

# **EQUAL OPPORTUNITIES POLICY**

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Signed by Trust/Committee Chair



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# Equal Opportunities Policy

## 1. Introduction

- 1.1 The Trust is committed to providing equal opportunities and to avoiding unlawful discrimination in employment. This policy is intended to assist the Trust to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.
- 1.2. The Trust wishes to promote a culture where everybody feels a personal responsibility to ensure that the dignity of colleagues, pupils and other clients and customers is upheld and which ensures that support mechanisms are in place, to guide managers and employees in their conduct and behaviour towards others.
- 1.3 The Trust recognises that a crucial element of ensuring equal opportunities in employment is to have a work environment free from harassment and bullying and where everyone is treated with dignity and respect. The Trust has a separate Grievance and Dignity at work policy, which as at its core the objective of supporting these principles and providing a framework to deal with cases where they are contravened.

## 2. Legislation: Equality Act 2010

- 2.1 The Equality Act 2010 came into force on 1 October 2010. The purpose of the Equality Act 2010 was to simplify discrimination legislation and create a more consistent and effective framework, while at the same time extending discrimination protection.
- 2.2 The Act sets out a number of protected characteristics. People with one or more of these protected characteristics have legal protection against certain forms of discrimination, which are detailed in section 3 of this policy. The protected characteristics set out in the Equality Act 2010 are:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation.
- 2.3 All of the above groups are protected from direct discrimination, which is defined as treating someone with a protected characteristic less favourably than others. With the exception of pregnancy and maternity, people with one or more protected characteristic also receive protection from indirect discrimination. Indirect discrimination occurs where an employer puts rules or arrangements in place that apply to everyone, but which have one or more element that put someone with a protected characteristic at an unfair disadvantage.

- 2.4 The Trust recognises its legal and moral responsibility to ensure as far as reasonably practicable that its employees do not commit acts of discrimination against other employees or members of the public.
- 2.5 Employers may take positive action in the form of proportionate measures to encourage or train people from an under-represented group to apply for jobs, overcome a perceived disadvantage or meet specific needs based on a protected characteristic. For example, an employer could facilitate women having access to childcare facilities or provide certain religious groups with time off for religious observance.
- 2.6 It is unlawful to discriminate in the recruitment and employment of staff and it is also unlawful for an employer or its staff to discriminate against or harass service users or members of the public. It may also be unlawful to discriminate post-employment, e.g., refusing to give a reference for a reason related to one of the protected characteristics.
- 2.7 Staff should not discriminate against or harass service users or a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation, or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### **3. Types of unlawful discrimination**

- 3.1 Direct discrimination:** where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

- 3.2. Indirect discrimination:** where an organisation's practices, (technically a provision, criterion or practice or PCP) has the effect of disadvantaging people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim. For a practice to be considered a legitimate aim it must be a real objective that is crucial to the running of a business or organisation. Expenditure alone is not likely to be classed as legitimate. Similarly, the means must be proportionate. This means that the discriminatory impact must be outweighed by the importance and benefit of the aim and that there is no reasonable less discriminatory alternative.

- 3.3. Harassment:** where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating

an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**3.4. Associative discrimination:** where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity). For example, it is unlawful for an employer to discriminate against an employee because they have a disabled partner.

**3.5. Perceptive discrimination:** where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**3.6 Victimisation:** where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint. The complainant does not need to compare their treatment with someone who has not made or supported a complaint under the Equality Act 2010.

**3.7 Reasonable adjustments:** Employers must make reasonable adjustments to make sure disabled workers including contract workers, service users and the public are not practice put at a substantial disadvantage by a physical feature, provision or criteria compared with someone who is not disabled. The purpose of the reasonable adjustment is to enable the disabled person to overcome the disadvantage.

#### **4. Equal opportunities in employment**

4.1 The Trust will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline, and selection for redundancy.

4.2 Job descriptions and person specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. The Recruitment and Selection Policy and associated guidelines contain more information on this requirement.

4.3 The Trust will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Trust considers it has sound service reasons, unrelated to any protected characteristic, for doing so. The Trust will comply with its obligations in relation to statutory requests for contract variations. The Trust will also make reasonable adjustments to its standard working practices to overcome barriers

caused by disability. The Trust will monitor the outcome of investigations where allegations of discrimination are made.

4.4 The Trust will monitor the protected characteristic composition of the existing workforce and of applicants for jobs (including promotion), and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process. Particular care will be taken to ensure any monitoring will not identify individuals but will assist in trend analysis.

4.5 The Trust cannot lawfully discriminate in the selection of employees for recruitment or promotion, but may use appropriate methods, which the law allows, such as positive action, to address the under-representation of a group in particular types of job.

## **5. Dignity at work**

5.1 The Trust has a separate Grievance and Dignity at Work policy concerning issues of bullying and harassment on any grounds, which details how complaints of this type will be dealt with.

## **6. Customers, suppliers and other people not employed by the Trust**

6.1 The Trust will not discriminate unlawfully against customers and service users using or seeking to use goods, facilities or services provided by the Trust.

6.2 Employees should report any bullying or harassment by service users, customers, suppliers, visitors or others to their manager who will take appropriate action.

## **7. Training**

7.1 The Trust will provide training in equal opportunities for managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

7.2 The Trust will provide training for all existing and new employees and others, engaged to work at the Trust to help them understand their rights and responsibilities under the Grievance and Dignity at Work policy and what they can do to help create a working environment free of bullying and harassment. The Trust will provide training for managers to enable them to deal more effectively with complaints of bullying and harassment.

## **7. Responsibilities**

### **The CEO/Headteacher**

7.1 The CEO/Headteacher, will ensure that the Trust's policy on equal opportunities is implemented and is supported by the Academy Committees and Trustees in so doing.

7.2 The CEO/Headteacher will ensure that all staff are aware of Trust policy on equal opportunities and that they apply its principles fairly and consistently.

7.3 The CEO/Headteacher will promote respect for other people in all aspects of school life.

## **Employees**

8.1 Every employee is required to assist the Trust to meet its commitment to provide equality of opportunity both in employment and in-service provision and to avoid unlawful discrimination.

8.2 Employees can be held personally liable as well as, or instead of, the Trust for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence. Serious breaches of this policy may constitute gross misconduct and warrant summary dismissal.

8.3 Acts of discrimination, harassment, bullying or victimisation by employees against other employees, workers and/or pupils or other service users are disciplinary offences, which will be dealt with under the Trust's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to summary dismissal.

## **9. Grievances and dignity at work**

9.1 If an employee considers they may have been unlawfully discriminated against, bullied, harassed or victimised, they may use the Trust's Grievance and Dignity at Work Policy and Procedure to make a complaint.

9.2 The Trust will take any complaint seriously and will seek to resolve any grievance that it upholds. The employee will not be penalised for raising a grievance, even if their grievance is not upheld, unless their complaint is both untrue and made in bad faith.

## **10. Policy implementation**

10.1 As detailed in section 6, the Trust will provide appropriate training to ensure this policy is complied with and values of dignity and respect are promoted.

10.2 The Trust will ensure that their staff are fully briefed on any revision of this policy and any related ones, e.g. Grievance and Dignity at Work

10.3 The Trust may also periodically monitor how successfully it is providing equal opportunities in employment by other means which may include an Equality Impact Assessment, confidential staff surveys, employee leavers' questionnaires, or by other means of enquiry.

## 11. Monitoring and review

- 11.1 This policy will be monitored and reviewed periodically by the Trust, to judge its effectiveness and will be updated in accordance with changes in the law.  
In particular, the Trust will monitor the composition of the existing workforce and of applicants for jobs (including promotion), in terms of protected characteristics, and will review its equal opportunities policy in accordance with the results shown by the monitoring, if necessary
- 11.2 Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

## 12. Making this policy work

- 12.1 The Trust will provide training for all existing and new employees to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment, as appropriate. The Trust will provide additional training for managers to enable them to deal more effectively with complaints of behaviour contrary to this policy.

The Trust may also periodically monitor how successful it is in providing equal opportunities in employment by other means which may include an Equality Impact Assessment, confidential staff surveys, staff turnover, absence levels and employee leaver's questionnaires.

### Scope

- This policy applies to all employees of the Trust
- The term 'employee' refers to any member of staff, whether teaching or support staff, employed to work by the Trust either within a school or the wider Trust
- In other educational establishments, it is for the relevant body to decide whether or not it is appropriate to adopt this policy
- Changes in Employment Law or Educational Legislation may form part of the policy.
- The term 'Headteacher' refers to Headteacher/Executive Headteacher or CEO