

LEAP: Brinsworth Academy

Public Sector Equality Duty Policy: 2021 -22

This policy covers all aspects of equality and helps us to meet our Public Sector Equality Duty under The Equality Act 2010.

The Equality Act's provisions cover all aspects of Academy life such as the treatment of students, parents/carers and employees.

Any persons acting on behalf of the Academy is liable for their own discriminatory actions, as is the Academy, unless it can be shown that all reasonable steps to stop the individual from doing the discriminatory action have taken place.

Protected Characteristics

The Act covers nine protected characteristics which cannot be used to treat people unfairly. These are:

- Age
- sex,
- race,
- disability,
- religion or belief
- sexual orientation
- gender reassignment
- marriage and civil partnership
- pregnancy or maternity

Age and marriage and civil partnership are NOT protected characteristics for the Academy's provisions for students.

For further details see Appendix 1.

Unlawful behaviour

The Equality Act makes it unlawful to treat someone differently, either through direct or indirect discrimination, harassment, victimisation and by failing to make reasonable adjustment for a disabled person.

The Public Sector Equality Duty

Brinsworth Academy has a Public Sector Equality Duty (PSED) extending to all protected characteristics - race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment. The Academy has 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.

“We will have **due regard** to advancing equality of opportunity including making serious consideration of the need to

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any

We will consider the six Brown principles of ‘due regard’:

- **awareness** – all staff know and understand what the law requires
- **timeliness** – implications considered before they are implemented
- **rigour** – open-minded and rigorous analysis, including parent/student voice
- **non-delegation** – the PSED cannot be delegated
- **continuous** – ongoing all academic year
- **record-keeping** – keep notes and records of decisions & meetings

We welcome the opportunity to be transparent and accountable. The Trust fulfils the specific duties of the Act by publishing their Equality Information and Objectives.

We aim to make the information accessible, easy to read and easy to find.

Equality Information

We maintain confidentiality and work to data protection principles. We publish information in a way so that no student or staff member can be identified.

Staff

| | |
|------------------------------|--|
| Age | Figures change – we comply with our equality duty |
| Disability | 0.004% 12 staff, 4.9% declared disability on annual return |
| Gender reassignment | We support any staff member towards gender reassignment. |
| Marriage & civil partnership | Figures change – we comply with our equality duty |
| Pregnancy/maternity | Figures change – we comply with our equality duty |
| Race/ethnicity | White, British 92%, Asian or Asian British 4% Mixed White & Asian 1% Mixed, any other mixed background 1% Black or Black British, African or Carribbean 0% |
| Religion/belief | Religion is not recorded |
| Sex – male/female | Female – 171 (70%) Male – 73 (30%) |
| Sexual orientation | We support all staff members regardless of sexual orientation |

Students

| | | | |
|------------------------------|--|-----|-----|
| Age | We have students aged from 11 to 19 years old | | |
| Disability | We ensure reasonable adjustments are made where appropriate | | |
| Gender reassignment | We support any student towards gender reassignment. | | |
| Marriage & civil partnership | Figures change – we comply with our equality duty | | |
| Race/ethnicity | | | |
| | Any other Asian background | 30 | 2% |
| | Any other Black background | 6 | 0% |
| | Any other ethnic group | 1 | 0% |
| | Any other mixed background | 2 | 0% |
| | Bangladeshi | 2 | 0% |
| | Black - African | 38 | 3% |
| | Black Caribbean | 1 | 0% |
| | Chinese | 4 | 0% |
| | Gypsy/Roma | 1 | 0% |
| | Indian | 4 | 0% |
| | Information Not Yet Obtained | 16 | 1% |
| | Other ethnic group | 14 | 1% |
| | Other mixed background | 11 | 1% |
| | Pakistani | 417 | 27% |
| | Refused | 4 | 0% |
| | White - British | 857 | 56% |
| | White and Asian | 28 | 2% |
| | White and Black African | 9 | 1% |
| | White and Black Caribbean | 19 | 1% |
| | White and Chinese | 3 | 0% |
| | White European | 34 | 2% |
| | White Other | 6 | 0% |
| | Yemeni | 13 | 1% |
| Religion/belief | Religion is not recorded | | |
| Sex – male/female | Female – 756 (50%) Male - 766 (50%) | | |
| Sexual orientation | We support all students regardless of sexual orientation | | |
| SEND | 444 students (29%) Key groups include: Vision impairment 4 students Physical Disability 7 students Hearing impairment 5 students Moderate learning difficulty 21 students Specific learning difficulty 179 students Autistic Spectrum Disorder 32 students Speech, Language & Communication needs 29 students Social Emotional & mental health needs 133 students | | |

We will update our equality information at least annually.

We adopt a whole school approach to equality and consider it important for pupils to learn about equality and human rights. We adhere to the Equality and Human Rights Commission (EHCR) statement:

'To reap the full benefits of equality and human rights education, it is essential

to teach topics in an environment which respects the rights and differences of both students and teachers. Without an equality and human rights culture within the classroom and school as a whole, learning about these topics can at best appear irrelevant, and at worst, hypocritical. The respect and tolerance it teaches will help staff and students create a healthier, happier, fairer school culture, and could lead to reductions in bullying and other negative behaviour, and improvements in attainment and aspirations.'

Though the Act refers to 'race', the use of ethnic/cultural origin, background or heritage is often more appropriate.

Appendix 1

Gender reassignment

Protection from discrimination because of gender reassignment in Academies is new for students in the Equality Act, although Academy staff are already protected. This means that it is now unlawful for Academies to treat students less favourably because of their gender reassignment and that Academies will have to factor in gender reassignment when considering their obligations under the new Equality Duty. Gender reassignment is defined in the Equality Act as applying to anyone who is undergoing, has undergone or is proposing to undergo a process (or part of a process) of reassigning their sex by changing physiological or other attributes.

Race

The definition of race includes colour, nationality and ethnic or national origins. The Academy need to make sure that students of all races are not singled out for different and less favourable treatment from that given to other students and there are no practices which could result in unfair, less favourable treatment of such students.

Religion or Belief

The Equality Act defines "religion" as being any religion, and "belief" as any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics. The Equality Act makes it clear that unlawful religious discrimination can include discrimination against another person of the same religion or belief as the discriminator.

Sex/Gender

The Academy need to make sure that students of one sex are not singled out for different and less favourable treatment from that given to other students. They should check that there are no practices which could result in unfair, less favourable treatment of boys or girls.

Pregnancy and maternity

Protection for students from discrimination because of pregnancy and maternity in Academies is new in the Equality Act. This means that for the first time it will be unlawful for the Academy to treat a pupil less favourably because she becomes pregnant or has recently had a baby.

Sexual orientation

Academies need to make sure that all gay, lesbian or bi-sexual students, or the children of gay, lesbian or bi-sexual parents, are not singled out for different and less favourable treatment from that given to

other students.

Disability

The provisions relating to disability discrimination are different in that the Academy may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to your practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what you offer to the same extent that a person without that disability can.

Definition of 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.

Reasonable adjustments and when they have to be made

The duty to make reasonable adjustments applies only to disabled people. For the Academy the duty is summarised as follows:

- Where something the Academy does places a disabled pupil at a disadvantage compared to other students then the Academy must take reasonable steps to try and avoid that disadvantage.
- The Academy will be 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 students.

Academies will not be expected to make adjustments that are not reasonable.

The reasonable adjustments duties on Academies are intended to complement the accessibility planning duties and the existing special educational needs (SEN) statement provisions which are part of education legislation, under which Local Authorities have to provide auxiliary aids to students with an EHC plan. Academies and LAs need to carry out accessibility planning for disabled students.

The Academy must implement accessibility plans which are aimed at:

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