

## Equal Opportunities and Diversity Policy

This policy is prescribed by The Good Shepherd Trust and all reference to 'the Trust' includes all Trust schools, the central team and subsidiary organisations.

Date adopted: 12 June 2023  
 Review cycle: Every 3 years or earlier  
 Approval: PARC  
 Next Review Date: June 2026

Last reviewed: 12 June 2023  
 Is this policy statutory? Yes  
 Author: Head of HR

### Revision record

Minor revisions should be recorded here when the policy is amended in light of changes to legislation or to correct errors. Significant changes or at the point of review should be recorded below and approved at the level indicated above.

Revision No.	Date	Revised by	Approved date	Comments
1	March 2023	D Bird	June 2023	Reviewed and minor updates. Combined existing gender reassignment policy. Removed wording on rehabilitation of offenders – already covered in a separate policy.

### 1. Introduction

The Good Shepherd Trust and all its schools are committed to promoting and achieving equality of opportunity for all students, parents, staff, board members, governors, visitors and job applicants.

The Trust aims 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.

The Trust does not discriminate against staff on the basis of their sex, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age – the protected characteristics.

The Equality Act 2010 prohibits discrimination, harassment and victimisation in employment, and the principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, parents, visitors, suppliers and former staff members.

All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not discriminate against or harass other members of staff, regardless of their status.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Trust who are required to familiarise themselves and comply with its contents. The Trust reserves the right to amend its content at any time.

This Policy applies to the Trust's employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to job applicants and to individuals such as agency staff and consultants and volunteers who are not employees but who work at the Trust (collectively referred to as "staff" in this policy).

All staff must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote the Trust's aims and objectives with regard to equal opportunities. Staff will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice.

Any questions about the content or application of this policy should be referred to the Headteacher or Head of HR in the first instance.

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.

The Trust will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.

## **2. Forms of Discrimination**

Discrimination by or against a member of staff 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. 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. Harassment is dealt with further in the Trust’s Anti-Harassment and Bullying Policy.

Victimisation is also prohibited. This is less favourable treatment of someone who had complained or given information about discrimination or harassment, or supported someone else’s complaint.

## **3. Recruitment and Selection**

The Trust aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. The Trust’s 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.

Job advertisements will avoid using wording that may discourage particular groups from applying. A short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

The Trust will take steps to ensure that its vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in the Trust. Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which the Trust may use, for example:

- 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).

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 without first considering whether such matters are relevant and may lawfully be taken into account.

The Trust is required by law to ensure that all members of staff are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective members of staff, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. A list of acceptable documents is available from HR.

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

#### **4. Staff training, promotions and conditions of service**

Staff training needs will be identified through informal and formal staff appraisals.

All staff will be given appropriate access to training to enable them to progress within the Trust and all promotion decisions will be on the basis of merit.

The composition and movement of staff at different levels will be reviewed from time to time to ensure equality of opportunity at all levels of the organisation.

Where appropriate the Trust will take steps to identify and remove unnecessary or unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or under-represented groups.

The Trust's conditions of service, benefits and facilities will be reviewed from time to time 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.

#### **5. 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 applied are without discrimination, and are carried out fairly and uniformly for all staff, whether they result in disciplinary warnings, dismissal or other disciplinary action.

#### **6. Disability Discrimination**

If a member of staff is disabled, or becomes disabled, in the course of his or her employment with the Trust, he or she is encouraged to tell us about his or her condition. This is to enable us to support the member of staff as much as possible.

If a member of staff experiences difficulties at work because of his or her disability, he or she may wish to contact their line manager / principal school leader to discuss any reasonable adjustments to his or her working conditions or duties which he or she considers to be reasonable and necessary or which would assist in the performance of his or her duties.

The line manager / principal school leader may wish to consult with the member of staff and his or her medical adviser(s) about possible adjustments. Careful consideration will be given to any such proposals and they will be accommodated where reasonable, practicable and proportionate in all the circumstances of the case.

Nevertheless, there may be circumstances where it would not be reasonable for the Trust to accommodate a particular adjustment and in such circumstances it will ensure that it provides the member of staff with its reasons and try to find an alternative solution where possible.

The Trust will monitor the physical features of its premises to consider whether they place disabled staff, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonably practicable and proportionate the Trust will take steps to improve access for disabled staff and service users.

## **7. Fixed-Term Employees and Agency/Temporary Workers**

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

## **8. Part-Time 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. It will also ensure that requests to alter working hours are dealt with appropriately under the Trust's Flexible Working Policy.

## **9. Complaints of Discrimination, Victimisation and Harassment on the Protected Characteristics**

The Trust will treat seriously and will take action where appropriate concerning all complaints of discrimination, harassment or victimisation on any of the protected characteristics made by any of its staff, students or other third parties.

Any member of staff who considers that they may have been unlawfully discriminated against, victimised or harassed within the meaning of this policy should discuss the matter in the first instance with their line manager / principal school leader or, if inappropriate under the circumstances of the case, HR. In some cases it may be possible to resolve the matter informally and reach a satisfactory resolution.

If a member of staff wishes to make a formal complaint then he or she should follow the Trust's Grievance Policy and Procedure.

If an employee is accused of unlawful discrimination, victimisation or harassment, the Trust will investigate the matter fully. In the course of the investigation the employee will be given the opportunity to respond to the allegation and provide an explanation for his or her actions.

If the Trust concludes that the claim is false or malicious then the complainant may be subject to disciplinary action.

If on the other hand the Trust concludes that the employee's action amounts to unlawful discrimination, victimisation or harassment he or she may be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure, up to and including summary dismissal for gross misconduct.

## **10. Gender Reassignment**

Gender reassignment is a process which is undertaken for the purpose of permanently reassigning a person's sex by changing physiological or other characteristics or attributes of sex, and it includes any part of such a process.

The Trust wishes to support employees in their personal circumstances and, in relation to time off for surgery.

It will therefore make necessary accommodations for those undergoing gender reassignment; however, it is clearly important that the good operation of the Trust is not adversely affected, where this can be avoided. Therefore, if you wish to apply for time off for gender reassignment surgery, you should speak to the Principal School Leader as far in advance as possible to discuss your circumstances and to make necessary arrangements. Any information provided will be maintained in strict confidence and will only be disclosed on a "need-to-know" basis.

Medical appointments in connection with the gender reassignment process will be treated no less favourably than any other medical appointments. As usual, you should try to arrange medical appointments at times that will cause the minimum amount of inconvenience to the Trust and time off to attend medical appointments must be authorised by the Principal School Leader in advance in the normal way.

Equally, you should try to arrange any related surgery at times that will cause the minimum amount of inconvenience to the Trust and so the Trust would greatly appreciate staff trying to arrange any procedures during the school holidays in order not to miss any days of the school term and keep to a minimum any disruption to the good operation of the Trust.

However, if it is unavoidable that such procedures take place during term time, the Trust will grant you leave of absence to undergo gender reassignment surgery. You will be treated no less favourably than if you were absent because of sickness or injury.

Support staff on 52 week contracts may arrange to take paid annual leave if they require further paid time off, provided they comply with the Trust's requirements for the taking of annual leave. (Staff should refer to their contracts of employment.)

Teaching and term-time support staff are unable to take annual leave during term time; however, if they have been absent and receiving sick pay immediately prior to a school holiday period for gender reassignment purposes and subsequently become fit to work, the Trust will reinstate normal salary upon receipt of a GP certificate confirming that the employee is fit to work, and provided that the employee returns to work at the start of the next term.

Staff may also be required to provide an appointment card and/or a statement from a qualified medical practitioner that the process of gender reassignment has been approved and confirming the time off required after surgery.

There is no contractual or statutory right to receive salary during time off for gender reassignment medical appointments or surgery; however, provided you comply with the Trust's Sickness Absence reporting procedure and your absence is properly certified, you will receive sick pay in accordance with the Trust's sick pay provisions set out in your contract of employment and in the section on "Sick Pay".