

# Equal Opportunities Policy & Public Sector Equality Duty



## ST CLARE

Catholic Multi Academy Trust



## St Thomas of Canterbury School

Mission Statement: To nurture curiosity for every child, every day, within a community acting as a beacon of the Catholic faith.

Adopted by St Clare Trust Board; Jan 2022

Next review by St Clare Trust Board; Jul 2023

Public Sector Equality Duty (Appendix A): Reviewed December 2022

Next Review: by December 2026

## ST CLARE CATHOLIC MULTI-ACADEMY TRUST

### EQUAL OPPORTUNITIES POLICY

**This Equal Opportunities Policy has been approved and adopted by St Clare Catholic Multi-Academy Trust for use in all its academies.**

#### DEFINITIONS

In this Equal Opportunities Policy, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Academy' means any academy operated by St Clare Catholic Multi-Academy Trust and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- ii. 'Board' means the board of Directors of the Trust.
- iii. 'Headteacher' means the most senior teacher in the Academy who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Principal.
- iv. 'Local Academy Committee' means the body carrying out the employment functions of the Trust in relation to the Academy.
- v. 'Trust' means St Clare Catholic Multi-Academy Trust, which is the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.

#### **1. Equal opportunities statement**

- 1.1 The Trust is committed to promoting equal opportunities in employment. Subject always to paragraph 1.2, all staff and/or any person applying for a role with the Trust will receive equal treatment regardless 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**).
- 1.2 **Section 124A School Standards and Framework Act 1998**, and our Articles of Association, permit us, as an independent school with a religious character, to give preference in connection with the appointment, promotion or remuneration to teachers whose religious opinions are in accordance with the tenets of the Catholic religion; who attend religious worship in accordance with those tenets; or who give, or are willing to give, religious education in accordance with those tenets.
- 1.3 The Trust complies with the Bishops' Memorandum on Appointment of Staff in Catholic Schools, mandated by the Bishops of England and Wales, which requires that:

“As a minimum requirement the Bishops expect that the posts of Head Teacher or Principal, Deputy Head Teacher or Deputy Principal and Head or Co-ordinator of Religious Education are to be filled by practising Catholics.

The principle to be applied is that this minimum requirement will apply to the most senior leadership post i.e. the person with overall responsibility for the day to day management of the school, and the person who is the second most senior person in the leadership team”.

1.4 The Trust’s academies strong and historic Catholic Ethos, Gospel Values and community involvement lead them to be committed to creating and sustaining an environment of mutual tolerance, respect, dignity and good relations.

1.5 Gospel values commit the Trust’s academies to protect vulnerable groups and guard against unlawful discrimination, harassment and victimisation.

## **2. About this policy**

2.1 This policy sets out our approach to equal opportunities and the avoidance of unlawful discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment subject always to paragraphs 1.2 and 1.3.

2.2 This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.

2.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **3. Who is responsible for this policy?**

3.1 The Local Academy Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility for this policy has been delegated to the Headteacher.

3.2 All managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice as well as training on recruitment in a Catholic context. The senior manager responsible for training in each academy can be found in the academy appendix. That person has overall responsibility for equal opportunities training.

## **4. Discrimination**

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

4.2 The following forms of discrimination are prohibited under this policy and are unlawful:

- (a) **Direct discrimination:** treating someone less favourably because of a Protected Characteristic.
- (b) **Indirect discrimination:** a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others and is not justified.
- (c) **Harassment:** this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which 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 our Anti-harassment and Bullying Policy.
- (d) **Victimisation:** retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
- (e) **Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

## 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 unlawful discrimination. Shortlisting should be done by more than one person and with the involvement of HR, where possible.
- 5.2 Vacancies should generally be advertised to a diverse section of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying subject always to our legal right to prefer Catholic applicants for teaching posts in our academies.
- 5.3 We take steps to ensure that our vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in our organisation.
- 5.4 Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic unless permitted by law. For example, applicants should not be asked whether they are pregnant or planning to have children but as a Catholic Trust, we are permitted to ask questions about Catholicity, and Catholic practice, as part of our recruitment procedures.
- 5.5 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 approval of the Human Resources Department. For example:
  - (a) Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
  - (b) Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
  - (c) Positive action to recruit disabled persons.
  - (d) Questions to assess an applicant's fitness to practice in accordance with The Education (Independent School Standards) Regulations 2014.

- (e) Equal opportunities monitoring (which will not form part of the selection or decision-making process).

Where necessary, job offers can be made conditional on a satisfactory medical check.

- 5.6 We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should 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 UK Visas and Immigration.
- 5.7 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' Protected Characteristics using the Catholic Education Service's Recruitment Monitoring Form 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 us take appropriate steps to avoid unlawful discrimination and improve equality and diversity.

## **6. Training and promotion and conditions of service**

- 6.1 Training needs will be identified through regular appraisals. You will be given appropriate access to training to enable you to progress within the Trust and promotion decisions will usually be made on the basis of merit subject always to our right to prefer Catholic teachers for promotion opportunities where appropriate.
- 6.2 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all of you who should have access to them and that there are no unlawful obstacles to accessing them.

## **7. Termination of employment**

- 7.1 We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.
- 7.2 Subject to our legal right to have regard to any conduct which is incompatible with the Trust's and/or Academy's Catholic character in connection with the termination of employment of teaching staff (as per Section 124A(3) School Standards and Framework Act 1998), we will apply disciplinary procedures and penalties without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## **8. Disabilities**

- 8.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.
- 8.2 If you experience difficulties at work because of your disability, you may wish to contact your line manager or HR to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager or HR may wish to consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs

within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.

- 8.3 We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

## **9. Part-time and fixed-term work**

Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

## **10. Public Sector Equality Duty**

- 10.1 The Public Sector Equality Duty requires the Trust's academies to publish information about equalities. The Equality Act 2010 clearly defines the Protected Characteristics and those individuals and groups have direct protection from the framework of the Public Sector Equality Duty (PSED).

- 10.2 The three aims of the general Public Sector Equality Duty are to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- (b) Advance equality of opportunity between people who share a Protected Characteristic and those who do not.
- (c) Foster good relations between people who share a Protected Characteristic and those who do not.

- 10.3 Each academy has its own report on the ways that it meets the Public Sector Equality Duty which can be found below in Appendix A.

## **11. Breaches of this policy**

- 11.1 We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Policy and Procedure. Serious cases of deliberate discrimination which is not justified may amount to gross misconduct resulting in dismissal.

- 11.2 If you believe that you have suffered discrimination you can raise the matter through our Grievance Resolution Policy and Procedure or through our Anti-harassment and Bullying Policy as appropriate. Complaints will be treated in confidence and investigated as appropriate.

- 11.3 There must be no victimisation or retaliation against staff who complain about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Policy and Procedure.

## EQUALITY DUTY

### 1. Introduction

The Equality Act 2010 (the Act), which replaces the previous anti discrimination laws with a single Act, came into force on 1 October 2010.

A key measure in the Act is the **Public Sector Equality Duty**, which came into force on 5 April 2011. The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all.

The aims of the Equality Duty are to:

- **Eliminate unlawful discrimination**, harassment and victimisation and any other conduct prohibited by the Act
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it
- **Foster good relations** between people who share a protected characteristic and people who do not share it

### 2. Protected characteristics

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
- Pregnancy and maternity
- Race including ethnic or national origins, colour or nationality
- Religion or belief – this includes lack of belief
- Sex/Gender
- Sexual orientation

The Equality Act makes it unlawful to treat someone differently through direct and indirect discrimination, harassment, and victimisation and by failing to make a reasonable adjustment for a disabled person.

Age applies to the school as an employer, but not with regard to the treatment of pupils and prospective pupils.

### 3. Public Sector requirements

- **To publish relevant information regarding compliance with the duty.** The school decides what information is relevant and can also reference other information, either the school's or other publicly available data, without the

need to reproduce it. This information must be published annually.

- **To set and publish equality objectives.** These also are to be decided by the school. The objectives must be reviewed every four years.

#### **4. School Approach to the Equality Duty**

The Equality Act's provisions cover all aspects of school life such as the treatment of:

- pupils and prospective pupils
- parents and carers
- employees
- the local community

#### **5. Leadership**

Within the school all **staff and Governors** are responsible for ensuring that the school meets its duties under the Equality Act 2010.

#### **6. Eliminating harassment and bullying**

The school will not tolerate any form of harassment and bullying of pupils or staff.

#### **7. Training**

The school will provide relevant training, using all suitable delivery methods. **8.**

#### **Procurement and Contractors**

Steps will be taken to ensure that contractors working at the school operate within the requirements of the Equality Statement.

#### **9. Visitors to the School**

Steps will be taken to ensure that all visitors to the school, including parents, act within the requirements of the Equality Statement.

#### **10. Publishing the Statement**

The Equality Statement will be published on the school website; a paper copy will be available on request.

#### **11. Reporting on progress**

The school will report progress against the Duty through its regular reporting mechanisms.

#### **12. Reviewing and Revising the Equality Statement**

The school will review and revise the Equality Statement at least every four years.



### **13. Equality Objectives**

- That all pupils reach their potential
- That the school will promote fair access to appropriate development opportunities for all staff
- That the school will seek the views of members of the school community including pupils, parents, staff and the wider community, in order to inform its ongoing planning and review process

These objectives will be reviewed with the rest of this document as part of the cycle of the Umbrella Policy Committee's review of policies. Review of the objectives will take into account priorities generated through the school's ongoing review cycles, which are informed by the collection of data including the views of pupils, parents and members of staff.

### **14. List of school policies and procedures which relate to the Equality Duty**

The following school policies and procedures are relevant to the school's approach to ensuring the aims of the equality duty are met:

- Special Educational Needs Policy
- Behaviour Policy
- Charging and Remissions Policy
- Curriculum Policy
- Equal Opportunities Policy
- Absence Management Policy, including Leave of Absence for Religious Observance
- Accessibility plan
- Staff Code of Conduct
- Governor Code of Conduct

When these policies are reviewed, consideration will be given to the aims of the Equality Duty and more generally to the school's commitment to value all people equally

In order to ensure that this is done, a copy of points 1 & 2 from this document will be included with any of the above policies when they are due for review as a reminder of the need to consider the impact of these policies in promoting equality.

### **15. Data relating to the school's adherence to Equality Duty**

The following is a list of the data which the school will publish annually in line with

the Equality Duty:

- Reference to RaiseOnline with the relative performance of different groups of pupils in school
- A summary of behaviour data, including exclusions, broken down by characteristics
- A report showing the structure of current staff by characteristic (gender, race, etc) where that information is available
- A report of specific complaints/incidents of bullying related to age, race, religion, gender or sexuality, including a nil response
- A reference to any sections of the school Self Evaluation Form which provide evidence of the way in which the school has promoted equality, and/or important actions agreed which relate to promoting equality during the year

This information will be published as part of the Headteacher's report to Governors at the Spring Term meeting of the Full Governing Body.