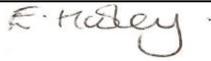




THE OAKS ACADEMY

EQUALITY AND DIVERSITY IN EMPLOYMENT POLICY

PERSON RESPONSIBLE FOR POLICY:	Mrs E Hooley
APPROVED:	23 rd November 2017
SIGNED: Headteacher Chair of Board of Trustees	 
TO BE REVIEWED:	November 2020

SCOPE

This policy is applicable to all employees of The Oaks Academy including teaching and support staff. It also applies to job applicants and volunteers.

AIMS

To set out the responsibilities to ensure that everyone is treated with dignity and respect, and that the Academy acts within equal opportunities legislation. The policy also covers definitions of equality and diversity, discrimination; direct and indirect, and harassment and victimisation as defined by the Equality Act 2010.

INTRODUCTION

The Academy is firmly committed to promoting and complying with equality of opportunity in all aspects of employment including recruitment, pay, terms and conditions of service, development and training. The Academy will take positive steps to create an employment culture through its Board of Trustees, senior leadership team, employees and volunteers, in which people feel confident of being treated with fairness, dignity and tolerance irrespective of the characteristics that they share or their individual differences.

POLICY STATEMENT

No employee, volunteer or job applicant will receive less favourable treatment on the grounds of their gender or transgender, marital status or civil partnership, race, religion or belief, sexual orientation, age, disability, pregnancy or maternity or caring responsibility or will be disadvantaged by conditions or requirements which cannot be justified.

DEFINITIONS

Equality

Equality means treating everyone with fairness and respect and recognising the needs of individuals.

The Academy will ensure that they promote an understanding of equality and comply with the legislation and principles across all areas of employment.

Diversity

Diversity acknowledges there are differences between people. The Academy values and respects that variety of backgrounds, perspectives, values and beliefs that a diverse workforce brings to the Academy.

The Academy will promote and celebrate diversity. The Academy recognises that that it can only deliver high quality services through its employees, and that it values and welcomes the perspectives and contributions that a diverse workforce brings to their roles, and will endeavour to secure a workforce that is representative of the wider community.

Direct discrimination

The Equality Act 2010 defines direct discrimination as occurring when someone is treated less favourably than another person because of a protected characteristic they have, are perceived to have, or because they are associated with someone who has a protected characteristic.

The protected characteristics, as set out in Section 4 of the Equality Act, are:

- age;
- disability or a long term health condition;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race (which includes ethnic origin, colour and nationality);
- religion or belief;
- sex (previously referred to as gender); and
- sexual orientation.

Indirect discrimination

The Equality Act 2010 defines indirect discrimination can occur when a condition, rule or policy in the Academy is applied to everyone but particularly disadvantages people who share a protected characteristic.

Indirect discrimination can be justified if you can show that you acted reasonably in managing your Academy, i.e. that it is 'a proportionate means of achieving a legitimate aim'. The aim must be legitimate, and a real objective consideration such as the economic needs of running the Academy. But arguing that it is more expensive not to discriminate is unlikely to be considered a valid justification. Being proportionate means being fair and reasonable, including showing that you have looked at "less discriminatory" alternatives to any decision made.

The Academy is committed to developing employment policies, procedures and practices that do not discriminate unfairly or unlawfully against anyone and that promote equality of opportunity for all.

Harassment and victimisation

Harassment, as defined by the Equality Act 2010, is unwanted conduct or behaviour related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Victimisation, as defined by the Equality Act 2010, is where an employee suffers less favourable treatment because they have brought proceedings or given evidence or information relating to such proceedings, or has alleged that discrimination occurred under relevant legislation.

The Academy will not accept harassment and victimisation of any kind and perpetrators are liable to action under the Academy's disciplinary policy.

THE EQUALITY DUTY

Public Sector Equality Duty (PSED)

As public bodies, Academies must must comply with the [Public Sector Equality Duty \(PSED\)](#) introduced by the Equality Act 2010, which requires Academies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; by removing or minimising disadvantages suffered by people due to their protected characteristic.
- Advance equality of opportunity between different groups/people, who share a relevant protected characteristic and groups/people who do not; by taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Foster good relations between different groups/people who share a relevant protected characteristic and persons who do not share it; by encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- Having due regard involves thinking consciously about how the Academy's existing and proposed policies and decisions impact on equality.

RESPONSIBILITIES

The Board of Trustees of the Academy has responsibility for:

- ensuring that all policies and procedures comply with the Public Sector Equality Duty (PSED) introduced by the Equality Act 2010;
- monitoring the equalities impact of all policies and working practices;
- supporting the implementation of this policy;
- ensuring that all employment policies and procedures are non-discriminatory;
- ensuring that complaints are investigated and dealt with effectively; and
- nominating a lead Trustee to have responsibility for equality and diversity.

- keeping up to date with current legislation and working practices through attendance at relevant meetings and workshops.

The Headteacher and other members of the senior leadership team have responsibility for:

- ensuring that this policy is implemented in all employment and management practices;
- ensuring that this policy is brought to the attention of all employees and volunteers;
- encouraging good practice and dealing appropriately with any breaches of this policy;
- monitoring the operation of relevant policies and procedures; and
- nominating a lead member of the senior management team to take the lead of equality and diversity issues.

All Academy employees and volunteers have a responsibility to:

- act within equal opportunities legislation and to comply with this policy; and
- report any breaches of this policy to their line manager, or other appropriate person.

PRINCIPLES

Our objective is to treat everyone with dignity and respect and value all views, efforts and achievements. We are committed to treating everyone, whether currently employed in the Academy or an applicant for a post, fairly, respecting their achievements and contributions and ensuring equality of opportunity. This will be seen both in the way that potential employees are encouraged to seek and gain employment within the Academy and in the way existing employees are treated. Further principles of this policy are:

- The training needs of Trustees and employees in the Academy will be reviewed to ensure that they promote equality of opportunity and anti-discriminatory practice in their work.
- Selection criteria and procedures will be regularly reviewed to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities.
- All Trustees and employees who are involved with recruitment and selection have a responsibility to ensure that they have received the appropriate training to enable them to act in a fair and legal manner and to ensure that no unlawful act of discrimination occurs. This provision runs alongside the Safer Recruitment requirements which apply in Academies.
- This policy will be made available to all Trustees, employees, new employees and job applicants within the Academy.
- Any Academy employee who is subject to discrimination in the course of his/her employment will be fully supported and may raise their complaints with their manager, or make use of the Academy's grievance, dignity at work (bullying and harassment) or complaints procedures in order to raise their complaints.

COMPLAINTS

Existing employees of the Academy who feel they have been discriminated against, harassed or victimised should raise it in the first instance with their line manager or another manager within the Academy (where their own line manager is the subject of the complaint). Employees should refer to the grievance policy and procedure.

Other complaints from individuals not currently employed by the Academy should raise their concerns via the Academy's complaints procedure.

All concerns raised will be handled in a positive and sensitive manner and in accordance the relevant policy/procedure.

REVIEW

The policy will be reviewed in the light of operating experience and/or changes in legislation and in consultation with the Trade Unions.