

# EQUALITY DIVERSITY & INCLUSION POLICY



REVIEW: ANNUALLY

LAST REVIEW DATE: AUTUMN 2024

## **Policy Introduction**

This policy sets out South Farnham Educational Trust's approach to promoting equality, as defined within the Equality Act (2010).

Highfield South Farnham School is committed to creating a culture in which:

- Equality, diversity, and inclusion are actively promoted for the benefit of all staff, whether temporary, part-time, or full-time, and prospective employees
- Provide equality, fairness, and respect for all in our employment
- Unlawful discrimination in all aspects of employment is eliminated, this includes the areas of recruitment, promotion, opportunities for training, pay and benefits, discipline, and selection for redundancy
- Diversity and inclusion are embedded throughout the employment lifecycle. This includes recruitment practices, pay and benefits, terms and conditions of employment, dismissal, redundancy, leave for parents, requests for flexible working, decision making within formal procedures including but not limited to grievances, conduct, performance, attendance, absence, selection for employment, promotion, training or other developmental opportunities.

This policy is intended as a statement of our aims, commitments, and responsibilities in relation to equal opportunities in employment. These have been integrated into HR policies which provide the detail of operational practices and procedures. This policy complements our Bullying and Harassment (including Sexual Harassment) policy.

Highfield South Farnham School recognises that the experiences and needs of all staff and workers are unique and will respect and value the diversity of its employees, workers, suppliers, third-party contractors, parents, and the public.

This policy is intended to complement our Equality Policy which covers our broader commitments in relation to its pupils and the community it serves.

Highfield South Farnham School believes that a culture of equality, diversity, and inclusion not only benefits but supports wellbeing and enables people to work better because they can be themselves in the workplace and feel that they belong.

Highfield South Farnham School is committed to promoting a working environment based on dignity, trust, and respect, and one that is free from all kinds of discrimination.

## **Equality Aims and Values**

South Farnham Educational Trust aims to provide equality and excellence for all in order to promote the highest possible standards across all schools within the Trust.

Commitment to equality and inclusion is central to each school's ethos and integral to the school's stated vision and aims:

### **Our Vision**

Our vision is to inspire independence and nurture a life-long love of learning, creating pro-active and responsible citizens.

Our aims are underpinned by two drivers in order to develop:

1. A lifelong love of learning.
2. Good citizenship.

Through excellent teaching we aim to provide our children with creative, challenging learning opportunities which:

- encourage them to have high expectations of their abilities
- promote determination to succeed and encourage risk taking
- enable them to become independent and active in their own learning
- develop tolerance of others
- develop collaborative opportunities and an awareness of others' needs

### **The Law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, marital status or because someone is in a civil partnership. These are known as "protected characteristics". These are defined in detail in **Appendix 1** of this policy. Discrimination after employment has ended can also be unlawful, for example in relation to the provision of an employment reference.

It is unlawful to treat part-time workers less favourably than a comparable full-time worker (unless the treatment can be objectively justified).

### **Types of Discrimination**

There are a number of different types of discrimination – these are defined in more detail in **Appendix 2** of this policy.

- **Direct discrimination**
- **Indirect discrimination**
- **Harassment (including Sexual Harassment)**
- **Associative discrimination**
- **Perceptive discrimination**
- **Victimisation**
- **A failure to make reasonable adjustments**

### **The Trust's Approach to Promoting Equality**

The Trust seeks to meet its equality duties with the objective of eliminating unlawful discrimination and harassment, promoting equality of opportunity, good relations and positive attitudes between people of diverse backgrounds in all its activities.

The principles of this policy apply to all members of the extended school community, pupils, staff, governors, parents and community members.

### **Community Cohesion**

The Trust is committed to the promotion of community cohesion, with a focus on the school as part of the local, national and global community.

Actions and projects undertaken by the Trust to promote community cohesion aim to:

- create a wider exposure to different communities
- promote understanding and engagement between communities
- encourage all children and families to feel part of the wider community
- understand and respond to the needs and hopes of all our communities
- tackle discrimination
- increase life opportunities for all
- ensure learning, teaching and the curriculum explores and addresses issues of diversity

## **Roles and Responsibilities**

### **• Responsibilities of Employees**

Every employee is expected to assist the Highfield South Farnham School to meet its obligations in relation to the provision of equal opportunities in employment, eliminate unlawful discrimination and support diversity and inclusion. This includes:

- Encouraging equality, diversity, and inclusion in the workplace
- Creating a working environment free of bullying, harassment (including sexual harassment), victimisation, and unlawful discrimination, promoting dignity and respect for all, where individual differences and the contributions of all staff are recognised and valued
- Conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment (including sexual harassment) victimisation, and unlawful discrimination.
- Reporting any instances of bullying, harassment (including sexual harassment), victimisation, and unlawful discrimination by fellow employees, suppliers, visitors, the public, and any others in the course of the Highfield South Farnham School work activities.
- Being mindful of their actions and behaviours whilst representing Highfield South Farnham School both within and outside of their working time.
- Being mindful of their actions and behaviours, including those on social media and similar, where the employee/worker has clearly associated themselves with Highfield South Farnham School.

Employees can be held personally liable as well as, or instead of, the employer for any act of unlawful discrimination. Employees who commit serious acts of harassment (including sexual harassment) may be guilty of a criminal offence.

Acts of discrimination, harassment (including sexual harassment), bullying, or victimisation against employees or other individuals are disciplinary offences and will be dealt with under the disciplinary procedure. Discrimination, harassment (including sexual harassment), bullying, or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Whilst all employees have a responsibility for supporting our commitments in relation to equality, managers have particular responsibilities because they are in a position to make or influence employment decisions. Managers are therefore expected to be accountable for the provision of equal opportunities through the actions that they take, and to monitor and review practices within their sphere of responsibility.

In addition to these commitments, line managers and the Senior Leadership Team are committed to:

- Adhering to our recruitment and selection policy in relation to all new appointments and promotions - this means that essential criteria on person specifications will be limited to those requirements which are necessary for the effective performance of the job
- Assessing candidates for employment or promotion objectively against the requirements for the job, taking into account any reasonable adjustments that may be required for candidates with a disability
- Making opportunities for training, development, and progress available to all staff, who will be 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 all decisions relating to appointment, promotion, or access to training based on merit, job needs or other relevant job-related criteria (apart from any necessary and limited exemptions and exceptions allowed under the Equality Act)
- To foster a workplace culture in which individuals are respected, diversity is valued, and employees are encouraged to report any behaviour which causes them concern
- Considering any possible indirectly discriminatory effect of the practice in question where employees seek a variation to standard working practice, requests will be refused only where there are sound organisational reasons for doing so, unrelated to any protected characteristic.
- Making reasonable adjustments to standard working practices to overcome barriers caused by disability
- Take seriously any complaints of bullying, harassment (including sexual harassment), victimisation, and unlawful discrimination by fellow employees, suppliers, visitors, the public, and any others in the course of the Highfield South Farnham School work activities.

### **3. Responsibilities of the Trust Board/Governing Body**

In addition to the commitments detailed in Section 3 The Trust Board/Governing Body commit to:

- Reviewing on an annual basis the need for training in equal opportunities for managers and others involved in recruitment or other decisions relating to employment, as well as reviewing the need for training for existing and new employees, volunteers and other workers to help them understand their rights and responsibilities under the equality, diversity and inclusion policy.
- Reviewing employment practices and procedures when necessary to ensure fairness, and to also update them and the policy to take account of changes in the law.
- Monitoring the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in the equality, diversity and inclusion policy. Where problems are identified, senior management will consider whether appropriate action can be taken to address these.

### **4. Complaints about Discrimination**

If any concerns or complaints cannot be dealt with on a more informal basis, it would be appropriate to use one of the following policies:

- Bullying & Harassment (including Sexual Harassment) Policy
- Grievance Policy
- Disciplinary Policy

Details of all Trust Policies and procedures can be found under the policy section in SharePoint. This includes information on who formal complaints can be made to.

Any complaint will be taken seriously and all managers are expected to seek to resolve any grievance that is deemed to be well-founded. An employee will not be penalised for raising a grievance providing the concerns are put forward in good faith.

Use of the grievance procedure does not affect an employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months of the act of discrimination complained of.

## **5. Information and Support**

Guidance and support will be offered to employees throughout any informal or formal process. This may take the form of signposting to available support as well as offering pastoral support and regular updates on timescales.

- Trade Union representative - If you are a union member, you can contact your staff representative for advice and support
- Employee Assistance Programme - An independent, free, and confidential advice service.
- Occupational Health - Our occupational health service and wellbeing programme promotes physical and psychological wellbeing

## **8. Data Protection**

The Trust treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its data protection policy. Information about how data is used and the basis for processing is provided in the job applicant privacy notice.

## **9. Status of Policy and Review**

The content and operation of this policy is reviewed as and when deemed necessary by the Trust Board. The policy is discretionary and does not confer any contractual rights.

## APPENDIX 1 - Protected Characteristics

The Equality Act 2010 introduced the term 'protected characteristics'.

This appendix describes the 9 protected characteristics and give examples of what is meant by them.

Protected Characteristic	Example
<b>Age</b>	Where you may be referred to as belonging to a particular age group, e.g., 49–55- year-olds and treated differently as a result. e.g., using ageist language
<b>Disability</b>	If you have a disability this may be a physical, mental impairment or long-term health condition which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities, However, Cancer HIV and multiple sclerosis would be considered a disability, and therefore a protected characteristic, at the point of diagnosis. If you have a disability your manager will work with you to establish reasonable adjustments to help you perform your role to your full potential.
<b>Gender Reassignment</b>	The process of transitioning from one gender to another, e.g., from a female to a male, or a male to female.
<b>Marriage and Civil Partnership</b>	If you are married or in a civil partnership, you cannot be treated differently to a colleague who is single or divorced.
<b>Pregnancy and Maternity</b>	Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after the birth, which reflects the period of ordinary maternity leave entitlement in the employment context.
<b>Race</b>	Race is defined as Nationality, National Origin, Ethnicity, Race and Colour. It can mean your ethnic or national origins, may not be the same as your current nationality, e.g., you may have Chinese national origins and be living in Britain with a British passport. Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race. A racial group can be made up of 2 or more distinct racial groups, for example Black British, British Asians, British Sikhs, British Jews, Romany Gypsies and Irish Travellers. You may be discriminated because of your race, for example, people born in Britain to Jewish parents could be discriminated against because of their Jewish heritage.
<b>Religion and Belief</b>	Religion means any religion and a reference to religion includes a reference to a lack of religion. (2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief. (3) In relation to the protected characteristic of religion or belief— (a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief; (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.
<b>Sex</b>	Under the Equality Act 2010, you are defined by law as being either a man or a woman. This is determined at birth; however, gender is broadly to denote a range of identities that do not correspond to established ideas of male and female.

<b>Sexual orientation</b>	Whether a person's sexual attraction is towards their own sex, the other sex or to both sexes, and not to any at all (lesbian, gay, bisexual, heterosexual, etc.).
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## Appendix 2 – Definitions

<b>Term</b>	<b>Explanation</b>
<b>Equality</b>	Equality is the legal framework that in the workplace means equal job opportunities and fairness for employees and job applicants. You must not treat people unfairly because of reasons protected by The Equality Act 2010. ('protected characteristics'), e.g., because of a person's sex, age or race.
<b>Diversity</b>	Diversity is the range of people in the workplace. This might mean people with different ages, religions, ethnicities, people with disabilities, and genders/gender. It also means valuing those differences.
<b>Inclusion</b>	An inclusive workplace means that you feel valued at work. It lets you feel safe to: <ul style="list-style-type: none"> <li>• come up with different ideas</li> <li>• raise issues and suggestions to managers, knowing this is encouraged</li> <li>• try doing things differently to how they have been done before, with management approval</li> <li>• ability to feel safe and comfortable in your working environment, free from discrimination'</li> </ul>
<b>Discrimination</b>	This can be described as the unjust or prejudicial treatment of different categories of people, on the grounds of one of the protected characteristics.
<b>Direct Discrimination</b>	Direct discrimination is the legal term that applies if you treat someone less favourably than someone else has been treated (or would be treated) because the person belongs to one of the protected groups.
<b>Indirect Discrimination</b>	Indirect discrimination is when there is a practice, policy or rule which applies to everyone in the same way, however, a disproportionate and adverse effect on one group with a relevant protected characteristic under the Equality Act 2010 when compared to other groups.
<b>Associative discrimination</b>	This occurs where an individual is directly discriminated against or harassed for associating with another individual who has a protected characteristic. This might occur, for example, where a mother of a disabled child is treated less favourably as a result of her child's disability.
<b>Perceptive discrimination</b>	This occurs where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she in fact does not have that protected characteristic. This might occur, for example, where an employee is subjected to homophobic bullying based on a perception that he/she is homosexual.
<b>Bullying and Harassment</b>	Bullying and harassment are terms that are often used interchangeably, however, legally, harassment usually has a specific meaning. Under the Equality Act 2010 harassment is defined as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile,

	<p>degrading, humiliating or offensive environment for that individual'. Harassment which does not relate to a protected characteristic is not covered by the Equality Act 2010. Bullying is not specifically defined in UK law, however ACAS guidance on bullying 'may be characterised as: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'. It does not matter whether or not this effect was intended by the person responsible for the conduct.</p>
<b>Sexual Harassment</b>	<p>Harassment may be sexual in nature. Under the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties.</p> <p>The law defines sexual harassment as:</p> <ul style="list-style-type: none"> <li>• conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and</li> <li>• less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.</li> </ul>
<b>Victimisation</b>	<p>Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. An employee is not, however, protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.</p>
<b>Reasonable adjustments</b>	<p>A failure to make reasonable adjustments may occur where a physical feature or a requirement, condition or practice puts a disabled person, as defined under the Equality Act 2010, at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.</p> <p>If you have a disability as defined under the Equality Act 2010, you are entitled to have reasonable adjustments made in your workplace. Occupational Health Referrals may suggest reasonable adjustments as advised from a Health Care Professional.</p> <p>Examples of reasonable adjustments may include:</p> <ul style="list-style-type: none"> <li>• Adaptions to the recruitment process. e.g. The right to a guaranteed interview if you meet essential criteria on the JD, virtual interview, interpreter, support for accessibility if deaf/blind</li> <li>• making physical changes to the workplace, like installing a ramp for you if you are wheelchair user or an audio-visual fire alarm for you if you are a deaf person</li> <li>• letting a disabled person work somewhere else, such as on the ground floor if you are a wheelchair user</li> <li>• Providing specialist equipment e.g. a special keyboard if you have arthritis</li> <li>• if you become disabled allowing you to make a phased return to work, including flexible hours or part-time working</li> </ul>

