



## Equal Opportunities Policy

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### 1 Introduction

- 1.1. 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.
- 1.2. The Trust is committed to providing an environment where all individuals, including potential employees and potential students, are equally valued and respected, irrespective of age, disability, gender reassignment, marital or civil partnership status, pregnancy or

maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation, and in which all individuals may develop to their full potential.

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

## **2 Legal framework**

2.1 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.

2.2 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.

2.3 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.

2.3 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.

2.4 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.

2.5 The 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. 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. (150+ employees - As part of our duty we publish on our website, information relating to any persons who share a relevant protected characteristic who are affected by our policies and practices; 250+ employees - We will also publish gender pay gap reporting in line with the regulations.)

### 3 The Equality Act 2010 & Trans Pupils and Students in The Robert Carre Trust

- 3.1 There is no hierarchy to the characteristics included in the Equality Act 2010, and it is expected that education settings in The Robert Carre Trust work to safeguard all groups of students and balance varying needs.
- 3.2 Children and young people who have socially transitioned and judged to be undergoing or have undergone a process of gender reassignment as described under the Equality Act and clarified by Department for Education Advice on the Equality Act, may choose to access facilities and provision in line with their gender identity (See Annexe 1 for more information).
- 3.3 The law is still developing with regard to recognition of non-binary people (Jaguar Case September 2020). It is vital to have a supportive approach to non-binary pupils and students with the understanding that schools have a duty to safeguard and prevent and respond to all forms of bullying. The Department for Education Advice on the Equality Act 2010 provides this further clarification in relation to discrimination based on perception and on association:-

*protection against discrimination because of gender reassignment now matches the protection because of sexual orientation in schools. That is protection from direct and indirect discrimination and victimisation, which includes discrimination based on perception and on association. Schools need to make sure that all gender variant pupils, or the children of transgender parents, are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of such pupils.*

### 4 Unlawful behaviour

- 4.1 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.

## **5 General statement of policy**

5.1 The Robert Carre 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.

## **6 Application of the policy**

6.1 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.

6.2 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.

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

## **7 Principles**

7.1 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.

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

## **8 What equal opportunities means in the Robert Carre Trust:**

8.1 **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.

8.2 **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.

### **8.3 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.

## **9 Equal opportunity**

- 9.1 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.***

## **10 Gender Equality**

- 10.1 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;

e.g., letters concerning students in the sixth form from schools in the Trust should refer to "son/daughter" rather than "son" alone and, when addressed to individuals, will respect any known preference for pronoun use.

- 10.2 The mode of address should be same for both male and female students i.e., first names and/or last names.

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

- 10.4 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.

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

- 10.6 School visits and activities cannot be sanctioned unless they are equally available to students that could participate.
- 10.7 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.
- 10.8 Students will be expected to treat all members of staff with equal respect regardless of their gender.

## 11 Application of Equal Opportunity to the Learning Environment

- 11.1 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.

## 12 Discrimination

The provisions that apply in the case of disability or protected characteristics are set out here:

**Direct Discrimination:** The Trust must not treat a person less favourably simply because that person has protected characteristics or 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 people or those with protected characteristics 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 person 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.

## 13 Harassment and Bullying

- 13.1 It is the duty of all schools in the Trust to challenge all types of discriminatory behaviour e.g., 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 Policies, Anti-Bullying Policy and the Staff Code of Conduct)

## **14 Disability Equality**

- 14.1** 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.

**14.2** 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.

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

### **14.4 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.

### **14.5 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.

### **14.6 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 an ethnic minority 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 any school in the Trust has to treat male, female, ethnic minority, 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.

## **15 Reasonable adjustments and when they have to be made**

**15.1** 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 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.

## **16 The Trust's Duties around Accessibility for Disabled Students**

16.1 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.

16.2 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.

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

## **17 Furtherance of this policy**

17.1 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.

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

17.3 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.

### **Appendices:**

Appendix 1 Managing specific issues for trans, non-binary and gender exploring children and young people

Appendix 2 Equal Opportunities for Employees of the Robert Carre Trust

**Adopted at the meeting of the Board on 19 May 2022**

**Next review: May 2022 (annually)**



## **Appendix 1 Managing specific issues for trans, non-binary and gender exploring children and young people**

### **Access and safety for all**

The Equality Act promotes access to facilities, the curriculum and extra-curricular opportunities to all children and young people. Education settings should ensure that the welfare of trans pupils is included in exactly the same way.

Education settings will come across children and young people who are at various stages of exploring their identities or transitioning. This includes but isn't limited to those who are just coming out as trans, those who have come out as non-binary, those who have socially transitioned either partly or fully and those who are exploring their gender identity with no fixed pathway. Therefore, the information which follows will be relevant to some children and young people and not others. Education settings should consider the guidance below and apply on an individual, case by case basis and seek advice if needed.

As part of ongoing work to ensure safe learning environments The Robert Carre Trust gives a range of activities that ensure respectful behaviour by all pupils and students in all areas of the school building, including toilets and changing rooms. Any child or young person acting inappropriately in toilets or changing rooms should be challenged or sanctioned in line with the school's behaviour policy.

### **Toilets**

Reg 4(2) of the School Premises (England) Regulations 2012 provides that 'Separate toilet facilities for boys and girls aged 8 years or over must be provided except where the toilet facility is provided in a room that can be secured from the inside and that is intended for use by one pupil at a time'

The use of toilet facilities by trans children and young people should be assessed on a case-by-case basis in discussion with the individual child or young person. The recommendation is that schools should consider the fact that for some trans children accessing the toilet which corresponds to their gender identity can be extremely important. There are health risks such as urinary infections for children unable to access toilets during the school day.

Anecdotal feedback from trans children and young people is that many will opt for a gender-neutral toilet for fear of bullying or harassment rather than a large multi occupancy single sex facility. Single sex toilets can also cause issues for children and young people who do not identify with the gender binary of boy or girl.

Ideally, where funding and space allows; educational settings should provide pupils and students with access to a mixture of toilets including-

- single sex toilets
- blocks of floor to ceiling cubicle toilets that can be used by all, with bins for menstrual products in each cubicle ('toilets for everyone')
- accessible toilets.

### **Changing rooms**

Regulation 4 (4) of the School Premises (England) Regulations 2012 provides that "Suitable changing accommodation and showers must be provided for pupils aged 11 years or over at the start of the school year who receive physical education". The Equality and Human Rights Commission states:

A school fails to provide appropriate changing facilities for a transsexual pupil and insists that the pupil uses the boys' changing room even though she is now living as a girl. This could be indirect gender reassignment discrimination unless it can be objectively justified. A suitable alternative might be to allow the pupil to use private changing facilities, such as the staff changing room or another suitable space.

The use of changing rooms by trans children and young people should be assessed on a case-by-case basis in discussion with the individual child or young person. The goal should be to maximise social integration and promote an equal opportunity to participate in physical education classes and sports, ensuring safety and comfort.

In making an assessment, schools should consider the fact that for trans children accessing the changing room which corresponds to their gender identity can be extremely important. We would therefore encourage schools to enable this wherever possible.

Any pupil or student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area or with a separate time to change. Any alternative arrangement should be provided in a way that protects the child or young person's ability to keep their trans status confidential.

### **PE and sports**

All children and young people have the right to take part in sports and physical education in education settings. Trans children and young people (who fit the gender reassignment protected characteristic under Equality Act and have taken 'steps to live in the opposite gender') should be able to take part in lessons or teams in accordance with their gender identity as appropriate to their age, stage of development and guidance from sporting bodies.

Schools and educational settings should avoid stereotyping sports as being for one sex or the other. PE teachers, as part of their usual practice, should take account of the range of size, build and ability of individuals in the class and differentiate accordingly to keep all pupils and students safe. Some activities may be segregated for example providing opportunities for girls to develop their football skills.

At secondary level lessons are more often segregated by sex. The issue of physical risk within certain sports should be managed properly within the lesson context rather than by preventing young trans people from participating, which would be discriminatory. The exception to this is where their exclusion is "a proportionate means to achieve a legitimate aim". It is unlikely that pre-puberty there would be any issues with a trans child competing and representing the school. In the case of competitive secondary school sports, schools may need to seek advice from the relevant sporting body.

The handling of changing facilities at an 'away game' would also have to be sensitively managed. Staff should ensure there is appropriate provision available.

In relation to activities such as swimming, the trans child or young person may want to wear swimwear that differs from their peers.

### **Residential trips**

The Robert Carre Trust recommends that as far as possible trans children and young people should be supported to be able to stay in residential accommodation appropriate to their gender identity. However, discussion should be had with the trans child or young person, and their parents prior to residential trips to firstly identify what the trans child or young person wants and needs, and how this can be accommodated in discussion with appropriate others including relevant friendship groups in a way in which confidentiality is protected. Risk assessments can be carried out prior to residential trips in order to make reasonable adjustments which would enable the participation of trans children and young people.

Some trans pupils and students may choose to use different kinds of undergarments to support them in feeling comfortable in their gender identity. Therefore, privacy on residential and in changing rooms will be of key importance to them. Trans young people should be encouraged to avoid constricting bandages or inflexible tape that may be injurious to their health, and to access specialist advice from responsible sources that understand their needs. If there are concerns that the young person is engaging in a practice which is causing injury this may need to be escalated with empathy and understanding. Prior to residential, educational settings will want to make clear their expectations to all children and young people about how they support and treat each other. When planning overseas trips, schools should consider and investigate the laws regarding trans communities in countries considered for school visits. The International Lesbian and Gay Association (ILGA) have information on their website about countries where trans individuals may be at risk. In addition, legal documentation such as the child or young person's passport may not have been changed to the name and/or gender they are using. This will need to be handled sensitively by the leaders of the trip. Further guidance can be found here: <https://oeapng.info/downloads/good-practice/> (4.4L Transgender young people & visits) and on pages 32-33 of Supporting transgender young people: Guidance for Schools in Scotland.

### **Uniform and dress**

Trans and non-binary children and young people must be able to dress in a manner consistent with their gender identity. Beginning to dress in the clothes associated with one's gender identity can be a big step and potentially daunting. Care must be taken to ensure that trans children and young people are supported fully during this time as it may be a very visual representation of the transition process.

### **Name and pronoun changes**

Some trans children and young people may wish to change the name they are known by and their pronoun (e.g., he, she, they). Often this will be supported by and in communication with parents and carers, if this is not the case, the school will need to offer additional support and if necessary, seek further advice.

Respecting a child or young person's request to change name and pronoun is a pivotal part of supporting and validating their identity as evidenced in research. Some people who consider their gender identity as not fitting into a binary (boy/girl or man/woman) and may use gender neutral pronouns (for example, 'they' or 'zie').

The use of pronouns and gender identifiers are important to children and young people. It is important to consistently use correct pronouns and names to protect a child or young person's confidentiality and to not 'out' them in ways that may be unsafe and exposing. If a mistake is made with a name or pronoun then this can be apologised for.

Where staff become aware that an adult or child is deliberately calling someone by their name registered at birth, after they have changed their name, or misgendering them (using the wrong pronoun or referring to them as their previous name) then appropriate challenge and if necessary action should be made with reference to the settings equality and anti-bullying policies.

Staff will need to work with the trans child or young person, to agree how to communicate any changes to names and pronouns to their wider staff team.

### **School Data Recording; name and gender**

If a trans pupil or student wishes to have their personal data recognised on school systems, this should be supported and will feed on to letters home, reports, bus pass information etc.

### **Last name**

The pupil's full legal surname should be recorded, as the school believes it to be. Schools are **not** expected to have verified this from a birth certificate or other legal document.

### **Forename and deed poll**

The law is clear that a child over the age of 16 has the right to change their legal name by deed poll without the consent of those with parental responsibility (PR). For a child or young person under 16 consent from all those with parental responsibility is required to legally change the name. Where there is an absent parent or lack of parental support this will hinder the process.

If the pupil does not legally change their name schools can still support their wishes to be known by a different name if it is considered in their best interests to do so. The Department for Education guidance is that a formal name change is not required, for the school to refer to the young person by a new forename and pronoun. The new name should be recorded as the pupil's 'preferred name'. The same goes for the use of a preferred pronoun. However, the register should still show the pupil's original, legal name.

Although some young people may feel that they want to change their name by deed poll, others may not feel that this is a step that they are ready or able to take. This will mean that although they may have established themselves within the school under a chosen name, they will have to use their birth name when filling in exam documentation.

This could potentially be a source of distress for that individual and care should be taken by staff to support the young person so that it does not invalidate their identity. Staff should remain sensitive and supportive during such times. There may be sensitivities for looked after children in relation to making name changes.

### **Confidentiality and information sharing**

All people, including children and young people, have a right to privacy, although that right is not absolute. Information about a pupil's transgender status, legal name, or sex registered at birth may also constitute confidential information.

## **Appendix 2 Equal Opportunities for Employees of the Robert Carre Trust**

### **1 Introduction**

- 1.1 The Robert Carre 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.
- 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, marital or civil partner status, pregnancy or maternity, 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 Equality Act 2010. Under the general public sector equality duty of the Equality Act 2010, our Trust must have due regard to the need 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 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 and gender reassignment. 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. As part of our duty we publish on our website, information relating to any persons who share a relevant protected characteristic who are affected by our policies and practices. We will also publish gender pay gap reporting in line with the regulations.

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.

- 1.6 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 members, trustees, governors, senior leaders, 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 appendix focuses on employment and does not cover the provision of services to our students (see main policy).

2.3 The purpose of this appendix 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 The Trust has overall responsibility for the effective operation of this appendix and for ensuring compliance with equality legislation. Day-to-day operational responsibility for this policy has been delegated to the Executive Headteacher.

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 Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the Executive Headteacher

### **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. For example, rejecting a job applicant because of their religious views or because they might be gay. 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. For

example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. 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 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 Privacy Notice 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 and Selection Policy.
- 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.
- 5.5 Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to;

- establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).<sup>i</sup>
- establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.
- 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>ii</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. 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 the Executive Headteacher's PA.
- 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 Data Protection Policy. 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.

## **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 GDPR 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 Disability discrimination**

- 8.1 Disability discrimination includes direct or indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate the effects caused by a disability.
- 8.2 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.
- 8.3 If you experience difficulties at work because of your disability, you may wish to contact your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager or Senior Leaders may wish to consult with you and your medical adviser(s) 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.
- 8.4 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 Policy. If you are uncertain which policy applies or need advice on how to proceed you should speak to your line manager or a member of the Senior Leadership.
- 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.

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

<sup>ii</sup> Paragraph 154 of Keeping Children Safe in Education 2020