Staff Equality, Diversity, and Inclusion Policy

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Aquinas Church of England Education Trust

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Staff Equality, Diversity, and Inclusion

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Statement of Intent

AQUINAS Church of England Education Trust and its academies ('the Trust') is committed to promoting equality of opportunity for all staff and job applicants. We aim to create a working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. We are committed to supporting our staff and applicants to be their authentic selves in the workplace without judgement and ensuring that diverse communities are celebrated.

We do not discriminate against staff based on age, disability, gender identity and/or reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation (the protected characteristics), amended in line with the Equality Act 2010. More detail on each of the protected characteristics can be found in Appendix.

We are also mindful of intersecting identities within our work environment and will work with our communities to better understand the experience of multiple minority identities for individuals.

All staff have a duty to act in accordance with this policy and always treat colleagues with dignity, and not to discriminate against or harass other members of staff, regardless of their status. The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat pupils, parents, trustees, AAC members, third party organisations and former employees.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Human Rights Act 1998
- Equality Act 2010
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Protection from Harassment Act 1997

This policy operates in conjunction with the following Trust policies:

- Appraisal Policy
- Disciplinary Policy
- Employee Grievance Policy
- Flexible Working Policy

Public Sector Equality Duty (PSED)

PSED requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and people who do not.

2. Principles underlying this policy

In accordance with this policy, the Trust commits to:

- Creating a working environment free of bullying, harassment, victimisation, and unlawful discrimination, where individual differences and the contributions of all staff are recognised and valued.
- Promoting dignity and respect for all.
- Training managers and all other employees about their rights and responsibilities under this policy.

This policy applies to all aspects of the Trust's relationship with staff and to relations between staff members at all levels. This includes 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.

Instances of bullying, harassment, victimisation and unlawful discrimination will be dealt with as misconduct, in line with the Trust's Employee Grievance Policy and/or Disciplinary

Policy, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

Sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. Harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

3. Roles and responsibilities

The **Trust Board** and **Equalities Strategic Group** will be responsible for:

- Ensuring the effective operation of this policy.
- Ensuring compliance with discrimination law.
- Monitoring the composition of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability.
- Monitoring how the composition of the workforce encourages equality, equity, diversity, and inclusion, and meets the aims and commitments set out in this policy.
- Assessing how this policy, and any supporting action plans, are working in practice, reviewing them annually, and considering and taking action to address any issues.

Trust Leaders, Headteachers and Academy Leaders will be responsible for:

- Setting an appropriate standard of behaviour and leading by example.
- Ensuring that those they manage adhere to this policy and promote the Trust's aims and objectives regarding equal opportunities.
- Taking appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities, in line with the Trust's Flexible Working Policy.
- Making opportunities for training, development, and progress available to all staff.
- Ensuring staff are helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- Making staff progression decisions based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act 2010).
- Reviewing employment practices and procedures where necessary to ensure fairness.
- Updating employment practices and procedures, and this policy, to take account of changes in the law.

The **Human Resources Director** will be responsible for:

- The day-to-day operational responsibility of this policy.
- Reviewing this policy regularly.
- Supporting equal opportunities training, including for those involved in management and recruitment.
- Answering questions about the content or application of this policy.

Line managers will be responsible for:

- Participating in appropriate training on equal opportunities awareness and equal opportunities recruitment and selection good practice.

All staff will be responsible for:

- Conducting themselves to help the Trust provide equal opportunities in employment, and prevent bullying, harassment, victimisation, and unlawful discrimination.
- Understanding that they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation, and unlawful discrimination, in the course of their employment, against their colleagues, customers, suppliers, visitors and the public.
- Taking seriously complaints of bullying, harassment, victimisation and unlawful discrimination by their colleagues, customers, suppliers, visitors, the public and any others during the Trust's work activities.

4. Forms of discrimination

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.

Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics outlined in Appendix. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

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.

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.

5. Recruitment and selection

The Trust will aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics. The Trust's recruitment procedures will be reviewed regularly to ensure that individuals are treated based on their relevant merits and abilities. Job selection criteria will be regularly reviewed to ensure that it is relevant to the job and not

disproportionate. The shortlisting of applicants will be done by more than one person wherever possible.

Job advertisements will avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. The Trust will take steps to ensure that vacancies are advertised to a diverse labour market.

Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which will only be used with Human Resource's approval, such as:

- Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
- Positive action to recruit disabled persons.
- Equal opportunities monitoring (which will not form part of the decision-making process).

AQUINAS is a member of the Disability Confident employer scheme.

The Trust is required by law to ensure that all staff are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, will be expected to produce original documents, e.g., a passport, before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the UK Border Agency.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, the Trust will monitor applicants' ethnicity, gender, disability, sexual orientation, religion, and age as part of the recruitment procedure. Provision of this information will be voluntary and will not adversely affect an applicant's chances of recruitment or any other decision related to their employment. The information will be removed from applications before the shortlisting process and will be kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps the Trust take appropriate steps to avoid discrimination and improve equality and diversity.

6. Staff training, promotion, and conditions of service

Staff training needs and associated development opportunities will be identified through regular staff appraisals, in line with the Trust's Appraisal Policy. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made based on merit. The Trust will adopt good practice in terms of data collection and use this data to monitor and measure the attraction, recruitment, retention, and progression of staff.

Workforce composition and promotions 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 needs of disadvantaged or underrepresented groups.

The Trust's conditions of service, benefits and facilities are reviewed regularly to ensure that they equal opportunities for all.

7. Termination of employment

The Trust will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

The Trust will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action, in line with the Trust's Disciplinary Policy.

8. Disability discrimination

The Trust will encourage staff who are disabled or become disabled to inform the headteacher or their line manager about their condition so that the Trust can support them as appropriate.

Staff experiencing difficulties at work because of their disability (physical or otherwise) may wish to contact their line manager or Human Resources to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Their line manager or Human Resources may wish to consult with the staff member and a medical adviser about possible adjustments.

The Trust Facilities Manager will monitor the physical environment of the estate to consider whether certain features place physically disabled staff, job applicants, service users, or other stakeholders at a substantial disadvantage compared to others. Where reasonable, the Trust will take steps to improve access for disabled staff and service users.

9. Part-time, zero hours, and fixed-term employees and agency workers

The Trust 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. The Trust will ensure requests to alter working hours are dealt with appropriately under the Flexible Working Policy.

The Trust will monitor its use of zero hours and fixed-term employees and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion, and permanent employment opportunities. The Trust will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

10. Breaches of this policy

If a member of staff believes that they may have been discriminated against, they will be encouraged to raise the matter through the Trust's Employee Grievance Policy. If they believe that they may have been subject to harassment, they will be encouraged to raise the matter with their line manager and/or Human Resources.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. 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 our Disciplinary Policy.

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. The Trust takes a strict approach to serious breaches of this policy.

11. Monitoring and review

[UPDATED] This policy is reviewed on an **annual** basis by the **People, Performance and Development Committee** and **Chief Executive**. Monitoring is conducted through the Trust's programme of quality assurance and that undertaken by the individual Academy. Changes to this policy are communicated to relevant stakeholders.

The next scheduled review date for this policy is **January 2025**.

Appendix

Equality Act 2010 Protected Characteristics

The definitions used in this appendix are based on the Equality Act 2010, the full text of which is available here.

Age: The Act protects people of all ages; however, differential treatment because of age is not unlawful direct or indirect discrimination if it can be justified, i.e., if you can demonstrate that it is a proportionate means of achieving a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

Disability: The Act protects people who are disabled; the Act defines this as someone who has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Gender identity and/or reassignment: The Act protects transgender people. The Act no longer requires a person to be under medical supervision to be protected, so a person who does not undergo any medical procedures would be covered by these protections.

Marriage and civil partnership: The Act protects people who are married or in a civil partnership against discrimination. Single people are not protected.

Pregnancy and maternity: The Act protects people against discrimination on the grounds of pregnancy and maternity during the period of their pregnancy and any statutory maternity leave to which they are entitled.

Race: The Act protects people of all races; the Act's definition of race includes colour, nationality, and ethnic or national origins.

Religion or belief: The Act protects people of any religion, including specific denominations or sects, as well as a lack of religion, i.e., employees or jobseekers who do not follow a certain religion or do not follow any religion are protected. The Act protects people of any belief; this is defined as any religious or philosophical belief, or a lack of such belief, that is a weighty and substantial aspect of human life and behaviour.

Sex: The Act protects men and women.

Sexual orientation: The Act protects lesbian, gay, bisexual, and heterosexual staff.