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## Policy Statement

### Introduction

The National Autistic Society Academy Trust requires this policy to be implemented by all its member academies.

National Autistic Society Academy Trust itself and all its member academies have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities.

National Autistic Society Academy Trust meets all the requirements of this legislation.

National Autistic Society Academy Trust defines the policy expectation, but the responsibility for implementation of the policy rests with the Headteacher of each academy.

Cross reference: Equality Policy

### Legal Framework

The Equality Act 2010

The Equality Act 2010 (Specific Duties) Regulations 2011

Under specific duties, proprietors of academies are required to draw up and publish equality objectives every four years and annually publish information demonstrating how they are meeting the aims of the general public sector equality duty.

The Public Sector Equality Duty came into force across Great Britain on 5 April 2011. It means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.

### **What is the Equality Act 2010?**

The Equality Act 2010 replaced nine major Acts of Parliament, as well as almost a hundred sets of regulations, dealing with equality and discrimination. The Act provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful.

The new law should make it easier for school leaders and governors to understand their legal responsibilities and tackle inequalities in education.

In England and Wales, the Act applies to all maintained and independent schools, as well as academies and free schools. National Autistic Society Academy Trust Public Sector Equality Duty to draw up objectives and publish information

It covers all aspects of academy life to do with how an academy treats pupils and prospective pupils, parents and carers, employees, and members of the community. Everything an academy does must be fair, non-discriminatory and not put individuals or groups of people at a disadvantage. In particular, an academy must not discriminate, harass or victimise a pupil or potential pupil in relation to:

- Admissions
- The way it provides education for pupils
- How it provides pupils access to any benefit, facility or service
- Excluding a pupil or subjecting them to any other detriment

### **What actions and behaviours are unlawful?**

The Act defines a number of types of unlawful behaviour, including:

- Direct discrimination
- Indirect discrimination
- Failing to make reasonable adjustments for disabled pupils or staff
- Discrimination arising from disability
- Harassment related to a protected characteristic
- Victimisation of someone because they have made, or helped with, a complaint about discrimination

## **Protected characteristics**

The Act uses the term “protected characteristics” to refer to aspects of a person’s identity. Treating a person less favourably because they have one or more of these characteristics would be unlawful. The protected characteristics are:

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

The protected characteristics of age and marriage and civil partnership apply to schools & academies as employers, but not in relation to their provision for pupils.

## **Public Sector Equality Duty**

Since April 2011, schools and academies have also been bound by a part of the Equality Act 2010 called the Public Sector Equality Duty (also known as the PSED, or simply the “Equality Duty”).

The Equality Duty replaces the previous three sets of duties on schools and academies to promote disability, gender and race equality through having equality policies and action plans for these groups.

There is now no requirement for schools and academies to have equality policies, schemes and/or action plans. This has been made clear in the updated list of statutory policies for schools and academies from the Department for Education (DfE).

The new Equality Duty has two parts: the “general” duty and “specific” duties.

The general duty is the overarching legal requirement for schools and academies and means they must consider how their policies, practices and day-to-day activities impact on pupils and staff. Schools/academies are required to have “due regard” to the need to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity.
- Foster good relations.

The two specific duties for academies aim to assist them to meet the general duty. Academies should have complied with these two duties from April 6, 2012. They are:

- To publish information to show how they are complying with the Equality Duty. This must be updated at least annually.
- To prepare and publish one or more specific and measurable equality objectives at least every four years.

### **What is meant by 'due regard'?**

Having due regard means that schools and academies must consciously think about the three aims of the Equality Duty as part of decision-making, developing and reviewing policies and how they deliver services.

According to advice for school leaders and governors from the DfE: "The duty to have 'due regard' to equality considerations means that whenever significant decisions are being made or policies developed, thought must be given to the equality implications."

### **Publishing equality information**

As a minimum, academies should publish information on:

- The diversity of the academy population.
- How they are performing in relation to the three aims of the Equality Duty.
- The diversity of their workforce, although this only applies to schools/ Measurable objectives

Academies can set equality objectives to tackle any issues of discrimination, inequality and disadvantage.

Objectives may be linked to challenges the school or academy is already responding to in the school improvement plan, or can address issues and concerns identified through consultation with pupils, staff and parents.

Some of the challenges that equality objectives can address include:

- Narrowing gaps in attainment between groups of pupils, for example girls and boys
- Improving school attendance of pupils from particular groups
- Increasing the participation of particular groups in school activities
- Reducing bullying and the use of derogatory language
- Improving knowledge, skills and attitudes to enable pupils to appreciate and value difference and diversity
- Improving the participation and engagement of different groups of parents and communities

### **Specific and measurable explained**

It is a statutory requirement that equality objectives are “specific and measurable”. This is to make sure that objectives are not vague or flimsy statements, but reflect achievable and measurable improvements that the school/academy wishes to make.

Objectives should be clearly focused and demonstrate measurable outcomes. Including a time framework, that indicates when an objective will have been in part or wholly achieved, will also enable success to be measurable.

Equality objectives should be clearly relevant to the groups with protected characteristics named in the Equality Act, but may refer also to groups disadvantaged by social and economic factors.

Here are three examples of objective statements that aim to address equality priorities, but would not meet the requirement to be “specific and measurable”.

### **How many equality objectives?**

There is no requirement for schools/academies to publish a set number of equality objectives. The approach should be proportionate, with larger schools and academies likely to have more objectives than smaller ones. However, given the wide range of equality issues in schools, it is likely that many will wish to publish more than one objective.

DfE advice for school leaders and governing bodies states that a school or academy “should set as many objectives as it believes are appropriate to its size and circumstances; the objectives should fit the school’s needs and be achievable”.

It is up to schools and academies themselves to decide on the format they will adopt for publishing equality information and objectives. For most, setting up an equalities page on their website will be the best approach.

Schools/academies may also find it useful to publish some information on the following alongside each objective:

- Why objectives have been chosen, including any relevant consultation and engagement
- A short description of what is going to be done to achieve each objective

### **What next?**

Schools/academies should keep their equality objectives under review as they would with elements of any school improvement plan. Developing an action plan can help map activities that will be needed to achieve an objective. There is no requirement, however, to publish an explicit and separate action plan. It is also good practice to publish some information on the progress that is being made towards meeting the equality objectives the school/academy has set itself.

The role of trust governing bodies Governing bodies are the “responsible body” for ensuring that the academy meets the requirements of equality legislation. Essentially this means they should:

- Ensure the academy takes all reasonable steps to ensure that its employees do not carry out unlawful discriminatory actions or behaviour.
- Support and guide the academy to have “due regard” for equality in all its functions.

- Ensure the school/academy complies with the Equality Duty and meets the two “specific duties” for schools/academies.

Specifically, due regard is to be given within organisational life in order to:

1. Remove or minimise disadvantages
2. Take steps to meet different needs
3. Encourage participation when it is disproportionately low.

We have a strong commitment to fairness and equality in everything that we do.

- We endeavour to ensure that everyone is treated fairly and with respect.
- We work hard to make sure that the academy is a safe and secure environment for everyone.
- We recognise that people have different needs, and we understand that treating people equally does not always involve treating them all exactly the same.
- We recognise that for some pupils extra support is needed to help them to achieve and be successful.
- We try to make sure that people from different groups are consulted and involved in our decisions, for example through talking to pupils and parents/carers.
- We aim to make sure that no-one experiences harassment, less favourable treatment or discrimination because of their age; any disability they may have; their ethnicity, colour or national origin; their gender; their gender identity or reassignment; their marital or civil partnership status; being pregnant or having recently had a baby; their religion or beliefs; their sexual identity and orientation.

We welcome our general duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination; to advance equality of opportunity; and to foster good relations.

We also welcome our specific duties to publish information about our school population; to explain how we have due regard for equality; and to publish equality objectives which show how we plan to tackle particular inequalities or disadvantages.

Meeting our duties to promote community cohesion, and the spiritual, moral, social and cultural development of pupils, also supports how we meet the needs of different groups of pupils and how we foster good relations.

We welcome the emphasis in the Ofsted inspection framework on the importance of narrowing gaps in achievement which affect, amongst others:

- pupils from certain ethnic and cultural backgrounds
- pupils who are supported by the pupil premium
- pupils who are disabled
- pupils who have special educational needs

### **The Public Sector Equality Duty**

The information provided in this section shows how we are meeting the public sector equality duty. We are required to have due regard for the need to:

- A. Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010
- B. Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- C. Foster good relations between people who share a protected characteristic and

people who do not share it.

The information below is a summary of how we have due regard to the need to eliminate discrimination, harassment and victimisation. Please contact us if you would like to see copies of any of our school policies.

- We are aware of the requirements of the Equality Act 2010 that it is unlawful to discriminate, treat some people less fairly or put them at a disadvantage.
- Our school governors, and NASAT trustees, have been briefed on their legal responsibilities under the Equality Act 2010, and have also been involved in supporting the school to meet its public sector equality duty.
- We try to keep an accurate record, when possible and appropriate, of the protected characteristics of our pupils and employees.
- We have a school Behaviour Policy that outlines our expectations of both pupils and staff in their interactions with each other, including our approach to tackling bullying and prejudice
- We deal promptly and effectively with all incidents and complaints of bullying and harassment
- We keep a record of all such incidents and notify those affected of what action we have taken.
- We provide training to all staff in relation to dealing with bullying and harassment incidents.
- We have a Special Educational Needs and Disabilities Policy that outlines the provision the school makes for pupils with special educational needs.
- Our Complaints Policy sets out the procedures through which we deal with any complaints.
- We aim to observe and implement the principles of equal opportunities and non-discrimination in our employment practices.
- We pay due regard within our recruitment practices, to safeguarding and protecting our pupils.
- We have procedures for addressing staff discipline, conduct and grievances

### **Consultation and Engagement**

We aim to engage and consult with pupils, staff, parents and carers, and the local community, so we can age develop our awareness of equality issues, learn about the impact of our policies, set equality objectives and improve what we do. Our main activities for consulting and engaging are:

- Consultation with pupils through school council, pupil leadership groups, pupil survey and feedback from interviews.
- Staff surveys, feedback from staff and consultation with network lead for inclusion.
- Parents evenings, feedback from parent survey, parental complaints and feedback.
- Contact with local community groups, feedback from other agencies and community links.