



# Equal Opportunities (Staff) Policy)

Policy reviewed by Academy Transformation Trust on	January 2018
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This policy links to:
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- All Policies and Procedures

Review Date – January 2021

## **Our Mission**

To provide the very best education for all pupils and the highest level of support for our staff to ensure every child leaves our academies with everything they need to reach their full potential.

We promise to do everything we can to give children the very best education that gives them the best opportunity to succeed in life. All of our academies have it in them to be outstanding and achieving this comes down to our commitment to our pupils, staff and academies.

## **Our commitment**

We are committed to taking positive action in the light of the Equality Act 2010 with regard to the needs of people with protected characteristics. These are age, disability, pregnancy and maternity, religion and belief, race, sex, sexual orientation, gender reassignment and marriage and civil partnership.

We will continue to make reasonable adjustments to avoid anyone with a protected characteristic being placed at a disadvantage.

We will measure the success of our commitment in this policy by analysing bullying logs and actions in our academies to reduce or eliminate incidents of bullying.

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## 1. Policy Statement

- 1.1 Academy Transformation Trust is committed to providing high quality teaching and learning in our academies and for our pupils. We recognise that by valuing and promoting equality of opportunity for all employees and job applicants, and avoiding unlawful discrimination in employment and delivery of services, we will be able to deliver first class education.
- 1.2 We aim to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and where decisions are based on merit. We value diversity and recognise the varied contributions that a diverse workforce brings to an organisation; we are committed to drawing on different perspectives and experiences of individuals which will add value to what we do.
- 1.3 We will ensure that we do not discriminate against employees on the basis of any protected characteristic defined in the Equality Act 2010; age, gender, disability, race, nationality, ethnicity, religion/belief, sexual orientation, gender reassignment, marital or civil partner status.
- 1.4 The principles of non-discrimination and equality of opportunity also apply to how we expect our employees to treat our colleagues, our academy employees and pupils, visitors, clients, customers, suppliers and former employees.
- 1.5 We strive to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect. These are important aspects of ensuring equal opportunities in employment, which we are committed to achieving and maintaining in the workplace.
- 1.6 Under the general public sector equality duty, the Equality Act 2010, our academies as public authorities must have due regard to the need to:
- Eliminate discrimination, harassment and victimisation
  - Advance equality of opportunity for all
  - Foster positive relationships between individuals who possess a protected characteristic and those who do not

The duty covers the protected characteristics of race, disability, sex, age, sexual orientation, religion/belief, pregnancy, maternity and gender reassignment. Elimination of discrimination, harassment and victimisation also applies to the protected characteristic of marriage and civil partnership.

- 1.7 This policy does not form part of any contract of employment, and may be amended at any time.

## 2. Who is covered by the policy?

- 2.1 The policy applies to all employees regardless of grade or length of service. We expect all of our suppliers, contractors, agency staff, consultants, volunteers and trainees (collectively referred to as **employees** in this policy) to share these values, and act in accordance with this policy.
- 2.2 The Board of Academy Transformation Trust possess overall responsibility for the effective operation of this policy and ensuring compliance with all legislation.
- 2.3 Operational responsibility, including review, of this policy has been delegated to the Chief Executive of the Trust. Localised operational responsibility for the effective implementation of the principles of this policy has been delegated to Principals, overseen by Local Governing Bodies.
- 2.4 All leaders and managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage act in accordance with this policy and give consideration to equal opportunities in all activities. Managers will be given appropriate training on equality awareness. Managers who do not feel fully trained or have questions have a responsibility to discuss this with their line manager or HR.
- 2.5 All employees have a duty to act in accordance with this policy and to treat all individuals and groups with dignity at all times. This includes not discriminating or harassing any individual or group. Employees must support and promote Academy Transformation Trust in its commitment to provide equal opportunities for all and in promoting diversity in the workplace.

## 3. What is covered by the policy?

- 3.1 This policy forms the foundation of the working practices of all employees (regardless of level, grade or length of service), consultants, contractors, agency workers, volunteers and trainees.
- 3.2 This policy applies to all aspects of the employment relationship including, but not limited to; recruitment, selection, training and development, opportunities for promotion, conditions of service, pay/benefits, conduct, disciplinary and grievance procedures and termination of employment. It also applies to former employees for example in the provision of employment references. All policies and procedures created by Academy Transformation Trust will reflect the principles of this policy.

## 4. Forms of Discrimination

- 4.1 Discrimination may be direct or indirect and it may occur intentionally or unintentionally. Discrimination by or to any employee is prohibited - unless a specific legal exemption applies.

- 4.2 Direct discrimination occurs when someone is treated less favourably because of one or more of the protected characteristics in clause 1.3. In exceptional circumstances an individual may be legally directly discriminated on the basis of a protected characteristic where an operational requirement applies. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim. You should consult your HR Business Partner for advice before applying an operational requirement.
- 4.3 Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criteria or practice that puts individuals with one or more of the protected characteristics in clause 1.3 at a disadvantage.
- 4.4 Harassment is defined as unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for someone due to the possession of a protected characteristic. Harassment on the basis of a protected characteristic or otherwise is prohibited.
- 4.5 Associative discrimination is where an individual is directly discriminated against or harassed for associating with someone who possesses a protected characteristic. Associative discrimination is prohibited.
- 4.6 Perceptive discrimination is when an individual is directly discriminated against or harassed as they are perceived to have a protected characteristic, regardless of whether or not they do. This does not apply to marriage, civil partnership, pregnancy or maternity. Perceptive discrimination is prohibited.
- 4.7 Victimisation is less favourable treatment of someone who has made a complaint, supported someone else's complaint, or given information about discrimination or harassment. Victimisation is prohibited.

## 5. Application of This Policy

- 5.1 This policy applies to all policies, procedures and working practices at Academy Transformation Trust. However, Academy Transformation Trust recognises that some areas of work are more susceptible to discrimination than others. The following examples are expected to act as examples of the application of this policy, but are not an exhaustive list.
- 5.2 **Recruitment and Selection**
- 5.2.1 Recruitment and selection should be conducted on the basis of merit and ability and the procedures used reviewed regularly.
- 5.2.2 Job advertisements avoid stereotyping or words that may discourage an individual or group with a protected characteristic from applying.

- 5.2.3 Job selection criteria are regularly reviewed to ensure that they are relevant and proportionate. Short listing of candidates will be based on this criteria, and wherever possible conducted by more than one person.
- 5.2.4 We will take reasonable steps to ensure that external vacancies are advertised to a diverse market, and all internal vacancies made available to all appropriate staff regardless of the possession of a protected characteristic. Where relevant, vacancies will be advertised to particular groups that have been identified as disadvantaged or underrepresented in the Trust.
- 5.2.5 Applicants will be asked about health/disability as part of their application under the section of equal opportunities monitoring. This information will be treated confidentially and not used during selection stage.
- 5.2.6 When inviting candidates to attend an interview HR will routinely ask candidates if they would like to request a reasonable adjustment. This is to ensure equal opportunity at the interview/assessment stage for candidates and will not form part of the basis of selection.
- 5.2.7 Prior to an offer of employment being made, a member of academy SLT or HR may authorise further questions about health or disability in limited circumstances. For example to establish if an applicant can perform an intrinsic part of the job (subject to reasonable adjustments).
- 5.2.8 Applicants will not be asked about current or future pregnancy intentions.
- 5.2.9 Applicants will not be asked, as part of selection, about matters concerning age, race, religion/belief, sexual orientation or gender re-assignment. Candidates will be asked for this information for equal opportunities monitoring, but they will have the ability to choose not to answer. Any information provided, or not provided, will not form part of selection and will be kept confidential and only used anonymously for equal opportunities monitoring purposes.
- 5.2.10 All applicants will be asked to provide proof of right to work in the UK. This is to comply with current legislation. Assumptions about immigration status will not be made based on appearance, name or apparent nationality. All successful candidates must be able to produce original documents as sufficient evidence of right to work in the UK as defined by the Home Office.
- 5.2.11 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged, we monitor applicants' ethnicity, gender, disability, sexual orientation, religion and age. Provision of this information is voluntary and will not adversely impact an applicant during recruitment decisions or decisions during their employment. Analysing this data assists the Trust with taking appropriate steps to avoid discrimination and to improve equality and diversity.

### **5.3 Training, Promotion and Conditions of Service**

- 5.3.1 Employee training needs are identified on an on-going basis as part of the appraisal process.
- 5.3.2 All employees are given equal opportunity to appropriate training for their role and to enable them to progress. Training may at times need to be prioritised due to limited resources. In such cases decisions will be based on merit and organisational requirements. All promotion decisions will be made on the basis of merit.
- 5.3.3 All conditions, services, benefits and facilities are reviewed regularly to ensure that all employees eligible to access them can do so without unlawful obstacles. Decisions of eligibility will never be based on a protected characteristic.

### **5.4 Termination of Employment**

- 5.4.1 When terminating employment by reason of redundancy the Academy Transformation Trust Reorganisation and Redundancy Policy will be followed which will ensure that the process and criteria are fair and objective and are not discriminatory in any way. The Trust will ensure that there is no adverse impact on a particular group sharing a protected characteristic compared to others who do not have that characteristic.
- 5.4.2 Disciplinary penalties are to be applied without discrimination regardless of whether the outcome is termination of employment, a warning or some other disciplinary action.
- 5.4.3 In some limited circumstances an employee may need to be dismissed due to a statutory obligation. In such a case the decision to dismiss will be based on the statutory requirement, and in no way based on the possession of a protected characteristic.
- 5.4.4 Our Capability and Attendance Management Policy will be applied without discrimination based on a protected characteristic. Where appropriate, reasonable adjustments will be considered, and implemented where reasonably possible to do so, in order to improve an individual's performance or capability. We aim to ensure that all employees perform and attend satisfactorily to support our organisational aims. However, in some cases after support has been offered and the process exhausted there may be no option other than to dismiss an employee. In such a case an individual's protected characteristic will have no impact on the decision to dismiss.

### **5.5 Fixed-Term Employees, Agency Workers, and Part Time Employees**

- 5.5.1 Fixed-term employees, agency workers and part time employees are monitored at a local level to ensure that the conditions of service offered are appropriate.



Including access to benefits, training, promotion and permanent employment opportunities.

- 5.5.2 Fixed-term and agency staff will be given equal opportunity to apply for permanent vacancies. Part time employees will be given equal opportunities to apply for full time vacancies.
- 5.5.3 Any request for flexible working will be considered under the Academy Transformation Trust Flexible Working policy. Decision will be based on organisational need, and will not be made on direct or indirect discrimination of any protected characteristic.

## 6. Disability

- 6.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you appropriately.
- 6.2 If you experience difficulties at work because of your disability, we would encourage you to discuss it with your line manager and/or HR who will discuss any reasonable adjustments with you that would help overcome or minimise the difficulty. HR may need to consult with medical advisers about possible adjustments. We will consider the matter carefully and will try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.
- 6.3 We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants or service users at a disadvantage compared to others. Where reasonable, we will take steps to improve access for disabled employees, job applicants and service users.

## 7. Breaches of this Policy

- 7.1 If you believe that you may have been discriminated against you are encouraged to raise the matter through our Grievance Procedure. If you believe that you may have been subject to harassment you are encouraged to raise the matter through our Dignity at Work Policy. If you are uncertain how to correctly raise a concern/issue you should speak with your local HR representative.
- 7.2 Any allegation regarding a potential breach of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Whilst we cannot guarantee absolute anonymity if an employee raises a breach of this policy, we will take all reasonable steps to protect anonymity. Any employee who raises such an issue in good faith will not suffer any detriment for doing so.
- 7.3 If a breach of this policy is raised in bad faith, for example to be malicious or vexatious, then the individual will be subject to the Academy Transformation Trust Disciplinary Procedure.

- 7.4 Staff found to have breached this policy will be subject to disciplinary action. Such behaviour may constitute gross misconduct and as such may result in summary dismissal. We take a strict approach to serious breaches of this policy.

## **8. The Public Sector Equality Duty**

- 8.1 The Equality Act 2010 (Statutory Duties) Regulations 2011 impose a specific duty on public sector bodies, including Academy Transformation Trust. This requires us to publish information relating to protected characteristics of employees.
- 8.2 We will publish information required under these duties in accordance with our statutory obligations, and will provide information relating to protected characteristics of employees to Trade Unions upon request.