



Unity Schools Trust

*'Excellence through collaboration'*

# Equal Opportunities in Employment Policy

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Approved by Trust/ <del>Local Governing Body</del>	<u>June 2016</u>

## 1. Introduction

The Unity Schools Trust (“the Trust”) is committed to providing equal opportunities for all staff and prospective employees and seeks to eliminate unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

This policy is intended as a statement of the Trust’s aims, commitments and responsibilities in relation to equal opportunities in employment and not to discriminate on grounds of gender, marital status, race ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion or age. These have been integrated into the Trust’s HR policies which provide the detail of operational practices and procedures.

This policy is intended to complement the Trust’s Equality Policy which covers the Trust’s broader commitments in relation to its pupils and the community it serves.

## 2. The Law

### 2.1 Introduction

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, marital status or because someone is in a civil partnership. These are known as “protected characteristics”. Discrimination after employment has ended can also be unlawful, for example in relation to the provision of an employment reference.

### 2.2 Types of Discrimination

**Direct discrimination** occurs 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. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement (such as the need for same-sex staff in changing rooms). The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** occurs where a requirement, condition or practice is applied which has a disproportionate and adverse effect on one group with a relevant protected characteristic when compared to other groups. It is, however, capable of justification where the discrimination can be shown to be a ‘proportionate means of achieving a legitimate aim’. A requirement, for example, for a job applicant to be a graduate is likely to discriminate indirectly against older workers. It will not, however, be unlawful discrimination if the requirement can be objectively justified.

**Harassment** occurs where there is unwanted conduct, related to one of the protected characteristics, that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** occurs where an individual is directly discriminated against or harassed for associating with another individual who has a protected characteristic. This might occur, for example, where a mother of a disabled child is treated less favourably as a result of her child's disability.

**Perceptive discrimination** occurs where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they in fact do not have that protected characteristic. This might occur, for example, where an employee is subjected to homophobic bullying based on a perception that they are homosexual.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. An employee is not, however, protected from victimisation if they acted maliciously or made or supported an untrue complaint.

**Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

### 3. Responsibilities of Employees

Every employee is expected to assist the Trust to meet its obligations in relation to the provision of equal opportunities in employment and to eliminate unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Trust for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or other individuals involved with the Trust are disciplinary offences and will be dealt with under the Trust's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Whilst all employees have a responsibility for supporting the Trust's commitments in relation to equality, managers have particular responsibilities because they are in a position to make or influence employment decisions. Managers are therefore expected to be accountable for the provision of equal opportunities through the actions that they take, and to monitor and review practices within their sphere of responsibility.

#### 4. Trust Commitments

- The Trust will adhere to its recruitment and selection policy in relation to all new appointments and promotions. In particular, this means that essential criteria on person specifications will be limited to those requirements which are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking into account any reasonable adjustments that may be required for candidates with a disability.
- Vacancies will generally be advertised to a diverse section of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.
- Job applicants will 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.
- 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 the approval of Human Resources. For example:
  - (a) Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
  - b) Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
  - (c) Positive action to recruit disabled persons.
  - (d) Equal opportunities monitoring (which will not form part of the selection or decision-making process).
- All decisions relating to appointment, promotion or access to training will be made based on merit, job needs or other relevant job-related criteria.
- 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 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.
- To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor 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 us take appropriate steps to avoid discrimination and improve equality and diversity.

- The Trust will foster a workplace culture in which individuals are respected, in which diversity is valued and in which employees are encouraged to report any behaviour which causes them concern.
- Where employees seek a variation to a standard working practice, the Trust will consider any possible indirectly discriminatory effect of the practice in question and will refuse such requests only where the Trust considers it has sound organisational reasons for doing so, unrelated to any protected characteristic. The Trust will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- The Trust will monitor the composition of the existing workforce and of applicants for jobs and, where problems are identified, will consider whether appropriate action can be taken to address these.
- The Trust will review on an annual basis the need for training in equal opportunities for managers and others involved in recruitment or other decisions relating to employment, as well as reviewing the need for training for existing and new employees, volunteers and other workers engaged at the Trust to help them understand their rights and responsibilities.
- If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.
- If you experience difficulties at work because of your disability, you may wish to contact your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.
- We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

## **5. Complaints about Discrimination**

Any employee who considers that they may have been unlawfully discriminated against may use the Trust's grievance procedure to make a complaint. The Trust will take any complaint seriously and will seek to resolve any grievance that it deems to be well-founded. An employee will not be penalised for raising a grievance providing the concerns are put forward in good faith.

Use of the Trust's grievance procedure does not affect an employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months of the act of discrimination complained of. We take a strict approach to breaches of this policy, which will

be dealt with in accordance with our Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.