

<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

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## Introduction

1. 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.
2. Compliance with the Equality Duty involves consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This will entail understanding the potential effects of the school's activities on different people but there is no prescribed process for doing this for each occasion. Keeping a simple record of how decisions are reached will help the school show how they considered the Equality Duty.
3. An Equality Impact Assessment (EIA) is not a requirement of the equality duty; it is a tool that can be used for identifying the potential impact of the Academy's policies and working methods on its staff and anyone who comes into contact with the school. An EIA could be useful if the Academy is considering structural change or has identified an issue with equality, say after a grievance which has inequality at its core.
4. Carrying out EIAs makes the Academy think carefully about the impact of the work they undertake on pupils, local people and members of staff. This should lead to actions that will promote equality for all, and ensure that the policies and procedures, and the methods of working, are fulfilling the requirements of anti-discrimination and equalities legislation.
5. By carrying out EIAs, it is hoped that the Academy will get better involvement and a more proactive approach to the promotion of equality across the staff groups.
6. The focus should be on service improvement and not just mitigating adverse impact. The EIA can be seen as an opportunity to deliver better outcomes for disadvantaged groups.

## Procedure

7. The degree of complexity of the EIA will be driven by the complexity of the change or review.
8. The process can be very simple for routine changes and decisions or carried out in more structured stages for bigger policy/structural changes with the managers and staff in the area associated with the change involved, to the level of understanding what the process is and what the outcome is likely to be.
9. If a complex structured EIA is required, a team may be put together to carry it out. This should ideally include the manager responsible for the activity, plus a staff member and a 'stakeholder or user' who will be affected by the activity and, possibly, an expert in the field of the activity. For a simple EIA the manager or person considering the change would make sure they recorded their thought processes when reaching the decision to show that the decision was reached fairly with regard to the protected characteristics.

## Is an EIA necessary?

10. This stage will determine whether or not it is necessary to carry out a full EIA for this area of activity.
11. You may find it useful to hold an 'introductory session' with appropriate staff so that everyone feels at a similar level of knowledge at the start of the process.
12. The main questions are:
  - What are you trying to achieve in this activity?
  - Who, in the main, will benefit?
  - Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?
  - Does the activity make a positive contribution to equalities?
13. Proportionality is an important element of the screening process. You will need to decide if any negative or positive impact on equality is likely to be significant, and for which groups of people.

#### What should it cover?

14. It is important to identify and understand who the proposed activity is intended to benefit. This is especially important if particular groups are being targeted. It is necessary to consider whether there are other beneficiaries, in addition to those considered to be the main ones, who should also be taken into account. A suggested form is at Appendix 1.

#### Gathering Information

15. The school will already have a large quantity of qualitative data gathered, and this should initially be used and then backed up by new research, if needed. Data likely to be already in the possession of the school will be:
  - any previous EIA.
  - service monitoring reports.
  - previous research and customer satisfaction surveys.
  - staff surveys, opinions and information from trade unions.
  - complaints and comments, both internal and from the community.
  - press coverage of the school.
  - outcomes/recommendations from staff consultation groups.
  - the knowledge, technical advice, expertise and experience of the people assisting in the completion of the EIAs.
  - national and local statistics.
  - information from formal audits.
  - census data.
  - academic, qualitative and quantitative research.
  - demographics.
16. New research should always include consultation with staff groups, particularly the staff affected by the proposed activity.

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17. New research should concentrate on the main objectives and the final goals. It should look for practical outcomes, focusing on identifying gaps in the current provision. If it is not possible to get this information easily or immediately, this should be highlighted in the final action plan.
18. The information gathered in these early stages will help decide whether there is potential for the policy, strategy, procedure or function to result in a less favourable outcome for any particular group, or unlawful discrimination of any kind.
19. The stakeholders, both internally and externally, should end up being satisfied that the process has been sufficiently rigorous but remains in proportion to the importance of the proposed activity/policy.

### **Results of the EIA**

20. The real value of completing an EIA comes from the actions that will take place and the positive changes that will emerge through conducting the assessment. Hopefully if the focus is put on outcomes and tangible improvements, and clear examples are used, it will result in resources and services being targeted where they should be, and where they most efficiently support the school's priorities.
21. A report should be produced with an action plan that includes actions that will remove, or alleviate, the potential for the activity to unlawfully discriminate, or impact less favourably on one or more groups. It should only include the main actions or activities likely to have the greatest impact.
22. The action plan should include references to any additional monitoring or research that was identified in the information gathering part of the process. It should also include references to any information that is still required, or was not retrievable at the point of assessment. This will be needed in subsequent reviews, or in order to complete actions.
23. An action plan will probably have several events, but an action plan that runs to six pages or more is unlikely to be providing sufficient focus for most activities. Actions that are identified should be targeted to be resolved the first year.
24. The report and action plan should be distributed to all interested groups, including staff, the community and other users of the school's services.
25. The action plan should be reviewed regularly over the year for progress against the timescale. This may be done using the same review process as is used for the school service review and the review of risk assessment.

### **Related Documents**

Equality and Diversity Policy and Discrimination at Work

## Equality Impact Assessment Form

Who will be consulted as part of this review? \_\_\_\_\_

<b>Activity/policy</b>	<b>Which group may be impacted?</b>	<b>What might be the impact?</b> Indicate positive and negative impacts using (+ve) or (-ve)	<b>How will we minimise/eradicate the negative impact?</b>

Signed \_\_\_\_\_ Date \_\_\_\_\_ Next date for review \_\_\_\_\_