FCAT will give sympathetic consideration to requests for time off or for religious observance from staff and students who are active members of particular religions or beliefs. For an employee, time off will be unpaid and will be considered only subject to the operational requirements of the school.

3.16 Reasonable adjustments

FCAT will wherever possible make reasonable adjustments to recruitment processes, working conditions, students or the working environment, including terms and conditions of employment, to help overcome practical difficulties created by applicants or members of staff who have a disability.

3.17 Advertising of vacancies (Employee)

Vacancies will be advertised openly and follow UK employment law procedures.

See FCAT Recruitment Policy

3.18 Statutory requirements (Employee)

There are some exemptions from this legislation in situations where the essential nature of a job calls for a man, woman, or a person from a particular religion or racial group. FCAT will not normally seek to use exemptions from Statutory Acts.

3.19 Training (Employee)

Fair and equal treatment will apply to selection for training. Requests for training will be considered in accordance with the school's operational priorities, based on the school's overall development plan and budget allocations.

Similarly, the training of the FCAT Lead Health and Safety Officer in issues of equality and discrimination is an essential part of our Equality policy.

3.20 Resolving disputes

It is usually in everyone's best interests to attempt to resolve disputes without the need for legal action. FCAT supports a complaints procedure which should be able to deal with complaints of discrimination, harassment and victimisation. FCAT is required under s 29(1) of the Education Act 2002 to have a complaints procedure to deal with all complaints. **See Complaints Procedure / Policy**

4.0 Student Equality

The achievement of all students is monitored by race, gender and disability and we use this data to support students, raise standards and ensure inclusive teaching. FCAT will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for all. We believe that diversity is a strength, which should be respected and celebrated by all those who learn within FCAT.

4.1 Curriculum delivery

The way in which the curriculum is delivered is covered by the Act so FCAT will ensure issues are taught in a way that does not subject students to discrimination. In addition, what is taught in the curriculum is crucial to tackling key inequalities for students including gender stereotyping, preventing bullying and raising attainment for certain groups.

4.2 Identity-based bullying

FCAT has legal duties to students in relation to bullying and will ensure that all bullying is treated on the grounds of a protected characteristic with the same emphasis as any other form of bullying. **See Bullying Policy**

4.3 Academy uniform

FCAT will ensure that academy uniform policies do not discriminate against student with a protected characteristic and they will not have the effect of unlawfully discriminating against students with a protected characteristic and to comply with equality duties. Exceptions will be made to standard policies for certain students while ensuring that setting different rules for different categories of that are not discriminatory. **See Uniform Policy**

4.4 Work experience/placements

Students will be given the same opportunities for work experience and placements and assumptions will not be made about what would suit students with particular protected characteristics. **See Work Placements Policy**

4.5 Assessments and exams

Reasonable adjustments will be made during assessment for disabled students such as extra time or rest breaks, or to the assessment method such as allowing a disabled student to submit their work in an accessible format.

4.6 Religion

The Equality Act does not require FCAT to provide opportunities for separate worship for the different religions and beliefs represented among students. FCAT support ceremonies and festivals celebrating any faith, such as Christmas, Diwali, Chanukah or Eid, without being subject to claims of religious discrimination against children of other religions or of none. In England and Wales parents can remove their children from collective worship.

4.7 Behaviour

FCAT expects all students to take responsibility and behave in accordance with this policy respecting the principles of the policy in their practices and dealings with the FCAT community; and in a way that reflects and appreciates the diversity of the FCAT community. FCAT will regularly review behaviour and discipline policies to ensure that they do not inadvertently discriminate. See Behaviour Policy.

See Behaviour Policy

5.0 Equality, Diversity and FCAT's Strategic Plan

FCAT promotes equality, diversity and human rights in teaching, learning, research and behaviour. This is evident in FCAT Strategic Plan for Academies, to which the Single Equality Scheme is linked.

The Strategic Plan sets out key values. Equality and Diversity are among these values, along with:

- Intellectual freedom;
- Participation and engagement;
- Excellence in education.

It is our intention to move beyond compliance establishing a culture that allows us to: gain access to a more culturally diverse pool of talent among staff and students; enhance each Academies engagement with new audiences and stakeholders, both in the UK and internationally;

6.0 Who is Responsible?

It is FCAT that is liable for any breaches of the Equality Act. (England and Wales)

FCAT is liable for the actions of its employees and agents unless it can show that it took 'all reasonable steps' to prevent the discrimination, harassment or victimisation from taking place. This responsibility does not extend to cover the actions of students beyond the responsibility an academy already has for the actions of its students. In some circumstances an employee or agent of the academy may be personally liable for acts of discrimination, harassment or victimisation.

As an employer FCAT are legally responsible for acts of discrimination, harassment and victimisation carried out by employees in the course of employment or by people who take action for the Academy (agents). It does not matter whether the Academy knew about or approved of those acts, however, if FCAT can show that they took all reasonable steps to prevent employees or agents from acting unlawfully, the Academy will not be held legally responsible.

It is important that FCAT take steps to make sure that all employees and agents understand that they must not discriminate against students, or harass them or victimise them.

An employee of FCAT 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. However, an employee is not personally liable in relation to disability discrimination at FCAT.

An employee of FCAT or agent will not be responsible if the Principal has told them that there is nothing wrong with what they are doing and he or she reasonably believes this to be true. It is a criminal offence, punishable by a fine of up to £5,000, for an employer or Principal to make a false statement in order to try to get an employee or agent to carry out an unlawful act.

6.1 Employment Tribunal

Employment Tribunals will deal with complaints from an employee or agent who has received the instructions and the victim can make a claim in the same way as they would for any other claim under the act. So, for example, if FCAT instructs a member of staff to discriminate against a student on grounds of their sex then the member of staff can make a claim to an Employment Tribunal and the student can make a claim to a county court.

6.2 General statement

The Equality policy will be reviewed and updated by Executive, H&S Lead and Academy Representatives., The policy will then be given to all staff through normal management meeting mechanisms , induction, and electronic / hard copies. Managers/supervisors will ensure that it is known and understood by all staff. The policy will also be made available to potential applicants for vacant positions in the school.

Review August 2017 GFL

Appendix A

Types of discrimination

Direct discrimination – This is where someone is treated less favourably than another person because of a protected characteristic.

Associative discrimination - this is direct discrimination against someone because they are associated with another person who possesses a protected characteristic.

Discrimination by perception - this is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

Indirect discrimination - this can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

Harassment - this is behaviour that is deemed offensive by the recipient. Employees can now complain of the behaviour they find offensive even if it is not directed at them.

Harassment by a third party - employers are potentially liable for the harassment of their staff or customers by people they don't themselves employ, i.e. a contractor.

Victimisation - this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

Appendix B

FCAT Single Equality Scheme (See Policy)

The Single Equality Scheme sets out FCAT commitment to ensure an inclusive and accessible environment for its staff, students and community users. This is FCAT's first Single Equality Scheme. It replaces and builds on the individual schools previous race, gender and disability equality schemes. It commits the School, over the next three years, to ensure that:

- FCAT is responsive to the diverse needs of students, staff and service users; and
- Policies and procedures comply with equalities legislation.

The Scheme, for the most part, will reflect the School's response to the Equality Act 2010, the main provisions of which came into force on 1 October 2010. All public bodies including Education Institutions are required to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity;
- Foster good relations between diverse groups.

FCAT's Scheme will set out the School's plan of action for equality over the next three years (September 2015 – 2018). The equality objectives will derive from planning and engagement with staff and students. The Scheme will also embrace the School's stakeholders. These will include students, Teachers and support staff, contractors, governors, and visitors to Academies. Collectively, there will be a commitment to uphold a responsibility for promoting an inclusive environment.

Areas for work over the next three year will include gender, ethnicity and disability. Over time, emphasis on different protected characteristics will vary according to circumstances.

FCAT will seek to collect, analyse and report on appropriate equality and diversity data and will create an Equalities Committee This will include student participation, retention, achievement, success and progression rates for different diversity groups. This will be supplemented with regular analysis of staffing data in terms of recruitment, levels of responsibility, disciplinary or capability proceedings, grievances or staff complaints, requests for flexible working, access to professional development and promotion for staff using a suitable range of diversity characteristics.

CORE VALUES AND NON-NEGOTIABLES

