

EQUAL OPPORTUNITIES POLICY

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1. Policy statement

The Trust is committed to promoting equality of opportunity for all staff, volunteers and job applicants. 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 in which all decisions are based on merit.

We do not discriminate against staff or volunteers on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (**protected characteristics**).

The policy will be implemented within the framework of the Equality Act 2010.

In 2014 the Department for Education published [non-statutory advice](#) for school leaders, school staff, governing bodies and local authorities on the impact of the Equality Act 2010 in schools. Some key points of the advice are:

- Under the Public Sector Equality Duty (contained in the Equality Act 2010), schools have a duty to have “due regard” to equality considerations whenever taking significant decisions or developing any policies.
- Age is a protected characteristic for staff but not pupils. All other protected characteristics apply to both groups.

Statutory guidance

Equality and Human Rights Commission – [Services, Public Functions, and Associations Statutory Code of Practice](#)

Equality and Human Rights Commission – [Employment Statutory Code of Practice](#)

Equality and Human Rights Commission – [Equal Pay Statutory Code of Practice](#)

Non-statutory guidance

Department for Education – [Departmental Advice on the Equality Act 2010 and Schools](#)

Equality and Human Rights Commission – [Technical advice for schools in England on the provisions of the Equality Act 2010](#)

Equality and Human Rights Commission – [Equality Act 2010 guidance for employers](#)

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, parents, governors, third party organisations and former staff members.

All staff and volunteers have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff or volunteers, regardless of their status.

This policy has been provided as a Trust level resource for BDAT and does not form part of an employee’s terms and conditions of employment and may be amended at any time in consultation with the recognised trade unions..

2. Who is covered by the policy?

This policy covers all individuals working at all levels and grades, including central staff, members of the senior leadership teams, teachers, teaching assistants, learning mentors, support staff, trainees, homeworkers, part-time and fixed-term staff members, volunteers, interns, casual workers and agency (supply) staff (collectively referred to as **staff** in this policy).

3. Who is responsible for this policy?

The Trust has overall responsibility for the effective operation of this policy including regularly reviewing and monitoring its impact and for ensuring compliance with discrimination law. Day-to-day operational responsibility has been delegated to the Headteacher.

All members of the senior leadership team ("managers") must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities and diversity awareness and equal opportunities recruitment and selection best practice. The Headteacher has overall responsibility for equal opportunities and diversity training.

If they are involved in management or recruitment, or if they have any questions about the content or application of this policy, they should contact the Headteacher.

4. Scope and purpose of the policy

This policy applies to all aspects of the Trust's relationship with staff and volunteers and to relations between staff members and volunteers at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.

We will take appropriate steps to accommodate the requirements of employees from different religions, cultures, and domestic responsibilities. Please also refer to the Trust's Flexible Working Policy.

5. Forms of discrimination.

Discrimination by or against a staff member or volunteer is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out earlier in this policy. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage

because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.

6. Recruitment and selection

We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate. Shortlisting of applicants should be done by more than one person wherever possible.

Job advertisements should avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying.

We take steps to ensure that our vacancies are advertised to a diverse labour market. [Where appropriate, Human Resources may approve the use of lawful exemptions to recruit someone with a particular protected characteristic - for example, where the job can only be carried out by a woman. The advertisement should specify the exemption that applies.]

Applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with Human Resources approval. For example:

- (a) Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- (b) Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
- (c) Positive action to recruit disabled persons.
- (d) Equal opportunities monitoring (which will not form part of the decision-making process).

Applicants should not be asked about past or current pregnancy or future intentions related to pregnancy. In addition to this, applicants should not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without the approval of Human Resources (who should first consider whether such matters are relevant and may lawfully be taken into account).

We are required by law to ensure that all staff members are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective staff members, regardless of nationality, must be able to produce original documents required (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the UK Border Agency.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Providing this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before shortlisting, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this information helps us take appropriate steps to avoid discrimination and improve equality and diversity.

7. Staff and volunteer training and promotion and conditions of service

Staff and volunteer training needs will be identified through regular appraisals. All staff and volunteers will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.

Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.

Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

8. Termination of employment

We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in no actions, disciplinary warnings, dismissal or other disciplinary action.

9. Disability discrimination

If an employee is disabled or become disabled, we encourage them to tell us about their condition so that we can support them as appropriate.

If an employee experiences difficulty at work because of their disability, they may wish to contact their line manager or the HR team to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Their line manager or a member from the HR team may wish to consult with them and their medical adviser(s) about possible adjustments. We will consider the matter carefully and try to accommodate their 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.

We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and service users.

10. Fixed-term staff members and agency workers

We monitor our use of fixed-term staff, volunteers and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

11. Part-time work

We monitor the conditions of service of part-time staff and volunteers, and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

12. Breaches of this policy

If an employee believes that they may have been discriminated against or subjected to harassment you are encouraged to raise the matter through our Grievance Procedure. If you are uncertain which applies or need advice on how to proceed you should speak to a member of the HR team or the Headteacher/Principal. Allegations regarding potential breaches of this policy will be treated in confidence and investigated accordingly.

Any member of staff or volunteer who is found to have committed an act of victimisation, discrimination or harassment may be subject to disciplinary action. Any potential or alleged breach of this policy will be treated seriously and appropriately investigated.

13. Monitoring and review of the policy

This policy is reviewed by the Trust in consultation with the recognised trade unions. Recommendations for change should be reported to the Chief Operating Officer