

## **Equal Opportunities and Diversity (Staff) Policy**

Policy Code:	HR8A
Policy Start Date:	July 2023
Policy Review Date:	July 2026

Please read this policy in conjunction with the policies listed below:

- HR4 Recruitment and Selection Policy
- HR8B Equal Opportunities and Diversity Policy (Pupils)
- HR12 Disciplinary Policy
- SW6 Anti-Bullying Policy
- SW9 Parental Communications and Complaints Policy
- TL1 Access to Fair Assessment Policy
- Equality Act 2010

## **1 Policy Statement**

1.1 The Priory Federation of Academies Trust (The Trust) will adhere to the requirements of the Equality Act 2010 by not discriminating against pupils, members of staff, volunteers or anyone involved in external agencies with which the organisation may be working with on the grounds of:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and/or
- sexual orientation.

1.2 All members of staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not discriminate against or harass other members of staff, regardless of their status.

1.3 The Trust is opposed to all forms of discrimination and committed to ensuring all young people, applicants and members of staff are respected and treated fairly at all times. In addition, there will be no ill-treatment of pupils due to the behaviour of their parents/carers and/or siblings.

1.4 All Trust members of staff will abide by the Equality Act 2010 in the appointment and promotion of staff.

1.5 When recruiting staff, the applicant will be asked if they have a disability, however this information will be withheld from the shortlisting panel. This information is to ensure that any reasonable adjustments are made during the interview process. A full health-questionnaire related questions will not be asked until after a job offer is made, and for support purposes only.

1.6 The Trust has a responsibility to promote good relationships and mutual respect. It is expected that every person in the organisation will make a positive contribution to this policy, namely:

- All members of staff whether paid or voluntary
- All visitors to The Priory Federation of Academies
- All pupils at The Priory Federation of Academies

1.7 In addition, The Trust will:

- Ensure that the services it provides are accessible to all and endeavour to positively encourage and benefit people from disadvantaged groups.
- Supply specialist aids and facilities to enable disabled people.
- Monitor any issues that arise within the organisation and take appropriate action, fully supporting any person in the organisation who is faced with prejudice or ill treatment.
- Undertake an annual evaluation process to ensure that the policy is clear, in keeping with current legislation and being adhered to.
- Treat seriously any breaches of this policy, regarding them as misconduct, which may lead to disciplinary proceedings.

1.8 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Apprenticeships and Lincolnshire SCITT.

1.9 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.

1.10 Appendix 1 of this policy sets out the process for staff to follow if they are seeking to undergo a gender transition during the course of their employment and wish to make formal changes to their name and/or gender with the Trust.

## **2 Roles, Responsibilities and Implementation**

2.1 The Pay, Performance and HR committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of Equality and Diversity.

2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## **3 Aims**

3.1 To eliminate unlawful discrimination and other conduct under the Equality Act 2010.

3.2 To foster a fair and inclusive workforce culture.

- 3.3 To strengthen the equality of opportunity between those with protected characteristics and those without.

## **4 Discrimination**

- 4.1 Members of staff must not unlawfully discriminate against or harass other people including current and former members of staff, pupils, parents/carers, job applicants, clients, customers, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other work-related contacts, or when wearing a Trust issued lanyard) 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:
- Direct discrimination: treating someone less favourably because of a disability.
  - Discrimination by association: treating someone less favourably because of their connection or association with another person with a disability, even if they do not have a disability themselves.
  - Discrimination by perception: treating someone less favourably if you or the organisation believe they do have a disability when they do not.
  - 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. For example, requiring a job to be done full time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.
  - 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.
  - Victimisation: putting someone at a disadvantage just because they have made allegation about discrimination, or have supported someone who has made an allegation of discrimination.

## **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 discrimination. Shortlisting will be done by more than one person and with the involvement of the Head of HR, or a member of the HR Team, where possible. The Trust's recruitment procedures are reviewed on a regular basis to ensure that individuals are treated on the basis of their relevant merits and abilities.

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- 5.2 Vacancies will generally be advertised to a diverse section of the labour market. Advertisements will avoid stereotyping or using wording that may discourage particular groups from applying.
- 5.3 The Trust takes steps to ensure that vacancies are advertised to a diverse labour market (and where relevant, to particular groups that have been identified as disadvantaged or unrepresented in the organisation). (Where appropriate, the Head of HR may approve the use of lawful exemptions to recruit someone with a particular Protected Characteristic, for example where the job can only be done by a woman. The advertisement should specify the exemption that applies).
- 5.4 Job applicants will not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants will not be asked about past or current pregnancy or future intentions related to pregnancy.
- 5.5 Job applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which will only be used with the approval of the Head of HR. For example:
- Questions necessary to establish whether an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
  - Questions to establish whether an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
  - Positive action to recruit disabled persons.
  - Equal opportunities monitoring (which will not form part of the selection or decision-making process).
  - Where necessary, job offers can be made conditional.
- 5.6 We are required by law to ensure that all members of staff are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective members of staff, 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 are available from the Head of HR.
- 5.7 To ensure that this policy is operating effectively, and to identify groups that may be under-represented or disadvantaged, the Trust monitors applicant's ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect 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 the Trust take appropriate steps to avoid discrimination and improve equality and diversity.

- 5.8 The Trust's Equality Working group will review all practices on a regular basis to ensure that there is no intentional or unintentional discrimination within the recruitment process.

## **6 Training and Promotion and Conditions of Service**

- 6.1 All staff will undertake Equality and Diversity Training.
- 6.2 Training needs will be identified through regular appraisals. Members of staff will be given appropriate access to training to enable them to progress within the Trust. All promotion decisions will be made on the basis of merit.
- 6.3 The Trust's conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all members of staff who should have access to them and that there are no unlawful obstacles to accessing them.

## **7 Termination of Employment**

- 7.1 The Trust will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.
- 7.2 The Trust will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## **8 Disabilities**

- 8.1 If a member of staff is disabled or becomes disabled, the Trust encourages them to explain their condition in order for the appropriate support to be put in place.
- 8.2 If a members of staff experiences difficulties at work because of their disability, the members of staff can contact their Line Manager, the Head of HR or Business Partner to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The Trust will consider the matter carefully and try to accommodate the members of staffs need within reason, if the Trust considers a particular adjustment would not be reasonable, the Trust will explain the reasons and seek ways to find an alternate solution where possible.
- 8.3 The Trust will monitor the physical features of the premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, the Trust will take reasonable steps to improve access.

## **9 Part-Time and Fixed-Term Work**

- 9.1 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 Complaints Procedure**

### **10.1 Stage 1**

Any person who experiences, witnesses or is reasonably led to believe that this Equal Opportunities and Diversity Policy for Staff has not been respected, should immediately bring the situation to the attention of the Head of HR, or if the complaint surrounds the Head of HR, the Clerk to Trustees. The person responsible for this breach will be reminded of the existence and purpose of this policy, and asked to adhere to the policy and may be given additional training. Should the incident be judged to be of a severe nature then they will proceed straight to Stage 2.

### **10.2 Stage 2**

If the person continues behaving in an unacceptable manner, the matter will be referred to the Head of the Academy. If the complaint involves the Head of the Academy, a Head of another Academy or a senior member of the Trust Central Team will decide the best course of action.

### **10.3 This may result in:**

- a warning being issued;
- disciplinary action; or
- a referral to a higher level of authority.

### **10.4 Stage 3**

The offending person has the right to appeal. They can write to the Local Governing Body of the Academy. The decision of the Governors will be final.

## **11 Conclusion**

- 11.1 Every member of staff has an ongoing responsibility to monitor their teaching methods, styles and practices, with a view to eradicating discriminatory practices. Professional judgement is used when delivering the curriculum. The Heads of Academies have the responsibility to ensure equal opportunities are offered in all staffing appointments and promotions.

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- 11.2 The Trust Equality and Diversity group meet on a termly basis to evaluate its practices and assess the impact of other Trust policies upon Equal Opportunities. In the light of those evaluations, the Trust will seek to improve further its practices in the delivery of the above objectives.

## **12 Policy Changes**

- 12.1 This procedure may only be amended or withdrawn by The Priory Federation of Academies Trust.



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## **The Priory Federation of Academies Trust Equal Opportunities and Diversity Policy for Staff**

This Policy has been approved by the Priory Federation of Academies.

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.

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## Appendix 1

If, during the course of their employment, a member of staff wishes to undergo a gender transition and would like to formally change their name and/or gender with the Trust, then they are advised to speak to the Head of HR in the first instance.

For the purpose of this policy, 'gender transition' will refer to an individual who wishes to change their gender, with or without medical intervention. Transitioning is the term used to describe this process.

The Head of HR, or nominated HR Business Partner, will work with the member of staff to seek their views on their transition plan, their timescales and what, if anything, they would like to change with regards to their Trust records, for example, their name.

The Trust recognises that gender transition is a personal decision, and each individual will have their own plan for their transition journey. As such, the support offered by the Trust is likely to be contextualised and is unlikely to be a 'one size fits all' approach.

### Staff Dress Code

The Trust has a gender-neutral dress code. This is outlined in HR29 Code of Conduct and Dress Code.

### Change of name

If a member of staff wishes to legally change their name, then they should obtain a deed poll.

A deed poll is a legal document that proves a change of name.

There are 2 ways to get a deed poll. An individual can either:

- make an 'unenrolled' deed poll themselves
- apply for an 'enrolled' deed poll

#### 1. Make an 'unenrolled' deed poll

You can change your name yourself if you're 16 or over.

#### 2. Apply for an 'enrolled' deed poll

'Enrolling' a deed poll means that you're putting your new name on public record.

You must apply to the Royal Courts of Justice to get an 'enrolled' deed poll using the deed poll process.

The Trust will accept an unenrolled or enrolled deed poll as evidence of a name change. Upon receipt of a deed poll, the Head of HR will work with the Trust Data Manager to update the Trust's management information system (iTrent) and any other corresponding systems.

The member of staff should be aware that, whilst every effort to ensure their new name is used, it may not be possible to completely remove their old (or 'dead') name from Trust systems/documents, for example, from historical Trust publications.

### **Communicating a change of name**

The Trust will not communicate a change of name, unless the member of staff wishes this to be shared as part of their transition journey. If this is the case, the Head of HR, or nominated HR Business Partner, will identify an appropriate communication plan to inform staff and, where required, external professionals of the change. This will be done in conjunction with the member of staff to ensure they are comfortable with any communication that is issued.

If the member of staff works directly with children, or is in a child-facing role, then the Head of HR will consult with the Trust DSL to ensure that an appropriate communication plan is implemented not only with staff, but also with pupils and parents/carers where required. Again, this will be done in conjunction with the member of staff. Any communication with pupils will be age-and-stage appropriate.

### **Change of gender**

If a member of staff wishes to change their gender, they can do this themselves through their 'employee self-service' (ESS) on iTrent. This will not trigger anything from the Trust, unless the member of staff wishes to discuss their change, in which case, they should contact the Head of HR.

### **Communicating a change of gender**

The Trust will not communicate a change of gender, unless the member of staff wishes this to be shared with colleagues as part of their transition journey. In which case, the Head of HR, or nominated HR Business Partner, will identify an appropriate communication plan to inform staff and, where required, external professionals of the change.

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### **Answering questions**

The Trust recognises that a member of staff who works with children and changes their name or visually changes their appearance, may face questions from the children, who will naturally be curious about any change, especially if they have known the member of staff for a period of time.

The Trust will ensure appropriate support is provided to the member of staff to help them respond to questions in a way that is age-and-stage appropriate for the children they are working with, whilst maintaining professional boundaries.

The Trust will also support parents/carers, if requested, by providing information which will support them to answer any questions that their child might have.

### **Support**

Support will be offered to the member of staff through the Trust's internal and external support services, should they wish to access it. In the event that more specialist support is required, the Trust will work with the member of staff to signpost them to the most appropriate organisation.