



Equality and Diversity in Employment Policy

Applicable to:	✓	Astley Community High School
	✓	Seaton Sluice Middle School
	✓	Whytrig Middle School
Approval body:	Resources Committee	

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Author	Creation Date	Version	Status
Business Manager (BW)	16 May 2019	0.1	Initial draft based on NCC model policy (January 2018)
Changed by	Revision Date		
Business Manager (BW)	10 June 2019	1.0	Final approved version for publication

1 Policy aim

- 1.1 The governing body aims to promote a culture in school which embraces the diversity of the whole community, where unjustifiable discrimination or prejudice does not exist and where all individuals are treated with courtesy, dignity and fairness including in the provision of services and employment. This policy expresses how this aim will be fulfilled.
- 1.2 The governing body has to comply with the requirements of the Equality Act 2010. As an employer this means that we have to treat everyone fairly and not discriminate in our workforce activities, for example, in recruiting staff, or in how we work together. For the federation, being a fair employer goes beyond meeting legal obligations. It's about treating everyone fairly and with dignity and respect.

2 Policy summary

- 2.1 This policy sets out the federation's equality and diversity procedures throughout employment including:
 - recruitment and selection
 - training
 - conditions of service and employment procedures
- 2.2 It also sets out the federation's expectations of its employees with regards to equality and diversity practice and identifies potential consequences for non-compliance.

3 Consultation process

- 3.1 Trade union representatives have been consulted on this policy. The policy is available to all staff in the 'Policies and Documents' Google Team Drive and on the federation's website.

4 Introduction

- 4.1 The federation aims to promote a society which embraces the diversity of the whole community, where unjustifiable discrimination or prejudice does not exist and where all individuals are treated with courtesy, dignity and fairness including in the provision of services and employment.
- 4.2 The federation understands the benefits to the community of having a diverse and highly effective workforce, and values the added contribution that its employees can make when it recognises their individual differences. These individual differences are defined in law as the following 'protected characteristics':
 - age
 - disability
 - gender reassignment
 - marriage or civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

- 4.3 Within school we also include protection from discrimination on the grounds of gender identity and protection for individuals at any stage who are transitioning from the gender they were assigned at birth. The federation is determined to eliminate unfair discrimination in all its forms and to establish and implement equality through its employment policies and practices.
- 4.4 The governing body will, in the exercise of their functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation;
 - advance equality of opportunity between different groups; and
 - foster good relations between different groups.
- 4.5 Advancing equality involves:
- removing or minimising disadvantages experienced by people due to their protected characteristics
 - taking steps to meet the needs of people from protected groups where these are different from the needs of other people
 - encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
- 4.6 The federation opposes all forms of unlawful and unfair discrimination. All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential within the workplace. Developing the talents and resources of the workforce will enhance the effectiveness of the organisation.

5 Purpose

- 5.1 The purpose of this policy is to support federation staff to:
- create an environment in which individual differences and the contributions of all our employees are recognised and valued
 - give every employee a working environment that promotes dignity and respect to all and where no form of intimidation, bullying or harassment will be tolerated
 - provide training, development and progression opportunities to all staff
 - continuously review all our employment practices and procedures to endeavour to ensure fairness
 - consider breaches of the federation's Equality and Diversity in Employment Policy as misconduct which could lead to action being taken under the federation's Disciplinary Procedure, up to and including dismissal
 - seek to develop employment policies, procedures and practices to ensure fair and consistent treatment in the areas of recruitment and selection, pay, promotion, training, performance management, grievance handling and the application of all terms and conditions of employment

6 Duties

- 6.1 All employees are responsible for following the guidance laid down in this policy and should work to comply with the principles of it. All staff must attend/complete mandatory equality and diversity training.

6.2 The Executive Headteacher is responsible for ensuring that employees adhere to the standards of behaviour set out in this policy. They should also act as a role model for good behaviour and deal effectively with concerns and complaints, or any breaches of the Equality and Diversity in Employment or Dignity at Work policies.

7 Scope

7.1 This policy covers all employees, contractors, temporary workers and prospective employees. The policy applies to all aspects of employment, from recruitment and selection through to termination of employment.

8 Definitions

8.1 A full list of definitions can be found at Appendix One.

9 The Equality Act 2010

9.1 The Equality Act 2010 protects nine groups of people from unlawful discrimination. These groups are known as ‘protected characteristics’:

- age
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

9.2 The law means that no employee, or potential employee, can be treated less favourably on the grounds of a ‘protected characteristic’.

10 The Public Sector Equality Duty

10.1 The Public Sector Equality Duty is a set of provisions within the Equality Act 2010 that apply to us as an employer. Complying with the Equality Duty means that we need to be conscious about equality when we make decisions. The duty says that in delivering our work we must have “due regard” to the need to:

- eliminate unlawful discrimination, harassment and victimisation or any other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a protected characteristic and those who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it

11 Recruitment and selection

Advertising

11.1 Normally, all vacancies will be advertised on North East Jobs. Exceptions include situations involving reorganisations, where there is a threat of redundancy, or where the local authority’s HR representative has agreed an exemption.

- 11.2 When posts are advertised externally care will be taken to ensure that the methods used do not unreasonably or unfairly restrict the pool of likely applicants, and encouragement will be given to attract applicants to fulfil our wish for a diverse workforce.
- 11.3 All internal advertisements and vacancy bulletins will indicate that all candidates will receive fair and equal treatment. Applications in alternative formats will be made available for disabled applicants.
- 11.4 All job applicants are required to complete a standard application form. CVs will not be accepted.

Job requirements

- 11.5 For each vacant post there will be, as a minimum, a job description, a person specification and an application form.
- 11.6 Every effort will be made in the preparation of job descriptions and person specifications to ensure that they only include requirements relevant to the effective performance of the duties of the post.
- 11.7 The job criteria given in person specifications will only refer to specific qualifications where they are directly relevant to the job. In such cases we will also indicate that equivalent or alternative qualifications are acceptable.

Shortlisting

- 11.8 To produce a shortlist, all applicants will be considered together and the selection criteria will be applied consistently to all candidates by reference to the person specification.
- 11.9 Shortlisting and interviewing panels will comprise at least two (ideally three) members of staff, including a sex and race mix where practicable.

Interview

- 11.10 The purpose of an interview is to assess each candidate's capabilities in relation to the requirements of the job. Therefore, interviewers will seek to phrase questions so as to enable an objective assessment of the criteria as identified in the person specification to be made.
- 11.11 Interview panels will not ask unnecessary or inappropriate questions about an applicant's personal circumstances. Where there are special requirements attached to a job e.g. unsocial hours, interviewers may ask every candidate whether they understand and are able to fulfil all the obligations of the post.

Appointment

- 11.12 We will make appointments only on the basis of the best match between the individual, identified through the stages of the selection procedure (application form, interview, selection tests etc.) and the post, identified by reference to the job description and person specification, without regard to any other non-material factors e.g. gender, being married or in a civil partnership, sex, race, ethnic origin, nationality, disability, religion or belief, sexual orientation, gender reassignment or

gender identity, pregnancy or age except where there is a Genuine Occupational Requirement (GOR).

- 11.13 The overriding principle is that the most suitable person for the job is appointed. Where appropriate, reasonable adjustments will be made to support disabled employees.

Criminal records

- 11.14 We shall take no account of spent criminal offences, except for those occupations where there are exemptions under the Rehabilitation of Offenders Act 1974 or where the federation has a duty under other legislation to protect vulnerable sectors of the community. For all vacancies, the successful candidate will require clearance through the disclosure procedure administered by the Disclosure and Barring Service.

Recruitment complaints

- 11.15 Applicants who believe they have been unfairly treated should take up the matter in the first instance with the Appointing Officer. All complaints will be carefully considered and responses provided.

12 Training

- 12.1 The needs of the federation and the needs of individual employees in carrying out their duties, in preparing for changes to these duties, and for career development, will form the only basis for selection for training. Availability of funds will limit the level of training activities and the Executive Headteacher will establish priorities accordingly.
- 12.2 Any restrictions on access to training will not directly or indirectly discriminate on the grounds of any protected characteristic or any other factor which cannot be objectively justified.
- 12.3 Ideally, all staff involved in recruitment and selection should have received equalities training. As a minimum, all staff involved in recruitment must be familiar with this policy and the federation's recruitment practice.
- 12.4 All employees will receive training in order to increase their awareness of equality and diversity issues.

13 Conditions of service

- 13.1 The federation will apply all conditions of service and employment procedures fairly.
- 13.2 The federation is committed to the principle of equal pay and flexible working for all staff groups. The federation's Flexible Working Policy and Procedure provides further information in this regard.
- 13.3 The federation recognises the benefits of flexibility in working arrangements. Furthermore, we recognise the rights of all employees working under such arrangements to be treated fairly and consistently in comparison to full time, permanent employees and to be given the same opportunities for development. The treatment of pay and benefits for employees on flexible working arrangements is consistent with full time entitlements, wherever possible, these are provided on a pro rata basis.

14 Equality and diversity in employment procedures

14.1 All employees, regardless of protected characteristics are subject to employment policies and procedures including Capability and Disciplinary. If necessary, reasonable adjustments for disabled staff will be made to procedures and to enable employees to participate in any meetings or hearings which may arise as a result of these policies. Occupational Health advice may be sought in order to enable this.

15 Breaches

15.1 While it is hoped and intended that most problems relating to employment with the federation can be resolved on an informal basis, the Resolving Grievances Policy exists so that these can be dealt with equitably. Any employee who believes he/she has been discriminated against should raise the matter under the Resolving Grievances Policy. By having clear and well-publicised grievance and harassment procedures in place, the school ensures that every opportunity is given to address any area or situation where discrimination is perceived to have arisen.

15.2 The federation takes a serious view of any and all discrimination, and breaches of this policy are deemed to be misconduct. Any such actions will be investigated as possible disciplinary offences and dealt with in accordance with the federation's Disciplinary Procedure. All staff have a shared responsibility to ensure that the Equality and Diversity in Employment Policy is adhered to and to promote dignity and equality of opportunity and outcome at work.

Appendix One: Common terms and definitions

Advancing equality of opportunity

Involves considering the need to:

- A. remove or minimise disadvantages that people suffer because of their protected characteristics
- B. meet the needs of people who have protected characteristics
- C. encourage people with protected characteristics to participate in public life or in other activities where participation is low

Age

A person of a particular age (for example, 32 years), or from a specific age group (for example, 18-30 years).

Associated discrimination

Discriminating against someone who does not have a protected characteristic because of their association with someone who does - for example, the parent of a disabled child.

Direct discrimination

Less favourable treatment of a person compared with another person because of a protected characteristic.

Disability

The law says that a person has a disability 'if they have a physical or mental impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities'. 'Substantial' is more than minor or trivial (for example, it takes much longer than it usually would to complete a daily task like getting dressed). 'Long-term' means 12 months or more, (for example, a breathing condition that develops as a result of a lung infection). HIV, Cancer and Multiple Sclerosis are covered from the point that they are diagnosed.

Diversity

Recognising, respecting and valuing the differences that everyone has, as well as using the opportunities that different people bring to the work that we do.

Equality

Challenging discrimination, removing barriers faced by people from different groups, and creating a fairer society where everyone can participate and has the same opportunities to fulfil their potential. Equality is not about giving preferential treatment to some people when they are applying for jobs, or lowering the standards that they have to meet nor is it about treating everyone exactly the same.

Fairness

Fairness means conforming with rules and standards, making judgements that are free from bias, discrimination and dishonesty, and being just to everyone.

Fostering good relations

Involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Gender

Someone's gender identity which may be male, female or non-binary. The gender which someone identifies as may or may not be the same as their biological sex.

Gender reassignment

The process of transitioning from one gender to another. The law does not require a person to undergo a medical procedure to be recognised as transgender.

Harassment

Unwanted behaviour that has the purpose or effect of violating a person's dignity or that creates a degrading, humiliating, hostile, intimidating or offensive environment.

Indirect discrimination

Discrimination that occurs when a provision, criteria or practice is applied that creates disproportionate disadvantage for a person with a protected characteristic compared with those who do not share that characteristic.

Marriage or 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 have their relationships legally recognised as civil partnerships. Civil partners must be treated the same as married couples on a wide range of legal matters.

Perceived discrimination

Discriminating against a person in the belief that they have a protected characteristic, whether or not they do have it.

Positive action

A range of lawful actions that seek to overcome or minimise disadvantages (for example, in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

Positive discrimination

Treating someone with a protected characteristic more favourably because you think they have been discriminated against in the past. It is generally not lawful with the exception of the duty to make reasonable adjustments, where treating a disabled person more favourably may be required by law.

Pregnancy and maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave that she is entitled to. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Protected characteristics

The legal term for the nine grounds on which discrimination is unlawful, as listed in the Equality Act 2010.

Public sector equality duty

The duty on a public authority when carrying out its functions to have 'due regard' to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

Race or ethnicity

Refers to a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

Reasonable adjustment

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage. In other words the employer has to make a 'reasonable adjustment'.

Religion and belief

Belief includes religious and philosophical beliefs, including lack of belief (for example atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sexual orientation

This refers to whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes. Some people also identify as asexual which means they do not experience sexual attraction.

Vicarious liability

The legal basis whereby an organisation may become legally liable for the acts of its employees. This can apply even where the organisation had no knowledge of the acts and where, if it had been aware, it would disapprove or have disapproved of the acts in question.

Victimisation

Subjecting a person to a detriment because they have done a 'protected act' or there is a belief that they have done a 'protected act'. A 'protected act' could include making a claim or complaint of discrimination under the Equality Act 2010, or helping someone else to make a claim by giving evidence or information.