



EQUALITY POLICY

**FOR STUDENTS, PARENTS, VISITORS AND OTHERS
COMING INTO CONTACT WITH THE ACADEMY**

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PART 1 – The Law

THE EQUALITY ACT 2010

The Equality Act 2010 replaced nine major Acts of parliament and almost one hundred sets of regulations which had been introduced over several decades. It provides a single, consolidated source of equality law, covering all types of discrimination, harassment and victimisation that are unlawful. It simplified the law by getting rid of anomalies and inconsistencies that had developed over time, and extended protection against discrimination in several areas.

The “Protected Characteristics”

The Equality Act 2010 makes it is unlawful for the “responsible body” of an academy to discriminate against (either directly or indirectly) an individual or group of individuals by treating them less favourably because they (or somebody they associate with) have one or more of the following characteristics:

- Sex
- Race
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Disability.

The Equality Act 2010 also makes it unlawful for the “responsible body” of an academy to discriminate against (either directly or indirectly) an individual or group of individuals who are not the academy’s students by treating them less favourably because they (or somebody they associate with) have one or more of the above characteristic or the following characteristics:

- Age; and
- Marriage and civil partnership.

Specifically, the “responsible body” of an academy must not discriminate against a student or group of students because they have a protected characteristic (with the exception of age or marriage and civil partnerships):

- In the arrangements it makes for deciding who is offered admission as a student;
- As to the terms on which it offers to admit a prospective student;
- By not admitting a prospective student;
- In the way it provides education for a student (but not in relation to the contents of the curriculum);
- In the way it affords a student access to a benefit, facility or service;
- By not providing an education for a student;
- By excluding a student;

- By subjecting a student to any other detriment (including the imposition of sanctions).

The Equality Act 2010 also makes it unlawful for the “responsible body” of an academy to harass or victimise an individual or group of individuals because of some of the protected characteristics, or because of something done in reliance on the Equality Act 2010, as outlined in further detail below.

The “**responsible body**” in an academy is its proprietor, namely the KCSP Board of Directors. In practice, all persons acting on behalf of the Trust Board (including employees of the academy) are personally responsible for ensuring that their actions or omissions are not discriminatory, and the Trust Board will also be responsible for the actions of the academy’s employees if it cannot show that it has taken all reasonable steps to prevent the discriminatory actions or omissions being undertaken on their behalf.

The Equality Act 2010 covers discriminatory acts or admissions by the academy against prospective students, current students and (in some circumstances) former students, as well as against parents (including non-parents with parental responsibility or care of a student), visitors and other people coming into contact with the academy.

The Equality Act 2010 does not cover discriminatory acts by one student against another student, such as racist bullying (such behaviour by a student will, in any event, be a breach of the academy’s Behaviour Policy and be sanctioned accordingly). However, if the academy is aware of a discriminatory act by one student against another and does nothing to prevent it, or treats the act less seriously than it would for other acts, this may in itself be a discriminatory act by the academy.

DISCRIMINATION

The Equality Act 2010 defines two types of discrimination; direct and indirect:

Direct Discrimination

Direct discrimination occurs where an individual or group of individuals are treated less favourably than others because they or somebody they associate with have (or it is mistakenly thought that they have) a protected characteristic.

Indirect Discrimination

Indirect discrimination occurs when a policy, criterion or practice is applied generally to all, which has the indirect effect of discriminating against an individual or group of individuals by putting them at a disadvantage, unless there is a legitimate reason for the policy, criteria or practice and there is no other way to achieve it.

Discrimination Arising from Disability

There are special provisions in the Equality Act 2010 relating to disability discrimination and, in particular, a third type of discrimination called discrimination arising from a disability, as well as failing to make reasonable adjustments for an individual with a disability. The definition of what constitutes disability discrimination is more complex than that for the

other protected characteristics, and is set out in further detail under the section relating to disability equality below.

HARASSMENT

The Equality Act 2010 makes it unlawful to harass an individual or group of individuals in relation to certain protected characteristics. Harassment is defined as an unwanted act, related to a relevant protected characteristic, which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment only applies in relation to the following protected characteristics:

- Sex;
- Race;
- Religion or belief (in relation to those who are not students);
- Sexual orientation (in relation to those who are not students);
- Pregnancy or maternity;
- Disability; and
- Age (in relation to those who are not students).

Harassment does not apply to the otherwise protected characteristics of religion or belief, sexual orientation or gender reassignment in relation to students, however any discriminatory acts because of these characteristics are likely to be direct discrimination in any event.

VICTIMISATION

The Equality Act 2010 makes it unlawful to victimise an individual or a group of individuals in certain circumstances. Victimisation is defined as occurring when an individual or group of individuals are treated less favourably as a result of anything they have done in reliance upon the Equality Act 2010, for example by previously making an allegation of discrimination or harassment, even if it was not upheld.

Victimisation will also occur when an individual is treated less favourably as a result of anything their parent, sibling or other person has done in reliance upon the Equality Act 2010, for example where their older sibling has previously made an allegation of discrimination, even if it was not upheld.

POSITIVE ACTION

The Equality Act 2010 allows (but does not require) an academy to take action to tackle disadvantages suffered by a particular group of students as a result of them having a protected characteristic, known as "positive action". This does not mean that the academy can give a particular group of students preferential treatment (which would be positive discrimination and unlawful), it merely allows the academy to put in place measures which redress the balance between those with the protected characteristic and those without. These measures must be a proportionate means of achieving this aim.

The Equality Act 2010 does, however, allow for the academy to treat disabled students more favourably than students who are not disabled (positive discrimination). In some cases, academies are required to treat disabled students more favourably than students who are

not disabled, by making reasonable adjustments for their disability and providing auxiliary aids where necessary.

SEX EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their sex or the sex of somebody they associate with.

Academies must not treat a student, parent, visitor or other person coming into contact with the academy (or a group of these people) less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their sex or the sex of somebody they associate with.

RACE EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their race or the race of somebody they associate with. Race is defined as including colour, nationality, ethnic or national origins, and would also include travellers whose cultural heritage is traditionally nomadic, for example gypsies and Irish travellers.

Academies must ensure that a student, parent, visitor or other person coming into contact with the academy (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their race or the race of somebody they associate with. Segregation of students by race will always be unlawful.

RELIGION OR BELIEF EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their religion or belief or the religion or belief of somebody they associate with. Religion is defined as being any religion, and belief as being any religious or philosophical belief, including a lack of belief in religion (for example, humanism or atheism). Religion will include all the major faiths, including denomination within the religion. Political beliefs are not included within the definition of religion or belief.

Academies must ensure that a student, parent, visitor or other person coming into contact with the academy (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their religion or belief or the religion or belief of somebody they associate with.

Academies with a religious designation are permitted to give priority to applicants because of their religion within their admissions arrangements without breaching the religion or belief equality provisions.

SEXUAL ORIENTATION EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their sexual orientation, their parents' sexual orientation or the sexual orientation of somebody they associate with. Sexual orientation includes heterosexuality, homosexuality (gay or lesbian), and bisexuality.

Academies must ensure that a student, parent, visitor or other person coming into contact with the academy (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their sexual orientation or the sexual orientation of somebody they associate with.

GENDER REASSIGNMENT EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their gender reassignment. Gender reassignment is defined as applying to anyone who is currently undergoing, has undergone or is proposing to undergo a process or part of a process of reassigning their sex to the opposite sex by changing their physical or other attributes. There is no requirement to undergo, or plan to undergo, a medical procedure – taking steps to live life as the opposite sex, or planning to live life as the opposite sex, is sufficient.

Academies must ensure that a student, parent, visitor or other person coming into contact with the academy (or a group of these people) are not treated less favourably than others because they, their parents or somebody that they associate with has undergone, is planning to undergo or is in the process of undergoing gender reassignment. Students must be included within a class of the sex that they identify with.

PREGNANCY AND MATERNITY EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of pregnancy or maternity. Maternity is defined as having had a baby within the preceding twenty-six week period, and includes breastfeeding. It is not discriminatory to treat an individual who is pregnant, has recently had a baby or is breastfeeding a baby more favourably than others who are not.

Academies must ensure that a student (in the case of a secondary academy), parent, visitor or other person coming into contact with the academy (or a group of these people) are not treated less favourably than another student or group of students because they are pregnant, have recently had a baby or are breastfeeding a baby.

DISABILITY EQUALITY

The overriding objective of the Equality Act 2010 is to achieve equality (equal treatment) for all people whether they have a protected characteristic or not. However, the provisions relating to disability are different to those for all of the other protected characteristics, in that it is lawful, and in fact is sometimes a legal requirement, to treat a disabled individual or group of individuals more favourably than an individual or group of individuals without a disability.

Definition of disability

The Equality Act 2010 defines disability as being where an individual or group of individuals has a physical or mental impairment which has a substantial and long term adverse effect (lasting or recurring, or likely to last or recur, for at least twelve months) on their ability to carry out normal day to day activities.

Some conditions such as being HIV positive, or having multiple sclerosis or cancer, are automatically deemed to have a disability regardless of their effect or longevity. Severe disfigurement will also come within the definition of disability (disfigurement by tattooing or piercing is excluded). Those that are certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist are automatically deemed to have a disability.

Others conditions are not deemed to be a disability, such as addiction to alcohol (unless it is a symptom of a psychiatric illness lasting or recurring for at least twelve months), legal or illegal substances (unless medically prescribed as treatment), fire-setting, kleptomania, a tendency towards violence or sexual abuse of others. Hay fever sufferers are not deemed to have a disability; however hay fever may be taken into account where it aggravates the effect of another medical condition.

Direct disability discrimination

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be directly discriminated against or harassed because of their disability.

Academies must ensure that a student or group of students are not treated less favourably than another student or group of students, because of their disability, their parents' disability or the disability of somebody they associate with.

Academies cannot justify directly discriminating against a student or group of students with a disability by maintaining that their discriminatory act was a proportionate means of achieving a legitimate aim, as was the case under previously disability discrimination legislation. It is not unlawful for an academy to treat a disabled student or group of students more favourably than another student or group of students who are not disabled. This is positive disability discrimination and is lawful.

Indirect disability discrimination

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be indirectly discriminated against because of their disability, by the implementation of a provision, criterion or practice applied generally to those with or without the disability, unless there is a legitimate reason for the provision, criterion or practice and there is no other way to achieve it.

Academies must ensure that a student or group of students are not put at a disadvantage by the implementation of an academy provision, criterion or practice which applies to all students because of their disability, unless they can show that it was implemented for a legitimate reason and was proportionate way of achieving the legitimate aim.

Discrimination arising from disability

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against because of something arising in consequence of their disability, unless there is a legitimate reason for discriminatory act and there is no other way to achieve it, and provided that the discriminator knew, or should have known, about the disability.

Academies must ensure that a student or group of students are not treated less favourably because of something arising in consequence of their disability, unless they can show that there was a legitimate reason for the less favourable treatment and there was no other way of achieving the legitimate aim.

Reasonable adjustments for disability

The Equality Act 2010 requires “reasonable adjustments” to be made for individuals suffering from a disability. Academies have the following duties:

- Where a provision, criterion or practice places a disabled student or group of students at a substantial disadvantage compared to students who are not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled student or group of students would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with students who are not disabled, the academy must take reasonable steps to provide the auxiliary aid.
- An “auxiliary aid” includes equipment and services. The Equality Act 2010 does not provide a definition of “auxiliary aids”, however the dictionary definition includes helpful, supporting, assistant things or persons. Where a piece of equipment is necessary for all aspects of a student’s life rather than being required in an educational context only (for example, hearing aids), it is likely that it would be considered unreasonable for an academy to be expected to provide these.
- Factors which an academy may consider when considering whether the provision of an auxiliary aid to a disabled student is reasonable include the financial or other resources required, its effectiveness, its affect upon other students and health and safety requirements.
- Where a student with Special Educational Needs (SEN) is already being provided with an auxiliary aid as part of their SEN provision, there is no need for the academy to provide the auxiliary aid as part of their “reasonable adjustment” duty. Academies should not, however, assume that an auxiliary aid is not required under their “reasonable adjustment” duty for a student with SEN simply because it is not being provided under their SEN provision. In addition, where an academy determines that it is unreasonable to provide an auxiliary aid (perhaps, for example, on the grounds of cost), it is not necessarily reasonable for the local authority to refuse to provide the auxiliary aid.

AGE EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their age, unless it can be shown that it is a proportionate means of achieving a legitimate aim. Age is widely defined as being either of a particular age or as being within an age group.

Academies must ensure that a parent, visitor or other person coming into contact with the academy (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their age or age group, or the age or age group of somebody they associate with, unless they can show that there was a legitimate reason for treating them less favourably, and there was no other way to achieve it.

Academies are not under a duty not to treat students less favourably because of their age or age group.

MARRIAGE AND CIVIL PARTNERSHIP EQUALITY

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of they are married or in a civil partnership.

Academies must ensure that a parent, visitor or other person coming into contact with the academy (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of they or somebody they associate with are married or in a civil partnership.

Academies are not under a duty not to treat students less favourably because they are married or in a civil partnership.

SINGLE SEX CLASSES

It is not unlawful to have some single sex classes in a mixed sex academy, provided that it does not give students in such classes an advantage over students of the opposite sex. For example, it would not be unlawful to provide sex education to both sexes of students in single sex classes.

Single sex sport

The Equality Act 2010 contains an exception allowing for single sex sports, games or other activities of a competitive nature, where the physical strength, stamina or physique of the average female student would put her at a disadvantage in competition with the average male student. However, academies must still allow students of both sexes to have an equal opportunity to participate in the same sporting activities.

THE CURRICULUM

The contents of the academy curriculum is exempt under the Equality Act 2010 to allow academies to explore a full range of issues, ideas and materials, to expose its students to

thoughts and ideas of all kinds, however controversial, without fear of legal challenge. However, the way in which the academy delivers the curriculum to its students remains subject to the Equality Act 2010.

The **delivery** of the curriculum is however explicitly included. The DfE guidance highlights the relationship between protection because of sexual orientation and protection of religious freedom. It states that many people's views on sexual orientation/sexual activity are grounded in religious belief. It refers to concerns of schools with a religious character that they may be prevented from teaching in line with their religious ethos. It also refers to teachers having expressed concerns that they may be subject to legal action if they do not voice positive views on same sex relationships, whether or not this view accords with their faith.

ACADEMY UNIFORM

Academies must ensure that the academy uniform policy does not discriminate against those students who have a protected characteristic. It is, however, lawful for academies to have a different academy uniform for male and female students, as long as it is not more expensive or harder to obtain for one sex than the other.

Academies must be flexible in relation to their academy uniform policy in order to alleviate a disadvantage suffered by students with a protected characteristic, for example by allowing a female student with a skin condition (which may amount to a disability) to wear trousers instead of a skirt, or allowing a Sikh student to wear a turban.

The academy's Uniform Policy provides details of the academy uniform to be worn by students, including confirming the academy's policy in relation to religious clothing and jewellery.

ACADEMIES WITH A RELIGIOUS DESIGNATION

Academies with a religious designation are permitted to give priority to applicants because of their religion within their admissions arrangements without breaching the religion or belief equality provisions.

ASSEMBLIES AND COLLECTIVE WORSHIP

Academies are free to have a collective act of worship based upon one religion without acting unlawfully by not providing an equivalent act of worship for other religions. Academies are also free to celebrate any religious festivals of their choosing without acting unlawfully by offending those of another religion.

RELIGIOUS FREEDOM

Article 9 of the European Convention on Human Rights and Fundamental Freedoms provides:

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in

community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

- Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

While a student has the right to manifest their religion or belief by, for example, by wearing a specific item of jewellery or clothing, this must be permitted by the academy where:

- The act is in fact a manifestation of the student's religion or belief (the act does not need to be a requirement of the religion or belief, but there must be a sufficiently close link between the act and the religion or belief¹);

and;

- If the act is in fact a manifestation of the student's religion or belief, there is no justification in the academy interfering with the student's right to do so.

In deciding whether the academy is justified in interfering with a student's right to manifest their religion or belief, for example, by wearing a specific item of jewellery or clothing, the academy should weigh up how important it is to the student to manifest their religion or belief in this way against the academy's own considerations, for example the value in a academy uniform policy being adhered to in encouraging pride in the academy, enabling students to feel comfortable in the academy environment, ensuring a sense of cohesion in the academy, and protecting students from feeling pressure to dress in a certain way, in addition to security and health and safety considerations.

The academy's Uniform Policy provides details of the academy uniform to be worn by students, including confirming the academy's policy in relation to religious clothing and jewellery.

THE RELATIONSHIP BETWEEN RELIGION AND SEXUAL ORIENTATION

Some people may hold personal views in relation to the protected characteristic of sexual orientation because of their own religious beliefs. While it is not necessarily unlawful for a teacher or other employee of a academy to express their own personal view, in an appropriate way and in an educational context that takes into account guidance on the delivery of Sex and Relationships Education and Religious Education, employees at a academy must always remember that they are in a very influential position and their acts must still comply with their duty not to discriminate against individuals or groups of individuals because of their sexual orientation under the Equality Act 2010, and not to manifest their religion or belief in contravention of the limitations prescribed under the European Convention on Human Rights and Fundamental Freedoms (see above).

¹ Following the ruling by the European Court of Human Rights in the *Eweida* case, which may subsequently be overruled and will therefore be kept under review.

BEHAVIOUR AND EXCLUSIONS

The process for excluding a student must be fair and equitable to students, however in relation to students with a behavioural disability, academies must keep in mind their duty to make “reasonable adjustments” for a student with a disability. A “reasonable adjustment” can be a decision to impose a less serious sanction for undesirable behaviour than the sanction which would have been imposed on a student who does not have a behavioural disability, including making a decision not to exclude for behaviour which would usually attract an exclusion.

The academy’s Behaviour Policy sets out the academy’s expectations in relation to the way its students behave, including the sanctions which will be imposed if the Behaviour Policy is breached.

THE ACADEMY AS AN EMPLOYER

KCSP and its academies also has responsibilities to comply with the Equality Act 2010 in its role as an employer, in relation to which separate HR policies apply. This policy applies to students, parents, visitors and other persons coming into contact with the academy only.

Guidance from the Catholic Education Service:

There are some specific exceptions to the religion or belief provisions of the Equality Act for employment by schools designated as having a religious character. This means that for Catholic academies preference may be given in connection with the employment, remuneration or promotion of teachers, to those whose religious beliefs or religious practice is in accordance with the tenets of the school’s religion or religious denomination or who give or are willing to give religious education in accordance with the tenets of the faith. Conduct that is incompatible with the precepts of the Church, or which fails to uphold its tenets, may be taken into consideration in determining whether the teacher’s employment should be terminated.

The exceptions were extended in England to remove the provision that no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being employed or engaged with the purposes of a school otherwise than as a teacher². This meant that preference could be given to practising Catholics in non-teaching posts where there was a genuine occupational requirement, which would previously not have been permissible.

The Act provides for occupational requirements. Of particular relevance are the provisions which provide that where an employer has an ethos based on religion or belief they do not contravene the Act by applying the requirement to be of a particular religion or belief if, having regard to the nature of the work, it is an occupational requirement that is a proportionate means of achieving a legitimate aim.

The importance of the role of teaching staff is acknowledged by the Bishops collectively. The Bishop’s Conference of England and Wales has set out its requirement to its schools are follows:

² Section 37 Education and Inspections Act 2006

“ The preservation and development of the quality and distinctive nature of the Catholic schools depends on the faith, practice and commitment of the teachers in the schools, working with their governing bodies”³

The Bishop’s Memorandum refers to the employment of Catholic teachers as a high priority, whilst at the same time recognising the contribution of teachers of other Christian Churches, other faiths and other teachers.

The Memorandum also requires that for the most senior roles i.e. the posts of Headteacher, Deputy Headteacher and Head or Co-ordinator of Religious Education the post must be filled by a baptised and practising Catholic. For other leadership posts that directly affect the Catholic Mission of the school they should, wherever possible, be staffed as skilled practitioners who are committed Catholics.

³ Memorandum on Appointment of Teachers to Catholic Schools

PART 2 – THE ACADEMY’S EQUALITY DUTIES

THE PUBLIC SECTOR EQUALITY DUTY

The General Duty

The Equality Act 2010 makes provision for a single “public sector equality duty” which extends to all protected characteristics. As a result of this provision, academies are required to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010; and
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - remove or minimise disadvantages connected to a relevant protected characteristic; and
 - take steps to meet the different needs of those sharing a relevant protected characteristic; and
 - encourage those who share a relevant protected characteristic to participate in academy life and activities in which participation is disproportionately low; and
 - Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to tackle prejudice and promote understanding.

The above duty is often referred to as the **General Duty**.

The reference to “relevant protected characteristics” includes the protected characteristics of sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and age (except that the public sector equality duty does not apply to age where it relates to the provision of education to students in academies, or the provision of benefits, facilities or services to students in academies).

Having “**due regard**” means giving relevant and proportionate consideration to the public sector equality duty.

DfE guidance on what this means in practice sets out the following:

- Decision makers in academies must be aware of the duty to have “due regard” when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics;
- Academies should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis;
- The public sector equality duty has to be integrated into the carrying out of the academy’s functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes or following a particular process;

- Academies cannot delegate responsibility for carrying out the duty to anyone else.

The duty to have “due regard” means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications. The significance of those implications and the amount of thought that needs to be devoted to them will vary depending on the nature of the decision.

It is good practice for academies to keep a written record to show that they have actively considered their equality duties and asked themselves relevant questions. There is no legal requirement to produce a formal equality impact assessment document, although for key decisions this might be a helpful tool.

If an academy does not record its consideration of the general equality duty when making a decision or carrying out a particular function, this does not automatically mean that the duty to have “due regard” has not been met. However, if challenged, it will be easier for an academy to demonstrate that the duty has been met if a record has been made at the time. The duty only needs to be implemented in a light-touch way, proportionate to the issue being considered.

The Specific Duty

Academies have a Specific Duty to:

- Publish information to demonstrate how the academy is complying with its public sector equality duty, which must be updated at least annually, and re-published at least once every four years;
- Prepare and publish their Equality Objectives.

The Specific Duty exists to assist academies fulfil their obligations under the General Duty.

DfE guidance confirms that the purpose of the specific duty is to help academies fulfil their obligations under the general duty. It is designed to be flexible, light-touch and proportionate rather than being bureaucratic or a “tick-box” exercise. The emphasis is on transparency, namely making information available so that the academy’s local community can see how the academy is advancing equality in line with the public sector equality duty, and what objectives it is using to make this happen.

Academies must publish information relating to persons who share a relevant protected characteristic who are affected by their policies and practices. Broadly speaking, academies must ensure that individuals are not able to be identified through the publication of data. The government is clear that the duty should not be overly burdensome on academies.

Academies will not be required to collect any statistical data which they do not already collect routinely. A large amount of data is already collected by academies (for example, RAISE online) which presents performance data for individual academies broken down by a number of relevant characteristics (sex, race and also special educational needs which can be seen as a rough proxy for disability) and which includes comparative analysis with national statistics and with comparable academies, will be a particularly useful source.

It is also important to note that the published information does not necessarily have to be statistical data. Many other kinds of information can be used to show how the academy is promoting equality, such as publishing its policies online, or publishing minutes of Local Governing Body meetings.

THE ACCESSIBILITY PLAN

Academies are legally required to prepare a written Accessibility Plan to:

- Increase the extent to which disabled students can participate in the curriculum;
- Improve the physical environment of the academy to increase the extent to which disabled students are able to take advantage of education and benefits, facilities or services provided or offered by the academy; and
- Improve the delivery to disabled students of information readily accessible to students who are not disabled, within a reasonable time and in ways which are determined after taking into account the students' disabilities and any preferences expressed by them or their parents.

Academies must keep their Accessibility Plan under review throughout the period to which it relates and revise it if necessary. Academies must ensure that they implement their Accessibility Plan, and that they have adequate resources to implement it. An academy inspector can ask to see the Accessibility Plan and may consider the preparation, publication, review, revision and implementation of it.

PART 3 – TEMPLATE FOR PUBLISHING INFORMATION ANNUALLY ON ACADEMY WEBSITE TO SHOW COMPLIANCE WITH EQUALITY LEGISLATION

The Academy will publish the following information on its website and update the information the 31st December of each year.

Equality Objectives 2017 to 2021

The Trust's Equality Objectives for the period 2017-2021 to which the academy is contributing are:

- To help all children and young people achieve fulfilment spiritually, academically, emotionally and psychologically by supporting them, and their families, and to ensure particular improvement in the lives of the most vulnerable
- To narrow the gap in the attainment and progress of different groups of learners, with a particular focus on improving the achievement of pupils with Special Educational Needs and/or Disability (SEND), those in receipt of pupil premium funding and the "most able".

In addition to the Trust's objectives, the academy's equality objectives for the same period are:

- [Insert academy's equality objectives for 2017-2021 – guidance can be found in Part 4]

[Publication of information in future years should include evidence of the steps being taken and progress made towards meeting the equality objectives that the academy has already set itself.]

Compliance with the General Duty

The academy has in place the following policies and procedures in order to comply with its general duty to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010, advance equality of opportunity between those who share a relevant protected characteristic and those who do not, and foster good relations between those who share a relevant protected characteristic and those who do not.

[Insert academy's equality practices in relation to all protected characteristics:

Sex;
Race;
Religion or belief;
Sexual orientation;
Gender reassignment;
Pregnancy and maternity;
Disability;
Age (in relation to those other than students);

Marriage and civil partnership (in relation to those other than students)].

Compliance with the specific duty

The academy publishes the following information in compliance with its specific duty to publish information to demonstrate how the academy is complying with its public sector equality duty to:

- eliminate discrimination, harassment, victimisation and other prohibited conduct
- advance equality of opportunity between those who share a protected characteristic and those who do not
- foster good relations between those who share a protected characteristic and those who do not

The academy will update the information contained in this part at least annually and republish it at least once every four years.

[Insert information to demonstrate compliance in relation to all protected characteristics: Sex; Race; Religion or belief; Sexual orientation; Gender Reassignment; Pregnancy and Maternity; Disability; Age (in relation to those other than students) – guidance can be found in Part 4]

PART 4 – GUIDANCE ON RELEVANT INFORMATION FOR ANNUAL PUBLICATION

This section sets out the kinds of information and data that the academy may publish to demonstrate compliance with the Equality Act and the Public Sector Equality Duty.

The Duty to eliminate discrimination, harassment, victimisation and other prohibited conduct

DfE guidance states that evidence that the academy is aware of the requirements of the Equality Act 2010 and determined to comply with the non-discrimination provisions will be relevant here. This might include links to a range of policies (for example, the academy's Behaviour Policy or Anti-Bullying Policy) where the importance of avoiding discrimination and other prohibited conduct is expressly noted. If there has been a meeting of staff or of Governors, during which they are reminded of their responsibilities under the Equality Act 2010, a note of that meeting could also be useful evidence that due regard is being had to this part of the duty. Evidence of staff training on the Equality Act would also be appropriate, as would a note of how the academy monitors equality issues.

The Duty to advance equality of opportunity between those who share a protected characteristic and those who do not

DfE guidance states that attainment data which shows how students with different protected characteristics are performing will obviously be relevant here, in particular in helping to identify whether there are areas of inequality which may need to be addressed. RAISE online contains much detailed analysis by relevant characteristics. Academies will also need to include information about the steps they have taken in response to their analysis of the available data. This does not need to be complicated, as most of the information will already be contained in easily available documents such as reports to the Local Governing Body.

For some protected characteristics, for example religion and belief and particularly sexual orientation, statistical data about students is less likely to be available, and it may not be considered appropriate to try to obtain it. More general data about the issues associated with these particular protected characteristics, from which academies should be able to identify possible issues which may affect their own students, will be easily available however.

The Duty to foster good relations between those who share a protected characteristic and those who do not

DfE guidance states that it should be particularly easy for academies to demonstrate that they are fostering good relations, since promoting good relations between groups of students of all kinds is inherent in many things which they do as a matter of course. It may be shown through, for example, aspects of the curriculum which promote tolerance and friendship, or which share understanding of a range of religions or cultures, the Behaviour Policy and Anti-Bullying Policy, assemblies dealing with relevant issues, involvement with the local communities, twinning arrangements with other academies which enable students to meet and exchange experiences with children from different backgrounds, or initiatives to deal with tensions between different groups of students within the academy itself.

The Academy's Equality Objectives

DfE guidance states that academies are free to choose the equality objectives that best suit their individual circumstances and contribute to the welfare of their students and the academy community. Objectives are not intended to be burdensome or a “tick box” exercise, but they do need to be specific and measurable. They should be used as a tool to help improve the academy experience of a range of different students. An academy should set as many objectives as it believes are appropriate to its size and circumstances. The objectives should fit the academy's needs and should be achievable.

Although it is no longer a requirement for academies to have an equality action plan, those academies which do already have one in place may find it helpful to continue with this approach and adapt it to take into account the extent of the duty.

Equality objectives may arise from analysis academies have carried out on their published data or other information, where they have identified an area where there is potential for improvement on equalities, or they may be set in anticipation of a change in local circumstances. Some examples might be:

- to increase participation by black students in after academy activities;
- to narrow the gap in performance of disabled students;
- to reduce exclusion rates for black boys;
- to increase understanding between religious groups;
- to reduce the number of homophobic incidents;
- to raise attainment in English for boys;
- to encourage girls to consider non-stereotyped career options;
- to anticipate the needs of incoming students from a new group, such as traveller children.

Publication of information in future years should include evidence of the steps being taken and progress made towards meeting the Trust and Academy's equality objectives that the Trust/academy has already set itself.