

Equality and Diversity Policy and Procedure	
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Compliance lead	Director of People, Employee Engagement and PSTE
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## POLICY:

We value people as individuals with diverse opinions, cultures, lifestyles and circumstances. This policy applies to all current employees, students, agency workers, trustees, contractors, consultants, trainees, volunteers, visitors, apprenticeships, homeworkers, part-time and fixed-term employees, customers and job applicants (collectively referred to as 'staff' in this policy) for all aspects of our relationships and to relations between staff members of all levels. This includes job advertisements, recruitment and selection, deployment, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment and contracts.

Equality of opportunity is a key and integral part of Ruskin Mill Trust's (also known as the Trust) mission and we will take appropriate steps to advance equality of opportunity and will accommodate the requirements of different religions, cultures and domestic responsibilities.

The Trust is committed to the principle of eliminating discrimination, harassment and victimisation on the basis of their gender, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, religion or belief, disability or age (the **protected characteristics**).

The Trust is also committed to the fostering of good relations and to encourage people with a protected characteristic to participate in public life or any other activity where participation is disproportionately low.

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. Your attention is drawn to our separate Dignity at Work Policy.

The Equality and Diversity Policy and Procedure may be amended, withdrawn, suspended or departed from at the discretion of the Trust. While it does not form part of any employee's contract of employment and is entirely non-contractual, all employees are required to adhere to the policy and any failure to comply with any aspect of the policy may be treated as a disciplinary matter.

Equality of opportunity, valuing diversity and compliance with the law is to the benefit of all staff within the Trust as it seeks to develop the skills and abilities of its people.

## Legislation

This policy reflects national UK and EU legislation in accordance with the Equality Act 2010 and guidelines on good practice. Consideration has also been given to the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.

## Responsibilities

The Trustees are responsible for promoting equal opportunities on behalf of the Trust, and for ensuring that effective policies and procedures are in place to ensure and continuously improve the quality of equal opportunities throughout the Trust.

The Executive Team is responsible to the Trustees for ensuring that equal opportunities are continuously promoted and comprehensively implemented in all aspects of the Trust's operation, as well as reviewing the Equality and Diversity Policy and Procedure and for evaluating its effectiveness.

The Trust's Department of Human Resources is responsible for promoting, monitoring and implementation of all aspects of the Trust Equality and Diversity Policy and Procedure relating to the employment of staff.

All Principals, Head Teachers, Directors, Colleges, Schools and Managers within the Trust are responsible for promoting equal opportunities, for improving the equal opportunities performance of their individual unit and for ensuring that effective monitoring and review systems are in place.

The personal commitment and responsibility of every staff member for implementing the Equality and Diversity Policy and Procedure, and its applications of its principles along with and promoting equal opportunities in all aspects of their work, are essential to eliminate discrimination and provide equality throughout the Trust.

## PROCEDURES

The Trust will endeavour to ensure that the following good practice informs the actions of staff and students at all times.

The Trust seeks to ensure equality of opportunity and treatment for everyone in relation to all of its activities.

The Trust recognises the existence of discrimination, and is committed to making changes in any area of the Trust's practice where there is evidence of failure to provide an appropriate and professional service. It is committed to addressing areas of institutional failure, in relation to issues of religion, racism, gender, sexism, ageism, disability, sexual orientation, marital or civil partner status, pregnancy or maternity leave, gender reassignment, colour, nationality, ethnic or national origin or other inequalities.

The Trust is committed to impact assess relevant policies and procedures, and adjust policies and procedures, and practice if impact assessments identify areas for improvement.

The Trust is committed to analysing and publishing on an annual basis relevant college, school and Trust equality data which will inform practice and identify areas for equality improvement in its performance. The Trust's annual equality and diversity report will be placed on the Trust's website.

## **RECRUITMENT AND SELECTION**

We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics. Our 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.

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 the Trust. Where appropriate, use may be made of lawful exemptions to recruit suitably-qualified people to cater for the special needs of particular groups.

Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the Department of Human Resources approval.

## **EMPLOYEE TRAINING AND PROMOTION AND CONDITIONS OF SERVICE**

Employee training needs will be identified through regular employee performance and development reviews. All employees 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.

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.

Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all employees and service users who should have access to them and that there are no unlawful obstacles to accessing them.

## **STUDENTS ADMISSIONS**

The Trust will ensure that all prospective students are accorded equal opportunity in matters relating to enrolment and their learning experience.

## **TERMINATION OF EMPLOYMENT**

We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## **DISABILITY DISCRIMINATION**

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager or local Human Resources Team to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The Department of Human Resources may wish to consult with you and your medical adviser(s) 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.

We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and service users.

### **FIXED-TERM EMPLOYEES, AGENCY WORKERS AND PART TIME WORK**

We monitor our use of fixed-term employees, agency workers and part-time work, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are able to access permanent vacancies. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

### **BREACHES OF THIS POLICY**

If you believe that you may have been discriminated against or subject to harassment you are encouraged to raise the matter through our dignity at work policy. If you need advice on how to proceed you should speak to your line manager or your local Human Resources Team.

Allegations regarding potential breaches of this policy will be treated in the strictest confidence and investigated in accordance with the relevant procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under The Trust's Disciplinary and Dismissal Procedure.

Any member of staff who is found to have committed an act of 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 and procedure.

### **MONITORING AND EVALUATION OF THIS POLICY**

This policy will be monitored periodically by the Executive Team and will be updated in accordance with any required changes including those set out by statute.

The Trust will continue to review the effectiveness of this policy to ensure that it is achieving its objectives. As part of this process we will monitor the composition of job applicants and the benefits and career progression of our staff.

Staff are invited to comment on this policy and suggest ways in which it might be improved by providing feedback through their Management Teams or their local Human Resources Team.

**USEFUL REFERENCES: related legislation/ policies/procedures/protocols**

RELATED DOCUMENTATION	Found at
Equality Act 2010 and guidelines	<a href="https://www.gov.uk/equality-act-2010-guidance">https://www.gov.uk/equality-act-2010-guidance</a>

**IMPACT OF NON-COMPLIANCE FOR:**

Staff	Disciplinary action
Students	Increased risk of harm, physical or psychological development
Legislation / organisation	Prosecution, reputational damage, regulatory action

## Appendix 1

### Equal opportunity (protected characteristics) policy statements

#### Age

We will:

- ensure that people of all ages are treated with respect and dignity
- ensure that people of working age are given equal access to our employment, training, development and promotion opportunities and
- challenge discriminatory assumptions about younger and older people.

#### Disability

We will:

- provide any reasonable adjustments to ensure disabled people have access to our services and employment opportunities
- challenge discriminatory assumptions about disabled people and
- seek to continue to improve access to information by ensuring alternative formatting and sign language interpretation.

#### Race

We will:

- challenge racism wherever it occurs
- respond swiftly and sensitively to racists incidents and
- actively promote race equality in the Trust.

#### Gender

We will:

- challenge discriminatory assumptions about women and men
- take positive action to redress the negative effects of discrimination against women and men
- offer equal access for women and men to representation, services, employment, training and pay and encourage other organisations to do the same and
- provide support to prevent discrimination against transsexual people who have or who are about to undergo gender reassignment.

#### Sexual orientation

We will:

- ensure that we take account of the needs of lesbians, gay men and bisexuals and
- promote positive images of lesbians, gay men and bisexuals.

#### Religion or belief

We will:

- ensure that staffs' religion or beliefs and related observances are respected and accommodated wherever possible and
- respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.

#### Pregnancy or maternity

We will:

- ensure that people are treated with respect and dignity and that a positive image is promoted regardless of pregnancy or maternity

- challenge discriminatory assumptions about the pregnancy or maternity of our staff and
- ensure that no individual is disadvantaged and that we take account of the needs of our staffs' pregnancy or maternity.

### **Marriage or civil partnership**

We will:

- ensure that people are treated with respect and dignity and that a positive image is promoted regardless of marriage or civil partnership;
- challenge discriminatory assumptions about the marriage or civil partnership of our staff and
- ensure that no individual is disadvantaged and that we take account the needs of our staffs' marriage or civil partnership.

### **Ex-offenders**

We will prevent discrimination against our staff regardless of their offending background (except where there is a known risk to children or vulnerable adults).

### **Equal pay**

We will ensure that all staff, male or female, have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

## Appendix 2

### Forms of Discrimination

Discrimination by or against a member of staff is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

**Direct Discrimination** - This occurs when a person is treated less favourably compared to another person because of one or more of the protected characteristics. Apart from limited exceptions to the general prohibition of discrimination, direct discrimination is automatically unlawful, whatever the reason for it. There can be no justification for the difference in treatment.

**Associative Discrimination** - This occurs where a person is discriminated against because of their association with another person who has a protected characteristic (the exception to this is harassment because of marriage and civil partnership, and pregnancy and maternity as it is not covered).

**Discrimination by Perception** - This occurs where a person is directly discriminated against or harassed based on a perception that the person has a particular protected characteristic, when in fact they do not (the exception to this is marriage and civil partnership, and pregnancy and maternity as it is not covered).

**Indirect Discrimination** - This occurs where there is the use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified.

**Harassment** - This occurs when there is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.

Sexual Harassment is any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them.

**Victimisation** - This is subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act i.e. bringing proceedings under the Act; giving evidence or information in connection with proceedings under the Act; doing any other thing for the purposes or in connection with the Act; making an allegation that a person has contravened the Act.