



# Plymouth CAST

Multi Academy Trust, Diocese of Plymouth

## Equal Opportunities Policy

Guidance on the application of this policy can be obtained from Plymouth CAST HR

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Policy adopted by Plymouth CAST Board of Directors at the meeting dated:

11<sup>th</sup> October 2017.

Signed 

(Chair)

Review Cycle: Annual

Next Review Date: October 2018

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## 1. Introduction

- 1.1. Plymouth CAST is committed to encouraging and achieving a working environment which is underpinned by fairness to all individuals, where equality and diversity is recognised, encouraged and valued, and the concept of individual responsibility is accepted by all.
- 1.2. Plymouth CAST expects all its employees to recognise their obligations to their school, the public, pupils and other employees and to provide consistently high standards of education and performance at all times and in accordance with Plymouth CAST's mission and ethos.

## 2. Purpose

- 2.1. To achieve high quality and efficient education and good employee relations this policy commits Plymouth CAST to being an equal opportunity employer and aims to:
  - 2.1.1. set out the framework for a clear and consistent application of the equal opportunities legislation across Plymouth CAST.

## 3. Scope and Eligibility

- 3.1. This policy applies to all employees directly employed by Plymouth CAST.
- 3.2. The policy also applies to directors, governors, volunteers, contractors, consultants, temporary employees and agency workers. Where the wording in this policy refers to 'employee' this can be substituted to include the categories of person mentioned.
- 3.3. This policy covers the actions of third parties such as suppliers, service providers, and clients, as well as our staff. Should you have concerns about a third party, you are encouraged to raise them with us before approaching anyone else.

## 4. Responsibilities

- 4.1 At individual Academy level, the day to day operation of each Plymouth CAST school is the responsibility of each Local Governing Body and this is discharged through each school's Senior Management Team. It is important that pupils, staff, parents and local stakeholders recognise and support this. However, ultimate accountability for Plymouth CAST as a whole multi-Academy Trust rests with the Plymouth CAST Board. Therefore any decisions that have an impact on resources, such as staffing, structures, or compliance must be referred to the Plymouth CAST Board if they exceed delegated authority. This is essential to

ensure that the legal obligations of Plymouth CAST are met and that the Trust maintains robust systems and processes that deliver effective governance.

- 4.2. It is the School Improvement Officer's responsibility to work closely with the Local Governing Body and management team to ensure everyone concerned has a full and accurate picture of each school's strengths and any areas for improvement. School Improvement Officers will work with schools to identify strategies for improvement, with support, where appropriate, from within the Plymouth CAST network.
- 4.3. It is the role of Plymouth CAST HR to provide clear HR policies and procedures and where appropriate guidance, to support schools in the delivery of consistent and high standards of performance within a dignified working environment, in which all employees can take pride and enjoyment in their work.
- 4.4. Management and employee representatives who may be involved in responding to queries or potential breaches, should be competent for the task and should be familiar with the provisions of the Equal Opportunities Policy.
- 4.5. Advice must be sought from Plymouth CAST HR and/or the School's Improvement Officer regarding any concerns over potential breaches of this policy.

## 5. Policy Overview

- 5.1. This policy should be read in conjunction with Plymouth CAST's policy on harassment and bullying, and grievance procedure.
- 5.2. All aspects of employment are covered by this policy. These include, but are not restricted to, the following:
  - terms and conditions of employment
  - pay
  - training and continuing professional development
  - recruitment processes
  - promotion policies
  - procedures for appraisals
  - procedures for addressing grievances and disciplinary matters
  - ending the employment contract
  - providing outgoing employees with references
  - how visitors are treated
  - how any other suppliers, service providers and clients are treated.

## 6. Our Equal Opportunities Commitment and Aims

- 6.1. Plymouth CAST will not tolerate discrimination or harassment and are fully committed to promoting equal opportunities in employment. Our staff and anyone applying for a position within Plymouth CAST will receive fair and equal treatment.
- 6.2. This policy is underpinned by the following further commitments and aims:
- a working environment free from all forms of unlawful discrimination, including victimisation and harassment
  - a workforce that is confident of being treated fairly and equally throughout the employment relationship
  - a workplace capable of allowing everyone to achieve their highest potential
  - a Plymouth CAST-wide understanding of the message promoted by this policy
  - a commitment to ensuring all staff understand their rights and responsibilities
  - a policy of ensuring employment opportunities are open to all qualified candidates so that we recruit from the largest possible pool of available talent and recruit the best-qualified staff
  - a commitment to creating a workforce based on ability that also mirrors the multicultural composition of the local community
  - a commitment to regularly review this policy and our workplace practices to identify issues and eliminate any unlawful discrimination or other unacceptable behaviour we may find
  - a commitment to protecting staff from being victimised or treated less fairly if they make a complaint in good faith under this policy.

## 7. How We Define Discrimination

- 7.1. The following examples are a description of the types of acts that may breach this policy and be unlawful. Sometimes actions can be intentional, and sometimes unintentional.
- when somebody is treated less favourably because of a protected characteristic than somebody else has been — or would have been — in

identical circumstances, then this is **direct discrimination**. Rejecting a job applicant because of their beliefs would, for example, amount to direct discrimination.

- when a group of people with one of the protected characteristics is put at a disadvantage by a provision, practice or criteria applied to all staff, this is **indirect discrimination**
- directly discriminating against someone because they associate with another person who possesses a protected characteristic is known as **associative discrimination**. For example, an employee may be overlooked for job promotion if the employer believes that they will not be able to dedicate time to their job if they are caring for a disabled dependant. This would amount to discrimination because of the employee's association with a disabled person.
- when a hostile, humiliating, degrading or similarly offensive environment is created in relation to a protected characteristic, this is **harassment**. Plymouth CAST also consider it harassment for a worker to be subjected to uninvited conduct related to a protected characteristic, that, as an intended or unintended consequence violates their dignity.
- when a worker has complained about harassment or discrimination, or supported a colleague in their complaint, it is **victimisation** if they are then treated less favourably.

7.2. The 'protected characteristics' are:

- age
- race (which includes ethnic and national origin)
- disability
- religion or belief
- gender
- gender reassignment
- pregnancy or maternity
- sexual orientation
- marital or civil partner status.

7.3. There are other actions which are illegal under the equal opportunities legislation, and these are collectively labelled **other acts**. Examples include:

- instructing another person, or applying pressure on them, to discriminate

- knowingly assisting somebody else when they carry out a discriminatory act
  - discriminating against somebody believed to have a protected characteristic, whether or not they actually do, or because they associate with a third party who does.
- 7.4. There are practices which, although they appear to breach the aims of this policy, are in fact justifiable on objective and operational grounds. These are called **lawful practices**. If you are not sure whether some aspect of workplace behaviour you have experienced or witnessed is discriminatory or a lawful practice, please ask your manager or Plymouth CAST HR for clarification.

## 8. How We Carry Out Our Responsibilities and Duties

- 8.1. Both management and staff are essential for ensuring the success of this policy and each has their own duties and responsibilities. We all have a legal responsibility to comply, and any of us, management and staff, may be found personally liable for unlawful discrimination if we breach the terms of the policy.
- 8.2. Overall responsibility for the effective implementation and operation of the policy lies with management, specifically with the Board of Directors, Local Governing Body (in a school setting) or Senior Leadership Team. Everyone working at managerial level is expected to act in full accordance with this policy, lead by example, and attain and maintain appropriate standards of behaviour within the teams they manage.
- 8.3. We will carry out an Equality Impact Assessment of each of our policies. This will ensure all our policies adhere to relevant equalities legislation, encompass the spirit of our commitment to equality and mitigate against any risk of inequality arising from them.
- 8.4. The ethos and standard covered by this policy can only be achieved and maintained if all staff also co-operate fully. It is important to understand that you also have a legal responsibility to comply. If you breach this policy, you may also make Plymouth CAST liable for your actions. Both of us may have to pay compensation to anyone who claims against us. We expect you to take personal responsibility for adhering to the policy's aims and commitments and for drawing any breaches to our attention.
- 8.5. We encourage all staff to take part in promoting equal opportunities across Plymouth CAST. Please contact your Manager, Head teacher, Human Resources or Trade Union Representative, if you have any ideas about how we could do this better.

## **9. How We Recruit, Promote, and Make Other Selections**

- 9.1. Recruitment, promotion and other types of selection procedures, such as redundancy, will be carried out using non-discriminatory and objective criteria.
- 9.2. Advertisements for vacancies will not include wording that stereotypes in any way or discourages groups of people from applying. Advertisements will be placed where they can reach as wide and diverse a pool of potential candidates as possible. The exception to this will be for the recruitment of the Plymouth CAST CEO, school Head teachers and Deputy Head teachers, where there is a requirement under Canon Law to be a practising Catholic.
- 9.3. Applicants will be invited to complete an equality monitoring questionnaire which will be separated, from the application, before shortlisting. Completion of this questionnaire is voluntary and the data gathered must not be used for selecting or other employment-related decisions. It is recommended to ask whether an applicant requires reasonable adjustments to enable them to take part in an interview.
- 9.4. No-one applying for employment with Plymouth CAST will be asked about their health or whether they have a disability as part of the recruitment and selection process. However, it is acceptable to make job offers dependent on a medical examination.
- 9.5. It is unlawful to ask job applicants anything that might suggest intent to discriminate on the grounds of a protected characteristic.

## **10. How Plymouth CAST Enforces This Policy and Handle Breaches**

- 10.1. Plymouth CAST will investigate any complaint or allegation raised regarding a potential breach of this policy. If you believe you have been harassed or discriminated against you should contact your Manager, Head teacher, Human Resources or Trade Union Representative at the earliest opportunity. To take formal action, you will need to follow Plymouth CAST's Grievance Procedure.
- 10.2. Anyone in breach of this policy will face disciplinary action if we find you have harassed or discriminated against anyone else. This type of behaviour may amount to gross misconduct which will be dealt with under Plymouth CAST's Disciplinary Policy.
- 10.3. Most concerns are raised in good faith, but occasionally someone makes a false allegation out of malice or because they believe they have something to gain. This is classed as a vexatious claim. Anyone found doing this will face action



under our Disciplinary Policy and may be dismissed for misconduct, or even gross misconduct.

**11. Equality Monitoring**

11.1. We may record and analyse information about equal opportunities within the workplace. We use the information to ensure this policy is effective, to review the composition of the workforce and to promote workplace equality.

**12. Review**

12.1. The content of this policy may be subject to revision from time to time following consultation with the recognised trade unions.

12.2. History of Policy Changes

| Date       | Page | Details of the change       | Agreed by  |
|------------|------|-----------------------------|------------|
| 11/10/2017 | All  | Board Approval for adoption | CAST Board |
|            |      |                             |            |
|            |      |                             |            |
|            |      |                             |            |

12.3. Policy to be reviewed by the Plymouth CAST Board in consultation with the JCC in October 2018 or when legislation changes or operational reasons arise.