

EQUAL OPPORTUNITY POLICY (FOR STAFF)

<p>Policy Owner Human Resource Manager</p>	<p>Applies to Prior Park Schools (Trust wide)</p>	<p>Superseded documents Equal Opportunities Policy v1</p>
<p>Associated documents Staff Code of Conduct Grievance Policy Recruitment Policy Dignity at Work Policy</p>	<p>Review frequency Every two years (unless the legislation/regulations update before this time)</p> <p>Implementation date 1 July 2021</p>	<p>Legal Framework Protection from Harassment Act 1997 The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 Equality Act 2010 Data Protection Act 2018 Equality and Human Rights Commission (EHRC)</p>

1. Introduction

Prior Park Schools (PPS) comprises three schools. Two of those schools, Prior Park College (PPC) and The Paragon School (TP) are incorporated in England as Prior Park Educational Trust Ltd. The third school, Prior Park School Gibraltar (PPSG), is incorporated in Gibraltar as Prior Park School Ltd. Both are companies limited by guarantee and registered charities.

2. Scope

This policy sets out our commitment to providing equal opportunities in employment and avoiding unlawful discrimination. All members of staff are expected to comply with this policy.

3. Policy Aims

Promoting equal opportunities is fundamental to the aims and ethos of Prior Park Schools.

We are committed to providing equal opportunities in employment and to avoiding unlawful discrimination against our staff.

The purpose of this Equal Opportunities Policy is to communicate our commitment to equality of opportunity in employment, with the aims of ensuring that all staff, former staff and job applicants are treated fairly and equally and supporting PPS' objective of providing a learning and working environment that is free from all forms of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities and diversity and inclusion in employment. We have a separate Dignity at Work Policy that sets out our commitment to create an environment free from harassment and bullying, and the processes we have in place to support that.

The aims of this policy and the Trust's ethos as a whole are to:

- Eliminate unlawful discrimination on grounds of any of the protected characteristics (please see definition below).
- Strive to ensure that the school and its work environment is free of harassment and bullying and that everyone is treated with dignity and respect.
- Promote equality of opportunity for all members of the PPS and each school's community.

This policy does not form part of employees' contracts of employment and PPS may amend it at any time.

4. The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment (i.e., transgender status), pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

It is unlawful for an employer to fail to make reasonable adjustments to its requirements, working practices or the physical features of the workplace where these put a job applicant or employee who is disabled at a substantial disadvantage. Employers are also under a duty to take reasonable steps to provide an auxiliary aid.

When we are providing services, goods or facilities, you must not discriminate against or harass a member of the public. We are under a duty to make reasonable adjustments to overcome barriers to using services caused by disability including the removal, adaptation or alteration of physical features. In addition, we need to think ahead and make reasonable adjustments to address any barriers that may impede disabled people from accessing a service.

Treating a part-time worker less favourably than a comparable full-time worker, and a fixed-term employee less favourably than a comparable permanent employee, is also unlawful unless the less favourable treatment can be objectively justified.

5. Forms of discrimination

The following are forms of discrimination that this policy aims to avoid:

- **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic (for example refusing to employ a woman because she is pregnant).
In very limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.
- **Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim (for example requiring employees to have held a driving licence for 10 years may be indirect age discrimination, unless that requirement could be objectively justified).

- **Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity which are covered by direct discrimination provisions in the Equality Act 2010) that has the purpose or effect of violating a person's dignity; or is reasonably considered by that person to create an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.
- **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity).
- **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).
- **Victimisation** occurs where an employee is subjected to a detriment (essentially where the employee is treated badly), such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint in bad faith.
- **Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a person who is disabled at a substantial disadvantage compared with someone who does not have that disability and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

6. Equal opportunities in employment

We will strive to avoid unlawful discrimination in all aspects of employment including recruitment and selection, career development (promotion) and training, terms and conditions (including pay and benefits), employment policies and practice (including discipline, flexible working and selection for redundancy) and working environment. We aim, as far as reasonably practicable, to ensure that all our working practices are applied fairly and consistently and, where necessary, we will take reasonable steps to avoid or overcome any particular disadvantage these may cause and to promote equality.

- a. **Recruitment and selection procedures** will be free from bias or discrimination. Decisions regarding an individual's suitability for a particular role will be based on aptitude and ability. In order to ensure consistency in recruitment, all candidates

seeking employment with us must complete an application form. This allows the selection panel to consider each candidate equally against a set of defined criteria specific to each job role. Likewise, all candidates shortlisted for interview will undertake the same assessment activities, and interviews will be carried out and scored based on relevant criteria. Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. We will consider making appropriate reasonable adjustments to the recruitment process to ensure that disabled applicants are not substantially disadvantaged. Wherever possible, vacancies will be advertised as being suitable for flexible working, to encourage applications from individuals seeking work on a part time or job share basis. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

As part of the application process we ask all candidates to make a Criminal Record declaration. Upfront disclosure of a criminal offence may not debar you from employment as we shall consider the nature of the offence, how long ago it was committed, at what age it was committed and any other relevant factors.

Prior Park College and Prior Park School Gibraltar (only) are designated as a School with a religious character by the DfE. This may be taken into account when recruiting staff when appropriate to do so. Notwithstanding this, PPC and PPSG undertake to review periodically their selection criteria and procedures to maintain a system where individuals are selected, promoted and treated on the basis of their merits and abilities.

- b. Career development (promotion) and training.** All staff will be given an appropriate induction to enable them to fulfil the responsibilities of their role. All employees will be encouraged to develop their full potential and we will not unreasonably deny an employee access to training or other career development opportunities. These will be identified as part of an ongoing performance management process (Appraisal) and will be determined objectively, taking into account the needs of the school and available resources. Selection for promotion will be based on objective criteria and decisions will be made on the basis of merit.
- c. Our terms and conditions of employment** will be applied fairly and benefits and facilities will be made available to all staff who should have access to them, as appropriate. PPS operates a pay and benefits system that is transparent, based on objective criteria and free from bias to ensure that all employees are rewarded fairly for their contribution. Terms and conditions of employment for part-time employees will be provided on a pro-rata basis to full-time employees. Similarly, the terms and conditions for fixed term employees will be comparable with those given to permanent employees, except when different treatment can be objectively justified.

- d. PPS aims to ensure that **employment policies and practices**, including any rules or requirements, do not directly or indirectly discriminate and are applied in a non-discriminatory manner. In particular we will ensure that all disciplinary decisions are fair and consistent and that selection for redundancy is based on objective criteria. PPS will consider making appropriate reasonable adjustments to the working environment or any work arrangements that would alleviate any substantial disadvantage these cause disabled staff. We will aim as far as reasonably practicable to accommodate the requirements of different religions and cultures and will consider requests from employees to vary or change their working hours to enable them to care for a dependant in accordance with PPS' Flexible Working Policy.
- e. **Working environment:** All individuals have a right to be treated with dignity and respect and PPS takes reasonable steps to protect staff from discrimination, bullying or harassment and, in the event of a complaint, we will take appropriate action to prevent, as far as possible, a further occurrence. All staff are encouraged to report any incidents of inappropriate or unacceptable behaviour at work or that occurs during the course of employment, on or off premises, including at work social events (whether organised by PPS or not) or at formal or informal events involving staff, students, parents, trustees or other work-related contacts. PPS has a separate Dignity at Work Policy and procedure for dealing with complaints of harassment. We will consider any possible indirectly discriminatory effect of our working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done. We will refuse requests for variations to working practices only if we have good reasons for doing so, that are unrelated to any protected characteristic. We will comply with our obligations in relation to statutory requests for contract variations and will also make reasonable adjustments to our working practices for individuals with a disability.
- f. PPS respects an individual's right to choose whether or not to belong to a trade union and membership status will have no bearing on an applicant's suitability for employment or result in any detrimental treatment when working for a school.

7. Specific Responsibilities

You need to play your part in helping us create a work environment that is free from harassment and bullying, and where everyone can achieve their potential. All staff have a responsibility not to discriminate or harass other staff, students, parents, trustees, visitors and contractors, and to report any such behaviour of which they become aware to their line manager.

The Trustees have overall responsibility for the effective operation of this policy and for ensuring compliance with the Equality Act 2010 and associated legislation and for observing relevant Codes of Practice.

The Head and Senior Leadership Team, with the support of HR, are responsible for monitoring and reviewing the policy and for ensuring that all employment-related policies, procedures and practices adhere to this policy.

Line Managers are responsible for implementing the Equal Opportunities Policy and must apply the policy as part of their day-to-day management of the school.

Acts of discrimination, harassment, bullying or victimisation are disciplinary offences and will be dealt with under our disciplinary procedure. We treat this type of conduct extremely seriously and it may lead to dismissal without notice.

8. Contractors, suppliers, visitors and other people outside our workforce

We will not discriminate unlawfully against contractors, suppliers, visitors and other people outside our workforce.

If you are subjected to any bullying or harassment by contractors, customers, suppliers, visitors or any other person you come into contact with through your work, you should report it to your manager (or if you prefer HR) who will take appropriate action.

9. Training

We provide training in equal opportunities and diversity and inclusion to managers and anybody else likely to be involved in recruitment or other decision-making processes. Such training will address the steps that decision-makers can take to avoid unconscious bias.

We provide training to all existing and new employees and others engaged to work for us to help them understand their rights and responsibilities under the Dignity at Work policy and what they can do to help create a working environment free of bullying and harassment. We will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

10. Grievances

We encourage anyone who believes that they have been harassed or victimised to come forward and share their experiences and concerns with us. To facilitate this, we have robust procedures designed to assist our people to have open conversations, engage in dispute resolution and, where appropriate, implement a disciplinary process.

If you think you have been discriminated against, bullied or harassed you can raise this under our Grievance Policy and Procedure.

We take any complaint seriously and you will not be penalised for raising a grievance, even if your grievance is not upheld, unless in the very unlikely situation that your complaint is both untrue and made in bad faith.

Using our grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

11. Monitoring and review

We will periodically monitor this policy to judge its effectiveness and we will update it if there are any changes in the law.

We treat personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with our data protection policy.

Information about how data is used and the basis for processing is provided in our Privacy Notices.