

THE BAY
LEARNING TRUST

Equal Opportunities Policy

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Document Control

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1 SCOPE AND PURPOSE

1.1 The Bay Learning Trust (the 'Trust') is committed to promoting equality of opportunity for all staff and job applicants. It aims 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.

1.2 The Trust does not unlawfully discriminate against staff 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).

1.3 The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat pupils, parents of pupils, visitors, clients, customers, suppliers, former staff members and anyone else that our staff encounter in the course of their employment (Third Party /Third Parties) and the way they, in turn, treat you.

1.4 All staff 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, regardless of their status. Attention is also drawn to the Trust's separate Dignity at Work Policy and Anti-Sexual Harassment Policy.

1.5 This Equal Opportunities Policy applies to all aspects of the Trust's relationship with staff and to relations between staff members 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, appraisal/performance management/capability, sickness absence/attendance management, disciplinary and grievance procedures, and termination of employment.

1.6 The Trust will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.

1.7 This policy does not form part of any employee's contract of employment and may be amended at any time in consultation with recognised Trade Unions.

1.8 In this policy references to personnel/bodies are to the personnel/bodies present within the School at which the particular member of staff reviewing the policy is engaged.

2 WHO IS COVERED BY THE POLICY?

2.1 This policy covers all individuals working at all levels and grades, including the Headteacher, teachers, non-teaching staff, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, the Board of Governors, volunteers, interns, casual workers and agency staff (collectively referred to as staff in this policy).

3 WHO IS RESPONSIBLE FOR THIS POLICY?

3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility, including regular review of this policy, has been delegated to the Headteacher.

3.2 The Senior Leadership Team must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote the Trust's aims and objectives with regard to equal opportunities.

3.3 All staff will be given training on equal opportunities, dignity at work, anti-harassment and anti-sexual harassment. The Senior Leadership Team will be given higher level training on those topics, including equal opportunities recruitment and selection best practice, due to their leadership responsibilities and potential role in investigating and dealing with complaints. This training will be repeated biennially. The Headteacher has overall responsibility for equal opportunities training.

3.4 Staff who are involved in management or recruitment, or those who have any questions about the content or application of this policy, should contact the Headteacher to request training or further information.

4 DISCRIMINATION

4.1 Staff must not unlawfully discriminate against or harass other people including current and former employees, customers, visitors, pupils, parents of pupils and suppliers. This applies in the workplace, outside the workplace (when dealing with customers, suppliers, pupils or other work-related contacts) and on work-related trips or events including social events.

4.2 Discrimination by or against staff is generally prohibited unless there is a specific legal exemption. In some circumstances, discrimination by our staff against Third Parties, or harassment by Third Parties towards our Staff will also be unlawful.

4.3 Discrimination may be direct or indirect, and it may occur intentionally or unintentionally. The following forms of discrimination, unless objectively justified or otherwise exempt, are generally both unlawful and strictly forbidden under this policy (although some types of discrimination do not apply to all Protected Characteristics):-

4.3.1 **Direct discrimination:** this occurs where someone is treated less favourably because of one or more Protected Characteristics. For example, rejecting an applicant on the grounds of their race or because of their sexual orientation.

4.3.2 **Indirect discrimination:** this occurs where a provision, criterion or practice applies to everyone but adversely affects people with a particular Protected Characteristic, more than others, and is not justified. For example, a requirement to work full time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be objectively justified.

4.3.3 **Indirect Discrimination (Same Disadvantage):** this occurs where a provision, criterion or practice applies to everyone equally but adversely affects people with a particular Protected Characteristic more than others and, whilst the individual does not share that Protected Characteristic, they are put at substantively the same disadvantage as the protected group. For example, a requirement to work full-time rather than part-time may place women with childcare responsibilities at a group disadvantage and a man with similar childcare responsibilities may suffer substantially the same disadvantage. Such a requirement would be discriminatory unless it can be objectively justified.

4.3.4 **Discrimination arising from disability**: this occurs where someone is treated less favourably because of something arising in consequence of their disability. For example, rejecting a job applicant with the skills and qualifications to perform the job because they are a wheelchair user and failing to consider making reasonable adjustments. Such treatment would be discriminatory unless it can be objectively justified.

4.3.5 **Sexual harassment**: unwanted conduct of a sexual nature, which has the purpose of effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them and/or treating someone less favourably

because they have rejected or submitted to unwanted conduct of a sexual nature that is related to gender reassignment or sex. For example, making sexual propositions or sending sexualised messages via social media. Sexual harassment is dealt with in the Trust's Anti-Sexual Harassment Policy.

4.3.6 **Harassment**: unwanted conduct related to any of the Protected Characteristics that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. For example, making an inappropriate 'joke' about someone's disability, faith or sexuality. Harassment is dealt with further in theTrust's Dignity at Work Policy.

4.3.7 **Victimisation:** is also prohibited. This includes less favourable treatment of, or retaliation against, someone who has complained or supported someone else's complaint about discrimination or harassment. For example, refusing to consider an employee for promotion because they gave evidence in support of a colleague's discrimination complaint.

4.4 The Trust will take all reasonable steps to:

4.4.1 Prevent staff from being subjected to discrimination, harassment or sexual harassment and victimisation by the Trust or its staff; and

4.4.2 Prevent Third Parties from harassing or sexually harassing our staff in the course of their employment.

5 RECRUITMENT AND SELECTION

5.1 Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person [and with the involvement of the Human Resources Department, where possible]. The Trust aims to ensure that no job applicant suffers unlawful discrimination because of any of the protected characteristics above. Its 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.

5.2 Job advertisements will avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. They will include an appropriate short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

5.3 Job 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 Headteacher approval. For example:

5.3.1 Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).

5.3.2 Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.

5.3.3 Positive action to recruit disabled persons.

5.3.4 Equal opportunities monitoring (which will not form part of the selection or decision-making process).

5.4 Once a job offer has been made, questions about the applicant's health and fitness for work will be made.

5.5 Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be disadvantaged because of pregnancy, maternity or pregnancy-related matters. Applicants will not be asked about matters concerning age, race, sexual orientation, or gender reassignment without the approval of the Headteacher (who will first consider whether such matters are relevant and may lawfully be taken into account).

5.6 Those involved in making recruitment decisions, whether or not there is a live recruitment exercise, must not make any verbal or written statements that are directly discriminatory against candidates (or potential candidates) with a particular Protected Characteristic.

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

5.8 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged within the Trust, the Trust monitors applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of 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 data helps the Trust to take appropriate steps to avoid discrimination and improve equality and diversity. This data will be processed confidentially, separately from the recruitment decision-making and in accordance with applicable data protection requirements.

6 STAFF TRAINING AND PROMOTION AND CONDITIONS OF SERVICE

6.1 Staff training needs will be identified through regular staff appraisals. All staff 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.

6.2 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.

6.3 The Trust's 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.

7 TERMINATION OF EMPLOYMENT

7.1 Unless the Trust are legally required to do so, or it is otherwise objectively justified, no account should be taken of an individual's Protected Characteristics (or matters arising from that Protected Characteristic) when deciding whether to terminate their employment.

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

7.3 The Trust will also ensure that disciplinary and other procedures (such as Capability procedures) and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

8 DISABILITIES

8.1 If a member of staff is disabled or becomes disabled, the Trust encourages them to tell it about their condition so that it can support the staff member as appropriate. A member of staff will be considered to be disabled if one of the following applies:

8.1.1 They are diagnosed with HIV, multiple sclerosis or cancer;

8.1.2 They are certified blind, severely sight impaired or partially sighted by a consultant ophthalmologist; or

8.1.3 They have a physical or mental impairment (with or without a formal diagnosed), which has a substantial and long-term impact upon your ability to carry out normal day-to-day activities. For these purposes, substantial means more than "minor" or "trivial", and long-term means it has lasted (or is likely to last for at least 12 months or to recur).

8.2 The impact on day-to-day activities can, for example, relate to:

8.2.1 Mobility;

8.2.2 Manual dexterity;

8.2.3 Physical co-ordination;

8.2.4 Continence;

8.2.5 Ability to lift, carry or move everyday objects;

8.2.6 Speech, hearing or eyesight;

8.2.7 Memory or ability to concentrate, learn or understand;

8.2.8 Perception of the risk of physical danger; or

8.2.9 Ability to participate fully and effectively in working life on an equal basis with other workers.

8.3 If a member of staff experiences difficulties at work because of their disability, they may wish to contact their line manager or the Senior Leadership Team to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager or the Senior Leadership Team may wish to consult with the member of staff and their medical adviser(s) about possible adjustments. The Trust will consider the matter carefully and try to accommodate the member of staff's needs within reason. If the Trust considers a particular adjustment would not be reasonable, it will explain the Trust's reasons and try to find an alternative solution where possible.

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

9 RELIGIOUS AND OTHER BELIEFS

9.1 If an employee's religious or other beliefs impact upon their ability to carry out their job or make it difficult for them to comply with our rules or procedures (e.g. our dress code, or hours of work), they should discuss this with their line manager in the first instance.

9.2 The Trust will consider requests fairly and objectively and will not unlawfully discriminate against staff because of religion or belief.

10 FIXED-TERM EMPLOYEES AND AGENCY WORKERS

10.1 The Trust monitors its use of fixed-term employees 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. The Trust will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

11 PART-TIME WORK

11.1 The Trust monitors the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. The Trust will ensure requests to alter working hours are dealt with appropriately.

12 BREACHES OF THIS POLICY

12.1 If a member of staff believes that they may have been unlawfully discriminated against then they are encouraged to raise the matter through the Trust's Grievance Policy or Dignity at Work Policy, as appropriate. Other parties may write to the Headteacher or CEO of the Trust. If a member of staff is uncertain which applies or need advice on how to proceed, they should speak to the Headteacher or CEO. Any complaints will be treated in confidence and investigated as appropriate.

12.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant policy or procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under the Trust's Disciplinary Policy.

12.3 Any member of staff who is found to have committed an act of unlawful discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The Trust takes a strict approach to serious breaches of this policy.