



# EMMANUEL SCHOOLS FOUNDATION

## Equality & Diversity Policy



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**Approved:** April 2022  
**Next Review:** April 2024  
**Who By:** Trustees

## Introduction

1. Emmanuel Schools Foundation (ESF), and its schools, have a responsibility to all employees to promote a culture of dignity, courtesy, and respect. As a Multi-Academy trust delivering Christian Ethos schools of character for the whole community, we seek to promote those virtues (love, wisdom, fairness, self-control, courage, humility and integrity) that make up good character.
2. Our aim is to observe and uphold the provisions of the **Equality Act 2010** and to eliminate bias and all unlawful discrimination (both direct, indirect, and discrimination by association) in relation to job applicants, employees, our business partners, parents/guardians, students, and other stakeholders.
3. Observing the provisions of the Equality Act 2010 is synonymous with our goals to ensure that our core values are placed at the heart of everything we do and that they provide a foundation for upholding fairness and creating a workplace that is free of bias and unlawful discrimination. We seek to bring our values to life, throughout all our daily activities, and they underpin our belief that we are all created equal.

### **Core Virtues**

- **Love:** We act selflessly, with kindness and compassion, for the good of others.
- **Wisdom:** We exercise good judgement; seeing and doing what is true and good.
- **Fairness:** We treat everyone fairly and justly, the way we would like to be treated ourselves.
- **Self-Control:** We control our desires, not letting our desires control us.
- **Courage:** We are determined to achieve what is worthwhile even in the face of difficulty.
- **Humility:** We avoid arrogance, being realistic about our strengths and weaknesses.
- **Integrity:** We are honest with ourselves and others, so that our words and actions agree

## Scope

4. The scope of this policy, and its associated ways of working, goes beyond immediate colleagues and encompasses:
  - **All existing employees**
  - **All potential employees**
  - **Students, and their parents/guardians**
  - **Business partners (including suppliers)**
  - **Sub-contractors & the self employed**
  - **Workers (as defined by employment legislation, and including agency temps)**
  - **Other stakeholders**
5. Everyone has a role to play and is responsible for challenging questionable behaviour and practice which does not align with our virtues, culture and policy framework.

## Purpose of this Policy

6. In striving to maintain a culture of dignity, courtesy, and respect we seek to:
- Achieve and maintain a workforce that responds to the diversity of our students and their parents/guardians and to society in general.
  - Improve academic standards and quality of teaching and associated services provided by a balanced and productive workforce.
  - Minimise staff turnover, absenteeism, and sickness levels.
  - Create and maintain a working environment which is free from unlawful discrimination (direct and indirect), harassment (including 3<sup>rd</sup> party harassment), victimisation and bullying; and within which such behavior is not tolerated.
  - Ensure that all employees are aware of the types of behaviour that may constitute any of the above by developing awareness of the Equal Opportunities and Diversity Policy through the provision of appropriate training.
  - Recognise the merits of developing a workforce that incorporates the many diverse skills and backgrounds from within the total population and accordingly, strive to become an organisation that recognises, understands and values diversity and provides its employees with genuine opportunities to improve and reach their full potential.
  - Ensure that all applicants for employment are treated fairly during the recruitment process and in accordance with relevant legislation and Codes of Practice.
  - Ensure that all employees understand that harassment, bullying, discrimination, and victimisation is unacceptable and will not be tolerated and that appropriate measures, including disciplinary action, may be taken.
  - Promote a culture and climate in which employees feel confident in bringing forward incidents or complaints of bullying, harassment, and discrimination without fear of victimisation or recrimination.
  - Ensure that allegations are responded to quickly, positively and in confidence and that complaints are investigated in a manner which recognises the sensitivity of the issues raised and respects the rights and confidentiality of those involved, whilst dealing effectively with any malicious or vexatious claims of harassment, bullying or discrimination by taking the appropriate action.
  - Regularly review procedures and selection criteria in recruitment and promotion practices to maintain an environment free from unlawful bias.

## Principles

7. It is both unlawful and unacceptable for any applicant, employee, worker, business partner, student, parent/guardian or other stakeholder to be discriminated against, either directly or indirectly, on such grounds (hereafter referred to as “all grounds for discrimination”) and protected characteristics including **age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation**. Also included are those employees to whom part time or fixed

term status or those having responsibility for children or dependents, or trade union membership; except where an Occupational Requirement exists.

## **Terms & Definitions within the framework of Equal Opportunities & Diversity**

### ***Bullying***

8. Bullying can occur within a number of different workplace relationships; either between individuals and their managers, or within peer or other groups. It usually occurs over a prolonged period and involves persistent, offensive, intimidating, malicious or insulting behaviour. It can be an abuse of power or an unfair sanction that makes the recipient feel upset, threatened, humiliated or vulnerable.
9. Examples of behaviour that may be construed as bullying include “initiation ceremonies”, which cause injury or embarrassment; the continuous use of derogatory/insulting nicknames, public ridicule and humiliation, unconstructive criticism, unrealistic work objectives, constantly changing targets or deliberately sabotaging or impeding work performance. Further examples might include (but are not limited to) physical abuse, spreading malicious rumours; persistent criticism; shouting, swearing and spontaneous rages, often over trivial matters (in public or private).
10. Isolation and exclusion from work-based activities can be a particularly damaging form of bullying or harassment, leading to loss of confidence, and ultimately can affect the work-related performance of the individual concerned. The definition of work-based activities extends to the deliberate exclusion from social activities held away from the Foundation’s premises if such activities are otherwise open.

### ***Harassment***

11. Harassment has a legal definition in the Equality Act 2010 and may be summarised as unwanted conduct related to a protected characteristic which has *the purpose or effect of* violating the dignity of an individual, or creates an intimidating, hostile, degrading, humiliating or offensive environment for the individual. It can take many forms, including physical or verbal abuse, the circulation or display of offensive written or pictorial material, belittling or ridiculing behaviour.
12. The key to the definition of harassment is that it is **unwelcome and unwanted by the recipient**. This means that everyone needs to be sensitive to the way that other people react to the things they say and do. Employees should be mindful of the need to moderate the way they behave towards others, as soon as it is realised that something which has been said or done, may cause offence. Harassment may not necessarily be targeted towards individuals. For example, offensive behaviour such as the circulation or display of sexually explicit material (or other offensive material etc.) can be widely interpreted as a form of harassment by many employees or stakeholders, both men and women.
13. Language or behaviour likely to cause injury, offence, or complaint by any individual, be they employees, business partners, other stakeholders or anyone falling within the group defined within the scope of this policy (paragraph 3 above), may be construed as harassment or discrimination and will not be tolerated. A person does not have to belong to a group, to be offended by sexist, racist or other insulting or offensive behaviour or language. Employees must not condone such behaviour; and similarly, any insulting jokes, words or other derogatory terms or remarks related to a protected characteristic or otherwise will not be tolerated in the workplace.
14. Discrimination and harassment on the grounds of a person’s gender, sexual orientation and gender reassignment or any other protected characteristic has the support of legislation to ensure protection in the workplace. The fact that a person may possess one or more of the protected characteristics (including by association) is no justification for discrimination, harassment (including sexual harassment)

and bullying. Perpetrators will be subject to the same disciplinary action for personal offences, which focus on harassment or discrimination, centred on any of these characteristics.

### ***Victimisation***

15. In accordance with the law, we will not tolerate individuals who may be victimised because of making a complaint or allegation of discrimination, or as a result of giving evidence or information in relation to complaints that have been made.

### ***Display of Offensive Material***

16. It is essential that the organisation's environment including all premises occupied by ESF, are maintained in such a way that colleagues, parents/guardians, business partners, students, visitors, other stakeholders and prospective employees feel comfortable.
17. It is therefore not acceptable to display offensive material in **any area** of our premises (including personal storage areas such as computers, mobile and smart phones, noticeboards, lockers, or desks). We define offensive material as posters, calendars, books, cartoons, magazines, photographs, screensaver, wallpaper, memes, written material or emails, which may be racist, sexist, pornographic or similarly offensive in tone or content and which may cause offence in any way, to anyone.
18. Likewise, films, videos, computer generated or network material of a pornographic, sexist, racist or any other nature that could cause offence, are not to be brought into, viewed, or circulated within Foundation premises (including within the network). Your attention is drawn to the requirement to fully comply with the policy and section of the staff handbook which relates to IT, internet, and email usage and which covers the area of IT in greater detail.
19. The identification of such material should be a matter of common sense. However, it is not a matter for negotiation between employees. If particular materials cause offence to a member of the workforce, visitors, business partners, parents/guardians, students or other stakeholders they should be removed immediately. The test of whether the material concerned is offensive will be the judgement of the person offended.

### ***Direct discrimination***

20. This may occur when making decisions about whether someone should be offered, or not offered a job, because of their age, gender, disability, race, sexual orientation or any of the protected characteristics defined under principles (paragraph 7) or by treating anyone differently because of their gender, race, or other protected characteristic defined under principles (paragraph 7).

### ***Indirect discrimination***

21. This might occur where a policy, criterion or practice applies to everyone, but has a disproportionate and adverse impact on people who share a protected characteristic. For example, setting height requirements which indirectly discriminate against women or those from certain ethnicities. A further example could be a requirement that staff commit to attending the workplace from 8pm to 11pm every evening, which may indirectly discriminate against women who are more likely to be the primary care givers to children. However, where a policy provision, criterion or practice can be shown to be proportionate means of achieving a legitimate aim, such discrimination will be justified. For example, shortlisting only female candidates for a vacancy for a Teacher of Girls' PE.

### **Recruitment & Selection**

22. To ensure all Recruitment and Selection decisions adhere to the specific legislation, the following guidelines should be followed:

- ✓ Vacancies should be advertised so that the widest possible pool of applicants is reached.
- ✓ Ensure procedures and decisions are supported by documentation based on job requirements.
- ✓ Design role profiles and person specifications that are job specific.
- ✓ Ensure that interviews and other selection methods are conducted fairly, consistently, with outcomes recorded, and notes retained for a minimum of 6 months.

### **Job Applications and Interviews**

- ✓ All interviews should be properly conducted, and consideration made to any special requirements a candidate may have to accommodate a disability and to help them give their best.
- ✓ Interviewers should be trained and be equipped with the necessary skills to enable them to collect objective evidence.
- ✓ Use standards or specific criteria consistent with the role. The aim is to undertake a process that is fair and consistently applied so not to unlawfully discriminate.
- ✓ Be aware of cultural differences – for example, it is important to realise that within certain cultures, eye contact may be considered impolite.
- ✓ Ensure that you have full information on the candidate.
- ✓ Adequate and full interview notes must be made to support any decisions.

### **Applicants/Employees with a Criminal Record**

23. We will comply with the requirements of the Rehabilitation of Offenders Act 1974, and will also consider our legal duties with regards to Safeguarding.

### **Training and Development**

24. Access to learning and development opportunities, based on individual and organisational needs, and should be linked to a performance appraisal process that is free from unlawful bias. Documentation relating to participation in learning activities should be completed. If you have responsibility for selecting employees for training, you have a duty not to discriminate on the grounds outlined in this policy. Opportunities for promotion and career progression within the Foundation and its schools will be available to employees depending on job related competencies (as laid down in the agreed role profile) qualifications, abilities, skills training and experience, and in accordance with the future needs of the organisation.

### **Reward and Appraisal**

25. Ensure that all employees have regular appraisals which are properly documented. Reward will be in accordance with the Pay & Appraisal policies set out in the Employment Handbook. for teachers/support staff.

### **Discipline and Grievance**

26. Ensure that all disciplinary and grievance cases are conducted in accordance with the relevant policies and staff handbook:

- ✓ Equal Opportunities and Diversity Policy

- ✓ Grievance Policy
- ✓ Disciplinary Policy
- ✓ Performance Management

### **What happens if you believe you are a victim and make a complaint?**

27. In the spirit of openness, in the first instance, all employees are encouraged to resolve any occurrence of perceived discrimination, harassment or bullying, by talking directly, politely, and unambiguously to the person concerned, who may be unaware that their behaviour is unacceptable.
28. If this informal approach is not possible or does not have the desired effect and the unwanted conduct or behaviour continues, or it is not appropriate to resolve the problem informally, then employees should follow the formal procedure contained in the grievance policy.
29. Speak to your manager, or the Principal, make a note of when you first raise your concerns. Take a colleague with you for support if necessary and ask your principal/manager what steps they will take and when you can expect to hear from them.
30. If you prefer, contact ESF HR directly
31. Avoid discussing your complaint with others if you can, other than a single trusted colleague.
32. Be assured that your complaint will be taken seriously. Whilst your complaint will be treated in confidence, it may be necessary to involve others. You will be advised if this is the case. .
33. Unfounded complaints, which are not upheld but are nevertheless made in good faith, will not be subject to disciplinary action. However, an employee who knowingly makes a vexatious complaint that has no foundation may be subject to disciplinary action.
34. All parties concerned must not to discuss the matters under investigation either with each other or with any other person not directly related to the investigation.
35. Be assured that you will not be ignored or suffer victimisation because of your complaint. All cases of harassment will be monitored.