Equality, Diversity and Inclusion policy

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1 Purpose

1.1 We wholeheartedly support the principles of equality, diversity and inclusion throughout the recruitment and employment of our employees and workers, as well as ensuring that it is afforded to all job applicants, parents, carers and contractors.

1.2 Equality, diversity, and inclusion is also referred to as ED&I throughout this policy.

1.3 We are opposed to all forms of unfair or unlawful discrimination and harassment. We will treat all job applicants, employees, workers, parents, carers and contractors in the same way, regardless of any protected characteristic (age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race (including nationality, ethnic or national origin), religion or philosophical belief, sex or sexual orientation).

1.4 The use of the word 'harassment' throughout this policy includes sexual harassment.

1.5 We seek to promote equality, diversity and inclusion in job adverts and recruitment, induction, employment, pay and benefits, training and career development (including promotions), terms and conditions of service, and also when managing any grievance or disciplinary issues. This policy can also apply to relationships with suppliers and contractors, as well as to potential employees.

1.6 The responsibility for observing the law and operating this policy lies with the Headteacher but the policy can only work effectively with the support and commitment of all colleagues.

1.7 We believe that everyone has the right to be treated fairly and with dignity and respect at work, and to work without fear of discrimination, bullying or harassment. We welcome diversity amongst our staff, sub-contractors, and visitors, recognising that individuals from a wide range of backgrounds and experience can contribute a wealth of experience to achieving our objectives.

1.8 We will review this policy on an annual basic to ensure its continuing compliance with relevant employment legislation and the continuing success of its implementation by:

- ensuring there are no suspected practices in breach of this policy

- ensuring that selection for promotion, training, work allocation etc. is carried out in a non-discriminatory manner
- promoting a harmonious working environment and eliminating discrimination and harassment.

1.9 This policy is available on the Trust's website and all employees and workers are required to read this policy to ensure they understand what types of behaviour may amount to bullying, harassment and sexual harassment.

1.10 This policy should be read together with our Bullying and Harassment Policy which is available on the Trust's website.

1.11 This policy has been consulted upon with our trade union colleagues to ensure that it is practicable, clear and easy to understand.

1.12 This policy is not contractual but indicates the way we wish to address diversity in the workplace.

2 Scope

2.1 This policy applies to all employees and workers, at all levels within our business working at our premises, at home, or elsewhere as well as agency workers, consultants, casual workers, volunteers and interns.

2.2 It covers all aspects of employment including job adverts, recruitment, induction, pay and benefits, terms and conditions of service, training and development, promotion, change management, grievance and disciplinary issues and ending employment.

3 Principles

3.1 All employees have a responsibility to apply good equality, diverse and inclusivity practices across our business. All employees, irrespective of their job or seniority, should familiarise themselves with this policy, and be aware of their responsibility and role in promoting equality, diversity, and inclusion and in not discriminating unfairly or harassing colleagues, job applicants or ex-employees, nor encouraging others to do so or tolerating such behaviour.

3.2 Employees are also encouraged to challenge any unacceptable behaviour should they either witness or experience it directly. Disciplinary action, up to and including summary dismissal (without notice), may be taken against any employee found guilty of unfair discrimination, harassment and/or victimisation. Or in the case of a worker, their engagement with us may be terminated.

3.3 Employees should be aware that not only are we, as the employer, liable for any cases of discrimination or harassment that occur, but individuals may also be held personally liable for their own acts and behaviour.

3.4 Managers are responsible for ensuring that all individuals within their team/department receive fair treatment throughout the course of their employment.

3.5 We will also obtain commitments from other persons or organisations such as consultants, subcontractors or agencies that they will also comply with this policy in their dealings with us and our employees.

3.6 We fully accept our responsibilities under current legislation, but we aim to go beyond this by:

- recognising that everyone has a right to their distinctive and diverse identity
- have a workforce which generally reflects the demographic we serve
- understanding how ED&I can improve our ability to deliver better services
- providing all employees with the necessary training and development they need to contribute to our goals
- Ensuring we offer a supportive, open environment for all employees so that they can use their talents fully and where they are treated fairly and with dignity and respect, in an environment free from abuse or offensive behaviour, bullying or harassment or intimidation. This is regardless of any protected characteristic held, their social background or caring responsibilities they may have, or any other individual characteristic which may unfairly affect their opportunities in life.

3.7 We also recognise the benefits of helping our employees to lead a healthy work life balance, and that work life balance is unique to each individual.

3.8 Learning to work with people's differences, visible or not, enables us to work together effectively and helps us to anticipate and meet the needs of all our pupils, parents and carers to recruit, retain and develop the best people; to fulfil our legal commitments; and to act responsibly in the communities of which we are a part.

4 Actions

4.1 The actions we will take to make this policy work include:

- providing training and communications to raise awareness and understanding of diversity and equal opportunities issues, to show their impact on the business and individuals
- ensuring that decisions on recruitment, access to training and promotion are based on ability only
- regularly reviewing our employment policies to ensure that people are treated fairly, equitably, and consistently with their skills and abilities
- developing patterns of work which are consistent with the ability to maintain an appropriate work-life balance
- reviewing working arrangements to ensure that they do not restrict the opportunity for employment or career progression of members of disadvantaged groups
- monitoring the composition of our workforce to provide us with robust data to evaluate the effect of our policies
- routinely monitoring all actions under the grievance and disciplinary procedures by age, disability, gender, race, and any other criteria we deem to be appropriate
- providing employees who believe they have been treated in any way contrary to this policy with the opportunity to raise and resolve issues.

5 Types of discrimination

5.1 Definition

5.1.1 Discrimination is unfair treatment on the grounds of a “protected characteristic” (age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race (including nationality, ethnic or national origin), religion or philosophical belief, sex or sexual orientation) and it is usually against the law.

5.2 Direct discrimination

5.2.1 This occurs when a person is treated less favourably because of a protected characteristic.

5.3 Indirect discrimination

5.3.1 This is where the application of a provision (policy), criterion or practice (PCP) is discriminatory in relation to a protected characteristic which an individual has, and:

- it is (or would be) applied equally to others who do not have that characteristic
- it puts (or would put) those who share the individual's characteristic at a particular disadvantage to those who do not have the characteristic
- it puts (or would put) the individual at that disadvantage
- it cannot be shown that the PCP is a proportionate means of achieving a legitimate aim.

5.4 Discrimination by association

5.4.1 This is discrimination against a person because they associate with someone who possesses a protected characteristic (e.g. discrimination against an employee without a disability themselves, but who has a child with a disability).

5.5 Discrimination by perception

5.5.1 This is discrimination against a person because the discriminator perceives the person possesses that protected characteristic, even if the perception is incorrect.

5.6 Harassment

5.6.1 This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment can be regarded as behaviour that is offensive, frightening or in any way distressing and it is the impact on the individual that is important. It may be intentional, obvious, or violent, but it can also be unintentional or subtle and insidious.

5.6.2 Forms of harassment can include, but not limited to:

- racial slurs
- personal insults
- derogatory jokes and banter
- offensive or insensitive messages (including email)
- isolation or non-cooperation and exclusion
- ‘outing’ someone as transgender
- asking intrusive questions about someone’s gender identity or transition
- persistent and/or malicious use of the incorrect pronoun or ‘deadnaming’

5.7 Sexual Harassment

5.7.1 Sexual harassment is unlawful and will not be tolerated. Complaints resulting in the finding of sexual harassment having taken place will be subject to disciplinary action, up to and including summary dismissal (without notice). Or in the case of a worker, their engagement with us may be terminated.

5.7.2 Examples of sexual harassment include, but not limited to:

- unwanted physical, verbal and non-verbal conduct of a sexual nature
- displaying pornographic or explicit images
- indecent exposure
- using e-mail or social media to make inappropriate, derogatory or offensive content that is of a sexual nature, which can include sexual innuendos, sexual solicitation, sexual assault. This can include sharing, posting, liking or tagging someone in a post
- unwanted physical, verbal and non-verbal conduct of a sexual nature that is towards another person, such as a colleague, customer, client, suppliers, contractors or any other third party associated with us

5.7.3 Employees and workers should be aware that individuals may be held personally liable for their own acts and behaviour.

5.7.4 Example - how an employee or worker can spot sexual harassment:

- A male colleague alters a pornographic image by placing an image of their female colleague’s face onto it. He then sends it to other colleagues causing them to ridicule her.
- An employee has a sexual relationship with their supervisor. They then end their relationship as they think it was a mistake. The next day, the

supervisor grabs the employee's bottom and says, "come on, don't play hard to get".

5.8 Third party harassment and discrimination

5.8.1 Third party harassment and discrimination refers to harassment and/or discrimination of an employee or worker, that is carried out by someone who is not. Third party harassers and discriminators may include:

- customers or clients
- suppliers and
- independent contractors and consultants.

5.8.2 Third party harassment will not be tolerated.

5.8.3 Any employee or worker who believes that they have been the victim of third-party harassment and/or discrimination should immediately report the incident to their manager. In the case of an agency worker, they should immediately report it to both their recruiting agency and to their point of contact within our organisation.

5.8.4 If an employee harasses and/or discriminates against a pupil, parent, carer, supplier or an independent contractor or consultant the employee will be subject to disciplinary action.

6 Further guidance on unlawful discrimination

6.1 **Age –** note that this covers people of all ages and age groups, and someone's perceived age. Age-related bands are still however permitted in the National Minimum Wage bands and when calculating statutory redundancy payments.

6.2 **Disability** - it is unlawful to treat a person with a disability unfavourably because of something 'arising in consequence of their disability'. Reasonable adjustments (see below) must be made if these would enable the person with a disability to access any services or the ability to be employed, trained, or promoted to the same extent as a person without a disability. A person with a disability is defined as: *"someone who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities".*

- "substantial" means neither minor nor trivial

"long term" means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are specific rules covering recurring or fluctuating conditions)
"normal day-to-day activities" include everyday things like eating, washing, walking and going shopping.

People with progressive conditions, such as HIV, cancer and multiple sclerosis, are covered from the point of diagnosis rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

6.3 **Race** – this includes colour, nationality and ethnic origin. It is unlawful to treat a person less favourably on grounds of the colour of someone's skin, nationality or ethnic origin.

6.4 **Religion or belief** – this covers not only any religion, religious belief or similar philosophical belief but also the lack of any religion or belief. A philosophical or political belief is not covered unless it is similar to a religious belief.

6.5 **Sex/**Gender – this covers all genders. However, in the field of employment, a Genuine Occupational Requirement (GOR) can be lawful if a person of a particular gender is specifically required for a job.

6.6 **Sexual orientation** – this covers any sexual orientation, including gay, heterosexual and bisexual.

6.7 **Gender reassignment** – an employee is protected from discrimination on the grounds of gender reassignment if they are proposing to undergo a process or part of a process, are currently undergoing a process or part of a process or have undergone a process or part of a process. Furthermore, employees who choose to not undergo medical procedures when transitioning will also be protected.

6.8 **Part-time workers** –a part-time worker is defined as someone who is 'not identifiable as a full-time worker'. Part-time workers are entitled to be treated on the same basis and are entitled to the same benefits, pro-rata, as their full-time colleagues.

6.9 **Fixed-term employees** - a ‘fixed-term employee' is one with a contract of employment which is due to end when a specified date is reached, a specified event does or does not happen or a specified task has been completed. It is unlawful to treat a fixed-term employee less favourably than a comparable permanent employee, unless this is objectively justifiable. The use of successive fixed term contracts for any individual is limited to four years.

6.10 **Equal pay** - individuals should receive equal pay for work of equal value where work is the same or rated as equivalent regardless of the hours worked or their gender.

6.11 **Genuine Occupational Requirement (GOR)** - in very limited circumstances it will be lawful to treat people differently if it is a genuine occupational requirement that the job holder must possess a particular protected characteristic. When deciding if this applies, we will consider the nature of the work and the context in which it is carried out.

7 Responsibilities

7.1 Managers' responsibility

7.1.1 The Headteacher has overall responsibility for ensuring the implementation of this policy.

7.1.2 As employers, we are liable for the actions of our employees and workers and therefore all our managers, supervisors and team leaders are responsible for the successful implementation of this policy within their own departments and should take steps to ensure that people working for them understand and follow this policy.

7.2 Employees' responsibility

7.2.1 All our employees are required to comply with this policy, together with our associated policies (see below).

7.2.2 Any employee who witnesses behaviour or decisions that seem to be contrary to this policy should challenge these or raise the issue with the headteacher.

8 The working environment

8.1 We will take all reasonable steps to ensure that our working environment does not prevent people from taking up positions for which they are suitably qualified. This may include physical adaptions or more flexible ways of working, including home working (where appropriate and practical).

8.2 We will also take reasonable steps to prevent discrimination and harassment from occurring. Instances of this are a violation of employment and health and safety laws, and a contravention of criminal and/or civil law in some circumstances, this type of behaviour can create a hostile or threatening environment. Therefore, all complaints of bullying or harassment will be treated very seriously.

8.3 We also encourage the participation of all employees to ensure that, wherever possible, our employment practices recognise and meet their needs and will involve our staff in determining what can be done to make sure they develop and use their abilities at work.

9 Employment policies

9.1 Our employment policies and procedures will be continually reviewed to ensure compliance with this policy, to reflect current best practice and to remove barriers experienced by members of disadvantaged social groups in seeking employment with us and working for us.

10 Reasonable adjustments for those with a disability

10.1 We will make reasonable adjustments to facilitate the employment of an employee or work who has a disability. These may include:

- making adjustments to premises
- re-allocating some of an employee or worker's duties
- transferring an employee or worker to a role better suited to their ability
- relocating an employee or worker to a more suitable office or location
- giving an employee or worker time off work for medical treatment or rehabilitation
- providing training or mentoring
- supplying or modifying equipment, instruction and training manuals for those with a disability.

10.2 We will consider and make any other reasonable adjustment to the employment arrangements or our premises if these substantially disadvantage an employee, worker or job applicant who has a disability. However, several factors will be considered in deciding if it is reasonable to make any changes. These include:

- the extent to which an alteration will improve the situation for the individual
- how easy it is to make the change
- the cost of the measure, both financially and in terms of the disruption it will cause
- our resources
- any financial or other help that may be available.

10.3 If an employee or worker has a disability, or becomes disabled during the course of their employment, and feels that any such adjustments are appropriate, they should discuss this with the headteacher in the first instance.

11 Gender reassignment

11.1.1 Transgender or 'trans' is an umbrella term for somebody who experiences gender incongruence, gender diversity or gender dysphoria, meaning they do not align to the sex they were assigned at birth. It includes someone who:

- intends to undergo, are undergoing or have undergone gender reassignment
- identifies that their gender is not the one assigned at birth. This is both someone who is planning, or has had medical interventions, as well as someone who does not plan or has not had medical interventions
- is non-binary, meaning they do not solely consider themselves to be male or female. They may or may not have had medical interventions to align their body with their non-binary gender identity.

11.2 The Trust and school will support employees who inform us of their intention to transition by working with them to create their own personal transition plan. We are mindful that for someone who is transitioning, there will be many practical steps that will need considering helping them through it. We also respect that our discussions with the employee are best when they are led by the employee themselves. We support their personal choices in how they wish to manage their transition within the workplace and both the employee, and their line manager will jointly agree the support measures and practical actions that may be needed.

12 Recruitment and promotion

12.1 Our recruitment and promotion process must result in the selection of the most suitable person for the job, whether this on a full-time, part-time, casual, temporary, seasonal or contract basis. Our focus is on the skills, abilities, qualifications, aptitude, and potential of individuals to do their jobs.

12.2 Our recruitment procedures are kept under review and are developed as necessary so that we can continue to encourage applications from, and the employment of people from a range of backgrounds.

12.3 We aim to ensure that our recruitment practices are free from unlawful discriminatory criteria. Questions relating to a protected characteristic (age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race (including nationality, ethnic or national origin), religion or philosophical belief, sex or sexual orientation), but also current or future family responsibilities, or unrelated criminal convictions will not form part of our selection process.

12.4 Job descriptions will properly reflect the responsibilities of the jobholder and person specifications will include only requirements that are necessary and justifiable for the effective performance of the job.

12.5 All adverts will be carefully worded to ensure that no intent of either direct or indirect discrimination is interpreted nor is there indication of stereotyping of roles. They will normally state “We are an equal opportunity employer and value diversity and inclusion". When advertising a position which has traditionally been done by one gender, adverts should specify they are open to all genders.

12.6 We will ensure that our job adverts encourage applications from all suitably qualified and experienced people, through either internal and/or external advertising.

12.7 We will provide full and fair consideration for all job applicants, based on merit and ability. All managers involved in recruitment will be trained appropriately.

12.8 Selection criteria and procedures are intended to ensure that individuals are selected, promoted, and treated based on their individual relevant merit, ability, and suitability for the post. Membership of an under-represented group will not influence the appointment. Shortlisting and interviewing will normally be carried out by more than one person, to minimise the risk of conscious or unconscious bias.

12.9 The selection process will be carried out consistently for all jobs at all levels and will be fair and non-discriminatory. Interviews will be undertaken with an unbiased approach towards candidates and only questions which relate to the job, and which are non-discriminatory will be asked. Questions about marriage plans; family intentions; religious or political commitments intention to join our pension scheme or to opt out; or about any other issues which may give rise to suspicions of unlawful discrimination should not be asked.

12.10 Procedures for testing or assessment will be reviewed so as not to disadvantage any applicant and will be specifically related to the job and measure an individual's actual, or inherent, ability to do or train for the job.

12.11 We will ensure that other opportunities such as work experience and apprenticeships that we may offer, are open to people from a wide range of backgrounds and we will work to create good education/industrial links to encourage a broad range of applicants.

13 Terms and conditions of employment

13.1 We will ensure that all our employment policies including compensation, benefits and any other relevant issues associated with terms and conditions of employment, are formulated, and applied in such a way as to remove/minimise any discrimination on the grounds of a protected characteristic or indeed any other characteristic unrelated to the performance of the job.

13.2 These will be reviewed regularly to ensure there is no discrimination. Length of service as a qualifying criterion for additional or improved benefits will not exceed five years unless clearly justifiable.

13.3 Employees will not be subjected to any detriment if they wish to join our pension scheme, nor will they be offered any inducement not to do so. This would include refusing promotion or training to someone who decided not to opt-out, or refusing or reducing a pay increase if it would bring the worker within the band of earnings that would make them eligible for auto-enrolment etc.

14 Training and diversity awareness

14.1 We are committed to ensuring equality of opportunity in terms of access to training to increase employees' knowledge and skills and to provide them with opportunities to develop their potential.

14.2 All employees are encouraged to discuss their career prospects and training needs with their manager on a regular basis. Opportunities for promotion and training will be communicated and made available to everyone on a fair and equal basis.

14.3 The provision of training will be reviewed to ensure that part-time workers, shift or remote workers or those returning to work following a break are able to benefit from training.

14.4 It is our policy not to unfairly discriminate in the provision of training. No age limits apply for entry to training or development schemes - these are open to all employees.

14.5 We will ensure that this aim is implemented through:

- continuous review and updating of training courses and literature
- ensuring training materials are free from bias and do not discriminate, e.g., by showing Minority Groups or people with a disability in lower skilled roles only
- ensuring promotion and transfer criteria are justifiable
- ensuring assessment criteria is transparent and unbiased
- ensuring staff conducting appraisal interviews, salary reviews and bonus reviews are aware of their obligations to carry these out fairly and consistently in line with this policy.

14.6 Appropriate training will be provided to enable staff to perform their jobs effectively.

14.7 Induction training will be tailored to individual needs but will in all cases include awareness of our Equality, Diversity, and Inclusion policy and how it applies to individuals. We will then continue to take specific steps to raise awareness of ED&I throughout employment and within the business.

14.8 We will ensure that those involved in our recruitment and selection process are provided with ED&I training.

14.9 Any information produced will be developed and disseminated in ways which bring diversity issues to the attention of all employees and those who have dealings with our business. A wide range of cultures will be displayed and celebrated in our publicity material.

15 Career development, training and redeployment

15.1 We recognise that our ability to meet our pupils', parents and carers diverse needs is improved by having a workforce which has the range of skills and understanding to achieve our objectives. We will take all appropriate steps to ensure that all employees receive fair consideration of their training and development needs and promotion opportunities to enable them to develop their full potential within our business.

15.2 Standard training modules, reference manuals and training materials will be updated where necessary.

15.3 Any employees whose circumstances change whilst employed by us (for example, who become disabled, who take family leave, or who face new caring responsibilities) will be given full support to maintain or return to a job appropriate to their experience and abilities.

16 Flexible working

16.1 We will consider any requests for flexible working in a way which aims to balance the needs of the individual and our business. For further details, see our flexible working policy a copy of which is on the Trust website.

17 Retirement

17.1 We have no fixed retirement age and anyone who wishes to work beyond State Pension Age may choose to do so.

18 References

18.1 We will not discriminate against individuals who have left our organisation, either by failing to provide references that are based on accurate, factual information or by failing to provide a reference when we would normally do so.

19 Involvement

19.1 We encourage the participation of all employees to ensure that, wherever possible, our employment practices recognise and meet their needs and will involve our staff in determining what can be done to make sure they develop and use their abilities at work.

20 Customer care

20.1 We undertake to listen to our pupils, parents and carers and involve them in the development of services which respect and value their diversity.

21 Complaints

21.1 Harassment, discrimination, and bullying will not be tolerated. We recognise that making a complaint can be embarrassing and stressful. Sometimes the complainant simply wants the conduct or behaviour to stop and sometimes they want stronger action to be taken and therefore to take account of this we offer various routes of action.

21.2 When dealing with general disciplinary matters, care is to be taken that employees or workers who have, are perceived to have, or are associated with someone who has, a protected characteristic, are not dismissed or disciplined for performance or behaviour which could be overlooked or condoned in other employees or workers.

21.3 Employees who believe they have either been discriminated against or have witnessed discrimination, should bring this to our attention as soon as possible, either informally or formally in accordance with our grievance policy or bullying and harassment policy. An employee who, in good faith, brings a complaint of discrimination must not be victimised or less favourably treated as a result. (However, false allegations that are found to have been made in bad faith will be dealt with under our disciplinary procedure.)

22 Monitoring performance

22.1 We will monitor our progress towards diversity by:

- monitoring the ethnic origin, race, gender/sex (including re-assignment), age, marital status, religion or belief, sexual orientation and disability profile of our employees to enable us to understand the composition of our workforce to identify any areas of inequality
- monitoring applicants for jobs, training and development, grievances, disciplinary hearings, dismissals and other reasons for leaving
- monitoring employee opinions and comments through an annual employee survey, employee forums and feedback via the appraisal system

23 Breach of this policy

23.1 Any employee who feels they have been treated in a manner contrary to this policy should raise this either formally through the Grievance Procedure and / or the Bullying and Harassment procedure or informally with the headteacher.

23.2 Any breaches of this policy by employees will be fully investigated and may lead to disciplinary action, up to an including summary dismissal (without notice).

24 Related policies and documents

- Bullying and Harassment Policy
- Disciplinary policy
- Equal opportunity monitoring form do you have one of these?
- Family Friendly Policy
- Flexible Working Policy
- Grievance Policy
- Supporting Attendance Policy

The above list is not exhaustive.

25 Further information

Any queries or comments about this policy should be addressed to the CEO.

26 Policy owner

This policy is owned and maintained by the CEO.