

<b>Section</b>	5	Fairness at Work
<b>Title</b>	5.2	Equal Opportunities
<b>Document</b>	5.2.1	Equality and Diversity Policy and Discrimination at Work

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## Policy

1. The Academy and its schools (“Academy”) will lead by example, and celebrate and learn from the cultural diversity of its staff and the neighbouring population as a whole. It will foster and promote an environment that will:
  - eliminate unlawful, direct and indirect discrimination and promote equality of opportunity.
  - ensure that no employee or job applicant receives less favourable treatment on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, see Paragraph 6 below.
  - ensure that men and women are employed on equal terms in accordance with the Equality Act 2010.
  - eradicate racial, religious or sexual harassment or discrimination; and discrimination on the basis of disability, sexual orientation or gender/transgender recognition.
2. The Academy aims to achieve an ability-based workforce which is in line with the working population mix in the relevant labour market in which we are situated.

## Eligibility

3. All people who use, are employed by, are applicants to, or come into contact with the Academy in any way are subject to this policy and its aims.

## Entitlement

4. The Academy requires of itself and all of its employees that they will abide by and adhere to the commitments and requirements in this policy and the attending procedures, however it recognises that it has lead responsibility for achieving the aims of this policy and for ensuring compliance with the relevant Acts of Parliament and Codes of Practice.
5. Behaviour or actions by any employee against the spirit or the letter of the aims on which this policy is based will be considered a serious disciplinary matter and may lead to dismissal.
6. The list of 9 protected characteristics (in line with the 2010 Equality Act) is:
  - Age  
Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
  - Disability

A person has a disability if s/he 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.

- Gender reassignment

The process of transitioning from one gender to another. This is from the proposal to start through to the completion of the process of changing their gender. Discrimination occurs when someone is treated 'less favourably' because of:

- their own gender reassignment (direct discrimination)
- a perception that they are undergoing gender reassignment (direct discrimination by perception)
- their association with someone who has changed their gender (direct discrimination by association).

- Marriage and civil partnership

Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples.

- Pregnancy and maternity

Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.

- Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

- Religion and belief.

Religion has the meaning usually given to it, but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

- Sex

A man or a woman.

- Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

7. Please note: References to 'public bodies' in this policy include Schools and Academies. Schedule 19 of the Equality Act 2010 designates the Proprietor of an Academy as a public body for the purposes of the act: <https://www.gov.uk/government/publications/equality-act-2010-schedule-19-consolidated-april-2011> .

## Procedures

8. There is a clear benefit in recruiting the best people, irrespective of their gender, age, sexual orientation, ethnicity or nationality, disability, educational/social background, etc. Not to do so significantly reduces the pool of talent from which the Academy can recruit, and also may result in expensive and time-consuming allegations of discrimination which

can impact negatively on staff morale and, consequently, performance and lead to considerable damage to the image and profile of the school in the community.

9. The Academy Trust should ensure that the equality and diversity policy is widely communicated throughout the Trust. Awareness training starts at the induction of a new employee, and awareness campaigns are run periodically, particularly if an issue of discrimination arises.

### **Positive Action**

10. The Academy should encourage under represented groups to apply for employment opportunities, although recruitment to all jobs should be strictly on merit.
11. Wherever necessary, use should be made of lawful exemption to recruit suitably qualified people to cater for the special needs of particular groups.
12. The Academy will make efforts to identify and remove unnecessary and unjustifiable barriers to employment of under represented groups of people and provide appropriate facilities and conditions of service to meet their needs.

### **Gender pay gap reporting**

13. With effect from April 2017 there has been a requirement for employers with more than 250 staff to collect pay information by gender on the snapshot date of 31<sup>st</sup> March and report it to a central Government website by 5<sup>th</sup> April the following year (2018 for the first time).
14. We will publish our gender pay gap to staff across the Trust and work hard to identify an action plan to eliminate any inequality.

### **Vacancy Advertising including Promotion Opportunities**

15. The school will determine which vacancies must be advertised both internally and externally simultaneously.
16. Steps will be taken to ensure that knowledge of vacancies reaches under-represented groups internally and, where appropriate, externally.
17. Vacancies will normally be advertised widely to the resident labour market for at least 2 weeks. They should be notified to job centres, employment agencies and appropriate colleges and, wherever appropriate, to the minority press and media and organisations representing those groups.
18. All vacancy advertisements will be checked for discriminatory wording or unjustified requirements, for example - "only handwritten applications accepted" should not be written unless legible handwriting is a key requirement of the job, as it could discriminate against someone with severe dyslexia, or with limited manual dexterity. The school will include a short statement on equal opportunities in all adverts.

### **Selection & Recruitment**

19. Selection criteria, including job descriptions and post-holder specifications, will be kept under review to ensure that requirements included are essential for the effective performance of the job and are justifiable on non-discriminatory grounds.
20. Wherever possible, more than one person will be involved in the short-listing and the selection of staff at interview and staff taking part in recruitment decisions will receive a copy of this policy with the recruitment pack.

21. The aim will be to train all staff making recruitment decisions on the equal opportunity policy and at least one person on every panel will have already received the training.
22. The possible involvement of under-represented groups, i.e. ethnic minorities or disabled persons, in the short-listing and interviewing process should always be considered.
23. Reasons for selection and rejection of applicants for vacancies must be justified against the requirements for the post and must be recorded.

### **Monitoring**

24. The effectiveness of the policy will be assessed by collection and monitoring of relevant data through the process.
25. All job applicants will be requested to complete an equal opportunities monitoring form and analysis of scheduled surveys will assess the effectiveness of the policy.
26. Comments on the process will be invited from those staff recruited, and a sample of those rejected, as part of an ongoing review.

### **The Public Sector Equality Duty and Reporting**

27. In its simplest form the Public Sector Equality Duty has three aims:
  - To eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act,
  - To advance equality of opportunity between people who share a protected characteristic and people who do not share it,and
  - To foster good relations between people who share a protected characteristic and people who do not share it.
28. In the belief that public bodies should be accountable to their service users and that by publishing information about decision-making on equality, and the equality data which underpins those decisions, this will give the public the information they need to challenge and hold these public bodies to account on equality issues. Moreover, knowing that such information will be published will help to focus the minds of decision-makers on giving proper consideration to equality issues.
29. The topic is wide and cannot be covered in full here however further reading and links can be found here: <https://www.gov.uk/equality-act-2010-guidance#public-sector-equality-duty> and here: <https://www.gov.uk/government/publications/public-sector-quick-start-guide-to-the-public-sector-equality-duty>
30. From the introduction of the Equality Act 2010 (Specific Duties) Regulations 2011 public bodies (which includes Schools and Academies) with more than 150 staff have a specific duty to publish a report annually to demonstrate that they are fulfilling their general equality duty under the Equality Act. Schools had to produce the first report by April 2012 and thereafter at least annually.
31. Information to help public bodies understand what they should publish is contained in detailed guidance issued by the Government Equalities Office, at the link below <https://www.gov.uk/government/publications/public-sector-quick-start-guide-to-the-specific-duties>
32. Some key points from the guidance are below:

### Information about employees:

The Equality Duty requires public bodies to consider how their activities as employers affect people who share different protected characteristics. The specific duties require public bodies with 150 or more employees to publish information to show they did this

### Information about policies and services:

The Equality Duty requires public bodies to consider how the decisions that they make, and the services they deliver, affect people who share different protected characteristics. The specific duties require public bodies to publish information to show they did this.

### Where to publish information and objectives:

Equality information and equality objectives can be published as part of another document, such as the public body's annual report or business plan. There is no need to produce a separate document. The information published must show compliance with the Equality Duty, regardless of how or where it is published. Public bodies should publish information in a place and format that is easy to access for both internal and external users. If some information is published periodically over the year, public bodies may want to consider how to link to all the relevant information together.

## **Dealing with Complaints**

33. The Headteacher will ensure that when equalities issues are raised, they are listened to and action taken to address them. Employees have recourse to the Grievance and Harassment Policies.
34. Following investigation of a staff member where an allegation of harassment or discrimination seem to be proven the allegation is likely to be considered gross misconduct and employees will be dealt with using the Disciplinary Policy.
35. Acts of harassment or discrimination by visitors to the school will be dealt with using the Harassment Policy.
36. Acts of harassment or discrimination by pupils should be dealt with using the following process\*[add correct policy documents here for your school]:
  - report any incidents to the line manager.
  - record the matter in the incident book along with a note of any witnesses.
  - prepare a full report to the Headteacher, who will instigate an investigation and produce a full report to the parents.

## **Personnel Records**

37. Where a complaint is received or concerns arise of any sort of harassment, records and correspondence will be retained confidentially on the personal files of the complainant and the colleague complained about. Follow up correspondence will confirm the final outcome of any such investigations and will be kept with the original complaint on the files. Such records will be kept in a sealed envelope or file on or with the personal files to ensure it is not viewed inadvertently by staff not authorised to see it.
38. Employees are able to check and correct their own records of personal details. Otherwise, access to personal records is restricted in accordance with the provisions of the General Data Protection Regulation Act.

### **Further reading**

<http://www.acas.org.uk/media/pdf/2/e/Prevent-discrimination-support-equality.pdf>

<http://www.acas.org.uk/media/pdf/d/2/Sex-discrimination-key-points-for-the-workplace.pdf>

<http://www.acas.org.uk/index.aspx?articleid=1363>

### **Related Documents**

Recruitment and Selection Guidance

Grievance Policy and Procedure

Disciplinary Procedure

Harassment Policy and Procedure