

Policy Name: Equal Opportunities

Policy Type: Statutory

To Be Reviewed: Biennially

Approved by: Board of Trustees

Date: 7 March 2022

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Aims

We wholeheartedly support the principles of equal opportunity in employment and are opposed to all forms of unfair or unlawful discrimination. We will treat all job applicants, employees, contractors and suppliers in the same way, regardless of any protected characteristic (age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race (including nationality, ethnic or national origin), religion or philosophical belief, sex or sexual orientation).

We believe that everyone has the right to be treated fairly and with dignity and respect at work, and to work without fear of discrimination, bullying or harassment. We welcome diversity amongst our staff, sub-contractors and visitors, recognising that individuals from a wide range of backgrounds and experience can contribute a wealth of experience to achieving our trust objectives.

We will regularly review this policy to ensure its continuing compliance with relevant employment legislation and the continuing success of its implementation by:

- ensuring there are no suspected practices in breach of this policy
- ensuring that selection for promotion, training, work allocation etc. is carried out in a non-discriminatory manner
- promoting a harmonious working environment and eliminating discrimination and harassment.

This policy is not contractual, but aims to set out how we normally deal with such issues. This policy does not form part of any employment contract and its contents are not to be regarded by any person as implied or express terms to any contract made with us. We reserve the right to amend and update this policy at any time.

Scope

This policy applies to all employees, including those on part-time, apprentice, fixed-term contracts, as well as casual workers and agency staff.

All employees also have a responsibility to apply good equal opportunity practices across our schools. All employees, irrespective of their job or seniority, should familiarise themselves with this policy, and be aware of their responsibility and role in promoting equality of opportunity and not discriminating unfairly or harassing colleagues, job applicants or ex-employees, nor encouraging others to do so or tolerating such behaviour. Employees are also encouraged to challenge any unacceptable behaviour should they either witness it or experience it directly. Disciplinary action, including dismissal, may be taken against any employee found guilty of unfair discrimination, harassment and/or victimisation.

Employees should be aware that not only are we, as the employer, liable for any cases of discrimination or harassment that occur, but individuals also may be held personally liable for their own acts and behaviour.

Managers are responsible for ensuring that fair treatment of all individuals is effected within their department and/or section on a day to day basis, with particular reference to recruitment, selection, training and development opportunities and work allocation.

Definition

Discrimination is unfair treatment on the grounds of a “protected characteristic” (age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race (including nationality, ethnic or national origin), religion or philosophical belief, sex or sexual orientation) and it is usually against the law

Types of discrimination

Direct discrimination

This occurs when a person is treated less favourably because of a protected characteristic.

Indirect discrimination

This is where the application of a provision (policy), criterion or practice (PCP) is discriminatory in relation to a protected characteristic which an individual has, and: :

- it is (or would be) applied equally to others who do not have that characteristic
- it puts (or would put) those who share the individual's characteristic at a particular disadvantage to those who do not have the characteristic
- it puts (or would put) the individual at that disadvantage
- it cannot be shown that the PCP is a proportionate means of achieving a legitimate aim.

Discrimination by association

This is discrimination against a person because they associate with someone who possesses a protected characteristic (eg discrimination against an employee who is not disabled themselves, but who has a disabled child).

Discrimination by perception

This is discrimination against a person because the discriminator perceives the person possesses that protected characteristic, even if the perception is incorrect.

Harassment

This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment can be regarded as behaviour that is offensive, frightening or in any way distressing and it is the impact on the individual that is important. It may be intentional, obvious or violent, but it can also be unintentional or subtle and insidious.

Further guidance on unlawful discrimination

Age – note that this covers people of all ages and age groups, and also their perceived age. Age-related bands are still however permitted in the National Minimum Wage bands and when calculating statutory redundancy payments.

Disability - it is unlawful to treat a disabled person unfavourably because of something 'arising in consequence of their disability'. Reasonable adjustments (see below) must be made if these would enable the disabled person to access any services or the ability to be employed, trained, or promoted to the same extent as a non-disabled person. A disabled person is defined as: "someone who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities".

- "substantial" means neither minor nor trivial
- "long term" means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
- "normal day-to-day activities" include everyday things like eating, washing, walking and going shopping.

Race - this includes colour, nationality and ethnic origin. It is unlawful to treat a person less favourably on grounds of the colour of someone's skin, nationality or ethnic origin.

Religion or belief – this covers not only any religion, religious belief or similar philosophical belief but also the lack of any religion or belief. A philosophical or political belief is not covered unless it is similar to a religious belief.

Sex – this covers both men and women. However, in the field of employment, a Genuine Occupational Requirement (GOR) can be lawful if a person of a particular gender is specifically required for a job.

Sexual orientation – this covers any sexual orientation, including homosexual, heterosexual and bisexual.

Part-time workers – a part-time worker is defined as someone who is 'not identifiable as a full-time worker'. Part-time workers are entitled to be treated on the same basis and are entitled to the same benefits, pro-rata, as their full-time colleagues.

Fixed-term employees - a 'fixed-term employee' is one with a contract of employment which is due to end when a specified date is reached, a specified event does or does not happen or a specified task has been completed. It is unlawful to treat a fixed-term employee less favourably than a comparable permanent employee, unless this is objectively justifiable. The use of successive fixed term contracts for any individual is limited to four years.

Equal pay - men and women should receive equal pay for work of equal value where work is the same or rated as equivalent regardless of the hours worked.

Genuine Occupational Requirement (GOR) - in very limited circumstances it will be lawful to treat people differently if it is a genuine occupational requirement that the job holder must possess a particular protected characteristic. When deciding if this applies, we will consider the nature of the work and the context in which it is carried out.

Reasonable adjustments for disabled individuals

All employers have a duty to consider and make reasonable adjustments to facilitate the employment of a disabled person. These may include:

- making adjustments to premises
- re-allocating some of a disabled employee's duties

- transferring a disabled employee to a role better suited to their ability
- relocating a disabled employee to a more suitable office or location
- giving a disabled employee time off work for medical treatment or rehabilitation
- providing training or mentoring for a disabled employee
- supplying or modifying equipment, instruction and training manuals for disabled employees.

We will consider and make any other reasonable adjustment to the employment arrangements or our premises if these substantially disadvantage a disabled employee or a disabled applicant. However, a number of factors will be taken into account in deciding if it is reasonable to make any changes. These include:

- the extent to which an alteration will improve the situation for the disabled employee or applicant
- how easy it is to make the change
- the cost of the measure, both financially and in terms of the disruption it will cause
- our resources
- any financial or other help that may be available.

If an employee has a disability, or becomes disabled during the course of their employment, and feels that any such adjustments are appropriate, they should discuss this with their manager or a member of the HR department in the first instance.

Recruitment and promotion

Our recruitment and promotion processes must result in the selection of the most suitable person for the job, whether this on a full-time, part-time, casual, temporary, seasonal or contract basis. Our focus is on the skills, abilities, qualifications, aptitude and potential of individuals to do their jobs.

We will ensure that our job adverts encourage applications from all suitably qualified and experienced people, through either internal and/or external advertising.

All adverts will be carefully worded to ensure that no intent of either direct or indirect discrimination is interpreted nor is there indication of stereotyping of roles. They will normally state "We are an equal opportunity employer and value diversity".

Job descriptions will properly reflect the responsibilities of the jobholder and person specifications will include only requirements that are necessary and justifiable for the effective performance of the job.

Selection criteria and procedures are intended to ensure that individuals are selected, promoted and treated on the basis of their individual relevant merit, ability and suitability for the post.

Membership of an under-represented group will not influence the appointment. Shortlisting and interviewing will normally be carried out by more than one person, to minimise the risk of conscious or unconscious bias.

The selection process will be carried out consistently for all jobs at all levels and will be fair and non-discriminatory. Interviews will be undertaken with an unbiased approach towards candidates and only questions which relate to the job and which are non-discriminatory will be asked. Selection tests will be specifically related to the job and measure an individual's actual, or inherent, ability to do or train for the job.

All information provided by applicants will be treated as confidential and their details will be stored and processed in line with the requirements of data protection legislation.

Training and development

We are committed to ensuring equality of opportunity in terms of access to training to increase employees' knowledge and skills and to provide them with opportunities to develop their potential.

All employees are encouraged to discuss their career prospects and training needs with their manager on a regular basis. Opportunities for promotion and training will be communicated and made available to everyone on a fair and equal basis.

The provision of training will be reviewed to ensure that part-time workers, shift or remote workers or those returning to work following a break are able to benefit from training.

It is our policy not to unfairly discriminate in the provision of training. No age limits apply for entry to training or development schemes - these are open to all employees.

We will ensure that this aim is implemented through:

- continuous review and updating of training courses and literature
- ensuring training materials are free from bias and do not discriminate, eg by showing minority groups or disabled people in lower skilled roles only
- ensuring promotion and transfer criteria are justifiable
- ensuring assessment criteria are clear and unbiased
- ensuring staff conducting appraisal interviews, salary reviews are aware of their obligations to carry these out fairly and consistently in line with this policy.

Appropriate training will be provided to enable staff to perform their jobs effectively.

Terms and conditions of employment

We will ensure that all our employment policies including remuneration, benefits and any other relevant issues associated with terms and conditions of employment, are formulated and applied in such a way as to remove/minimise any discrimination on the grounds of a protected characteristic or indeed any other characteristic unrelated to the performance of the job.

Employees will not be subjected to any detriment if they wish to join our pension scheme, nor will they be offered any inducement not to do so.

Retirement

We have no fixed retirement age and anyone who wishes to work beyond State Pension Age may choose to do so.

HR policies and procedures

Our HR policies and procedures will be reviewed regularly to improve, amend or adapt current practices to promote equality of opportunity within our trust.

Complaints

Harassment, discrimination, and bullying will not be tolerated. We recognise that making a complaint can be embarrassing and stressful. Sometimes the complainant simply wants the conduct or behaviour to stop and sometimes they want stronger action to be taken and therefore to take account of this we offer various routes of action.

When dealing with general disciplinary matters, care is to be taken that employees or workers who have, are perceived to have, or are associated with someone who has, a protected characteristic, are

not dismissed or disciplined for performance or behaviour which could be overlooked or condoned in other employees or workers.

Employees who believe they have either been discriminated against or have witnessed discrimination, should bring this to our attention as soon as possible, either informally or formally in accordance with our grievance procedure or bullying and harassment policy. An employee who, in good faith, brings a complaint of discrimination must not be victimised or less favourably treated as a result. (However, false allegations that are found to have been made in bad faith will be dealt with under our disciplinary procedure.)