

# Equal Opportunities (Staff)

## Introduction

1. This Policy sets out the Governing Body's commitment to promoting equality of opportunity amongst staff, prospective staff and others involved with the Academy. It should be read in conjunction with the Academy's *Equal Opportunities and Inclusion (Students) Policy* and the other policies relating to staffing.
2. The Academy's overall commitment to equality and diversity is reflected in its promotion of equality through the curriculum, its curriculum bonus time offer and its employment practices.
3. The Academy values the diversity of its staff who share different aspects of identity, for example in terms of their race and ethnicity, gender, sexual orientation, gender reassignment, religion and belief, disability or marital / civil partnership status and age.

## Scope

4. This policy relates predominantly to employment and opportunities for staff and prospective staff at the Academy. Notwithstanding, the Academy is fully committed to equal opportunities across its functions, in particular:
  - a. for students (see the *Equal Opportunities and Inclusion (Students) Policy* and the *Curriculum, Teaching and Learning Policy*),
  - b. prospective students (see *Admissions Policy*) and
5. This policy applies to staff, contracted staff and visitors to the Academy in respect of all aspects of the Academy provision and the employment relationship.
6. The Academy will not tolerate any form of discrimination, bullying or harassment on the grounds of
  - a. Age
  - b. Disability (including physical or sensory impairments, mental health difficulties, long term medical conditions and neuro-diverse conditions such as dyslexia and ADHD)
  - c. Gender
  - d. Gender reassignment
  - e. Maternity and Pregnancy
  - f. Race (which includes, ethnic or national origins)

- g. Religion or Belief
  - h. Sexual Orientation
  - i. Marital or Civil Partnership
  - j. Socio-economic status
7. Breaches of this Policy will be regarded as misconduct, subject to the relevant disciplinary procedures
8. Complaints of bullying or harassment should be dealt with using the relevant Staff policies.
9. A copy of this Policy will be available to staff and to members of the public on the Academy website.

### **Responsibilities**

10. Strategic responsibility for equality lies with the Senior Management Team and, in particular, the Head Teacher.
11. All staff have a right to work and learn in an environment free from bullying or harassment. Governors, managers, staff and learners share the responsibility to create an environment that is free from discrimination, which promotes equality of opportunity and value diversity. Staff must comply with the Policy and treat others with respect at all times.
12. Any incidences of discrimination or harassment should be taken seriously and dealt with sensitively. Where discriminatory practice or behaviour is encountered, including by a person who provides a service on behalf of the Academy all such persons are expected to actively discourage it and/or to report the matter to their line manager. Appendix 1 highlights the types of unlawful discrimination.
13. Staff should also participate in equality and diversity training and other relevant development activities where possible.

### **Commitment to Equality and Diversity and the Legal Context**

14. The Academy is committed to embedding equality and diversity through:
- a. Identifying and removing the potential barriers that may prevent current or future staff from reaching their full potential while working for the Academy;
  - b. Celebrating and valuing the diversity brought to the organisation by individual members of staff;
  - c. Working towards creating a positive and safe environment where staff feel secure and the diversity of all is respected.

- d. Ensuring all staff policies and procedures promote equality of opportunity and are not unlawfully discriminatory in their operation.
  - e. Working towards the achievement of a workforce that is representative of the diversity of the communities from which the Academy recruits
  - f. Ensuring training, development and progression opportunities are available to all staff
  - g. Arranging training for staff on relevant equality and diversity issues and including equalities issues in training on employment practices.
  - h. Arranging to consult with appropriate staff to identify any potential barriers to recruitment, promotion and retention.
  - i. Opposing all forms of unlawful or unfair discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy related to the protected characteristics.
15. The Academy abides by all statutory provisions on equality and diversity. The Equality Act 2010 recognises nine 'protected characteristics':
- a. Race;
  - b. Disability;
  - c. Gender;
  - d. Age;
  - e. Sexual orientation;
  - f. Religion and belief;
  - g. Gender reassignment;
  - h. Pregnancy and maternity;
  - i. Marriage and civil partnerships.
16. Under the Equality Act 2010 the Academy has a "public duty" to give due regard to:
- a. Eliminate discrimination, harassment and victimisation;
  - b. Advance equality of opportunity. This includes the need to:
    - i. remove or minimise disadvantage experienced by persons who share a protected characteristic
    - ii. take steps to meet the needs of people who share a protected characteristic that are different from the needs of people who do not share the protected characteristic. This includes taking steps to take account of disabled people's impairments, even where that means treating disabled people more favourably or using positive action to achieve this duty;
    - iii. encourage persons with a protected characteristic to participate in public life or any other activities where participation is disproportionately low.

- c. Foster good relations – which can include tackling prejudice and promoting understanding between people of different groups.
17. The Academy has the following measures and plans in place to help it achieve equality and diversity for staff (and for students: more detail can be found in the Equal Opportunities and Inclusion (Students) Policy)
- a. The Academy’s Vision
  - b. The Academy’s Three Year Development Plan;
  - c. The appearance of “Equality and Diversity matters” at all weekly staff meetings.
  - d. A staff member with responsibility for Equality & Diversity
  - e. The Equal Opportunities and Inclusion (Students) Policies
  - f. The double tick “Disability Symbol” (Jobcentre Plus)
  - g. Enrichment and wellbeing activities for learners and awareness raising events to support a range of equality and diversity events;
  - h. Specific services and courses to meet the needs of learners with additional learning support needs e.g. the Additional Learning Support Service.
  - i. The Student Executive Committee’s termly report

### **Training, Communication and Awareness**

18. The Academy is committed to using a number of different ways to communicate our policy to ensure all our staff, governors, learners and visitors:
- a. understand our commitment to equality and diversity;
  - b. understand their responsibilities and role in the process;
  - c. know where to seek advice and guidance;
  - d. Know how to make complaints with confidence that they will be handled effectively.
19. These methods will include equality and diversity being covered via;
- a. training/briefing meetings for all staff/governors;
  - b. Information on local notice boards and via the Academy’s online platform;
  - c. details in the student handbook;
  - d. employee/student individual induction;

### **Monitoring and Evaluation**

20. Staff applications and enrolment will be annually monitored by ethnic group, gender, language, disability and learning difficulty and the finding used to inform Self Assessment Reviews.
21. All aspects of the employment process from recruitment, grievances, disciplinary matters and redundancies through to employment tribunal applications are regularly

monitored by managers and governors. Learning and development opportunities are also monitored. Monitoring covers ethnic groups, gender, age, disability, religion and belief; sexual orientation. The findings are used to inform employment and development strategies and to address any negative equality and diversity impact where identified.

22. The implementation of the Policy is monitored by the Governing Body, and the Academy's Senior Leadership Team.
23. Monitoring and review of equality issues feed into the Academy SAR, Strategic Plan and Development Plan.
24. The following systems are proposed, or in place, to monitor and evaluate the equality and diversity impact of the Academy policies, services, courses and curriculum
  - a. Annual SARs;
  - b. Staff and Learner Survey and focus groups;
  - c. Annual report publishing information on the Academy website;
  - d. Equality and Diversity reports to the Governors via Senior Management Team;
  - e. Progress reports on Equality and Diversity Service Development Plans.
  
25. This Policy will be reviewed every two years.

Signed by *RMaxted* and *AWright*

Agreed by TGB – May 2014

Reviewed by	Chair of Governors
Last Reviewed	June 2016
Adopted by TGB	May 2014
Next Review	June 2018

## Appendix 1 - THE EQUALITY ACT: TYPES OF UNLAWFUL DISCRIMINATION

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

Previous equality legislation recognised disability-related discrimination. The Equality Act 2010 replaces this with two new causes of action in relation to disability – indirect discrimination (see above) and **discrimination arising from a disability**. The latter occurs when a disabled person is treated less favourably because of something connected to their impairment.

**Failure to make reasonable adjustments** happens when an organisation fails to make reasonable adjustments for a disabled person, to avoid the disabled person being placed at a substantial disadvantage when compared to a non disabled person.

In the majority of cases, the Academy will be legally liable if a court found that discrimination, harassment or victimisation had occurred. However, it is also important to realise that individuals can also be held responsible for their own actions.

#### **Customers, suppliers and other people not employed by the Academy**

The Academy will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Company.

Employees and learners should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.