



EFAT Equal Opportunities Policy

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Contents

1	Scope and Purpose.....	4
2	Who is Covered by the Policy	4
3	Who is Responsible for the Policy	4
4	Discrimination.....	5
5	Recruitment and Selection	5
6	Staff Training and Promotion and Conditions of Service	6
7	Termination of Employment	6
8	Admissions.....	7
9	Exclusions	7
10	Disabilities.....	7
11	Fixed Term Employees and Agency Workers	7
12	Part Time Work	8
13	Breaches of the Policy	8

Policy Cover Note

Title of the Policy	Equal Opportunities Policy
Summary/Reason for bringing to Bord for Approval	Reviewed Annually
Statutory Requirement	Yes
Decisions to be made / recommendation on options	
Name of the author	Emma Barnes
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Policy/Procedure to be published on the trust website	Yes
Policy/procedure to be published on the Academy/Primary website	Yes
Amendments/Updates	

EFAT EQUAL OPPORTUNITIES POLICY

1 **Scope and Purpose**

- 1.1 EFAT is committed to promoting equality of opportunity for all staff, job applicants, Governors, Trustees, volunteers and students. It aims to create an environment in which all individuals are able to make best use of their skills and opportunities, free from discrimination, victimisation or harassment, and in which all decisions are based on merit.
- 1.2 EFAT does not unlawfully discriminate against staff on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (**Protected Characteristics**).
- 1.3 The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, parents of students, visitors, clients, customers, suppliers and former staff members.
- 1.4 All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status. Attention is also drawn to EFAT's separate Anti-Harassment and Bullying Policy.
- 1.5 This Equal Opportunities Policy applies to all aspects of EFAT's community and applies equally to Governors and Trustees. This includes, but is not limited to:
- job advertisements,
 - recruitment and selection,
 - training and development,
 - opportunities for promotion,
 - conditions of service,
 - pay and benefits,
 - conduct at work,
 - disciplinary and grievance procedures,
 - termination of employment;
 - Board or committee appointments;
 - admissions; and
 - exclusions
- 1.6 EFAT will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.
- 1.7 For our staff, this policy does not form part of any employee's contract of employment and may be amended at any time.

2 **Who is Covered by the Policy**

This policy covers all members of EFAT's community and at all levels and grades, including the Principal, teachers, non-teaching staff, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, Governors, Trustees, volunteers, interns, casual workers and agency staff (collectively referred to as staff in this policy), students and their parents.

3 **Who is Responsible for the Policy**

- 3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility, including regular review of this policy, has been delegated to the Principal.

3.2 The Senior Leadership Team must set an appropriate standard of behaviour, led by example and ensure that those they manage adhere to the policy and promote EFAT's aims and objectives with regard to equal opportunities. The Senior Leadership Team will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice. The Principal has overall responsibility for equal opportunities training.

3.3 Staff who are involved in management, recruitment, pastoral care or those who have any questions about the content or application of this policy, should contact the Principal to request training or further information.

4 **Discrimination**

4.1 Staff must not unlawfully discriminate against or harass other people including current and former employees, customers, visitors, students, parents of students and suppliers. This applies in the workplace, outside the workplace (when dealing with customers, suppliers, students or other work-related contacts) and on work-related trips or events including social events.

4.2 Discrimination by or against an employee, student or parent is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally. The following forms of discrimination are prohibited under this policy and are unlawful:-

4.2.1 **Direct discrimination:** this occurs where someone is treated less favourably because of one or more Protected Characteristics. For example, rejecting an applicant on the grounds of their race or because of their sexual orientation.

4.2.2 **Indirect discrimination:** this occurs where a provision, criterion or practice applies to everyone but adversely affects people with a particular Protected Characteristic, more than others, and is not justified. For example, a requirement to work full time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be objectively justified.

4.2.3 **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 EFAT's Anti-Harassment and Bullying Policy.

4.2.4 **Victimisation:** is also prohibited. This includes less favourable treatment of, or retaliation against, someone who has complained or supported someone else's complaint about discrimination or harassment.

5 **Recruitment and Selection**

5.1 Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person and with the involvement of the Human Resources Department, where possible. EFAT aims to ensure that no job applicant suffers unlawful discrimination because of any of the protected characteristics above. Its 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.

5.2 Job advertisements will avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. They will include an appropriate short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

5.3 Job applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the Principal's approval. For example:

- 5.3.1 Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
 - 5.3.2 Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
 - 5.3.3 Positive action to recruit disabled persons.
 - 5.3.4 Equal opportunities monitoring (which will not form part of the selection or decision-making process).
- 5.4 Once a job offer has been made, questions about the applicant's health must be made in accordance with The Education (Health Standards) (England) Regulations 2003.
- 5.5 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, sexual orientation, or gender reassignment without the approval of the Principal (who will first consider whether such matters are relevant and may lawfully be taken into account).
- 5.6 EFAT is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status must not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from EFAT office or UK Border Agency.
- 5.7 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged within the Trust, EFAT monitors 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 is removed from applications before shortlisting, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps EFAT to take appropriate steps to avoid discrimination and improve equality and diversity.

6 Staff Training and Promotion and Conditions of Service

- 6.1 Staff training needs will be identified through regular staff appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.
- 6.2 Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.
- 6.3 EFAT's conditions of service, benefits and facilities are reviewed regularly 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.

7 Termination of Employment

- 7.1 EFAT will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.
- 7.2 EFAT will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

8 **Admissions**

- 8.1 EFAT's admissions arrangements are determined annually. Trustees ensure that the determined arrangements do not discriminate against any of the Protected Characteristics.
- 8.2 All applications for admissions will be handed fairly, equally and in accordance with the determined admissions arrangements.

9 **Exclusions**

- 9.1 The power to exclude a student from EFAT is the Principal's alone. Any decision to exclude a student, whether for a fixed period or permanently, must be for a breach of the Academy's behaviour policy.
- 9.2 All decisions must be free of direct discrimination, nor should there be any evidence of harassment/victimisation. Trustees will ensure that they consider if there has been any discrimination in a decision to exclude a student.
- 9.3 In the event the Trustees identify that a decision to exclude, or an application of EFAT's behaviour policy has resulted in indirect discrimination, they will require the Principal to demonstrate that the decision to exclude was a proportionate means of achieving a legitimate aim.

10 **Disabilities**

- 10.1 If a member of the staff or student is disabled (or becomes disabled), EFAT encourages them to tell it about their condition so that it can support the individual as appropriate.
- 10.2 If a member of staff experiences difficulties at work because of their disability, they may wish to contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager may wish to consult with the member of staff and their medical adviser(s) about possible adjustments. EFAT will consider the matter carefully and try to accommodate the member of staff's needs within reason. If EFAT considers a particular adjustment would not be reasonable, it will explain EFAT's reasons and try to find an alternative solution where possible.
- 10.3 Parents and students should engage with the relevant pastoral lead and/ SENCO in the event that a student has a disability which EFAT should make reasonable adjustments to accommodate and support.
- 10.4 All other members of EFAT community should advise EFAT in the event that they require reasonable adjustments when accessing our services or premises.
- 10.5 EFAT will monitor the physical features of its premises to consider whether they place disabled workers, job applicants, students, parents, Governors and Trustees at a substantial disadvantage compared to others. Where reasonable, EFAT will take steps to improve access for disabled staff and service users.

11 **Fixed Term Employees and Agency Workers**

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

12 **Part Time Work**

EFAT monitors 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. EFAT will ensure requests to alter working hours are dealt with appropriately.

13 **Breaches of the Policy**

- 13.1 If a member of EFAT believes that they may have been unlawfully discriminated against then they are encouraged to raise the matter through EFAT's Grievance Policy or Anti-Harassment & Bullying Policy, as appropriate. Other parties may write to the Principal. If a member of staff is uncertain which applies or need advice on how to proceed they should speak to the Principal. Any complaints will be treated in confidence and investigated as appropriate.
- 13.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant policy or procedure. Staff or others who make such allegations in good faith will not be victimised or treated less favourably as a result.
- 13.3 False allegations by staff which are found to have been made in bad faith will, however, be dealt with under EFAT's Disciplinary Policy.
- 13.4 Any member of staff who is found to have committed an act of unlawful discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The Trust takes a strict approach to serious breaches of this policy.