# EQUALITY, DIVERSITY AND INCLUSION POLICY

**This Policy has been approved and adopted by Blessed Christopher Wharton Catholic Academy Trust.**

## Policy Details

Blessed Christopher Wharton Catholic Academy Trust (BCWCAT) has adopted the PACT HR recommended model procedure as agreed by the following Trade Unions;

- Unison
- GMB
- NASUWT
- NEU
- NAHT

**ASCL recognises that meaningful consultation took place prior to the adoption and implementation of this policy.*

Approved by: Finance, Resources and Audit Committee

Approved on: 19/10/2021

Reviewer: Finance, Resources and Audit Committee

To be reviewed on: 01/09/2024

NB. This policy/guidance will be retained for a period of 7 years from replacement.

## Summary of Key Changes

i. Title change
ii. Added a section relating to Hajj to the appendices.
iii. Added a section relating to support for transgender staff to the appendices.
iv. Added information relating to the observance of prayer times at work and cultural dress.

## Terminology

Within the following document, the terms below represent the following;

| | |
|---|---|
| The Board: | The Board of Trustees |
| Senior Leader: | Chief Executive Officer |
| Chair: | Chair of the Board of Trustees |
| Member: | Trustee |

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## Policy Statement

BCWCAT recognises its responsibilities to ensure the fair and equitable treatment of everyone employed and those individuals who undertake work on the premises.

This policy sets out the principles under which the Board will operate to meet these aims, and brings together all previous policies, schemes and action plans around equality. It includes all the protected characteristics covered under the Equality Act 2010 as well as other aspects which have the potential to discriminate against or to devalue any individuals within our community.

The principles outlined here by the Board of fair and equitable treatment apply equally to our approach to students/pupils and parents and to our dealings with members of the local community and all outside agencies. The policy on equality in the curriculum and the treatment of students/pupils is set out in a separate policy document.

The policy has been discussed and agreed with all staff representatives and with the trade unions. It is available to everyone in the Trust and to any prospective applicant. The Board welcomes any comments or contributions to the policy document.

## Preamble

1.1 This policy sets out the principles under which the Board will operate having due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity, and
- foster good relations between groups.

1.2 This policy applies to employees, workers (engaged through, or by, an employment agency or on a temporary basis), and all job applicants. It also applies to sub-contractors, in that the Trust will take all necessary steps to ensure good performance and compliance with appropriate behaviours whilst on the premises. However, if any issues become apparent with regards to diversity or equality in relation to any contractor or third party's behaviour towards others involved, i.e. staff, pupils/students, parents, other workers, these

will be taken very seriously and appropriate action will be taken, which could include those individuals being asked to leave the premises.

1.3 The over-riding premise that will be adhered to in matters of equality, by all board members and staff, is that everyone has the right to be treated with dignity and respect whatever their characteristics.

## Roles and Responsibilities

2.1 Role of Board Members

- The Board has set out its commitment to equality, diversity and inclusion through this plan and will continue to do all it can to ensure full inclusivity.
- The Board seeks to ensure that individuals are not discriminated against when applying for jobs and welcomes all applications.
- The Board will take all reasonable steps to ensure that the work environment, resources and communications are as accessible and inclusive as possible.
- The Board ensures that no member of staff is discriminated against whilst at work on account of any of the protected characteristics identified as part of the Equality Act 2010.

2.2 Role of Senior Leader:

- It is the Senior Leader responsibility to implement the Equality, Diversity & Inclusion Policy and they are supported by the Board in doing so.
- It is the Senior Leader's role to ensure that the Senior Leadership team is kept up to date with any development(s) affecting the policy or actions arising from it.
- It is the Senior Leader's role to ensure that everyone is aware of the Equality, Diversity & Inclusion Policy and their responsibilities within it, and have access to training which helps to implement the policy.
- The Senior Leader ensures that all appointment panels give due regard to the Equality, Diversity & Inclusion Policy, so that no one is discriminated against in respect of employment, promotional or training opportunities.
- The Senior Leader promotes the principle of equality of opportunity in all aspects of Trust life.

- The Senior Leader treats all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents, with due seriousness and in line with the appropriate policy.

2.3 Role of Senior Leadership Team:

- The Senior Leadership Team will have responsibility for supporting everyone in implementing this policy.
- The Team will provide a lead in the dissemination of information relating to the policy.
- The Team, alongside the Senior Leader, will provide advice/support in dealing with any incidents/issues.
- The Team will assist in implementing reviews of this policy, alongside the Senior Leader and Board.

2.4 Role of All Staff:

- All staff will ensure that all other members of staff are treated fairly, equitably and with respect and will maintain awareness of the Equality, Diversity & Inclusion Policy.
- All staff will strive to promote positive images, based on any and all protected characteristics and challenge stereotypical images throughout the Trust.
- All staff will challenge any incidents of less favourable treatment, prejudice or discrimination, drawing them to the attention of the Senior Leader, Senior Leadership Team or the Chair of the Board (in the case of incidents involving the Senior Leader).

## Statutory Requirements

3.1 The Board welcome its duties under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations between different groups.

3.2 The Equality Act 2010 sets out the 'protected characteristics' that qualify for protection from discrimination. These are:

- Age
- Disability

- Gender Re-assignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Gender/Sex
- Sexual Orientation

## Harassment or Bullying

4.1 The Board is opposed to any act of victimisation, harassment or bullying against any member of staff either by an employee or third party and is committed to the achievement of an open and transparent workplace culture, whereby employees feel comfortable raising any such concerns in the knowledge that they will be appropriately and sensitively managed.

4.2 Any employee who feels they have been subject to bullying or discrimination in relation to a protected characteristic by other members of staff should raise the matter under the relevant Grievance procedure. Where such allegations are founded, these will be treated as a serious disciplinary offence.

| Type of Discrimination/Unfavourable Treatment | Description |
|---|---|
| Direct Discrimination | When someone is treated less favourably than another person because they have a protected characteristic. |
| Discrimination by association | This is direct discrimination against someone because they associate with someone who has a protected characteristic. |
| Discrimination by perception | This is direct discrimination against an individual because others think they have a particular protected characteristic. It applies even if the person does not actually have that characteristic. |
| Indirect Discrimination | Can occur when you have a condition, rule, policy or even practice that applies to everyone but particularly disadvantages people who share a protected characteristic. This may apply to certain faiths, i.e. a policy that states staff should be clean shaven may |

| | |
|---|---|
| | indirectly discriminate against a person race, religion or belief |
| Harassment | This is unwanted conduct relating to a protected characteristic which has the effect of violating a person's dignity or creating a hostile, intimidating, degrading, offensive and humiliating environment for them. |
| Victimisation | When someone is treated unfavourably because they made, or were thought to have made or participated in a complaint relating to a protected characteristic. |

4.3 Discrimination, harassment or victimisation legislation extends to periods beyond the end of the working relationship and covers issues such as the provision of references, either written or verbal.

4.4 All staff should have regular training on equality, diversity and Inclusion.

4.5 This also applies to any member of the Board involved in overseeing this process.

## Religious Observance

5.1 The Board and Senior Leadership Team will not discriminate directly or indirectly when dealing with requests for time off for religious and belief observance. However, employees need to be aware that the law does not confer an automatic right for employees to have time off, or to be provided with facilities to undertake religious observance. Employees need to refer to the Leave of Absence Policy for guidance on time off for religious observance and to Appendix 1 of this document specifically relating to Hajj.

Observance of Prayer Times at Work

5.2 All staff, regardless of religious belief or non-belief, are required to work in accordance with their contracts.

5.3 Senior Leaders, while retaining the right to ensure appropriate cover, should make every attempt to ensure that those whose religion requires them to pray at certain times during the day are enabled to do so through agreed flexible working arrangements.

5.4 Schools are not required to provide a prayer room; however, they must make

reasonable effort to provide an appropriate quiet place for staff to undertake their religious observance wherever practical within the needs of the Trust.

5.5 Schools are not required to enter into significant expenditure and/or building alterations to meet religious needs. For instance, some religions/beliefs require a person to wash before prayer. This is often done symbolically or by using the existing facilities.

## Cultural Dress

6.1 The dress worn by staff should be consistent with the standards expected of professional workers. All schools should welcome the variety of appearance brought by individual cultural styles and these can be perfectly consistent with professional standards within this, individuals should be able to dress according to their wishes unless this is detrimental to a person's capacity to do their job or is deemed unsafe or inappropriate for some other valid reason. However, there may circumstances where a particular form of dress may be inappropriate.

6.2 An example of this may be the niqab (a veil worn by some Muslim women revealing only their eyes) and other forms of clothing which cover the face. Management may take the decision to not allow these forms of dress to be worn in certain parts of the school (e.g. classrooms) for the following reasons;

- Obscuring the face and mouth reduces the non-verbal signals required between adults and pupils both in the classroom and other communal parts of the school. Pupils need to see the adult's full face in order to receive optimum communication.
- Schools are professional settings where communication is vital, both between adults and pupils.
- Staff need to be identifiable for health and safety reasons.

6.3 The Trust may take the view that the desire to express religious identity does not overcome the primary requirement for optimal communication between adults and children. Ultimately, each case should be considered on its merits in the light of the principles identified above.

## Positive Action

7.1 The Board recognises that the avoidance of discrimination is not sufficient to ensure that equality exists in the Trust and will therefore give full consideration to measures of positive action which may assist in achieving the aims of this policy. This is action designed to encourage or facilitate the employment or training of disadvantaged groups.

7.2 The Board will take positive action to ensure the workforce is reflective of the community and area it supports to enable those groups to compete on an equal basis. Positive action measures may include:

- Encouraging applications from specific groups which are underrepresented in the workforce.
- Encouraging people with disabilities to apply for posts
- Promoting the use of job shares and flexible working where operational factors make this possible
- Supporting training measures for under-represented groups
- Exploring the possibility of career breaks for staff to assist with family commitments
- Commitments to interviewing disabled people who meet the basic criteria for the post
- Encouraging staff to become representatives of trade unions or associations

## Equality Monitoring & Review

8.1 The Board commit to monitoring the use of all policies, staff turnover figures and feedback from exit interviews as a non-exhaustive means of identifying any issue of discrimination, harassment or victimisation and to ensure that staff turnover does not reflect a disproportionate number of individuals from minority groups.

8.2 The Board will also regularly monitor the effectiveness of this policy, by the following methods:

- The existing workforce will be asked to complete a monitoring form so that data is available on the composition of the staff groups.
- All applicants for posts will be asked to complete a monitoring form to enable monitoring of our selection decisions in line with the principles of this policy.
- All applicants for posts will be invited to indicate whether they have any special requirements or require reasonable adjustments to enable them

to submit an application, attend an interview or carry out the duties of that post. Responses to this question and appropriate actions taken by the Trust to accommodate people with disabilities will also be monitored as part of this process.

- Anonymised information arising from this data collection process will be published on an annual basis and will be available to all staff and board members.
- Staff and board members will be invited to give feedback from time to time via methods including a staff survey, and to make suggestions for improvements.
- The incidence of complaints under the appropriate procedure and any other aspect of this policy will also be monitored and figures published on a regular basis.
- The Board will ensure that information is stored in an appropriate and confidential format and managed in accordance with the General Data Protection Regulation 2018.

## Appendix 1 – Hajj

9.1 Any request made for a substantial period of leave in order to carry out religious obligations for members of any religion will be considered on the same basis as set out in the Leave of Absence Policy. The purpose of this document is to set a framework for the Board to manage and administer requests from Muslim staff wishing to perform the obligatory pilgrimage of Hajj.

9.2 The Board recognises the difficulty which results from the academic year following the Gregorian and not the Hijri calendar, which means that Hajj can fall during times when the Trust is in session. The Board respects that Hajj is one of the five pillars of Islam and is an obligation upon Muslims once in their lifetime, financial/health conditions permitting and as such, is committed to providing high quality education whilst having a balanced approach to the religious needs of its staff. Staff requests for leave for Hajj will be considered according to the following criteria:

- In order to minimise any possible disruption to colleagues and students, staff wishing to apply for the obligatory Hajj leave will notify the Chair of Board and the Senior Leader in writing by the end of Ramadan for the following Hajj.

- Staff wishing to perform the obligatory Hajj may apply for a maximum of three weeks' unpaid leave (see "Unpaid Leave" within the Leave of Absence Policy for advice where school holidays are included).
- In order to balance the needs of students and the need for staff to make the obligatory Hajj pilgrimage, Muslim staff will be granted Hajj leave subject to the Trust's ability to release staff without an adverse impact on service delivery.
- All Muslim staff will be considered with fairness irrespective of their professional status. Applications will normally only be considered for the obligatory (first) Hajj. In exceptional circumstances requests made on compassionate grounds may also be considered by the Board.
- Permissions / requests for Umrah or non-obligatory Hajj will not be considered during term time except in exceptional compassionate grounds.

9.3 When making a request to undertake Hajj staff are asked to consider the impact their absence might have on the students with whom they work.

9.4 The initial decision on whether or not to grant exceptional leave for Hajj will be made by the board's staffing committee which will consider the written application made by the staff member. Any appeal against the decision of the staffing committee will be heard by the Board's Appeals Committee. The staff member may put their case in person to the Appeals Committee, assisted by a trade union representative or a work colleague.

9.5 The Senior Leader (or appropriate manager) may present the management case to the Committees at the first hearing and at the appeal hearing.

9.6 In accordance with the overall policy on leave of absence, staff should not book tickets etc. before the Hajj leave has been approved.

9.7 Overstaying an approved absence may be considered as unauthorised absence (unless there are substantial grounds for having done so – staff in this situation should keep any evidence) and could lead to disciplinary action in line with the Absence Without Leave Policy.

## Appendix 2 – Support for Transgender Staff

10.1 The purpose of this document is to set out the Board's commitment to supporting staff who are transgender, recognising that there are possible differences between physical sex and gender identity. The Trust will at no time

discriminate against any person on the grounds any form or process of gender re-assignment. The Board recognises the term 'transgender' as an umbrella term and acknowledges the variants that exist within the associated terminology identity' (see glossary of terms below).

10.2 The Board recognises and commits to the principles as outlined in the Equality Act (2010) and Gender Recognition Act (2004) and acknowledges that this is not an exhaustive list of the applicable legislation, and at all times will seek to ensure that;

- All of a trans individual's rights are met in line with the applicable legislation
- All trans individuals are treated in accordance with their gender identity and referred to using their preferred or chosen title and/or pronoun
- All trans individuals are afforded equal access to all forms of training, promotional opportunities and staff development
- Trans individuals are not discriminated against in any and all employment practices, included but not limited to recruitment and selection, redundancy and/or dismissal
- Any reports or detrimental, unlawful or transphobic behaviour towards a trans individual will be dealt with under the appropriate procedure.

10.3 The Trust is committed to supporting individuals who are transitioning, or intend to transition genders, recognising that this can be an extremely difficult time and endeavouring to ensure matters are dealt with sensitively and confidentially.

10.4 Managers are encouraged to meet with employees who have disclosed that they are transitioning or intend to transition; however, employees may be more comfortable meeting with another senior member of staff and this request should be duly considered and respected where practicable and possible. As part of regular meetings with the member of staff, with a view to ensuring appropriate and on-going support is provided, the manager/alternate colleague and member of staff may wish to discuss:

- Key information e.g. the employee's new name, when they will start using this, details of meetings held and any actions.
- Any pending medical appointments.
- How the employee wishes to communicate their transition to colleagues/other employees, when this will happen and to whom (managers should be mindful that this will be one of the biggest steps for the member of staff to take and so they should be completely comfortable

with the communication plans).

- Any practical changes/arrangements relating to the adjustment of records e.g. local authority records, name badge, uniform, log-in details, pension scheme, additional support for the member of staff and their family members, work-based social media.

10.5 The Board recognises that a trans person is free to select the facilities that are appropriate to the gender in which they present and does not condone or tolerate any detrimental behaviour, treatment or comments towards a trans person in respect of the use of facilities.

10.6 Absences for medical reasons or other appointments associated with the gender transition process will be recorded but not used in relation to any absence management process. The Trust will provide at least the same level of support to a member of staff returning from an absence due to medical or surgical treatment relating to their transition, as with any other colleague returning from absence.

## Glossary of Terms

Other terms used associated with the term 'transgender' include:

| | | | |
|---|---|---|---|
| **Bi-gender** | A gender identity that includes any two gender identities and behaviours, possibly depending on context. | **Intersex** | A person born with sex characteristics that are not easily classified as male or female. |
| **Gender binary** | The either/or categories of male/female that do not allow for, or recognise, other experiences of gender. | **Mis-gendering** | Using a pronoun or a form address which does not correctly reflect a person's gender identity. |
| **Gender dysphoria** | Feeling that your gender identity that is different from your anatomical sex. This can result in anxiety, uncertainty, or persistently uncomfortable feelings | **Non-binary** | A person who does not adopt the binary approach to gender; who may identify as male and female, neither male nor female, or another sense of gender. |

| | | | |
|---|---|---|---|
| | about your birth gender. | | |
| **Gender identity** | Sense of self as a man, woman, non-binary person or other sense of gender. | **Transsexual** | A person who takes on the characteristics of the opposite sex and lives as such, without gender reassignment surgery. |

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