Equality, Diversity, and Inclusion policy

1 Introduction and principles

The Heart of Mercia Multi-Academy Trusts' (The Trust) mission is to provide a safe and supportive learning environment in which all students within its academies achieve outstanding academic outcomes and personal development to equip them to progress to the college, university, employment, or an apprenticeship of their choice.

The Trust recognises that by valuing and promoting equality, diversity and inclusion we can not only meet our statutory duties under the Equality Act 2010 and associated legislation but create environments in which all members of our communities prosper.

1.1 The Trust actively promotes equality, diversity and inclusion (EDI) in both the delivery of its services and the employment of its staff. To promote this positive culture, the Trust and its academies aim to:

- Ensure fair and equal treatment for all individuals
- Create a culture of diversity, inclusion and belonging
- Eliminate discrimination, harassment, and victimisation
- Promote respect, dignity, and positive relationships
- Remove barriers to participation, achievement, and progression
- Raise awareness - create a culture in which all negative discrimination, including unconscious bias, is challenged.

1.2 The Trust is proud to be a diverse and inclusive organisation where individual differences are accepted and valued and where, everyone can fulfil their potential in a welcoming, safe, and non-threatening environment.

The Trust will not discriminate against its staff, students or other stakeholders on the basis of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity

- Race
- Religion or belief
- Sex[1]
- Sexual orientation

The Trust is committed to:

- challenging and eliminating unlawful discrimination, harassment, and victimisation.
- advancing equality of opportunity between people who share a protected characteristic and those who do not.
- fostering good relations between people who share a protected characteristic and those who do not.

This commitment covers the nine protected areas of the Equality Act 2010 (see above). Our commitment to equality also extends to other areas, including socio-economic disadvantage, SEND, student carers and looked-after learners.

1.3 This policy is available for Heart of Mercia staff and other stakeholders via the Trust website.

This policy should be read alongside the following Trust and/or academy policies:

- Safeguarding and Child Protection
- Behaviour/Student Conduct
- Complaints
- Staff Disciplinary and Grievance
- Recruitment and Selection
- Anti-bullying and Harassment
- Sexual Harassment
- SEND
- Trust Strategic plan

[1] https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment

2 Purpose and aims

2.1 The purpose of the Trust's Equality, Diversity and Inclusion Policy is to set out the Trust and its academies response to the Equality Act 2010 and associated legislation.

The aims of the policy are to:

- Demonstrate the Trust's and its academies commitment to equality.
- Draw attention to the breadth of the responsibility.
- Provide access to key definitions.
- Outline how the duties shall be met.
- Outline the monitoring that exists.
- Inform all members of the Trust and its academies about their rights and responsibilities.
- Promote a welcoming, safe, and non-threatening working environment.

3 Scope

3.1 This policy applies to the following:

- All students/pupils
- All employees, governors, and trustees
- All volunteers
- All trainees
- All contractors and service providers working for and in the Trust and its Academies
- All visitors

3.2 This policy reflects current legislation, including:

- Equality Act 2010
- Public Sector Equality Duty (PSED)
- Equality Act 2010 (Specific Duties) Regulations 2011
- Worker Protection (Amendment of Equality Act 2010) Act 2023 (duty to prevent sexual harassment)

3.3 The Act, and therefore our policy, protects people from discrimination based on 'protected characteristics,' definitions of which can be found in Appendix 1. These are the following distinguishing qualities of individuals:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation.

For further information about EDI legislation and the Equality Act 2010, please refer to the Equality and Human Rights Commission website:
https://www.equalityhumanrights.com/en

3.4 The Act, and therefore our policy, defines 'prohibited conduct.' Definitions of these can be found in Appendix 2. These are the following prohibited types of behaviour:

- Direct discrimination including discrimination by perception or by association
- Indirect discrimination
- Harassment (including Sexual Harassment)
- Victimisation

3.5 The Act also makes provision for positive action. Details are in Appendix 3

3.6 The Trust Bullying and Harassment Policy outlines examples of the kinds of acts which might occur in incidents of harassment, including sexual harassment.

4 The Equality Duty

4.1 The Equality Duty consists of general duties in the Act and specific duties which will be imposed through regulation via the Equality Act 2010 (Specific Duties) Regulations 2011.

Further guidance on the Public Sector Equality Duty can be found here:
https://betacdn.equalityhumanrights.com/equality/equality-act-2010

https://betacdn.equalityhumanrights.com/guidance/public-sector-equality-duty

4.2 The general duty on the Trust and its academies under PSED is that we must have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment, and victimisation.
- advance equality of opportunity between different groups.
- and foster good relations between different groups.

4.3 Specific duties for the Trust and its academies as public bodies are that we are required to:

- prepare and publish one or more equality objectives.
- publish information which demonstrates compliance with the general duty.

5 Roles and Responsibilities

The following responsibilities are held:

5.1 The Trust Board provides strategic oversight for EDI compliance across the Trust and its academies.

The Board ensures that all EDI duties are met and that there is a commitment to EDI embedded across the Trust. The Trust Board approves the Trust's equality objectives and holds Trust and academy leaders to account, to ensure that no individual is discriminated against whilst a member of the Trust community.

5.2 The Trust Board designates the Chief Executive as having overall responsibility for equality, diversity and inclusion issues and he/she is supported by the Trustees in the oversight of the implementation of this policy. The Chief Executive will produce a high-level Equality Annual Report for the Trustees.

5.3 The Chief Executive and the academy Local Governing Body designate the Principal/Headteacher of a Trust academy as having overall responsibility for equality issues within their academy.

The Principal/Headteacher gives a high-profile lead on equality issues, promotes the Trust Equality, Diversity, and Inclusion Policy, and ensures it is implemented and reported on.

Academy Local Governing Bodies work with the Principal/Headteacher in the promotion and monitoring of the Trust Equality, Diversity, and Inclusion policy.

5.4 The implementation of this policy will be monitored and evaluated by the Senior Leadership Team in each of the academies of the Trust.

5.5 An Equality Annual Report is produced in the academy of the Trust and reported to the academy Local Governing Body. This informs the high-level report produced for the Trustees by the Chief Executive.

5.6 All managers and Senior Leaders in academies of the Trust are responsible for ensuring that they, and their staff, are familiar with the Trust Equality, Diversity and Inclusion Policy and that review, and monitoring of their work takes full regard of our duties.

5.7 Equality, diversity, and inclusion form an integral part of the annual review and self-assessment cycle and reports for both individual academies and the Trust.

5.8 It is the responsibility of all staff and students in Trust academies to uphold the policy and to participate in training/awareness raising as required.

5.9 All Trust staff will ensure that all students are treated fairly, equally and with respect, and will maintain awareness of the Trust Equality, Diversity and Inclusion Policy and equality objectives. They will strive to provide material that gives positive images based on race, gender and disability, and challenges stereotyping.

All staff will challenge any incidents of prejudice, sexism, racism, homophobia, transphobia, classism, and/or ageism and record any serious incidents, drawing them to the attention of the academy Principal/Headteacher or Chief Executive as appropriate.

5.10 All pupils/students at Trust academies are expected to always demonstrate tolerance and respect for others, contribute positively to the inclusive environment at their academy and adhere to the expectations detailed in the appropriate academy's behaviour and conduct policy.

6 Meeting our General Duties - Putting the Equality Duty into practice.

As well as the duties, roles and responsibilities set out in sections 4 and 5 of this policy, academies of the Trust deliver equality in their day-to-day practice and provision.

i. Teaching and learning

Academies of the Trust aim to provide all of our students with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, they use:

- Use data to improve the ways in which they provide support to individuals and groups of students.
- Monitor attainment and achievement data by ethnicity, gender, disability and other socio-economic factors, and action any gaps.
- Take account of the attainment and achievement of all students when planning for future learning and setting challenging targets.
- Ensure that curriculum choice and design is inclusive and promotes equality, diversity and inclusion.
- Ensure equality of access for all students and prepare them for life in a diverse society.
- Use materials that reflect the diversity of the academy, population, and local community in terms of ethnicity, gender, and disability, without stereotyping.
- Promote attitudes and values that will challenge racist, sexist, homophobic, transphobic, and other discriminatory behaviour, or prejudice.
- Provide opportunities for students to appreciate their own culture and celebrate the diversity of other cultures.
- Seek to involve all parents/carers in supporting their child's education.
- Encouraging discussion of equality issues which reflect on social stereotypes, expectations, and their impact on learning.
- Including teaching and classroom-based approaches appropriate for the whole academy population, which are inclusive and reflective of our students' background and needs.

ii. Admissions and exclusions

Admissions arrangements for academies of the Trust are fair and transparent and do not discriminate on grounds of ethnicity, gender, disability, or other socio-economic factors. These can be found on the websites of individual academies of the Trust and are available on request.

Exclusions will always be based on the Exclusions Policy of the academy. The Trust and its academies will closely monitor exclusions to avoid any potential adverse impact and ensure any discrepancies are identified and dealt with.

iii. Recruitment and Selection

The Trust is fully committed to advancing equality of opportunity and fostering good relations between different groups for the benefit of all people who work and study at its academies and recognises and adheres to the legislative requirements.

The Trust will ensure that its statutory obligations with regard to equal treatment as established in the Equality Act (2010) and other relevant statutes, as well as the equality policies of individual Trust academies are adhered to.

The Trust and its academies are committed to applying their equality policies at all stages of recruitment and selection. Shortlisting, interviewing and selection will always be carried out without regard to age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or trade union membership. Any candidate with a disability will not be excluded unless it is clear that the candidate is unable to perform a duty that is intrinsic to the role, having considered reasonable adjustments. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of his/her disability.

Interview panels for recruitment will ensure that the questions that they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview will focus on the needs of the job and skills needed to perform it effectively.

The Trust and its academies will monitor each vacancy and the documentation relevant to it in accordance with its procedure.

All applicants are requested to complete an Equal Opportunities Monitoring form, which is removed by the HR section and is not part of the selection process. Statistical information on the main stages of the recruitment exercise (application and appointment) will be collated to inform the academy and the Trust Executive of performance against the Equality, Diversity, and Inclusion policy.

Further detail can be found in the Trust Recruitment and Selection policy and the recruitment and selection policies of individual academies of the Trust.

iv. Safeguarding and Inclusion

Equality, diversity and inclusion is integral to safeguarding. The Trust will identify and responds to all risks linked to discrimination and ensure that Trust academies are safe environments free from harassment or discrimination.

7 Meeting our Specific Duties

The Equality Act (2010) gives the Trust specific duties to do two things. These are outlined below:

7.1 'To prepare and publish at least one equality objective.'

In order to meet this duty, the Trust will establish priorities via self-assessment processes and will ensure that at least one equality objective is contained within the Trust's Strategic aims, which are available via the Trust website.

To ensure that actions are planned and monitored, and outcomes reviewed, this objective will also form part of the Strategic Plan of each academy of the Trust.

There is also a separate Equality Improvement Plan produced by the Trust.

7.2 "To publish information which demonstrates compliance with the general duty."

Detail from the Trust Equality Annual Report mentioned earlier in the policy will be made available on the Trust's website.

Detail from the academy Equality Annual Report to Local Governing Bodies mentioned earlier in the policy will be made available on the academy's website.

In addition, details from the academy's self-assessment will be made available via the academy website.

8 Data, Monitoring and Accountability

8.1 Data Monitoring

The Trust will monitor, analyse and act on data including:

- Student attainment, progress and exclusions.
- Attendance and engagement.
- Staff recruitment, absence, retention and progression.
- Incidents of discrimination and harassment.

8.2 Reporting

- An annual equality will be produced at both academy and Trust Level.
- An annual report on progress with Trust equality objectives will be produced for the Trust Curriculum and Quality committee.
- There will be regular reporting to Local Governing Bodies and the Trust Board.

- Data for EDI will be used to inform improvement planning.

8.3 Equality Objectives

Equality objectives will:

- Be measurable and outcome focused.
- Address identified inequalities.
- Be reviewed every four years for impact.

9 Training and Awareness

The Trust will ensure:

- Mandatory EDI training for staff.
- Specific training on safeguarding, Prevent and harassment (incl. sexual harassment).
- Ongoing awareness through CPD and academy/Trust communications.

10 Monitor and review

10.1 The Trust Equality, Diversity and Inclusion Policy is monitored by the Chief Executive and reported annually to the Trust Board in the Equality Annual Report. This monitoring will consider staff and student data from the Trust and its academies with the aim of actively reducing any identified gaps or limitations in provision.

10.2 In addition to the monitoring above and in previous sections, the policy itself will be reviewed annually by the Director of Operations on behalf of the Chief Executive.

11 Complaints and Breaches of the policy

11.1 The Trust Complaints policy and those of individual academies of the Trust exist for the use by and protection of all members of the Trust community and are an appropriate way of raising and dealing with complaints relating to any breach of this policy.

11.2 Breaches of this policy, including direct and indirect acts of discrimination, harassment, victimisation, bullying and abuse will be treated as serious disciplinary offence. They will be taken seriously, investigated promptly and fairly and managed in line with the appropriate Trust policy and procedure.

11.3 For staff, the Trust's disciplinary; grievance; and anti-bullying and harassment procedures will apply.

11.4 For students, the student disciplinary procedures of individual academies of the Trust will apply.

11.5 The Trust and its academies will make sure that all HoM staff and students know the procedures for dealing with incidents relating to discrimination.

11.6 In addition, the Trust and its academies will not work with contractors or service providers who fail to comply with the Trust Equality, Diversity, and Inclusion Policy.

11.7 The Trust and its academies will seek to create a positive and open culture that challenges inappropriate behaviour.

11.8 The Trust and its academies will investigate claims of discrimination or harassment promptly in order to take appropriate action.

11.9 The Trust and its academies will provide a supportive environment for those who make claims of discrimination or harassment.

12 Equality Impact

The Trust's responsibilities towards promoting equality, diversity and inclusion have been considered when drafting this policy.

Appendix 1: Protected characteristics - definitions

Age
Where this is referred to, it refers to a person belonging to a particular age (e.g., 32-year-olds) or range of ages (e.g., 18 - 30-year-olds).

Disability
A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment
The process of transitioning from one gender to another.

Marriage and civil partnership
Marriage is defined as a 'union between two people'. This can be between a same sex couple or between a woman and a man. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity
Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race
Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief
Religion has the meaning usually given to it, but belief includes; religious and philosophical beliefs, including lack of belief (e.g., Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex
A man or a woman.

Sexual orientation
Whether a person's sexual attraction is towards their own sex, a different sex or to both sexes.

Appendix 2 - Prohibited conduct - definitions

Direct discrimination

Less favourable treatment of a person compared with another person because of a protected characteristic:

- **By association**

  Where a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does e.g., the parent of a disabled child.

- **By perception**

  Under the Act, the belief that someone has a protected characteristic, whether or not they do have it.

Indirect discrimination

The use of an apparently neutral provision, criterion or practice which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the provision, criterion or practice cannot be objectively justified.

Harassment

Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating, or offensive environment.

Victimisation

Subjecting a person to a detriment because they have carried out a protected act or there is a belief that they have carried out a protected act i.e. bringing proceedings under the Act; giving evidence or information in connection with proceedings under the Act; doing any other thing for the purposes or in connection with the Act; making an allegation that a person has contravened the Act.

Appendix 3: Positive action – circumstances

Positive action

Refers to a range of lawful actions that seek to overcome or minimise disadvantages (e.g., in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

In employment (taken from SFCA Employer's bulleting 02/11)

Positive Action provision makes it lawful for employers on a case-by-case basis to select a candidate from a disadvantaged or under- represented group, where two candidates are both "as qualified" for the relevant role.

Positive action can be used as a tie breaker between candidates of equal merit. (Government Equalities office).

In education

Students with protected characteristics may be disadvantaged for social or economic reasons or for reasons to do with past or present discrimination. The Act contains provisions which enable the Trust and its academies to take action to tackle the particular disadvantage, diverse needs, or disproportionately low participation of a particular student group, provided certain conditions are met.

These are known as the positive action provisions and allow (but do not require) the Trust and its academies to take proportionate action to address the disadvantage faced by particular groups of students. Such action could include targeted provision, resources or putting in place additional or bespoke provision to benefit a particular disadvantaged student group.

Positive action is intended to be a measure that will allow institutions to provide additional benefits to some students to address disadvantage and is different from positive discrimination. Positive discrimination would be providing preferential treatment for a particular disadvantaged student group that exceeded the positive action conditions.

It is never unlawful to treat disabled students (or applicants) more favourably than non-disabled students (or applicants) in pursuit of equality of opportunity, access, and inclusion.

Making reasonable adjustments

In most circumstances, service providers must make reasonable adjustments to remove any barriers – physical or otherwise – that could make it difficult or impossible for disabled customers to use their services.

In employment (taken from Direct.Gov) the employer has a duty to make reasonable adjustments for disabled applicants and employee. Adjustments should be made to avoid a disabled member of staff being put at a disadvantage compared to a non-disabled member of staff. Reasonable adjustments can apply to the working arrangements or any physical aspect of the workplace or necessary equipment.

Duty to make reasonable adjustments.

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria, or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features and (iii) providing auxiliary aids.

Definitions taken from the Equality and Human Rights Commission unless in italics and other source stated.