



Tenacitas
Trust

Equality Policy

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1.0 Policy Statement

1.1 The Equality Act 2010

The Equality Act 2010 provides a modern, single legal framework with three broad duties:

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

The Trust fully understands the importance of the Act and the work needed to ensure that those with 'protected characteristics' are not discriminated against and are given equality of opportunity.

A protected characteristic under the Act covers the following groups:

- Age.
- Disability.
- Race.
- Sex (including issues of transgender).
- Gender reassignment.
- Maternity and pregnancy.
- Religion and belief.
- Sexual orientation.
- Marriage and civil partnership (for employees).

2.1 Public Sector Equality Duty

The Act requires all public organisations, including schools, to comply with the Public Sector Equality Duty which has two specific duties:

- Publish information to show compliance with the Equality Duty.
- Publish equality objectives at least every 4 years which are specific and measurable.

2.0 Principles

The Trust's approach to equality is based on the following principles:

1. All pupils are of equal value.
2. All pupils are expected to achieve their potential.
3. Barriers to learning are addressed proactively and robustly.

4. Diversity is recognised, respected and valued.
5. Positive attitudes, relationships and mutual respect are actively promoted.
6. Full and active participation in school life is actively encouraged.
7. Effective equalities practice is evident in the Trust's policies and procedures.

3.0 Policies and Information

The Trust has a range of policies which draws together a range of previous equality legislation and details how the Trust is fulfilling the requirements of the Equality Act 2010.

The main policies accessed via the Trust's website include:

- Equality Policy.
- Recruitment Policy.
- Probation Policy.
- Code of Conduct Policy.
- Grievance Policy.
- Complaints Policy.
- Leave of Absence Policy
- Sickness-Absence Policy.
- Performance Management Policy.
- Disciplinary Misconduct Policy.
- Whistleblowing Policy.

Additional information can be accessed via constituent academies' websites which include:

- Quality objectives.
- Equality data.
- Accessibility Plan.
- Admissions Policy.
- SEND Policy.
- Curriculum Policy
- Behaviour and Discipline Policy.

4.0 Supporting Organisations and Documentation

4.1 Equality and Human Rights Commission

The Equality and Human Rights Commission is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights. It provides guidance for employers and education providers.

<https://www.equalityhumanrights.com/en/advice-and-guidance>

<https://www.equalityhumanrights.com/en/publication-download/good-equality-practice-employers-equality-policies-equality-training-and>

4.2 Department for Education Non-statutory Advice

Non-statutory guidance is available from the Department for Education relating to the Equality Act in the following publication:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf

4.3 Other Organisations Offering Support and Information

ACAS provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems, include detailed guidance on Equality and Diversity at Work
<http://www.acas.org.uk/index.aspx?articleid=1363>

Age - <http://www.ageuk.org.uk/>

Gender - <http://www.fawcettsociety.org.uk/>

Sexual orientation and gender identity - <http://www.stonewall.org.uk>

4.4 Disability

For more information on disability consult the following websites:

- Essex Coalition for Disabled People www.ecdp.org.uk
- ECL Sensory Team www.eclsensoryservice.org
- Essex Sight www.esexsight.org.uk
- Support4sight www.support4sight.org.uk
- Deafblind UK www.deafblind.org.uk
- Hearing Help Essex www.hearinghelpessex.org.uk
- Disability Rights UK www.disabilityrightsuk.uk

- Scope www.scope.org.uk
- MIND www.mind.org.uk

Appendix A – Definitions

Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic.

Direct discrimination could involve a decision not to employ someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions or deny contractual benefits because of a protected characteristic.

Discrimination by Perception

Discrimination by Perception is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic. Discrimination by perception does not apply, in law to marriage and civil partnership or pregnancy and maternity.

Discrimination by Association

Discrimination by Association is discrimination against a person because they have an association with someone with a particular protected characteristic. Discrimination by Association applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex.

Indirect Discrimination

Indirect discrimination is where a provision, criteria, policy or practice in a school is applied to everyone but particularly disadvantages people who share a protected characteristic compared with people who do not. Indirect discrimination can be justified if the school can show it acted reasonably, for example that it is a 'proportionate means of achieving a legitimate aim'.

Indirect discrimination applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability discrimination and gender reassignment. Pregnancy and maternity are covered by indirect sex discrimination.

Positive Action

Positive action describes measures targeted at a particular group that are intended to redress past discrimination or to offset the disadvantages arising from existing attitudes, behaviours and structures. The Trust may use lawful measures which can include:

- Encouraging applications from people of particular racial groups or gender, who have been under-represented in certain occupations or grades during the previous 12 months.

- Providing facilities to meet any specific educational, training, or welfare needs identified for a specific racial group.
- Measures to provide training and special encouragement for returnees to the school after a period of time discharging domestic or family responsibilities.

Positive action is different from positive discrimination which is illegal. Positive discrimination generally means choosing (or not choosing) someone solely on the grounds of a protected characteristic (e.g. gender or racial group) and not on their abilities.

Genuine Occupational Requirements

Employers can exercise the powers available under the Act to appoint a person from a particular group, where there is a genuine occupational requirement.

Harassment

Harassment can be defined as “improper, offensive and humiliating behaviour, practices or conduct, which may threaten a person’s job security, create an intimidating, unwelcoming and stressful workplace, or cause personal offence or injury.” (ACAS).

This includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment can often be identified by a series of what seem to be trivial incidents. It is the impression of the harassed person, not the intentions or motivations of the harasser, which are important.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Victimisation

Victimisation is where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she is suspected of, or has:

- Made, or supported, a complaint of discrimination.
- Raised a grievance.
- Brought proceedings under the Act or
- Done any other thing for the purposes of, or in connection with, the Act.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Unconscious Bias

Unconscious bias occurs when people favour others who look like them and/ or share their values and we should be aware that everyone has an unconscious bias.

Where unconscious bias is against a protected characteristic, it can be unlawfully discriminatory. The Trust therefore aims to challenge stereotyping and prejudice openly and to mitigate this through considering issues fully and justifying decisions based on evidence.