

# Equality and Religious & Cultural Needs Policy

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# Contents

<b>1.0</b>	<b>Introductory</b>	<b>3</b>
1.1	Scope of the Policy	3
<b>2.0</b>	<b>Guiding principles</b>	<b>4</b>
	Principle 1: All learners are of equal value.	4
	Principle 2: We recognise and respect difference.	4
	Principle 3: We foster positive attitudes and relationships, and a shared sense of cohesion and belonging.	4
	Principle 4: We observe good equalities practice in staff recruitment, retention and development.	4
	Principle 5: We aim to reduce and remove inequalities and barriers that already exist	5
	Principle 6: We consult and involve widely.	5
	Principle 7: Society as a whole should benefit	5
	Principle 8: We base our practices on sound evidence	5
	Principle 9: Objectives	5
<b>3.0</b>	<b>Roles and responsibilities</b>	<b>5</b>
	Role of Directors:	6
	Role of Headteacher:	6
	Role of Senior Leadership Team:	6
	Role of Staff:	6
	Role of Students:	6
	Role of Parents/Carers:	6
<b>4.0</b>	<b>Statutory Requirements</b>	<b>7</b>
<b>5.0</b>	<b>Recruitment</b>	<b>9</b>
5.1	Positive Action	9
<b>6.0</b>	<b>Breaches of the policy</b>	<b>9</b>
<b>7.0</b>	<b>Equality Monitoring &amp; Review</b>	<b>9</b>
<b>8.0</b>	<b>Harassment, Bullying and Grievance Procedures</b>	<b>10</b>
<b>Part 2 Religious and Cultural Needs Policy</b>		<b>11</b>
<b>1.0</b>	<b>Policy Statement</b>	<b>11</b>
<b>2.0</b>	<b>Religious Observance</b>	<b>11</b>
2.1	Time off for religious observance	11
2.2	Entitlement to Religious Observance	12
2.3	Use of School Closure Days – “Occasional Days”	12
2.4	Observance of Prayer Times at Work	12
2.5	Cultural Dress	12
2.6	Pilgrimage	13
		2

## 1.0 Introductory

Beckfoot Trust recognises its responsibilities to ensure the fair and equal treatment of everyone employed at the Trust and those individuals who undertake work on our school premises.

This policy sets out the principles under which the Board of the Trust will operate to meet these aims, and brings together all previous policies, schemes and action plans around equality including those that were previously for Race, Gender and Disability. 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 Directors of fair and equal treatment apply equally to our approach to students and parents of the Trust and to our dealings with members of the local community and all outside agencies. The Trust's policy on equality in the curriculum and the treatment of students 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 all everyone in the Trust and to any prospective applicants. Beckfoot Trust welcomes any comments or contributions to the policy document.

### 1.1 Scope of the Policy

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

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

This policy applies to employees of Beckfoot Trust, workers (engaged through, or by, an employment agency supplied to the school or a temporary basis), and all job applicants regarding recruitment. It also applies to sub-contractors, in that the school will take all necessary steps to ensure good performance and compliance with appropriate behaviours whilst on school 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 at the school, i.e. staff, students, parents, other workers engaged at the school, these will be taken very seriously by the Trust and those individuals asked to leave the school premises.

Beckfoot Trust is committed to equality for all in the appointment, development, training and promotion of staff, and in all dealings with students and parents of the Trust. The aims of the policy are for schools to be an inclusive organisation, where diversity is valued, respected and built upon, with the ability to recruit and retain a diverse workforce that reflects the communities it serves.

It is recognised that there are similarities and differences between individuals and groups, but schools the Trust Board of Directors intend to strive to ensure that differences do not become barriers to participation, access and learning and to create inclusive processes and practices, where the varying needs of individuals and groups are identified and met.

All employment related policies (listed below) are applied impartially and objectively and are designed to promote equal opportunity and protection against discrimination for all.

- (i) Trust Attendance Management policy
- (ii) Trust Discipline, Conduct and Grievance policy

- (iii) Trust Pay and Performance Management
- (iv) Trust Recruitment, Apprenticeship and DBS policy
- (v) Trust Work and Families policy
- (vi) Trust Online Safety policy
- (vii) Managing of Workforce Change policy
- (viii) Stress policy
- (ix) CCTV policy
- (x) Whistleblowing policy
- (xi) Visitors to School

## 2.0 Guiding principles

In fulfilling the legal obligations cited above, we are guided by nine principles:

Principle 1: All learners are of equal value.

We see all learners and potential learners, and their parents and carers, as of equal value:

- whether or not they are disabled
- whatever their ethnicity, culture, national origin or national status
- whatever their gender and gender identity
- whatever their religious or non-religious affiliation or faith background
- whatever their sexual identity

Principle 2: We recognise and respect difference.

Treating people equally (Principle 1 above) does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate but must nevertheless take account of differences of life-experience, outlook and background, and in the kinds of barrier and disadvantage which people may face, in relation to:

- disability, so that reasonable adjustments are made
- ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised
- gender, so that the different needs and experiences of girls and boys, and women and men, are recognised
- religion, belief or faith background
- sexual identity

Principle 3: We foster positive attitudes and relationships, and a shared sense of cohesion and belonging.

- We intend that our policies, procedures and activities should promote:
- positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people
- positive interaction, good relations and dialogue between groups and communities different from each other in terms of ethnicity, culture, religious affiliation, national origin or national status, and an absence of prejudice-related bullying and incidents
- mutual respect and good relations between boys and girls, and women and men, and an absence of sexual and homophobic harassment.

Principle 4: We observe good equalities practice in staff recruitment, retention and development.

We ensure that policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing professional development:

- whether or not they are disabled
- whatever their ethnicity, culture, religious affiliation, national origin or national status
- whatever their gender and sexual identity, and with full respect for legal rights relating to pregnancy and maternity.

#### Principle 5: We aim to reduce and remove inequalities and barriers that already exist

In addition to avoiding or minimising possible negative impacts of our policies, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between:

- disabled and non-disabled people
- people of different ethnic, cultural and religious backgrounds
- girls and boys, women and men.

#### Principle 6: We consult and involve widely.

We engage with a range of groups and individuals to ensure that those who are affected by a policy or activity are consulted and involved in the design of new policies, and in the review of existing ones. We consult and involve:

- disabled people as well as non-disabled
- people from a range of ethnic, cultural and religious backgrounds
- both women and men, and girls and boys
- people of all sexual orientations

#### Principle 7: Society as a whole should benefit

We intend that our policies and activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion, and greater participation in public life of:

- disabled people as well as non-disabled
- people of a wide range of ethnic, cultural and religious backgrounds
- both women and men, girls and boys
- people of all sexual orientations

#### Principle 8: We base our practices on sound evidence

We maintain and publish quantitative and qualitative information showing our compliance with the public sector equality duty (PSED) set out in clause 149 of the Equality Act 2010.

#### Principle 9: Objectives

We formulate and publish specific and measurable objectives, based on the evidence we have collected and published (principle 8) and the engagement in which we have been involved (principle 7). The objectives which we identify take into account national and local priorities and issues, as appropriate. We keep our equality objectives under review and report annually on progress towards achieving them.

## 3.0 Roles and responsibilities

### Role of Directors:

- The Board has set out its commitment to equality in the Trust through this plan and it will continue to do all it can to ensure that the Trust is fully inclusive to all through supporting all employees.
- The Board seeks to ensure that people are not discriminated against when applying for jobs and welcomes all applications.
- The Board will take all reasonable steps to ensure that the school environment gives access to people with disabilities and also strives to make Trust and individual school communications as inclusive as possible for all those working in for the Trust.
- The Board ensures that no employee is discriminated against whilst working in the Trust on account of any of the protected characteristics identified as part of the Equality Act 2010.

### Role of Headteacher:

- It is the Headteacher's responsibility to implement the Trust's Equality Policy and s/he is supported by the Board in doing so.
- It is the Headteacher's role to ensure that the Senior Leadership team is kept up to date with any development affecting the policy or actions arising from it.
- It is the Headteacher's role to ensure that everyone in school are aware of the Equality Policy and their responsibilities within it and have access to training which helps to implement the policy.
- The Headteacher ensures that all appointment panels give due regard to the Equality Policy in school, so that no one is discriminated against when it comes to employment or training opportunities.
- The Headteacher promotes the principle of equal opportunity in all aspects of school life.
- The Headteacher treats all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents, with due seriousness.

### 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 Headteacher, will provide advice/support in dealing with any incidents/issues.
- The Team will assist in implementing reviews of this policy, alongside the Headteacher and the Board.

### Role of Staff:

- All employees will ensure that all other employees are treated fairly, equally and with respect and will maintain awareness of the Trust's Equality Policy.
- All staff will strive to promote positive images, based on race, gender and disability and challenges stereotypical images throughout the Trust.
- All staff will challenge any incidents of prejudice or discrimination, drawing them to the attention of the Headteacher, Senior Leadership Team or the Chair of the Board (in the case of incidents involving the Headteacher).

### Role of Students:

- The students will be involved in the development of the policy and will understand how it relates to them, appropriate to age and ability.
- Students will be expected to act in accordance with the policy.
- Students will be encouraged to actively support the policy.

### Role of Parents/Carers:

- Parents/Carers will be given accessible opportunities to become involved in the development of the policy.

- They will have access to the policy through a range of different media appropriate to their requirements.
- They will be encouraged to actively support the policy.
- They will be encouraged to attend any relevant meetings and activities related to the policy.
- They will be informed of any incident related to this policy which could directly affect their child.

## 4.0 Statutory Requirements

The Board welcome its duties under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity, and it is recognised that that these duties reflect international human rights standards as expressed in the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

The Equality Act 2010 has brought together all the current discrimination laws into one and sets out the 'protected characteristics' that qualify for protection from discrimination. These are:

### **Age**

The Board are opposed to any direct or indirect discrimination based on age.

### **Disability**

The Board is opposed to any discrimination against any person with a disability, based on assumptions of their ability or otherwise to carry out the duties of the post to which they were appointed in school.

Where applicable, all candidates with disabilities who meet the basic essential criteria for a post will be interviewed.

Under the Equality Act 2010, reasonable provision will be made for adjustments to a member of staff's working conditions or environment for any person with a disability appointed to a post in school, where the adjustments are reasonably practicable.

### **Gender Re-assignment**

The Board is opposed to any discrimination as a result of a person proposing to undergo, undergoing or having undergone a process (or part of a process) for the purpose of re-assigning a person's sex."

### **Marriage and Civil Partnership**

The Board is opposed to any discrimination against employees who are married or in a civil partnership.

### **Pregnancy and Maternity**

The Board is opposed to discriminating against a woman on the grounds of pregnancy and maternity during the period of her pregnancy and maternity leave to which she is entitled.

### **Race**

The Board is opposed to any direct or indirect discrimination based on race (colour, nationality, ethnic or national origins). However, situations may arise in school which require special consideration and where a genuine occupational requirement may apply to justify the employment of someone of one particular race or ethnic origin. It is envisaged that these situations will be unusual and exceptional, and will be discussed with staff in advance.

### **Religion or Belief**

The Board is opposed to any direct or indirect discrimination based on religion or belief. As stated in the Equality Act 2010, religion includes any religion. It also includes a lack of religion, where employees or job seekers do not follow a certain religion or have a religion at all. Please see the Religious and Cultural Needs Policy for further information.

### **Sex**

The Board is opposed to any direct or indirect discrimination based on gender. However, situations may arise in school which require special consideration and where a genuine occupational requirement may apply to justify the employment of someone of one particular sex. It is envisaged that these situations will be unusual and exceptional and will be discussed with staff in advance.

### **Sexual Orientation**

The Board is opposed to any discrimination against employees based on perceived or actual sexual orientation. The Equality Act protects bisexual, gay, lesbian, transgender and heterosexual people. It is unlawful to discriminate against any individual on the grounds of their actual or perceived sexual orientation, or the actual or perceived sexual orientation of those with whom they associate.

### **Harassment or Bullying**

The Board is opposed to any unwanted conduct relating to any characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

The Board is further opposed to any act of victimisation, harassment or bullying against any member of staff either by an employee or third party. Such action will be investigated in accordance with the Trust's procedure any may lead to formal disciplinary action.

### **Types of Discrimination**

<b>Type of Discrimination</b>	<b>Description</b>
Direct Discrimination	When someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.
Discrimination by association	This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
Perception Discrimination	This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess 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.

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

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 Trust's Leave of Absence Policy for guidance on time off for religious observance.

The Board and Senior Leadership Team of the school will where reasonably practicable, in line with the Equality Act 2010, strive to accommodate reasonable adjustments to working conditions, the working environment, recruitment processes and terms and conditions of employment to help overcome practical difficulties created by a particular disability.

The Board will not treat any employee unfairly, based on their membership of a trade union.



The over-riding premise that will be adhered to in matters of equality, by all directors and staff in the Trust, is that everyone has the right to be treated with dignity and respect whatever their age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

## 5.0 Recruitment

Vacancies will be advertised openly either internally or externally unless there are exceptional reasons why this should not occur, for example in situations of potential redundancy.

All decisions relating to appointments or promotions will be conducted in accordance with the following principles,

- (i) A detailed job description will be drawn up which accurately describes the duties or competencies of the post.
- (ii) An objective and sufficiently detailed person specification (where applicable) will be defined from the job description.
- (iii) From these documents a list of objectively assessed selection criteria will be drawn up.
- (iv) Shortlisting will be carried out against the selection criteria and a written record retained of the assessment of each candidate.
- (v) All panel members must be suitably trained or experienced in conducting interviews.
- (vi) Selection decisions will be made against the agreed criteria and no other criteria will be used.
- (vii) A written record of the selection decision relating to the agreed criteria will be retained.
- (viii) Reasonable adjustments will be made to the recruitment and selection process where necessary to ensure that people with disabilities are enabled to compete for appointments in the Trust.

### 5.1 Positive Action

The Board recognises that the avoidance of discrimination is not sufficient to ensure that equality exists in the Trust. The Board 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.

The Board will not discriminate in favour of individuals from specific groups (positive discrimination), but it will take positive action to ensure the workforce of the school is reflective of the community and area it supports to enable those groups to compete on an equal basis. Positive action measures may include:

- (i) Encouraging applications from specific groups which are under represented in the school.
- (ii) Encouraging people with disabilities to apply for posts.
- (iii) Flexible working – promoting the use of job shares and flexible working where operational factors make this possible.
- (iv) Supporting training measures for under-represented groups.
- (v) Exploring the possibility of career breaks to assist with family commitments.
- (vi) Encouraging staff to become representatives of trade unions or associations.

## 6.0 Breaches of the policy

Breaches of this policy will be dealt with in the same ways that breaches of other Trust policies are dealt with, as determined by the Headteacher and Board of Directors.

## 7.0 Equality Monitoring & Review

The Trust Board of Directors commit to monitoring the use of all policies in schools, staff turnover figures and feedback from exit interviews as a 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.

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

- (i) The existing workforce will be asked to complete a monitoring form so that data is available on the composition of the staff group in schools.
- (ii) All applicants for posts will be asked to complete a monitoring form to enable monitoring of our selection decisions against the principles of this policy.
- (iii) 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 school to accommodate people with disabilities will also be monitored as part of this process.
- (iv) Information arising from this data collection process will be published on an annual basis and will be available to all staff and Directors.
- (v) Staff and Directors will be invited to give feedback from time to time, and to make suggestions for improvements.
- (vi) The incidence of complaints under the appropriate Trust's procedure and any other aspect of this policy will also be monitored and figures published on a regular basis.
- (vii) Beckfoot trust will ensure that information is stored in an appropriate and confidential format in accordance with the Data Protection Act 1998.

Where monitoring does take place, the Directors, commit to adhering to the terms of the Data Protection Act 1998 and all data will be managed accordingly.

## 8.0 Harassment, Bullying and Grievance Procedures

Any employee of the Trust who wishes to make a complaint or grievance under this policy, should do so using the Trusts Staff Discipline, Conduct and Grievance policy. Complaints made under this procedure should be made within 30 working days of the last action complained of. Where the actions complained of are allegations of bullying, harassment or discrimination on a continuing basis the 30 days limitation will not apply. Where there are medical reasons for a delay in making the complaint the 30 days period may be extended where it is reasonable to do so.

## Part 2 Religious and Cultural Needs Policy

### 1.0 Policy Statement

It is acknowledged that our staff come from diverse backgrounds: some have no religious faith; others are committed to a greater or lesser extent to a variety of religions.

It is unlawful to discriminate against individuals because of their religion, religious belief or similar philosophical belief.

The most recent piece of legislation in this area is the Equality Act 2010 which protects various characteristics including religion or belief. All major religions are covered as well as some less well known beliefs. Those without religious or similar beliefs are also protected against discrimination under the legislation.

This guidance incorporates the statutory provisions, local and national conditions of service for staff. The aim of this guidance is to provide information for Managers in how to deal with requests regarding religious observance and also to provide staff with guidance on how they may make requests for adjustments in order to enable them to observe the religious or cultural practices surrounding their faith or belief. The scope of guidance covers both Leadership and staff.

### 2.0 Religious Observance

#### 2.1 Time off for religious observance

When requesting and granting time off for religious observance both management and employees have the following responsibilities:

##### Management Responsibilities:

- Managers should be sympathetic and give serious consideration to requests.
- If reasonable notice for such requests is not given, or if granting this would make service delivery impossible, the manager may have no choice but to refuse time off.
- If the request is refused, the member of staff may appeal. The appeal should be made in writing within 20 working days of the original decision being given, stating the grounds for the appeal. The school grievance procedures will be used. There is no further level of appeal.

##### Employee Responsibilities:

Time off for religious observance should where possible be planned in advance for the occasion, the employee must give as much notice as possible when informing the Headteacher of their wish to take leave. The dates of some days of religious observance are reliant on a sighting of the new moon and will therefore vary from year to year. Whilst occasions will be known well in advance, it is not always possible to give a definite date until much nearer to the time.

- Requests for planned leave of absence should be made well in advance of the date of absence in writing. This should be submitted to the Headteacher and should include reasons for the request which make clear why the leave cannot be taken during a normal school closure period, and the dates and length of the period of leave of absence requested.
- If the request is refused, the member of staff may appeal to the Trust's Appeals Committee. The appeal should be made in writing within 20 working days of the original decision being given, stating the grounds for the appeal. The school grievance procedures will be used. There is no further level of appeal.

For further details on the process of requesting and granting leave of absence, please refer to the Leave of Absence Policy.

## 2.2 Entitlement to Religious Observance

Schools are advised of the need for sensitivity, flexibility and parity of treatment between teaching and support staff. It is appreciated that managers must always ensure the effective delivery of service. However, it is expected that managers will make every endeavour to support requests for leave of this nature.

## 2.3 Use of School Closure Days – “Occasional Days”

Where a school has a significant proportion of students and/or staff from particular faith groups where a need for religious leave may be required outside the normal periods of school closure, the Headteacher may wish to consider use of occasional days to close the school in order to meet the religious needs of the community. This results in fewer learning days being lost by children and reduced expenditure on additional paid leave for staff.

## 2.4 Observance of Prayer Times at Work

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

Headteacher's, 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.

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 school.

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.

## 2.5 Cultural Dress

The dress worn by staff should be consistent with the standards expected of professional school 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 be circumstances where a particular form of dress may be inappropriate.

An example of this may be the niqaab (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 school 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.

The school 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.

## 2.6 Pilgrimage

Please refer to the Trust's Leave of Absence Policy / Hajj Policy