

EQUALITY & DIVERSITY POLICY

Including Volunteers

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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 where 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, religion or belief, sex and sexual orientation (**protected characteristics**). The policy will be implemented within the framework of the Equality Act 2010.

BDAT is subject to equality duties under the Equality Act 2010 as follows:

Schools and The Public Sector Equality Duty

- Schools, colleges and local authorities are under a statutory duty to be proactive in the elimination of discrimination and the promotion of equal opportunities for both staff and students. This means they must assess the impact of their policies and practices on the people affected by them and take steps to remove any barriers that come to light where it is proportionate to do so.
- Schools, colleges and local authorities also have a statutory duty to foster good relations between people who share a particular protected characteristic and those who do not.
- Protected characteristics encompass age, disability gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex and sexual orientation.
- Local authorities and the governing bodies of maintained schools, academies and colleges with 150 or more staff have a specific legal duty to annually publish information about the workforce which demonstrates compliance with the general equality duty. Public authorities in Wales are required to publish information about staff each year regardless of the size of their workforce.
- All schools and colleges in England, regardless of the size of their workforce, should publish equality information about their staff each year to demonstrate compliance with the general equality duty, even where there is no specific legal obligation for them to do so. Multi Academy Trusts are also required to publish this data for all their academies.

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.

2. Who is covered by the policy?

This policy covers all staff including volunteers.

3. Who is responsible for this policy?

The Trust has overall responsibility for the effective operation of this policy including regular review 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 awareness and equal opportunities recruitment and selection best practice. The Headteacher has overall responsibility to provide equal opportunities training. Training should take place every two years (The Every training system includes training modules on Equality and Diversity and unconscious bias).

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

Line Managers of central team staff are responsible for the training of their members of staff. If you are involved in management or recruitment for the central team, or if you have any questions about the content or application of this policy, you should contact the CEO or Director of Corporate Affairs.

4. Scope and purpose of the policy

This policy applies to all aspects of our 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 different religions, cultures, and domestic responsibilities. Please refer to the Trust's flexible working policy.

5. BDAT's commitment

Every student, employee and volunteer is entitled to a working environment that promotes dignity, equality and respect for all. BDAT will not tolerate any acts of unlawful or unfair discrimination (including harassment) committed against an employee, volunteer, contractor, job applicant or visitor. Discrimination may be direct or indirect and may occur intentionally or unintentionally. The forms of discrimination are detailed in **Annex A**.

Discrimination on the basis of work pattern (part-time working, fixed term contract, flexible working) will also not be tolerated.

All staff and volunteers will be encouraged to develop their skills and fulfil their potential and to take advantage of training, development and progression opportunities in BDAT.

Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability.

Zero Tolerance

Intimidation, bullying or harassment will not be tolerated. If any person believes that they may have suffered discrimination they should consider discussing this with their line manager or another colleague in a relevant position of seniority to reach an informal resolution. Alternatively they may also choose to raise the matter through BDAT's Staff Complaints and Grievance Procedure.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate procedure. BDAT will ensure that individuals who make such allegations in good faith will not be victimised or treated less favourably by BDAT as a result. However, false allegations or a breach of this policy which are found to have been made in bad faith will be dealt with under BDAT's Discipline Policy and Procedure.

A person found to have breached this policy may be subject to disciplinary action under BDAT's Discipline Policy and Procedure.

Staff and volunteers may also be personally liable for any acts of discrimination prohibited by this policy that they commit, meaning that they can be sued by the victim.

6. When does this policy apply?

This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to your work (e.g. at meetings, social events and social interactions with colleagues) or which may impact on BDAT's reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to BDAT). We set out below some specific areas of application:

a) Recruitment

Selection for employment at BDAT will be on the basis of aptitude and ability. Further details are set out in BDAT's Recruitment and Selection Policy. Where possible, BDAT will capture applicants' diversity demographics as part of its recruitment processes to promote the elimination of unlawful discrimination.

b) Training

You may also be required to participate in training and development activities from time to time, to encourage the promotion of the principles of this policy.

c) Promotion

All promotion decisions will be made on the basis of merit, and will not be influenced by any of the protected characteristics listed above. Promotion opportunities will be offered to ensure equality of opportunity at all levels. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers to promotion.

d) During employment

The benefits, terms and conditions of employment and facilities available to BDAT staff will be reviewed on a regular basis to ensure that access is not restricted by unlawful means and to provide appropriate conditions to meet the special needs of disadvantaged or under-represented groups.

e) Leaving employment

There are a number of reasons people decide to leave their role including resignation, retirement and redundancy.

Redundancy criteria and procedures will be fair and objective and will not be directly or indirectly discriminatory. The disciplinary procedures and any penalties are applied without discrimination, whether they result in disciplinary warnings dismissal or other disciplinary action.

The Trust will offer all staff the opportunity to complete an Exit interview prior to leaving employment.

7. Disability discrimination

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager or the HR team to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager or a member from the HR team may wish to consult with you and your medical adviser(s) about possible adjustments. We will consider the matter carefully and 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.

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.

As a Trust, it is recognised that the Public Sector Equality Duties has three aims, which are:

- To eliminate unlawful discrimination, harassment and victimisation and other conduct under the Act
- To advance equality of opportunity between those who share a protected characteristic and those who do not
- To foster good relations between those who have a shared characteristic and those who do not.

- This policy will be reviewed on an annual basis by BDAT to assess its effectiveness. The Trust are required to publish its Equality Objectives every four years which can be found on the website. The Trust will review its progress annually to understand how well the objectives are achieved.

8. Monitoring and review of the policy

This policy is reviewed by the Trust.

ANNEX A - types of discrimination

There are various types of discrimination prohibited by this policy. The main types are:

1) Direct discrimination

Direct discrimination occurs where one person is treated less favourably than another because of a protected characteristic set out in this policy. By way of example, refusing to promote a pregnant employee on the basis that she is shortly due to go on maternity leave would be direct discrimination on the protected characteristic of the employee's sex.

Other types of direct discrimination are:

- Associative discrimination - this is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, staff or volunteers are discriminated against because their son is disabled.
- Perceptive discrimination - this is direct discrimination against an individual because others think they possess a particular protected characteristic. For example, where co-workers believe the individual is gay. It applies even if the person does not actually possess that characteristic.

2) Indirect discrimination

Indirect discrimination occurs when an unjustifiable requirement or condition is applied, which appears to be the same for all, but which has a disproportionate, adverse effect on one group of people. This is discrimination even though there was no intention to discriminate. For example, a requirement for UK based qualifications could disadvantage applicants who have obtained their qualifications outside of the UK; this could amount to indirect discrimination on the grounds of race.

3) Victimisation

Victimisation is where an employee is treated less favourably than others because they have asserted legal rights against BDAT or assisted a colleague in doing so. For example, victimisation may occur where an employee has raised a genuine grievance against BDAT and is demoted as a result.

4) Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.” It is important to remember that it is not the intention of the harasser but how the recipient perceives their behaviour, which determines whether harassment has occurred. Please see BDAT's Disciplinary Policy and Procedure, for further details of how BDAT will deal with bullying and harassment.