

EQUALITY POLICY



Document Control

This document has been approved for operation within:	All Trust Establishments
Date effective from	October 2024
Date next review due by	October 2029
Review period	5 Years
Consulted on with recognised trade unions	28 th October 2024



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DEFINITIONS

1.1 Education Partnership Trust ('EPT' or the 'Trust')) has adopted the Equalities Review 2007 definition of an equal society which strengthens our approach to equality and diversity. The definition is:

'An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish. An equal society recognises different people's different needs, situations and goals and removes the barriers that limit what people can do and can be'

1.2 This Policy covers the provisions of the Equality Act 2010 (the 'Act') which became law in October 2010. As an employer, our obligations remain largely the same. The Act harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency to make the workplace a fair environment and to comply with the law.

2. INTRODUCTION

2.1 EPT is committed to providing an environment free from discrimination, bullying, harassment, sexual harassment and victimisation where all members of its community are treated with respect and dignity. EPT aims to create a culture of diversity within its community, providing a dynamic working and learning environment, where all members are valued for their contribution.

2.2 Our aim is to ensure that these commitments, reinforced by our values, are embedded in our day to day working practices with the Trust community.

2.3 The Trust is committed to proving equality of opportunity for all irrespective of:

- Age
- Disability
- Race
- Religion or belief
- Sex
- Marriage and civil partnership
- Gender reassignment
- Pregnancy and maternity
- Sexual orientation.

2.4 Under the Act, no one protected characteristic, as listed above ('Protected Characteristics'), has a higher priority than any other. Discrimination claims can be made on the grounds of:

- A single protected characteristic - for example, because an employee is female
- Several single, but unrelated, characteristics – for example because an employee is female and also because she is of a particular age (in these situations, each characteristic would be considered separately).

2.5 Our aims are to promote equality of opportunity for all in line with the Public Sector Equality Duty, in line with s149 of the Act. These aims are:

- Complying with our legal obligations
- Eliminating discrimination and other conduct that is prohibited by the Act
- All our existing and potential service users are treated with dignity and respect

- Our partnership and contract arrangements promote equality of opportunity between people who share a Protected Characteristic and those who do not.
- We will work with and between communities to help develop and strengthen relationships between those who share a Protected Characteristic and those who do not
- Our workforce will be reflective of all sections of society
- Ensuring that both existing staff and students, as well as those who seek to apply to work or study with us, are treated fairly and that individuals are judged solely on merit and by reference to their skills, abilities, qualifications, aptitude and potential
- Ensuring that all contractors and service providers operating on behalf of the Trust are aware of this Policy and are expected to adhere to it.

2.6 For full detail of how the Trust complies with the Public Sector Equality Duty, refer to the Equality, Information and Objectives Policy located on the School's websites and the EPT Intranet.

Direct discrimination

2.7 Direct discrimination occurs when an individual receives less favourable treatment than another person in similar circumstances because they have a Protected Characteristic(s). This includes discrimination based on information, or the perception or assumption, that someone has a Protected Characteristic. Examples of direct discrimination include:

- Failure to short-list any BAME applicants, even though they meet the relevant criteria.
- Refusing a woman a promotion because you are concerned that she might want to take time off to start a family in the future.
- Choosing not to give a female teacher a pay rise because she is pregnant.
- Less favourable treatment of an individual because they are suffering from cancer or are HIV positive.

It can also include perceptive discrimination, where a person is treated less favourably because of the mistaken belief that they possess a Protected Characteristic.

Indirect discrimination

2.8 Indirect discrimination occurs when there is a provision, criterion or practice, which applies to everyone in the same way but places a group who share a Protected Characteristic at a disadvantage. Examples of indirect discrimination include:

- Stipulating that people must speak clear fluent English where the job does not require verbal communication.
- Refusal to consider part time working hours.

It should be noted that a provision, criterion or practice that would usually amount to indirect discrimination can be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

Discrimination by association

2.9 Associative discrimination occurs when a person is discriminated against and they are treated less favourably because they associate with or are connected to another person who possesses a Protected Characteristic.

- Less favourable treatment because a person has homosexual friends or relations or because a person is married to someone of a religion.

Genuine occupational requirements

2.10 Discrimination may on rare occasions be justifiable by law if it can be shown that it relates to a specific requirement of a job where a protected characteristic is a genuine occupational requirement for the job; i.e.

This can include where a Protected Characteristic is an occupational requirements. Example may include:

- an advertisement for the post of Head Teacher at a Catholic school could reasonably state that candidates must be practicing Catholics.

If such a requirement cannot be justified by an organisation, it may be deemed unlawful.

Harassment

2.11 This is unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Sexual Harassment

2.12 Unwanted conduct of a sexual nature which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them or where an individual is treated less favourably because they submitted to or rejected the unwanted conduct.

Victimisation

2.13 Subjecting someone to a detriment because they have either:

- Brought proceedings under the Act
- Given evidence or information in connection with proceedings under the Act
- Done any other thing for the purposes of or in connection with the Act
- Making an allegation that someone has breached the Act.

This includes where someone mistakenly believes that the person victimised has done any of the above acts.

Dignity at Work Policy

2.14 For full definitions and examples of harassment, sexual harassment and victimisation and how EPT deals with such conduct, EPT's Dignity at Work Policy should be referred to.

Legislation and guidance

2.15 This document meets the requirements under the following legislation and guidance:

- The Equality Act 2010
- The Equality Act 2010 (Specific Duties) Regulations 2011, which requires schools to publish information to demonstrate how they are complying with the Public Sector Equality Duty and to publish equality objectives.
- The Department for Education guidance: [Equality Act 2010 and schools.](#)

This document also complies with EPT's funding agreement and articles of association.

3. APPLICATION OF THE POLICY

Recruitment and Selection

- 3.1 Recruitment advertising will encourage applications from all sectors of the community reflecting the Trust's commitment to equality and diversity.
- 3.2 Recruitment advertising will appear in publications appropriate to the audience capable of producing the best candidates.
- 3.3 Job descriptions, person specifications and recruitment advertisements will be written based on the essential and justifiable requirements of the position.
- 3.4 Shortlisting, appointment and rejection decisions will be transparent and justifiable and will be supported by written comments. These will be carried out by more than one person and with the involvement of the HR department, where possible.
- 3.5 Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.
- 3.6 Job applicants should not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law and approval by HR; for example, to check that the applicant could perform an intrinsic part of the job (taking account of any reasonable adjustments), or to see if any adjustments might be needed at interview because of a disability. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms, which must not be used for selection or decision-making purposes.

Staff Development

- 3.5 All staff will have equal access to induction, personal and career development opportunities, and facilities.

Appraisal

- 3.6 Probation and appraisal procedures will be clear and transparent and will be applied without discrimination across all staff.
- 3.7 Pay decisions will be in line with the Pay Policy and decisions made will be applied without discrimination across all teaching staff including those on maternity leave.

Disciplinary and Grievance

- 3.8 Disciplinary and grievance procedures will be applied without discrimination and transparently for all staff.
- 3.9 Allegations of discrimination, harassment or inappropriate behaviour will be dealt with under the appropriate disciplinary procedures for staff. The disciplinary procedures and penalties will be applied without discrimination.

4. IMPLEMENTATION

- 4.1 The Policy will apply to all staff employed in the Trust.
- 4.2 The Policy will also apply to all Trust Board members, governors, volunteers, contractors, job applicants, student placements, trainees and people holding honorary contracts with the Trust.

4.3 In the implementation of this Policy the Trust will aim to:

- develop and promote a culture of equality and diversity throughout the Trust.
- develop and promote a culture of dignity, courtesy, and respect.
- support all staff and students, including provision of relevant support relating to protected characteristics.
- work to prevent all forms of unlawful discrimination.
- deal with all forms of discrimination consistently and effectively.
- ensure that this Policy influences and informs the culture of the Trust including the employment policies adopted and implemented by the Trust.

5. ROLES AND RESPONSIBILITIES

5.1 We all have a right to be treated fairly and with dignity and respect. Everyone has a responsibility to work together to promote a harmonious environment which eliminates discrimination, harassment, sexual harassment and victimisation.

Role of the Trust Board

5.2 The Trust Board has responsibility for ensuring all the Trust policies promote and sustain equality and diversity in employment practices and in the provision of the service.

5.3 The Trust Board will ensure there are effective policies in place for managing recruitment and selection, appraisals, bullying harassment and sexual harassment and any related grievances and complaints.

Role of HR

5.7 HR will be responsible for advising the Trust Board, Executive Headteacher and Heads of School on all aspects of the Policy.

5.8 HR will provide support to Heads of School where discrimination is alleged, and/or allegations of bullying, harassment and sexual harassment are made and/or grievances and complaints are raised.

5.9 HR will ensure that the Policy is up to date with current legislation and guidance.

5.10 HR will ensure that all other HR policies are in line with current legislation and guidance.

Role of the Headteachers

5.11 To promote equality and diversity throughout their academy and ensure that colleagues are aware of their responsibilities and expectations regarding their conduct. They will recognise the need for continuous professional development on issues of equality and diversity.

5.12 To ensure that all customs and practices within the academy adhere to the principles stated within this Policy.

5.13 To inform HR where discrimination is alleged, and/or bullying, harassment or sexual harassment is alleged and grievances and complaints are raised.

5.14 To ensure that this Policy is implemented effectively, and that any contravention will be dealt with under the Trust's Grievance Policy, Dignity at Work Policy, Disciplinary Policy and/or Complaints Policy as appropriate.

5.15 Ensure staff know how to report discrimination, bullying, harassment, sexual harassment and victimisation and ensure that reporting an incident does not result in victimisation.

- 5.16 In conjunction with HR, to effectively manage and deal promptly with investigating issues relating to potential discrimination, harassment, sexual harassment and/or victimisation, including complaints against employees.
- 5.17 To monitor success in achieving the objectives of this Policy and report back to the Trust Board.

Role of the line manager

- 5.18 Set a good example by treating all members of the Trust with dignity and respect.
- 5.19 Address unacceptable behaviour and ensure that all staff act in accordance with this Policy, including providing necessary support and direction where required and identifying any staff training needs.
- 5.20 Deal with complaints fairly, thoroughly, quickly, and confidentially. Ensure that due consideration is given to equality and diversity within their sphere of influence.
- 5.21 Support the headteacher in promoting knowledge and understanding of the equality objectives

Role of the employee

- 5.22 Every employee, irrespective of their job or position within the Trust, has an individual responsibility to treat others in a fair, non-discriminatory and non-judgemental manner and to promote positive attitudes and relationships.
- 5.23 An employee must not harass, abuse, intimidate others and/or victimise anyone as a result of them having complained about, reported or provided evidence of discrimination, harassment or sexual harassment.
- 5.24 The Trust has a zero tolerance approach to discrimination, harassment, sexual harassment or victimisation of any kind and such conduct may be considered to be gross misconduct. Individual employees will be held accountable for their actions if they contravene this Policy and commitment to act as an equal opportunity's employer and service provider. Any employee found guilty of unlawful discrimination, harassment, sexual harassment or victimisation will be subject to disciplinary action in accordance with the Trust's disciplinary policy, including, where appropriate, dismissal for gross misconduct.

6. ANNUAL EQUALITIES STATEMENT

- 6.1 The Trust will publish an Annual Equalities Statement and therefore fulfil the 'Specific Duty' to publish information to demonstrate compliance with the Equality Duty responsibilities.
- 6.2 Schools will supply the data on an annual basis to the Trust Central Office to enable completion of the statement.
- 6.3 This information will be published on the Trust and the school websites.

7. COMPLAINTS

- 7.1 Any allegations of harassment, sexual harassment, discrimination, bullying or victimisation will be taken very seriously by the Trust. Complaints will be treated in confidence and investigated as appropriate. Staff who make a complaint of discrimination, harassment or sexual harassment have the right to do so without fear of victimisation and the Trust will make every effort to ensure victimisation does not occur and that complaints are dealt with promptly and fairly.

- 7.2 Where an individual believes that they have been treated unfairly in accordance with this Policy, they have the right of complaint through the appropriate procedures:
- Where an individual employed by the Trust feels they have been discriminated against, harassed, sexually harassed or victimised by an employee, manager, or governor of the school, they should refer to the Grievance Policy and the Dignity at Work Policy
 - Where an individual is not employed by the Trust and feels that they have been discriminated against, harassed, sexually harassed or victimised by an employee, manager or governor/Board Member of the school or Trust, they should refer to the Trust's Complaints Policy.
 - In both cases, advice should be sought from HR.

8. REVIEW

- 8.1 This Policy will be subject to review in line with changes in employment law and related policies and procedures.
- 8.2 The Trust Schools will update the equality information published at least every year.
- 8.3 This Policy will be reviewed by the Trust at least every 5 years.
- 8.4 This document will be approved by the Trust Board.

9. LINKS WITH OTHER POLICIES

- 9.1 This document links to the following policies:
- Grievance Policy
 - Complaints Policy
 - Disciplinary Policy
 - Dignity at Work Policy
 - Pay Policy