

Equality in Employment Policy

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EQUALITY IN EMPLOYMENT POLICY

1: POLICY AND PROCEDURE OVERVIEW

1.1 Policy Statement

This Academy is committed to a policy of promoting equality of opportunity in recruitment, selection, training, promotion and other conditions of employment based upon its opposition to any form of discrimination irrespective of age, disability, gender identity and gender reassignment, marriage and civil partnership, pregnancy and maternity, race, nationality, religion or belief, sex, sexual orientation and trade union membership.

Within this context The Academy is also committed to working towards achieving a diverse workforce which is reflective of the local population at all levels within the organisation.

The Academy will treat all employees with dignity and respect and provide a working environment free from unlawful discrimination, harassment or victimisation in respect of all *Protected Characteristics.

The policy will ensure that The Academy fulfils its legal obligation under the Equality Act 2010, various other equality legislation and complies with provisions contained in the various Codes of Practice.

* Please refer to Section 4

1.2. Scope of this policy

The procedure applies to all employees of The Academy

1.3. Links to other policies and Academy documents

All HR Policies, practices and procedures

2 : GENERAL PRINCIPLES

2.1 Purpose

The Academy will seek to employ a workforce which reflects the diverse community it serves, because it values the individual contribution of people.

This policy applies to all aspects of The Academy's relationship with its staff and the relationships between staff at all levels. This includes 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 and all other HR related policies and procedures.

The Academy expects all its employees to behave in the workplace in such a way as to treat all other employees, customers, Academy partners etc. with dignity, respect and not unlawfully discriminate, harass or victimise any individual in respect of any *Protected Characteristic – See Section 4.

It expects each individual to promote the spirit of the Equality in Employment Policy. It is recognised that all employees have a duty both moral and legal, not to unlawfully discriminate, harass or victimise each other.

The Academy will not tolerate acts which breach this policy and all instances of such behaviour or alleged behaviour will be taken seriously, thoroughly and in appropriate cases dealt with within the Disciplinary Policy.

The Academy will make every effort in the case of an existing member of staff becoming disabled, to retain them within the workforce, making reasonable adjustments as appropriate.

The Academy will monitor its employment practices and collect appropriate statistics in order to demonstrate the effective application of its Equality in Employment Policy. In light of these statistics, new legislation, codes or practice and The Academy's desire to continually improve, employment practices will be regularly reviewed.

2.2. Roles and responsibilities

The Academy will:

- Create an environment where equality and diversity is valued and its employees and customers are treated fairly and on a equitable basis
- Integrate equality and diversity within The Academy's Strategic and Corporate Objectives

- Promote equality and diversity in the workplace and in providing services to the community
- Take steps to ensure that staff are not discriminated against, harassed, abused, intimidated or victimised by service users
- Deter discrimination by making it clear to all that discrimination is unacceptable and will be treated as a serious matter and in appropriate cases dealt with within the Disciplinary Policy.
- Provide training to managers and employees to ensure that The Academy's commitment to equalities and diversity is known and understood
- Provide appropriate training and guidance to support Managers and employees in fulfilling their individual responsibilities under this policy
- Monitor organisational and employee performance and evaluate these against equalities objectives identified within the Corporate/Directorate Equality Plans
- Work in partnership with employees and unions promoting equality and diversity

Managers will:

- Demonstrate commitment to the policy by identifying and reducing inequalities through their service plans
- Be responsible for the implementation and monitoring of the policy within their service areas
- Ensure that the policies and strategies are communicated to all employees and allow for discussion and feedback
- Help create a working environment which is free from discrimination, including harassment, victimisation and bullying
- Ensure that all employees understand their responsibilities i.e. any form of discrimination will not be tolerated and will be treated as a serious offence which could lead to disciplinary action, up to and including dismissal
- Effectively manage and deal promptly and thoroughly with any complaints of discrimination including harassment, victimisation and bullying

- Deal promptly with complaints of inequality from customers, members of the community and employees and ensure the matter is investigated thoroughly and any other steps taken
- Consider their actions and ensure that there is no scope for discriminatory practices. They must ensure fairness and equality of treatment in all employment practices e.g. to assess the performance and potential of any individual merit and without regard to stereotypes and assumptions
- Attend Equality and Diversity training to ensure that The Academy's commitment to equalities and diversity is known and understood

Employees will:

- Ensure that they understand the policy and its implications i.e. that any breach of the policy will be treated seriously and may lead to disciplinary action not excluding the sanction of dismissal
- Ensure that they do not discriminate in any matter of employment or service provision / delivery by treating both colleagues and customers fairly and equitably and respectfully
- Ensure that they work towards equality targets set within their Performance Development Review (PDR) and report any factors which may hinder these being met
- Attend Equality and Diversity training to ensure that The Academy's commitment to equalities and diversity is known and understood
- Not discriminate against, harass, abuse, intimidate or victimise other employees or service users
- Take appropriate action if there are apparent breaches to the policy, or report the breach to their line manager or refer to The Academy's Whistleblowing Policy.

Trade Unions

The Academy recognises that the Trade Unions share its objectives of eliminating discrimination and promoting equality and diversity initiatives/programmes. Therefore, The Academy encourages Trade Union involvement in promoting equality of opportunity in Havering and participation in Corporate/ Directorate Equality

Groups and joint initiatives and regards this as a matter for full consideration and commitment.

3. ACTION TO PROMOTE EQUALITY IN EMPLOYMENT

Under the Public Sector Equality Duty, public sector organisations (including local authorities) have a duty to promote equality of opportunity and eliminate unlawful discrimination and foster good relations between groups in the course of carrying out all of their functions.

In implementing this policy, The Academy recognises that every person is an individual who will have different and specific requirements. There may also be times when people identified within specific groups may experience discrimination and be disadvantaged by society, therefore we will promote the following actions:

3.1. Women and men

The Academy is opposed to discrimination on the basis of gender and recognises the social structures that deprive women of opportunities to realise their full potential. This policy aims to improve the opportunities available to women. Women and men will be encouraged to apply for all jobs unless there are genuine occupational qualifications which restrict a job to one gender as defined by law.

Where either gender is under-represented at specific pay grades or job roles, The Academy will provide encouragement to the under-represented gender to apply for such jobs.

It will also create more equal access by providing personal development opportunities to equip potential candidates with the skills to apply for those jobs.

The Academy will ensure that its employment practices are designed to support women and men who have responsibilities for children and dependents whilst ensuring an effective and efficient workforce. Flexible working systems will be promoted to support people with responsibility for dependents.

3.2. Gender identity and reassignment

The Academy will take necessary measures to prevent discrimination against employees or potential employees on the grounds of gender identity/ reassignment in accordance with the Equality Act 2010.

The Academy recognises that changing one's gender has implications for attendance if requiring time off work for medical or surgical procedures, for access to some

facilities, services and benefits and for how complaints of discrimination are reported and investigated.

An individual does not need to be undergoing medical supervision to be protected. So, for example, a woman who decides to live as a man without undergoing any medical procedures would be covered.

Employees who propose to start or who have completed a process to change his or her gender will receive positive support from The Academy to meet their particular needs and The Academy will ensure that those who have undergone, or who are undergoing, gender reassignment, are treated in all respects as the gender in which they live.

3.3. Marriage and civil partnership

Assumptions should not be made that partners of employees are of the opposite sex. Civil partners are entitled to the same employment rights and benefits as those of married couples. The Academy extends those rights and benefits to the same-sex partners regardless of whether they are civil partners or not, except where the law or the arrangements of other agencies do not permit such equal treatment. Whilst single people are not specifically protected under the Equality Act, The Academy will treat all employees consistently and fairly regardless of their relationship status.

3.4. Disabled people

It is unlawful to discriminate against employees because of a physical or mental disability or to fail to make reasonable adjustments to accommodate an employee with a disability.

The Academy will not tolerate discrimination, harassment or victimisation against employees with a physical or mental disability or associated conditions. E.g. HIV / Aids related conditions.

- Recruitment

Disabled people will not be barred from selection on grounds of their disability nor will disability in itself be acceptable as a reason for dismissal from any Academy job. The Academy will take reasonable steps to provide and adapt premises, facilities or equipment to meet the needs of disabled people.

Positive steps will be taken to attract disabled people to Academy jobs through efficient operation of the 'two tick' scheme, (this means disabled applicants that

meet the minimum criteria will be offered an interview) and other Academy initiatives.

The Academy will take steps to eradicate any oppressive attitudes towards disabled people among the workforce and run training courses to this end.

- Reasonable adjustments

Under the Equality Act employers must make 'reasonable adjustments' to the workforce and to employment arrangements so that disabled people are not placed at an unfair disadvantage to their colleagues.

Reasonable adjustments may include *adjustments to the workplace*, including special or adapted equipment, furniture and software and hardware to improve work stations, access or layout, *adjustments to working arrangements* such as allowing an employee to be absent from work for rehabilitation treatment and/or *adjustments to the job* such as providing alternative work.

Managers are responsible for ensuring employees have the appropriate equipment and support to enable them to carry out their work safely and efficiently. Managers should be aware of the needs of their employees and take a proactive and anticipatory approach to reasonable adjustments. Alternatively, employees may themselves request a reasonable adjustment.

Managers are required to make reasonable adjustments from their service budgets and there are also opportunities for external funding in some cases. Provision of reasonable adjustments should not be seen as an extra financial outlay either when recruiting employees or providing support to existing employees.

The Academy is committed to making buildings, sites and external environments, accessible where this is possible. The Academy considers accessibility within the design of each new building or development. Whilst The Academy is required to design an accessible environment under Building Regulations, it strives to provide greater accessibility than the legislation demands. The Academy is committed to maintaining access to existing buildings, sites and external environments where this is possible.

Every opportunity will be taken when undertaking refurbishments or routine maintenance to introduce improvements such as colour/tone contrast on doorways, better lighting or flooring that is easier for wheelchair users.

The Academy recognises that the solution to lack of access to a building or physical feature is not always a physical adjustment. For example, adjustments to working practices or technology may provide alternative access to services.

3.5. Race and

Nationality

The Academy recognises that Havering has a multi-racial and multi-cultural population with a diversity of cultures and religions.

It acknowledges the existence of institutional racism and accepts that it can be seen or detected in the process, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.

The Academy will not tolerate any form of racism, defined as conduct or words or practices which disadvantage or advantage people because of their colour, culture, ethnic origin or nationality. Steps will be taken to eradicate all forms of unwitting prejudice and racist stereotyping within the structures of the organisation, and in its processes policies and practices.

Incidents of racial harassment including verbal or physical abuse or attack against colleagues or members of the public will be dealt with under the grievance and disciplinary procedures.

Within this policy, a racist incident as defined as any incident which is perceived to be racist by the victim or any other person.

The Academy will take steps to eradicate any racist attitudes towards people from minority ethnic backgrounds in the workplace and will run training courses to this end.

3.6. Religion or belief

The Academy does not give preference to any one religion or belief over any other or to people with no religion or belief. The Academy recognises that a wide variety of religions and beliefs are represented in the workforce and will seek to ensure the availability of facilities and opportunities for worship for employees.

There are some employees who have particular needs for time off in relation to religious or cultural observance.

All employees who need time off for religious or cultural observance are entitled to request the following:

Flexibility in the arrangements of shifts, rotas and working hours; Annual leave, flexi leave or unpaid leave.

Managers will be sympathetic to requests and will try to accommodate them where practicable, subject to the needs of the service and consider facilities for prayer and other religious observance.

3.7. Age

The Academy recognises that inaccurate assumptions based on prejudice and stereotypes are often made about the abilities and characteristics of younger and older people, which adversely affect them. It acknowledges that discrimination against people exists because they are 'too old or too young.'

Action will be taken to combat this discrimination and to afford equality of opportunity for older and younger people. Age related criteria will not be used in recruitment or development and training decisions. The Academy is committed to the removal of all age discrimination for and in employment.

With effect from 1st October 2011, The Academy will not have a defined retirement age for employees.

3.8. Sexual orientation

Assumptions should not be made about an employees sexual orientation. The Academy recognise that lesbian, gay, bisexual and transsexual people experience very different forms of oppression. A person's sexuality is not a matter which The Academy will take into account in determining suitability for recruitment.

The Academy will take steps to eradicate any homophobic and or inappropriate attitudes in relation to the sexual orientation or perceived sexual orientation of people in the workplace and will run training courses to this end.

Incidents of harassment including verbal or physical abuse or attack against colleagues or members of the public will be dealt with under the grievance and disciplinary procedures.

3.9. Pregnancy and maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. The Academy will not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

Employees who propose to start or who have started a programme of fertility treatment to become pregnant will receive positive support from The Academy to meet their particular needs.

The Academy will consider the full range of flexible working arrangements and support facilities for employees returning to work from maternity leave. The needs of breastfeeding employees should be taken into account and facilities provided where possible.

3.10. Other forms of discrimination

The Academy recognises that other forms of discrimination exist which have not been specifically dealt within this policy and commits itself to the general principle for fairness, justice and equality. It will seek to apply this principle to every area where inequality is identified.

3.11. Recruitment and selection

The Academy's recruitment procedures have been designed to reach eligible candidates from all sections of the community, encourage applications from suitable candidates and ensure a fair and transparent selection process based on the requirements of the job advertised.

These requirements will be identified from a pre-determined Job and Competency/Person profile, copies which will be made available to all candidates. The job and competency/person profile will be prepared with care so that they do not indirectly discriminate against any section of the community.

All job and competency/person profiles should include a reference to equalities. These will be different for different jobs. For example it might relate to the aspect of the job which covers:

- Working with service users or customers
- Supervising or managing staff;
- Promoting the organisation;
- Recruiting and selecting staff and/or trainees; and
- Training and developing staff/or trainees

All candidates will provided with an Equalities Monitoring Form.

The Academy will ensure that any employee involved in any stage of the recruitment process is thoroughly briefed and trained in the delivery of this policy.

3.12. Training and career development

The Academy will provide resources for equalities training of all employees, giving priority to key supervisory and management decision makers, and all those dealing directly with the public, to promote equalities and combat all forms of discrimination.

The performance development process will assist employees to identify plans for their own training and development needs. Encouragement will be given to career paths, which fall outside traditional stereotyped roles.

3.13. Terms and conditions of service

It is a condition of service that all Academy employees should adhere to the Equalities in Employment Policy. All service conditions will be reviewed, in consultation with trade unions, to ensure that they adequately provide for the needs of the employee outlined in this policy.

Acts against colleagues or members of the public, whether verbal or physical, which after investigation prove to be discriminatory, are acts of misconduct which will lead to disciplinary action.

The mode of dress and presentation of Academy employees will be restricted only on the grounds of health and safety, decency, security and suitability or where The Academy provides an appropriate form of clothing or allowance for an appropriate form of clothing.

Display of inappropriate materials such as pornography or hate speak which are offensive, will be regarded as a disciplinary offence.

3.14. Monitoring

The effectiveness of the policy can only be judged by using information about how it is operating.

The Academy will use a monitoring system to collect data and allow assessment to be made by The Academy, trade unions and the groups covered by this policy on the progress made in putting this into action.

The monitoring system will establish the extent to which people of a particular race, ethnic or national origin, women, disabled people and other disadvantaged groups are represented in occupational and salary/wage grouping and training and management and development activities.

The monitoring system depends on information available, therefore all employees and job applicants will be asked to indicate their ethnic origin and whether they are disabled on a self classification basis. The reasons for monitoring will be made clear to all applicants.

The giving of this information will be entirely optional, but The Academy will encourage co-operation to assist in monitoring progress of its equalities programmes.

No information obtained as part of the monitoring of equality in employment, which may identify individuals, will be given to any organisation outside The Academy unless required by law.

3.15. Complaints

The Academy will take seriously and will deal effectively with all complaints on grounds of race, religion or belief, ethnic or national origin, disability, age, marital status, sex, sexuality or responsibility for dependents.

Anyone who makes a complaint or who gives evidence will not be victimised, treated less favourably than other employees or treated as if they are over-sensitive about discrimination.

Complaints by employees arising from this policy will be dealt with using the existing Academy's Grievance Policy and / or The Academy's Complaints Policy whatever is most appropriate. Such behaviour or alleged behaviour will be taken seriously, investigated thoroughly and in appropriate cases dealt with within the Disciplinary Policy.

People and Change will report to The Academy annually on the numbers of complaints and grievances received and the degree to which the operation of these procedures is satisfactory. This information will be published as part of The Academy's Single Equality Scheme.

If employees need further support they should contact:

- Their Line Manager
- Their Trade Union Representative

4 : PROTECTED CHARACTERISTICS

4.1. What are the Protected Characteristics?

The Equality Act 2010 has brought together many previous equality related legislation into one act. It identifies 9 Protected Characteristics and the Act provides protection from unlawful discrimination in respect of these characteristics.

The Characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

□ Age

People of all ages are protected. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified. Justification means demonstrating that is a proportionate means of meeting a legitimate aim. Age is the only characteristic that allows employers to justify direct discrimination.

□ Disability

A person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities, which would include things like using the telephone, reading a book or using public transport.

Employers **must** make reasonable adjustments for employees to help them overcome any disadvantage resulting from an impairment (e.g. by providing assistive technological support to help a visually impaired person use a computer effectively).

Employees are also protected from discrimination arising from disability. This means that it is unlawful discrimination to treat a disabled person unfavourably because of something connected with their disability where it is known that you could reasonably have been expected to know that someone had a disability (e.g. a tendency to make spelling mistakes arising from dyslexia). However, it may be justified if you can show that it is a proportionate means to a legitimate aim.

Indirect discrimination now also covers disability. That means care should be taken not to place a requirement on a job that places a person with a disability at a particular disadvantage.

It is also unlawful to ask about a candidate's health or attendance record before offering them a job during recruitment.

□ Gender identity and reassignment

A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The person does not have to be under medical supervision.

□ Marriage and civil partnership

It is unlawful for employers to discriminate against employees who fall into one or other of the categories. Employers must treat civil partners in the same way as married people in a wide range of matters, including employment and vocational training. Any benefits given to married employees must also be offered to civil partners, including flexible working, statutory paternity pay, paternity and adoption leave and survivor pensions.

□ Pregnancy and maternity

A woman is protected from discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave. Pregnancy related illness cannot be taken into account when making decisions about employment.

□ Race

This means that a person is protected against discrimination on the basis of their race, colour, nationality and ethnic origin or national origin.

□ Religion or belief

Employees and job seekers are protected if they have a faith or if they have no particular faith. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief or lack of such belief.

To be protected a belief must satisfy various criteria i.e. it is a weighty and substantial aspect of human life and behaviour. Dominations or sects within a religion can be considered a protected religion or religious belief.

Discrimination can occur even when both the discriminator and the recipient are of the same religion.

□ Sex

Men and women are protected from discrimination

□ Sexual orientation

Lesbian, gay, bisexual, heterosexual and people are protected from discrimination.

4.2. What is Discrimination?

The Equality Act 2010 aims to protect individuals whether as an employee or as a user of services. The purpose is to ensure that everyone has a right to be treated fairly at work and when receiving services.

It protects people from discrimination on the basis of the 9 protected characteristics detailed above and the protection provided varies slightly dependant upon whether the person is a worker or using a service.

□ Direct discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic they have, or thought to have, or because they associate with some one who has a protected characteristic.

□ **Discrimination by association**

This applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

□ **Perception discrimination**

This applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular characteristic.

This applies even if the person does not actually possess the protected characteristic.

□ **Indirect discrimination**

This applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex, marriage and civil partnership.

This occurs when you have a condition, rule, policy or practice that applies to everyone but is particularly disadvantageous to people who share a protected characteristic.

Indirect discrimination can be justified if you can show the requirement is proportionate means of achieving a legitimate aim. Proportionate means being fair and reasonable and demonstrating you have considered less discriminatory alternatives to any decision.

4.3. What is harassment?

Harassment is '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, degrading, humiliating or offensive environment for that individual'.

This applies to race, religion or belief, sexual orientation, age disability, gender reassignment and sex. Employees will be able to complain about behaviours that they find offensive even if it is not directed at them personally. Additionally the

complainant does not need to possess the relevant characteristics themselves. Employees are also protected against harassment because of perception and association.

□ Third party harassment

This means an employer is potentially liable for harassment of an employee by people (third party) not employed by them such as clients or customers. Liability only arises once you have not taken steps to prevent it happening again. It applies to race, religion or belief, sexual orientation, age, disability, gender reassignment or sex.

4.4. What is victimisation?

This is when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or because they are suspected of doing.