



# Orchard Community Trust Equality and Diversity Policy

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## **1.0 Introduction**

- 1.1 The Orchard Community Trust is committed to providing high quality teaching and learning for our pupils. We recognise that by valuing and promoting equality and diversity for all employees and job applicants, and avoiding unlawful discrimination in employment and delivery of services, we will be able to deliver a better quality of education”.
- 1.2 We aim to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. We also value diversity and recognise the varied contributions that a diverse workforce brings to an organisation; we are committed to drawing on different perspectives and experiences of individuals which will add value to what we do.
- 1.3 We will ensure that we do not discriminate against employees on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation (the protected characteristics).
- 1.4 The principles of non-discrimination also apply to how we expect our employees to treat other employees, pupils, parents and carers, visitors, clients, customers, suppliers and former employees regardless of whether the legal protection of having a protected characteristic applies.
- 1.5.1 Under the general public sector equality duty under the Equality Act 2010, our Trust must have due regard to the need to:
- A) eliminate discrimination, harassment and victimisation advance equality of opportunity between people who share a protected characteristic and those who do not
  - B) foster good relations between people who share a protected characteristic and those who do not
- The duty covers the protected characteristics of race, disability, sex, age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. The first part of the duty - the duty to eliminate discrimination, harassment and victimisation - also applies to the protected characteristic of marriage and civil partnership.
- 1.6 This policy has been formally adopted by the Trust Board.
- 1.7 This policy does not form part of any employee’s contract of employment and may be amended at any time.

## **2.0 Scope and purpose of this policy**

- 2.1 This policy covers all individuals working at all levels and grades in the Trust, including members, trustees, governors, principals, senior leadership, employees, consultants, contractors, trainees, part-time and fixed-term employees, volunteers, casual workers and agency staff (collectively referred to as employees in this policy).
- 2.2 This policy applies to all aspects of the employment relationship and covers job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment. It also applies to former employees for example in the provision of employment references.
- 2.3 The purpose of this policy is to set out how we will put our commitment into action and comply with the law, to ensure that equality and diversity is promoted in the workplace and our employees are not subject to and do not commit unlawful acts of discrimination.

### **3.0 Roles and responsibilities**

- 3.1 Our Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with equality legislation. Day-to-day operational responsibility has been delegated to the Headteacher. Regular review in line with legislation and business need is the responsibility of the Executive Board. Principals will review their own equality objectives in line with the Trust Board's on an annual basis and formally review every 3 years.
- 3.2 All senior leaders must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Senior leaders will be given appropriate training on equal opportunities awareness, and recruitment and selection best practice.
- 3.3 All employees have a duty to act in accordance with this policy and not to discriminate against or harass other employees, treating them with dignity at all times. They should also apply this to how they treat members of the public in the provision of services and should support the Trust in meeting its commitment to provide equal opportunities for all and promoting diversity in the workplace.

### **4.0 Forms of discrimination**

- 4.1 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.
- 4.2 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics as set out above. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is a genuine occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim. It will only be exceptional circumstances that this will apply in our Trust. An example of this may be advertising for a female teacher of PE and this may be necessary for monitoring of the changing rooms.
- 4.3 Indirect discrimination occurs where someone is disadvantaged by a provision, criterion or practice that also puts people with a protected characteristic at a particular disadvantage. Such a requirement will need to be objectively justified.
- 4.4 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.
- 4.5 Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else's complaint.
- 4.6 Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
- 4.7 Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that a person has a particular protected characteristic irrespective of whether they do have that protected characteristic (this does not include marriage and civil partnership and pregnancy and maternity).

4.8 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 parents and carers, clients or customers.

#### **5.0. Applying our policy to recruitment and selection**

5.1 We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant skills and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job. Short listing of applicants should be done by more than one person wherever possible.

5.2 Job advertisements should avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying.

5.3 We will take reasonable steps to ensure that our vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in our Trust.

5.4 Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to:

- (a) establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
- (b) establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment
- (c) carry out equal opportunities monitoring (which will not form part of the decision-making process)

5.5 Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment.

5.6 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.

5.7 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our Trust, we monitor diversity data as part of the recruitment process. Provision of this information is voluntary and it will not adversely affect an individual's success at recruitment or any other decision related to their employment. The information is not included with the applications when short listing. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

5.8. All interview panels will have at least one person on them who has been trained in safer recruitment.

#### **6.0. Applying our policy to training, promotion, pay decisions and conditions of service**

6.1 Employees training needs will be identified through the appraisal process. All employees will be given appropriate access to training for their job and in order to enable them to progress within the Trust. One to one feedback throughout the year is a feature of all our schools.

6.2 Pay and promotion decisions will be based on an employee's performance skills and experience as detailed in our Pay Policy.

6.3 Our conditions of service, benefits and facilities are reviewed regularly 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.

## **7.0 Applying our policy when terminating employment**

- 7.1 We will ensure that redundancy criteria and procedures are fair and objective (see policy) and are not directly or indirectly discriminatory.
- 7.2 We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## **8.0 Disability discrimination**

- 8.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.
- 8.2 If you experience difficulties at work because of your disability, you may wish to contact your line manager or the Business and Operations Manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. They may wish to consult with you and your medical adviser(s) about possible adjustments. Alternatively, they may refer you to Occupational Health or involve Access to Work. 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.
- 8.3 We will monitor the physical features of our premises to consider whether they place disabled employees or job applicants at a substantial disadvantage compared to other employees. Where reasonable, we will take steps to improve access for employees who have a disability.

## **9.0 Breaches of this policy**

- 9.1 If you believe that you may have been discriminated against or harassed because of your characteristic, you are encouraged to raise the matter through the Grievance Procedure. If you need advice on how to proceed you should speak to the Business and Operations Manager or your Line Manager.
- 9.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Employees 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 our Disciplinary Procedure.
- 9.3 Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

## **10.0 Review of policy**

- 10.1 This policy is reviewed annually by the Trust Board. We will monitor the application and outcomes of this policy to ensure it is working effectively.

# Orchard Community Trust Equality Objectives

**Our Equality Objectives are centred around 3 aims:**

- To eliminate unlawful discrimination, harassment and victimisation and other conduct under the Equality Act 2010
- To advance equality of opportunity between people who share a protected characteristic and those who do not;
- To foster good relations between people who have a shared characteristic and those who do not.

In the Orchard Community Trust, equality of opportunity is applicable to all members of the Trust and its school communities – Members, Trustees, pupils, staff, governors, parents and community members.

Our equality objectives are based on our analysis of data and other information collected throughout the year.

## Equality Objectives – 2019 - 2022

- To ensure that all Members, Trustees staff and governors are aware of current legislation relating to equality and diversity and that all governors and staff understand the Trust's responsibility in this area;
- To monitor and analyse pupil achievement by race, gender and special educational needs or disability and act on any trends or patterns in the data that require additional support for pupils;
- To promote cultural understanding and awareness and tolerance of different religious beliefs between different ethnic groups within our academy communities;
- To raise levels of parental and pupil engagement in learning and school life, across all activities, including regular attendance to ensure equity and fairness in access and engagement. We will aim to raise aspirations among children and parents and raise awareness of career options for all children, challenging gender stereotypes;
- To promote mental health awareness and develop appropriate interventions where necessary;
- Close gaps in progress between all groups of pupils, especially students eligible for the pupil's premium and others. Ensure rates of progress for other groups such as pupils with special educational needs and disabilities, looked after children and pupils from minority ethnic groups are at least good;
- Monitor the incidence of the use of homophobic, transphobic, sexist and racist language by pupils in our schools and take prompt and appropriate action to minimise future incidents mitigate the impact of past incidents, eg through group educational initiatives, targeted interventions with pupils who persistently use such language and support for those receiving or impacted by such language.
- To support each academy to annually review, revise and develop the curriculum so that it represents a diverse culture and society and encourages tolerance and respect.