

Equality and Diversity Policy

Department Owner	Operations (National)
Section Owner	HR
Approver	E-ACT Education & Personnel Committee
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Review Date	Policy under scheduled review

Policy Statement

- 1 E-ACT is firmly committed to the principles of equality, diversity and inclusion in both employment and the accessibility and delivery of services.
- 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”.
- 3 E-ACT aims to have a workforce that is representative of the communities that it serves.
- 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, E-ACT will ensure that all staff have equal access to work and to develop their skills.
- 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.
- 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).
- 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.

The Legal Framework

- 8 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.

Forms of discrimination

- 9 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.
- 10 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above.

- 11 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.
- 12 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.

Managing diversity

- 13 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.
- 14 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.

Recruitment and employment

- 15 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. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.
- 16 E-ACT has implemented and will continue to develop policies and practices to achieve equality of opportunity for job applicants and staff.
- 17 E-ACT will ensure that applicants are drawn from the widest possible pool. 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.

Learning and development

- 18 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.
- 19 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.

Disability Discrimination

- 20 Staff who are disabled or become disabled are encouraged to tell E-ACT about their condition so that they can be supported as appropriate.
- 21 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.

- 22 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.

Breaches of this Policy

- 23 Staff who believe that they may have been discriminated against are encouraged to raise the matter through E-ACT's Grievance Procedure.
- 24 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.
- 25 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 if substantiated may result in a formal disciplinary sanction including dismissal without notice for gross misconduct. E-ACT adopts a strict approach to serious breaches of the policy.

Discrimination 'by association' or 'perception'

- 26 Protection is provided for people who are discriminated against because they are perceived to have or are associated with someone who has, a 'protected characteristic'.

Occupational Requirements

- 27 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.
- 28 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.

Responsibilities

- 29 The CEO, Regional Directors and Principals 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.
- 30 The CEO, Regional Directors and Principals 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.

- 31 The CEO, Regional Directors and Principals understand that discrimination and harassment are unlawful and totally unacceptable and will challenge any inappropriate or discriminatory behaviour they become aware of.
- 32 The CEO, Regional Directors and Principal 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.

Individual Responsibilities

- 33 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.
- 34 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.
- 35 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.
- 36 Staff who make unfounded or malicious complaints or operate those procedures vexatiously may be subject to disciplinary action.

Monitoring of this Policy

- 37 E-ACT will continue to review 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.

Policy Status

This policy does not form part of any employee's contract of employment.

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

E-ACT will assist students in achieving their very best potential. Where students experience barriers to their success 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 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

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.

Accountability

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

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

Therefore, should the subject of the application of this policy be the Academy Principal, the Regional Education Director will be responsible for discharging the relevant policy.

Academy Principals 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.