

# Equality in Employment Policy



**Approved by:** The Trust Board **Date:** September 2020

Recognised unions have been consulted on this document via the Unity Schools Partnership Joint Consultation and Negotiation Committee. It was accepted by Unity Schools Partnership on: **Date:** September 2020

**Last reviewed in:** September 2020

**Next review due by:** September 2021

## Contents

1. INTRODUCTION.....	3
2. PROHIBITED CONDUCT.....	3
3. ELIMINATING AND MITIGATING DISCRIMINATION .....	4
4. JUSTIFYING DISCRIMINATION .....	4
5. DISCRIMINATION ARISING FROM A DISABILITY .....	4
6. HARASSMENT .....	4
7. EQUALITY IMPACT ASSESSMENTS (EIAS) .....	5
8. STATUTORY CODES OF PRACTICE .....	5
9. MONITORING EQUAL OPPORTUNITIES .....	5
10. EQUAL PAY.....	5
Further Advice.....	5

## 1. INTRODUCTION

*For the purpose of this policy the 'Trust' refers to all schools within the Trust and the central team.*

Unity Schools Partnership ("the Trust") Board of Directors recognises that all its employees and other workers have the right not to be unlawfully discriminated against, harassed or victimised on a range of grounds. These are known as the "protected characteristics", of which there are nine:

- Age: people of all ages are protected.
- Disability: only disabled people are protected, which means disabled people can be treated more favourably in order to eliminate disadvantage; hence the need to make reasonable adjustments in the workplace to accommodate their needs).
- Gender reassignment: people are now protected as soon as they start to manifest any aspect of an intention to reassign their gender – i.e., they do not have to be undergoing a medical procedure.
- Marriage and civil partnership: people are not protected from discrimination for being single.
- Pregnancy and maternity: a woman is protected as soon as she is pregnant, and during the period of any statutory maternity leave to which she is entitled; she should not suffer a detriment at any time because of maternity leave.
- Race: including national and ethnic origin, and potentially caste; people of all races are protected.
- Religion and belief: this covers any religion, and philosophical beliefs that meet a number of set criteria; people of no religion or belief are equally protected.
- Sex: both sexes are equally protected.
- Sexual orientation: people of any sexual orientation are protected.

The Trust also recognises and appreciates that the right to make a complaint of unlawful discrimination is not restricted to people in employment and no qualifying period of employment is required. In some cases, job applicants and former workers may also make a complaint to an employment tribunal.

## 2. PROHIBITED CONDUCT

The Trust recognises that discrimination and harassment may arise in a variety of employment decisions, particularly appointment, training and promotion, performance appraisals, treatment during employment (including harassment and victimisation), redundancy situations, and dismissal.

The Trust will act in accordance with the Equality Act 2010 and any subsequent amendments, which specifically prohibits:

- direct discrimination
- indirect discrimination without justification
- discrimination arising from a disability
- harassment
- victimisation

related to any of the protected characteristics.

A brief definition of each of these is provided below.

- Direct discrimination: less favourable treatment because of a protected characteristic.
- Discrimination by association: less favourable treatment because of an association with another person with a protected characteristic.
- Discrimination by perception: less favourable treatment because a person is believed to possess a protected characteristic, even if they do not.
- Indirect discrimination: where the effect of certain requirements or practices has an adverse impact on a group.

### **3. ELIMINATING AND MITIGATING DISCRIMINATION**

The Trust must take steps to eliminate and/ or mitigate any identified negative impacts as far as possible, before reaching the position of justification.

The Trust should consider its practices, particularly when any changes are being made, in order to eliminate and minimise indirect discrimination as much as possible. Consultation with staff, unions or particular groups may be necessary in order to help identify potential negative impacts that were previously not considered.

If the evidence shows this is not practical or possible, the Trust should consider how to mitigate the negative impact.

### **4. JUSTIFYING DISCRIMINATION**

Where it is not possible to eliminate or mitigate a negative impact, the Trust can justify their actions, if it can be shown that the action or actions are a “proportionate means to achieving a legitimate aim”.

“Proportionate means” – both the level of the negative impact, and whether anything else could be done instead, should be considered.

“Legitimate aim” – the intention behind the action must in itself be defensible and reasonable. Reducing costs alone is unlikely to be considered a legitimate aim, although it can be a factor.

The Trust should be able to provide detailed evidence of its justification and considerations to demonstrate its intention to be reasonable.

### **5. DISCRIMINATION ARISING FROM A DISABILITY**

The Trust recognises and accepts that it is unlawful to discriminate on the grounds of disability and that a person does not have to prove that a non-disabled person in similar circumstances would have been treated differently.

The Trust will not discriminate on the grounds of disability unless it can be shown that these actions are a proportionate means to achieving a legitimate aim.

### **6. HARASSMENT**

The Trust recognises that harassment or bullying in any workplace is clearly undesirable and unacceptable. Not only can it have a detrimental effect on health and well-being of an employee who suffers it, but it can generally undermine good working relationships, affect staff morale and

reduce overall effectiveness in a working environment. The Trust also recognises that, as an employer, it has a legal duty to provide a safe working environment for its employees.

Behaviour of this sort may not necessarily be linked to the protected characteristics but is unacceptable in any situation. It is dealt with separately under the Trust's Harassment and Bullying policy and procedure.

## **7. EQUALITY IMPACT ASSESSMENTS (EIAs)**

The Trust should ensure that EIAs are carried out on all policies, procedures and decisions that may have an impact on staff or service users, and are updated any time changes are made. A template EIA is contained in the accompanying guidance. Contact the Trust's HR Team for further guidance.

## **8. STATUTORY CODES OF PRACTICE**

The Trust will comply with all relevant statutory Codes of Practice published by the Equality and Human Rights Commission (EHRC).

## **9. MONITORING EQUAL OPPORTUNITIES**

The Trust should monitor equal opportunities by keeping statistics on the makeup of its workforce and job applicants.

## **10. EQUAL PAY**

The Trust will ensure that all employees and other workers in the Trust receive equal pay for carrying out like work, or work of equal value.

We have carefully considered the possibly implications for staff with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

### **Further Advice**

If any staff, contractor or visitor requires any further information regarding this policy or support they should either ask their Headteacher **or** contact the HR Helpdesk at [hrhelpdesk@unitysp.co.uk](mailto:hrhelpdesk@unitysp.co.uk) or telephone 01440 333401.