



Equality & Diversity Policy

Department Owner	Operations (National)
Section Owner	HR
Approver	E-ACT Board of Trustees
Date Approved	Policy under scheduled review
Review Date	February 2020

This policy will be interpreted and applied in accordance with the employers' duty to respect the rights of employees under the Human Rights Act, particularly the rights to freedom of speech, privacy, freedom of religion and belief and the right to freedom of association.

Recognised trade unions have been consulted on this policy.

This policy was approved by Trustees as follows –

Board/Committee: Education & Personnel
Committee

Date: May-18

Frequency of review: 2 years

Next review date: May 2020

ELT Owner: Director of Corporate Services

Author: National HR Officer

Summary of changes at last review:

- Equality Statement moved to the beginning of the policy
- Updated definition of harassment, bullying and victimisation
- Examples of direct and indirect discrimination included
- Recruitment and employment section 5 updated to include the format of application forms available and use of flexible working
- Addition of reasonable adjustments in light of a disability

EQUALITY STATEMENT

E-ACT is committed to ensuring equality of opportunity in line with the Equality Act 2010. E-ACT seeks to reduce disadvantages, discrimination and inequalities of opportunity, and promote diversity in terms of its students, workforce and the communities it serves. Unlawful discrimination and harassment of any member of the academy community is expressly prohibited, and E-ACT is committed to protecting all pupils/students/staff and prospective staff from unlawful discrimination and harassment.

E-ACT will assist students in achieving their very best potential. Where students experience their success or detriments to their wellbeing E-ACT will work with them to address these in a sensitive and sympathetic way. E-ACT will teach students the importance of equality and what forms discrimination can take and the impact discrimination can have. E-ACT will also encourage students to make their own commitment to promoting equality.

E-ACT is committed to attain a workforce which is representative of the area in which each academy is situated. E-ACT is also committed to creating an environment in which individual differences and the contributions of all staff and job applicants are recognised and valued. Where staff/prospective staff experience barriers to their success or detriments to their wellbeing, E-ACT will work with them to address these in a sensitive and sympathetic way. Training, development and progression opportunities will be available to all staff.

In relation to staff, students and the wider academy community, E-ACT will not discriminate on any of the grounds listed below (known as the Protected Characteristics) save where such discrimination is permitted by law. Examples of permitted discrimination are:

1. An academy may arrange pupils in classes based on age.
2. An academy may take positive action to deal with particular disadvantages affecting pupils of one racial group if this is a proportionate means of dealing with the issue.

The Protected Characteristics that apply to academies are:

- Promoting equality and making services and employment accessible to all
- Treating people fairly, regardless of their race (colour; ethnic or national origin)
- Religion or belief
- Gender or gender identity
- Sex or sexuality
- Marital or civil partner status

- Pregnancy or maternity
- Disability
- Age

E-ACT will not tolerate any of the following:

- Direct or Indirect Discrimination
- Harassment
- Victimisation

1. Policy Statement

1.1 E-ACT is firmly committed to the principles of equality, diversity and inclusion in both employment and the accessibility and delivery of services.

1.2 This means:

- Promoting equality and making services and employment accessible to all;
- Treating people fairly, regardless of their race (colour; ethnic or national origin), religion or belief, gender or gender identity, sex or sexuality, marital or civil partner status, pregnancy or maternity, disability, age or because of their association with someone who has that characteristic. These are known as “protected characteristics”. Employees who exercise their right to belong to a trade union and to participate legitimately in trade union activities must also be treated fairly and in accordance with relevant legislation.

1.3 E-ACT aims to have a workforce that is representative of the communities that it serves.

1.4 Fairness at work and good job performance go hand in hand therefore; tackling discrimination helps to attract, motivate and retain staff and enhances E-ACT’s reputation as a good employer. By having fair and robust employment policies and procedures, E-ACT will ensure that all staff have equal access to work and to develop their skills.

1.5 E-ACT is opposed to all forms of unlawful and unfair discrimination and harassment of any kind, and will work to eliminate it, to create a working environment where everyone is treated with dignity and respect. All staff are expected to be accountable and to challenge discrimination.

1.6 This policy covers all individuals working at all levels and grades, including staff at all levels, consultants, contractors, trainees, home-workers, part-time and fixed-term staff, volunteers, casual workers and agency staff (collectively referred to as

staff in this policy). It also applies to the wider academy community such as pupils/students, job applicants, governors and parents.

1.7 As an employer, service provider and contractor, E-ACT will also challenge social exclusion and discrimination, promote equality and celebrate diversity to achieve excellence. E-ACT is also committed to meeting the public sector equality duty which requires it to give due regard to:

- the need to eliminate discrimination;
- advance equality of opportunity; and
- foster good relations between different groups

2.The Legal Framework

2.1 E-ACT's legal obligations and duties include those defined by the Equality Act 2010 in relation to discrimination and social inclusion. The Equality Act 2010 provides further guidance.

3. Forms of discrimination

3.1 Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

3.2 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics (see Equality Statement). Direct discrimination may take the form of direct discrimination by association whereby someone is treated less favourably due to the protected characteristic of someone they are associated with such as a disabled partner. Direct discrimination can also take the form of direct discrimination by perception whereby a person is treated differently based on a protected characteristic they are thought to have, whether this perception by others is actually correct or not, such as being perceived to be bisexual.

3.3 Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the shared protected characteristic at a particular disadvantage. Indirect discrimination may take the form in relation to working hours whereby an employee may have caring responsibilities but is required to work full-time or unsocial hours.

3.4 Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

3.5 Victimisation is when a person suffers a detriment thereby causing them a disadvantage, damage, harm or loss due to:-

- Making an allegation of discrimination, and/or
- Supporting a complaint of discrimination, and/or
- Giving evidence relating to a complaint about discrimination, and/or
- Raising a grievance concerning equality or discrimination, and/or
- Doing anything else for the purposes of (or in connection with) the Equality Act 2010

4. Managing diversity

4.1 Managing diversity goes much further than having an equality policy. It is about recognising, respecting and responding to individual differences and needs and treating people fairly and equally but not necessarily in the same way.

4.2 The ownership of managing diversity is a core part of E-ACT's business, integrated within E-ACT's and each academy's strategic goals, annual plan and service plans. All staff are required to work within the ethos of equality and diversity and will be given appropriate training and guidance to do this.

5. Recruitment and employment

5.1 E-ACT aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. Recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. For example, job application forms should be made available in a variety of formats, and job applicants will not be asked about their health and/or disability before a job offer is made, in accordance with section 60 of the Equality Act 2010. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.

5.2 E-ACT has implemented and will continue to develop policies and practices to achieve equality of opportunity for job applicants and staff including the use of flexible working, where appropriate.

5.3 E-ACT will ensure that applicants are drawn from the widest possible pool. E-ACT will also ask recruitment agencies, where used, to draw applicants from a diverse pool of workers. 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. Furthermore:

- all job applicants will be asked to complete a confidential equality monitoring form;
- these forms will be kept separate from the job application, and not provided to the staff members undertaking the recruitment selection; and
- the information gathered in equality monitoring forms will be used to review the recruitment process and ascertain if any positive action is required.

5.4 We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance, name or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original specified documents before employment starts to satisfy current immigration legislation.

6. Learning and development

6.1 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 Learning and development needs 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.

7. Disability Discrimination

7.1 Staff who are disabled or become disabled are encouraged to tell E-ACT about their condition so that they can be supported as appropriate.

7.2 If staff experience any difficulties at work because of their disability, they should contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager should consult with the member of staff and their medical adviser(s) about reasonable adjustments. E-ACT will consider the matter carefully and try to accommodate needs, within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solutions where possible.

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

8. Breaches of this Policy

8.1 Staff who believe that they may have been discriminated against are encouraged to raise the matter through E-ACT's Grievance Procedure.

8.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant policy. 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 E-ACT's Disciplinary Policy.

8.3 Any member of staff who is alleged to have committed an act of discrimination or harassment will be subject to an investigation under the disciplinary policy. Such

behaviour may constitute gross misconduct and as such, may result in summary dismissal. E-ACT adopts a strict approach to serious breaches of the policy.

9. Occupational Requirements

9.1 Schedule 9 of the Equality Act 2010 allows E-ACT to lawfully treat people differently in very limited circumstances, as a proportionate means of achieving a legitimate aim, where a specific and justifiable occupational requirement exists.

9.2 When deciding if this applies it is necessary to consider the nature of the work and the context in which it is carried out. Jobs may change over time and E-ACT should consider whether the requirement continues to apply, particularly when recruiting to a role where an occupational requirement has previously been justified.

10. Responsibilities

10.1 The National Directors, Regional Directors and head teachers have day to day responsibility for embedding diversity into the culture of each academy. E-ACT is responsible for implementing and monitoring any diversity issues.

10.2 The National Directors, Regional Directors and head teachers will ensure that opportunities for promotion, learning and development are accessible to all staff and are available on a fair and equal basis. New staff will undertake an appropriate induction which covers equality and diversity.

10.3 The National Directors, Regional Directors and head teachers understand that discrimination and harassment are unlawful and totally unacceptable and will challenge any inappropriate or discriminatory behaviour they become aware of.

10.4 The National Directors, Regional Directors and Head teachers are responsible for ensuring that all staff understand that if they harass colleagues they may be subject to disciplinary action and could also be held personally liable.

11. Individual Responsibilities

11.1 Staff are expected to take an active part in promoting equality and diversity in everything that they do at work and to treat everyone in their working environment with dignity and respect.

11.2 E-ACT requires all staff to behave in a non-discriminatory way towards colleagues, pupils and members of the public. Failure to do so will be taken seriously and could lead to disciplinary action.

11.3 Staff may challenge inappropriate or discriminatory behaviour where they feel confident to do so or to report it to their senior manager. They can also raise

concerns about behaviour they find offensive even if it is not specifically directed at them.

11.4 Staff who make unfounded or malicious complaints or operate those procedures vexatiously may be subject to disciplinary action.

12. Monitoring of this Policy

12.1 E-ACT will continue to carry out an annual review of the effectiveness of this policy to ensure it is achieving its objectives. As part of this process E-ACT will monitor the composition of job applicants and the benefits and career progression of its staff.

12.2 The impact of both new and existing policies and practices on different groups will be assessed routinely in consultation with the recognised trade unions.

13. Policy Status

13.1 This policy does not form part of any employee's contract of employment. However, contracts of employment themselves will be scrutinised as detailed above to ensure they are compliant with equality legislation and good practice.

14. Public Sector Equality Duty

14.1 E-ACT will comply with the Public Sector Equality Duty giving due regard to that duty when making decisions, taking actions and developing policies. In line with its specific duties under the Equality Act 2010, E-ACT will publish its equality objectives and will publish information about how it is complying with the Public Sector Equality Duty. Published Information will be updated annually and objectives will be updated every four years. This information will be available on E-ACT website.

15. Accountability

15.1. Headteachers hold delegated responsibility for discharging the sound application of all E-ACT policies within the relevant academy.

15.2 In accordance with E-ACTs terms of reference, the Regional Education Directors have delegated responsibility for direct line management of Headteachers and day to day oversight of each Academy within their respective regions.

15.3 Should the subject of the application of this policy be the Headteacher, the Regional Education Director will be responsible for discharging the relevant policy.

15.4 Should the subject of the application of this policy be the Regional Education Director, the National Directors will be responsible for discharging the relevant policy.

15.5 Should the subject of the application of this policy be a National Director, the CEO will be responsible for discharging the relevant policy.

15.6 Should the subject of the application of this policy be the CEO, the Trustees will be responsible for discharging the relevant policy.

15.7 Headteachers should inform the Regional Education Directors, who in turn should inform the CEO, of all matters relating to serious breaches of this policy including any major incident to be addressed under this policy promptly, preferably prior to action being taken insofar as is reasonably practicable.

16. Training

16.1 E-ACT is committed to providing regular equality training to all staff members and other relevant individuals, such as those in governance roles. This training will form part of the induction process for newly appointed staff and other relevant individuals.

17. Associated policies

- Grievance Policy & Procedure
- Disciplinary Policy & Procedure
- Code of Conduct