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# Diocese of Bristol Academies Trust

# Equal Opportunities Policy

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| <b>Type:</b>         | Statutory                 |
| <b>Level:</b>        | 1                         |
| <b>Date Adopted:</b> | 4 <sup>th</sup> June 2015 |
| <b>Review:</b>       | May 2016                  |

**History of most recent Policy changes (must be completed)**

| Date | Page | Change | Origin of Change e.g. TU request, Change in legislation |
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## 1) Policy Statement

- a) The Trust is an organisation with a Christian foundation. The ethos, values and relationships of the Trust, and its associated academies, are central to witnessing to the value of the foundation. The Trust supports the principle of equal opportunities and opposes discrimination on the basis of age, sex, marriage and civil partnership, gender reassignment, race, disability, sexual orientation, religion or belief, pregnancy and maternity and part-time or fixed-term employment (defined as **Protected Characteristics**). Being a committed equal opportunities employer, the Trust will take every possible step to ensure that employees are treated equally and fairly.
- b) From this point onwards wherever Local Board is used in this document it should be read as the Local Board or Main Board, (dependent on the earned autonomy in the scheme of delegation) and wherever Head teacher is used it should read Head teacher or Principal as appropriate.
- c) This guidance is also applicable, where required, for centrally employed DBAT staff. For this purpose, the Chief Executive Officer (CEO) of DBAT will replace the role of the Principal/Principal.

## 2) Purpose & Scope:

- a) All policies and practices will conform to the principle of equal opportunities in terms of recruitment and selection except where there is a genuine occupational reason, for appointing a practicing Christian or a person whose beliefs are in accordance with the tenets the Church of England. As many DBAT academies will have religious designation, the Trust may, where it is deemed a genuine occupational requirement under the Equalities Act, 2010, make such additional requirements. For further information, please see the Recruitment and Selection policy
- b) All policies and practices will conform to the principle of equal opportunities in terms of training, promotion, career development, discipline, redundancy and dismissal.
- c) Academies are responsible for insuring that all teaching and support staff receive appropriate training on the Trust's policy and understands that discriminatory behaviour in any format is unacceptable, will be taken seriously and investigated under the appropriate policy.

## 3) To whom does this policy apply?

- a) This policy applies to all DBAT employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to ex-employees, to job applicants and to individuals such as agency staff and consultants and volunteers who are not our employees, but who work at any Academy or at the central offices (collectively workers).
- b) All workers have a duty to act in accordance with this policy, to treat colleagues with dignity at all times, and not to discriminate against, harass or victimise other members of staff, whether junior or senior to them. In some situations, the Trust may be at risk of being held responsible for the acts of individual members of staff and will not tolerate any discriminatory practices or behaviour.

## 4) Personnel responsible

- a) The Trust has overall responsibility for establishing this policy. This policy will be reviewed annually by the Trust.
- b) The Local Board of Governors has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework prohibiting discrimination. Responsibility for monitoring and reviewing the operation of the policy and any recommendations for change to the policy also lies with the Local Governing Body of each Academy.
- c) The Principal has delegated day-to-day responsibility for operating the policy. The Principal, in partnership with the Senior Leadership have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to ensure that those they manage adhere to the policy and promote the aims and objectives of DBAT with regard to equal opportunities.
- d) All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives.

## 5) Forms of discrimination

- a) Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- b) Direct discrimination occurs where:
  - i) Someone is treated less favourably because of one or more Protected Characteristics. For example, rejecting an applicant because they would not "fit in" because of their race or sexual orientation would be direct discrimination.
  - ii) Someone is less favourably treated because of their association with someone who has a Protected Characteristic. For example, an employee may be treated less favourably because they have a disabled child.
  - iii) Someone is treated less favourably because they are perceived to have a Protected Characteristic. For example, an employee may be treated less favourably because of their beliefs.
- c) The nine protected characteristics are:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race (including colour, nationality or ethnic or national origins)
  - Religion and belief (including lack of belief)
  - Sex
  - Sexual orientation
- d) Indirect discrimination occurs where an individual is subject to a provision, criterion or practice, applied to a group of people, which puts them at a particular disadvantage because of a Protected Characteristic, and it cannot be objectively justified. An example might be a minimum height requirement for a job. This is likely to eliminate proportionately more women than men. If this criterion cannot be objectively justified, because it is not a

proportionate means of achieving a legitimate aim, then it will be indirectly discriminatory on the ground of sex.

- e) Discrimination also includes victimisation (suffering a detriment because of action the employee has taken or may take to assert legal rights against discrimination or to assist a colleague in that regard (called a **Protected Act**) and harassment.

## **6) Recruitment and selection**

- a) The Trust aims to ensure that no job applicant receives less favourable treatment because of a Protected Characteristic. The Trust may, where it is deemed a genuine occupational requirement under the Equalities Act, 2010 appoint staff with a Christian commitment. For more information please refer to the Recruitment and Selection Policy. Recruitment procedures will be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities and that sufficiently diverse sectors of the community are reached. Job selection criteria are reviewed from time to time to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.
- b) To ensure that this policy is operating effectively with respect to recruitment and selection, and to identify those sections of the local community which may be under represented in employment, DBAT Academies will monitor applicants' racial origins, gender, disability and religion as part of the recruitment procedure. DBAT also maintain records of this data in an anonymised format solely for the purposes stated in this policy. Ongoing monitoring and regular analysis of the data provide the basis for taking appropriate positive steps to eliminate unlawful direct and indirect discrimination and implement this policy.

## **7) New Policies**

- a) In addition to normal consultation procedures all new policies will undergo an Equal Opportunities Impact Assessment to minimise the risk of inadvertently creating a policy which may have an adverse effect on the Trust's equal opportunities objectives.

## **8) Staff training and promotion and conditions of service**

- a) Staff training needs shall be identified through regular staff appraisals. All DBAT employees will be given an equal opportunity and access to training to enable them to progress within the organisation. All promotion decisions shall be made on the basis of merit.
- b) DBAT's conditions of service, benefits and facilities will be reviewed from time to time to ensure that they are available to all employees who should have access to them and that there are no unlawful obstacles to accessing them.

## **9) Disability discrimination**

- a) If an employee is disabled, or becomes disabled in the course of their employment, they are encouraged to tell DBAT about their condition. This is to enable the Academy Trust and its individual Academies to support them as much as possible and to ensure that they are not treated less favourably because of something related to their disability.
- b) DBAT employees may also wish to advise the Academy of any reasonable adjustments to their working conditions or the duties of their job which they consider to be necessary, or which would assist them in the performance of their duties. This may involve the provision of an additional piece of equipment or assistance in helping them to perform their work.

The Academy may wish to consult with a medical adviser(s) about possible reasonable adjustments. Careful consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of the employee's job. Nevertheless, there may be circumstances where it will not be reasonable for the Trust or Local Governing Body to accommodate the suggested adjustments and the Academy will ensure that it provides employees with information as to the basis of the trust's decision not to make any adjustments.

- c) Local Governing Bodies will monitor the physical features of its premises to consider whether it can make any changes to help remove disadvantages, which these may create for disabled users. Where possible and proportionate, the Local Governing Body will take steps to improve access for disabled users of the premises.

#### **10) Fixed-term employees**

- a) On behalf of the Trust, the Local Governing Body will monitor the use of fixed-term contracts and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities.

#### **11) Part-time workers**

- a) On behalf of the Trust, the Local Governing Body will monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. Local Governing Bodies will also ensure requests to alter working hours are dealt with appropriately under the Right to Request Flexible Working Policy.

#### **12) Agency Workers**

- a) On behalf of the Trust, the Local Governing Body will monitor agency employees to ensure that they are treated no less favourably than a comparable employee in relation to accessing collective facilities and amenities at any DBAT Academy. The Academy will also monitor the use of temporary work agencies and subject to the exceptions set out in the Agency Workers Regulations 2010, will ensure that all agency employees have the same basic working conditions they would have been entitled to had they been recruited by a DBAT Academy directly into a comparable role.

#### **13) Breaches of the policy**

- a) **Complaints:** If an employee believes that they may have been disadvantaged because of a Protected Characteristic, they are encouraged to raise the matter through the Academy's grievance procedure. If an employee believes that they may have been harassed because of a Protected Characteristic, they are encouraged to raise the matter through the Academy's Dignity at Work policy. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure.
- b) **False allegations:** These procedures apply during and after termination of employment. Employees who make such allegations in good faith will not be disadvantaged or treated less favourably as a result. False allegations of a breach in this policy which are found to have been made in bad faith will, however, be dealt with under the disciplinary and dismissal procedure.
- c) **Disciplinary action:** If, after investigation, an employee is proven to have engaged in any unwanted conduct because of a Protected Characteristic, or otherwise acted in breach of this policy, they will be subject to disciplinary action. In serious cases, such behaviour may

constitute gross misconduct and, as such, may result in summary dismissal. The Academy Trust will always take a strict approach to serious breaches of this policy.

#### **14) Revision of policy**

- a) This policy is reviewed annually by the Academy Trust. Recommendations for any amendments will then be reported to Local Governing Bodies.
- b) Each DBAT Academy should provide relevant training for all staff on their responsibilities and duties under this policy.

#### **15) Other Relevant Documents**

Agency Workers Policy

Dignity in the Workplace

Data Protection Policy

Disciplinary Policy

Equality & Diversity

Email & Internet Policy

Social Media Policy

Flexible Working Policy

Grievance Policy

Recruitment & Selection Policy

Training & Development Policy