

The Bishop Wheeler Catholic Academy Trust



Equality Statement & Objectives

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The Bishop Wheeler Catholic Academy Trust



Our Mission

Outstanding Catholic education for all pupils. As a family of schools, we will enable our young people to develop spiritually, morally, intellectually and personally, putting their faith into action, through serving Christ in others, in the church and in the world around them.

**This policy was adopted by the Resources
Committee on behalf of the Trust Board**

Signature: 

**Mrs Helen Mills
Chair of Trust Board**

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Definitions

In this Equality and Diversity document, unless the context otherwise requires, the following expressions shall have the following meanings:

BWCAT	The Bishop Wheeler Catholic Academy Trust.
Trust, we and our	Covers all of the schools within The Bishop Wheeler Catholic Academy Trust and The Bishop Wheeler Catholic Academy Trust Office.
Trust Board	The Directors of the Trust Board.
Responsible Body	Means the Board of Directors for the Trust
Academy Council	Governors elected or appointed to individual Academy Councils.
Governors	Refers the governors appointed to the Academy Council of the individual academy.
CEO	The Chief Executive Officer for the Trust.
Executive Headteacher/Headteacher	Executive Headteacher/Headteacher responsible for individual academies.
Academy	Refers to the Academies within BWCAT.
Pupil	Refers to any pupil on roll at any of the BWCAT schools.
Parents	Refers to any person who holds parental responsibility for the pupil
Child and Children	Refers to children and young people under the age of 18 years.
Staff	Means all employees, temporary, casual, agency and contracted staff working for the Trust, volunteers and consultants.
Auxiliary Aids	means services or devices that pupils may require to support teaching and learning.

Introduction

The Trust is committed to providing an environment free from discrimination, bullying, harassment and victimisation where all members of its community are treated with respect and dignity. The Trust aims to create a culture of diversity within its community, providing a dynamic working and learning environment, where all members are valued for their contribution.

Legal framework

This document meets the requirements under the following legislation:

- ❖ The Equality Act 2010 which introduced the Public Sector Equality Duty and protects people from discrimination
- ❖ The Equality Act 2010 (specific Duties) Regulations 2011, which require schools to publish information to demonstrate how they are complying with the Public Sector Equality Duty and to publish equality objectives

This document is also based on the:

- ❖ Department of Education (DfE) advice for schools on the Equality Act.
- ❖ The technical guidance for schools from the Equality and Human Rights Commission.
- ❖ Guidance from the Government Equalities Office on meeting the specific duties that support the Public Sector Equality Duty (PSED).

This document also complies with our funding agreement and articles of association.

This document has due regard to all other relevant legislation, statutory guidance and Trust/Academy policies including, but not limited to the following:

- ❖ Child Protection and Safeguarding (including KCSiE guidance)
- ❖ Guidance for safer working practice
- ❖ Data Protection policy
- ❖ Special Educational Needs and Disabilities (SEND)
- ❖ Behaviour and Anti-bullying policies.
- ❖ Accessibility policies.
- ❖ Governor/Director Code of Conduct
- ❖ Staff Code of Conduct
- ❖ Complaints policy
- ❖ Uniform policies
- ❖ Disciplinary policies
- ❖ Attendance policy
- ❖ Safer Recruitment Guidance
- ❖ Suspension and Exclusion policy
- ❖ Menopause Policy
- ❖ Workload and Wellbeing Charter

Aims

Our Trust aims to meet its obligations under the Public Sector Equality Duty by having due regard to the need to:

- ❖ Eliminate discrimination and other conduct that is prohibited by the Equality Act 2010
- ❖ Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- ❖ Foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.
- ❖ Ensure all our existing and potential service users are treated with dignity and respect.
- ❖ Ensure our workforce will be reflective of all sections of society.
- ❖ Ensure our partnership and contract arrangements promote equality of opportunity.
- ❖ Ensure we will work with and between communities to help develop and strengthen relationships.
- ❖ Ensuring that both staff and pupils, as well as those who seek to apply to work or study with us, are treated fairly and that individuals are judged solely on merit and by reference to their skills, abilities, qualifications, aptitude and potential.
- ❖ Ensuring that all contractors and service provider that operate on behalf of the trust are aware of this document and are expected to adhere to it.

Our aim is to ensure that these commitments, reinforced by our values, are embedded in our day to day working practices with the individual school communities. As a Catholic Trust, we also affirm our commitment to the principles of **Catholic Social Teaching**, which call us to uphold the dignity of every human person, promote the common good, and stand in solidarity with the marginalised.

Protected Characteristics

The Trust is committed to providing equality of opportunity for all, as the responsible body it is unlawful for the Trust which includes all Trust schools, to discriminate against a pupil or prospective pupil, staff member or prospective staff by treating them less favourably because of their:

- ❖ Age
- ❖ Disability
- ❖ Race
- ❖ Sex
- ❖ Religion or belief
- ❖ Sexual orientation

- ❖ Gender reassignment
- ❖ Pregnancy or on maternity leave
- ❖ Marriage and Civil Partnership

Unlawful Behaviour

The Equality Act defines four kinds of unlawful behaviour – direct discrimination; indirect discrimination; harassment and victimisation.

Direct Discrimination

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.

Indirect discrimination

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. 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

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.

Where schools are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does not mean that schools are free to bully or harass pupils or staff on these other grounds - to do so would still be unlawful as well as unacceptable. Any case against the school would be on grounds of direct discrimination rather than harassment.

Victimisation

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.

The Curriculum

The content of the school curriculum has never been subject to discrimination law and the Act now states explicitly that it is excluded. However, the way in which the school provides education –the delivery of the curriculum – is explicitly included. This ensures that the school is free to include a full range of issues, ideas and materials in the syllabus, and to expose pupils to thoughts and ideas of all kinds, however challenging or controversial, without fear of legal challenge based on a protected characteristic.

Schools will ensure that the way in which issues are taught does not subject individual pupils to discrimination.

General Exception

Acts of Worship/Liturgy of The Word

There is a general exception, which applies to all schools, to the religion or belief provisions which allows all schools to have acts of worship or other forms of collective religious observance. This means the daily act of collective worship, is not covered by the religion or belief provisions. The exception means that schools will not be acting unlawfully if they do not provide an equivalent act of worship for other faiths.

Schools are also free to celebrate religious festivals and could not be claimed to be discriminating against children of other faiths if, for example, they put on a nativity play at Christmas or hold a celebration to mark other religious festivals such as Diwali or Eid.

Admissions

The Equality Act 2010 makes it unlawful for the Trust and any of its schools to discriminate against, harass or victimise a pupil or potential pupil:

- ❖ in relation to admissions,
- ❖ in the way it provides education for pupils,
- ❖ in the way it provides pupils access to any benefit, facility or service or
- ❖ by excluding a pupil or subjecting them to any other detriment.

As part of the Church's historic agreement with the government, Catholic schools are allowed to prioritise in their admissions policies and also reserve specific teaching roles for practising Catholics.

Uniforms

The Equality Act does not deal specifically with school uniform or other aspects of appearance such as hair colour and style, and the wearing of jewellery and make-up, but the general requirement not to discriminate in the treatment of pupils applies here as in relation to other aspects of school policy. It is for the Academy Council of a school to decide whether there should be a school uniform and other rules relating to appearance, and if so what they should be. This flows from the duties placed upon the Trust by statute to manage the school.

Genuine occupational requirements:

Indirect discrimination may on rare occasions be justifiable by law if it relates to a specific requirement of a job where race, sexual orientation, religion, belief or gender is a genuine occupational requirement for the job. For example, an advertisement for the post of Headteacher, Deputy Headteacher, CEO, Head of RE, Lay Chaplain, Head of school. A Catholic school can reasonably state that candidates must be practicing Catholics.

If such a requirement cannot be justified by the Trust, it may be deemed unlawful. An employment tribunal may deem a finding of unlawful discrimination even though an employer has no intention to discriminate.

Disability

The Act encompasses specific provision regarding disability. The overriding principle of equality legislation is generally one of equal treatment. However, the provision relating to disability discrimination is different in that it allows, and in some cases requires, more favourable treatment to ensure, as far as is reasonably possible, that a person with a disability can benefit from what is on offer to the same extent as a person without that disability.

The Act defines disability as: “when a person has a physical or mental impairment which has a substantial and long term adverse effect on that person’s ability to carry out normal day to day activities”. Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect. Long term is defined as lasting, or likely to last, for at least 12 months.

The provisions on unlawful behaviour towards disability are Reinforced Direct Discrimination - A school must not treat a disabled pupil less favourably simply because of disability. There are no grounds for direct discrimination.

- ❖ Indirect discrimination – A school must not do something which applies to all pupils but which is more likely to have an adverse effect on disabled pupils only unless it can be shown to be for a legitimate reason, and a proportionate way to achieve that legitimate aim.

- ❖ Discrimination arising from disability – A school must not discriminate against a disabled pupil because of something that is a consequence of their disability. Like indirect discrimination, discrimination arising from disability can potentially be justified.
- ❖ Harassment – A school must not harass a pupil because of disability.

Reasonable Adjustments and Auxiliary Aids

The duty to make reasonable adjustments applies only to disabled people. Our duty is summarised as:

- ❖ Where something the school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.
- ❖ Schools are expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.

Auxiliary Aids and Services

Since September 2012, schools also have an extended duty to supply auxiliary aids and services for disability as reasonable adjustments, if these are not already covered or supplied through Education, Health and Care (EHC) Plans (replacing Special Educational Needs (SEN) statements) or other sources.

- ❖ The Trust is committed to provide adequate and reasonable financial resources to meet this extended duty and to carry out regular review. This duty is intended to avoid disadvantage in relation to disability and extends to pupils and to the Trust as an employer.

Duties around Accessibility for Disabled Pupils

Schools will to carry out accessibility planning for disabled pupils. We have a duty to implement disability accessibility plans and to make all reasonable adjustments aimed at:

- ❖ increasing the extent to which disabled pupils can participate in the curriculum;
- ❖ improving the physical environment, to enable disabled pupils to take better advantage of education, benefits, facilities and services; and
- ❖ improving the availability of accessible information to disabled pupils.

We commit to providing adequate and reasonable resources for implementation of plans and a regular review.

Employment

Recruitment and Selection:

- ❖ Recruitment advertising will encourage applications from all sectors of the community reflecting the school's commitment to equality and diversity.
- ❖ Recruitment advertising will appear in publications appropriate to the audience capable of producing the best candidates.
- ❖ Job descriptions, person specifications and recruitment advertisements will be written on the basis of the essential and justifiable requirements of the position.
- ❖ Shortlisting, appointment and rejection decisions will be transparent and justifiable and will be supported by written comments.
- ❖ Health related questions will not be asked during the recruitment process.
- ❖ Safer Recruitment processes and guidance will be followed.

Staff Development:

- ❖ All staff will have equal access to induction, personal and career development opportunities and facilities.

Appraisal:

- ❖ Probation and appraisal policies and procedures will be clear and transparent and will be applied fairly across all staff.
- ❖ Pay decisions will be in line with the Pay Policy and decisions made will be applied fairly across all teaching staff including those on maternity leave.

Disciplinary and Grievance:

- ❖ Disciplinary and grievance procedures will be applied fairly and transparently for all staff.
- ❖ Allegations of discrimination, harassment or inappropriate behaviour will be dealt with under the appropriate disciplinary procedures for staff.

Roles and Responsibilities

The Trust Board of Directors

The Board of Directors will:

- ❖ Ensure that the equality information as set out in this statement is published and communicated throughout the Trust, including to Academy Councils, staff, pupils and parents.
- ❖ Ensure that the published equality information is updated at least every year, (delegated to the CEO) and that the objectives are reviewed and updated at least every 4 years.

- ❖ Delegate responsibility for monitoring the achievement of the objectives to the Academy Council.
- ❖ Ensure there are effective policies in place for managing recruitment and selection, appraisal, bullying and harassment, grievances and complaints.

The Academy Council

The Academy Council, will:

- ❖ Ensure they are familiar with all relevant legislation and the contents of this document.
- ❖ Attend appropriate equality and diversity training.
- ❖ Inform the Trust Board and CEO regarding any issues relating to equality and diversity within their school.

The Headteacher

The Headteacher will, for their school:

- ❖ Promote knowledge and understanding of the equality objectives among staff and pupils.
- ❖ Monitor success in achieving the objectives and report back to the Academy Council.
- ❖ Ensure that staff are aware of their responsibilities and expectations with regard to their conduct.
- ❖ Recognise the need for continuous professional development of issues of equality and diversity.
- ❖ Ensure that this document is implemented effectively and that any contravention will be dealt with under the Trust grievance policy, disciplinary policy and complaints policy as appropriate.
- ❖ Identify any staff training needs, and ensure training is delivered as necessary.
- ❖ Ensure staff and pupils know how to report discrimination, bullying and harassment and ensuring that reporting incidents does not result in victimisation.

All staff across the trust

- ❖ All staff across the Trust, irrespective of their job or position within the school or Trust central team has an individual responsibility to treat others in a fair and non-judgemental manner and to promote positive attitudes and relationships. All staff are expected to have regard to this document and to work to achieve the objectives as set out in this document.

Staff are also responsible for:

- ❖ Being able to recognise and tackle bias and stereotyping or prejudice and report any such incidents to their Headteacher.

- ❖ Must not harass, abuse, intimidate others and victimise anyone as a result of a member of staff complaining about, reporting or providing evidence of discrimination
- ❖ Individual employees will be held accountable for their actions if they contravene the Trust's commitment to act as an equal opportunities employer. Any employee found guilty of unlawful discrimination or harassment will be subject to disciplinary action, including where appropriate, dismissal for gross misconduct.

Eliminating discrimination

The Trust is aware of its obligations under the Equality Act 2010 and complies with non-discrimination provisions.

Where relevant, our policies include reference to the importance of avoiding discrimination and other prohibited conduct.

Directors, Governors and all staff are regularly reminded of their responsibilities under the Equality Act, for example during meetings. Where this has been discussed during a meeting it is recorded in the meeting minutes.

The Trust is committed to providing training for staff.

The Headteacher and delegated members of the SLT will monitor equality issues in their school. The Headteacher and delegated members of the SLT regularly liaise regarding any issues and make and Academy Councils aware of these as appropriate.

Advancing equality of opportunity

As set out in the DfE guidance on the Equality Act, the Trust aims to advance equality of opportunity by:

- ❖ Removing or minimising disadvantages suffered by people which are connected by a particular characteristic they have.
- ❖ Taking steps to meet the particular needs of people who have a particular characteristic.
- ❖ Encouraging people who have a particular characteristic to participate fully in any activities.

Publishing information about pupils

In fulfilling this aspect of the duty the Trust will, for every school:

- ❖ Publish attainment data for each school each academic year showing how pupils with different characteristics are performing.

- ❖ Analyse the above data to determine strengths and areas for improvement, implementing actions in response.

Relevant information about each school will be published on their individual website.

Publishing information about staff

In addition to the information about pupils, we will consider how our activities as an employer affect staff with protected characteristics. As a Trust, we will publish information to show:

- ❖ Gender pay-gap reporting and other pay equality issues.
- ❖ Policies and programmes in place to address equality concerns from staff.

We will make sure that with any data we publish to show how we meet our equality duties, individual staff or pupils will not be identifiable. This means we may suppress some data if it relates to a very small number of staff or pupils to preserve their confidentiality.

In order to do this effectively we will collect data related to the protected characteristics above and analyse this data to determine our focus for our equality objectives. All data collected will be in line with the Data Protection Act 2018.

Fostering good relations

The Trust aims to foster good relations between those who share a protected characteristic and those who do not share it by:

- ❖ Promoting tolerance, friendship and understanding of a range of religions and cultures through different aspects of the curriculum. This includes teaching in RE, Relationships, Sex and Health Education (RSHE) and Personal, Social, Health and Economic Education (PSHE), but also activities in other curriculum areas. For example, as part of teaching and learning in English/reading, pupils will be introduced to literature from a range of cultures.
- ❖ Making sure schools work with their local community. This includes each school inviting leaders of local faith groups to speak at assemblies, and organising school trips and activities based around the local community.
- ❖ Encouraging and implementing initiatives to deal with tensions between different groups of pupils within each school. For example, school councils have representatives from different year groups and are formed of pupils from a range of backgrounds. All pupils are encouraged to participate in their schools' activities, such as sports clubs. Schools also work with parents to promote knowledge and understanding of different cultures.

Equality considerations in decision-making

The Trust ensures it has due regard to equality considerations whenever significant decisions are made.

In all of our schools, we will always consider the impact of significant decisions on particular groups. For example, when a school trip or activity is being planned, the school considers whether the trip:

- ❖ Cuts across any religious holidays
- ❖ Is accessible to pupils with disabilities
- ❖ Has equivalent facilities for all pupils irrespective of their gender

Equality objectives

All schools are required to prepare and publish specific and measurable objectives.

The following equality objectives have been set by the Trust Board all schools within BWCAT are required to adopt the following objectives:

Objective 1

To ensure equality and high standards for all and to tackle under-performance by any particular group.

Objective 2

Undertake an analysis of recruitment data and trends with regard to race, gender and disability, and report on this to the Trust Board and Academy Councils.

Objective 3

To advance equality of opportunity, remove or minimise disadvantage and encourage participation in all activities.

Complaints

Any cases of harassment, discrimination, bullying or victimisation will be taken very seriously by the Trust. Staff and pupils who make a complaint of discrimination have the right to do so without fear of victimisation and the individual schools will make every effort to ensure victimisation does not occur and that complaints are dealt with promptly and fairly.

Where an individual feels they have been treated unfairly in accordance with this document, they have a right of complaint through the appropriate procedures:

- ❖ Where an individual employed by the Trust feels they have been discriminated against by an employee, Governor, Director, they should refer to the Trust's Grievance policy.
- ❖ Where a pupil feels that they have been discriminated against by an employee, Governor or Director, they should refer to the Trust's Complaints policy.
- ❖ Any individual not employed by the Trust or is not a pupil on roll at any of the Trust schools and feel that they have been discriminated against by an employee, Governor or Director, should contact the Trust Head of Governance at j.johnson@bwcat.org The Trust Head of Governance will liaise with the CEO.

Monitoring arrangements

The CEO will update the equality information we publish, at least every year. The CEO will report any changes to the Trust Board.

The equality objectives will be reviewed by the Trust Board at least every 4 years.

This document will be approved by the Resources Committee on behalf of the Trust Board.

The Department of Education (DfE) advice for schools on the Equality Act provides guidance to help schools to understand how the Equality Act affects them and how to fulfil their duties under the Act.

The 16 schools in our Trust:

St. Mary's Menston, a Catholic Voluntary Academy

St. Joseph's Catholic Primary School Otley, a Voluntary Academy

Ss Peter and Paul Catholic Primary School, a Voluntary Academy

Sacred Heart Catholic Primary School Ilkley, a Voluntary Academy

St Mary's Horsforth Catholic Voluntary Academy

St. Joseph's Catholic Primary School Pudsey, a Voluntary Academy

St Joseph's Catholic Primary School Harrogate, a Voluntary Academy

St Mary's Catholic Primary School Knaresborough, a Voluntary Academy

St. Stephen's Catholic Primary School and Nursery, a Voluntary Academy

Holy Name Catholic Voluntary Academy

St Roberts Catholic Primary School, a Voluntary Academy

St John Fisher Catholic High School Harrogate, a Voluntary Academy

St Joseph's Catholic Primary School Tadcaster, a Voluntary Academy

Barkston Ash Catholic Primary School, a Voluntary Academy

St Joseph's Catholic Primary School Barnoldswick, a Voluntary Academy

St Wilfrid's Catholic Primary School, a Voluntary Academy



The Bishop Wheeler Catholic Academy Trust

The Bishop Wheeler Catholic Academy Trust is a charity and a company limited by Guarantee, registered in England and Wales.

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