



Equal Opportunities Policy

Table of Contents

1. Introduction.....	2
2. What is equality and what is diversity?	3
3. Our commitment to equal opportunities.....	3
4. Why might a person be treated unfairly or less favourably	4
5. What are the different types of discrimination.....	5
6. How we carry out our responsibilities and duties.....	7
7. Commitment to equal opportunities.....	7
8. How we enforce this policy and handle breaches.....	8
9. How we monitor if this policy is working	8
10. Useful links	10
11. Administration of the Equal Opportunities Policy.....	10

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Our Trust's Equal Opportunities Policy

From 2024 we write our policies through a particular lens: these documents are vital to the underpinning for our Trust to be one Trust. References to “you” are intended to explain the important role you, the reader, have in our Trust and references to “we” refer to the responsibilities we recognise HISP has as an employer. Together we are One Trust.

1. Introduction

1.1. This Policy covers all aspects of how you are treated by us and everybody who works for us. It also sets out the standards of conduct we need from you. Its scope is intended to cover all aspects of the way we work including:

- Recruitment
- Pay and conditions of employment
- Training and continuing professional development
- Promotion
- Appraisals
- Grievances and disciplinary matters
- Ending employment
- Giving references
- How visitors are treated
- How clients and suppliers are treated
- How any other business contacts and colleagues are treated

1.2. This Policy:

- a Explains what we mean by equality and diversity
- b Sets out the legal protections in this area
- c Explains the importance of equality and diversity to HISP Multi Academy Trust.

HISP Multi Academy Trust

Equal Opportunities Policy

- d Sets out the role you can play in ensuring that the workplace is a diverse, inclusive and supportive environment for all, focused on the goal of equality.
- 1.3. This Policy applies to all Trustees, governors, employees of HISP in schools and organisational units, apprentices, contractors, consultants, volunteers, job applicants, and agency and casual workers. The principles outlined here of fair and equal treatment apply equally to our approach to pupils and parents and to our dealings with members of the local community and all outside agencies. The school's policy on equality in the curriculum and the treatment of pupils is set out in a separate policy document.
- 1.4. This Policy does not form part of a contract. We reserve the right to amend or remove this Policy.

2. What is equality and what is diversity?

- 2.1 'Equality' requires us, and you, to treat everyone equally and fairly, with equal opportunities and rights.
- 2.2 'Diversity' recognises that this world is full of differences. We should note, value and positively embrace these differences. It is important for differences to be recognised. But it is equally important that, whilst recognising them, each and every person does so positively, with the importance of equality at the forefront of their minds.

3. Our commitment to equal opportunities

- 3.1 We want everyone associated with our Trust to have a fair and equal opportunity to achieve their very best in a safe working environment. We want everyone who works for us to understand the importance of this, and to always act consistently with it.
- 3.2 We will not tolerate discrimination or harassment in our Trust, and we will never victimise anyone who makes a legitimate complaint to us about harassment or discrimination, or anyone who supports a colleague in their complaint.
- 3.3 This Policy is underpinned by the following further commitments:
 - a. To create a working environment free from all forms of unlawful discrimination, including victimisation and harassment.

HISP Multi Academy Trust

Equal Opportunities Policy

- b. To have a workplace capable of allowing everyone to achieve their potential, and where individuals are willing to give their best.
- c. To make sure that all staff understand their rights and responsibilities under this Policy – if you are not sure what we consider acceptable and unacceptable, you should check with your line manager or school /unit leader.
- d. To review this Policy on a regular basis and if we think it has become outdated, or circumstances suggest to us that it needs to be updated.
- e. To afford all staff a right, through the agreed procedures, to challenge any decision or action which they believe to be in breach of these principles.
- f. To protect staff, wherever possible, from being victimised or treated less fairly if they make or support a complaint in good faith under this Policy.

4. Why might a person be treated unfairly or less favourably?

- 4.1 Although it is important to create a workplace that promotes fairness for all, the Equality Act 2010 defines unlawful behaviour as direct discrimination, indirect discrimination; harassment and victimisation of people on the grounds of protected characteristics. The current protected characteristics are:
- a Age
 - b Disability (which means someone with a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry-out normal day-to-day activities)
 - c Gender reassignment (which covers any person who is proposing to undergo, is undergoing or has undergone a process for the purpose of reassigning their sex by changing physiological or other attributes of sex)
 - d Marriage and civil partnership
 - e Pregnancy and maternity
 - f Race (incorporating colour, ethnic origin, national origin and nationality)
 - g Religion or belief
 - h Sex
 - i Sexual orientation

HISP Multi Academy Trust

Equal Opportunities Policy

- 4.2 You don't actually have to have a protected characteristic in order to be able to claim you have been discriminated against because of it. The law protects you from being treated less favourably because of a protected characteristic you are thought to have (discrimination by perception) or because of the characteristic of someone you are associated with (discrimination by association). So, for example, if an employee who is straight is subjected to verbal homophobic abuse in the mistaken belief that they are gay, that employee could still claim discrimination on grounds of sexual orientation. If an employee who is straight is treated unfairly because they have been seen socialising with someone who is gay, then that employee could potentially claim discrimination on grounds of sexual orientation as they are being discriminated against by association.

Collective disputes in respect of negotiation or consultation

- Salary grading reviews
- Selection for redundancy
- Bullying and harassment/dignity at work

5. What are the different types of discrimination?

- 5.1 Generally, discrimination boils down to unfair treatment based on an actual or perceived protected characteristic. It can take several forms which are legally protected as we have referred to in section 4. We do not tolerate any form of discrimination. Sometimes, actions can be intentional and sometimes unintentional. We include examples of both types in this list:
- a **Direct discrimination:** this is when somebody is treated less favourably because of a protected characteristic than somebody else has been, or would have been, in identical circumstances.
Examples: rejecting a job applicant because of their race or failing to promote someone because they are pregnant.
 - b **Indirect discrimination:** this is when a group of people with one of the protected characteristics (subject to a couple of exceptions) are put at a disadvantage by a provision, criterion or practice applied to all staff unless the treatment is justified for a good business reason.
Examples: refusing a request to work part-time without a good business reason (which indirectly discriminates against women, who are more likely to have childcare responsibilities); insisting all staff work after sunset on Fridays without a good business reason (which indirectly discriminates against Jewish employees, who may not be able to work on the Jewish Sabbath).
 - c **Harassment:** this is when a hostile, humiliating, degrading, intimidating or similarly offensive environment is created in relation to a protected characteristic. We also consider it harassment for a worker to be

HISP Multi Academy Trust

Equal Opportunities Policy

subjected to uninvited conduct related to a protected characteristic which – as an intended or unintended consequence – violates their dignity.

Examples: name calling, lewd comments, excluding colleagues, making insensitive jokes and displaying pornographic material. [We deal in detail with harassment in our separate Harassment & Bullying Policy.]

- d **Victimisation:** in a legal context, ‘victimisation’ has a much more restricted meaning than in real life. It happens when a worker has complained about harassment or discrimination, or has supported a colleague in their complaint, and is then treated less favourably as a result.

Example: an employee who is ostracised or dismissed at work because they spoke up on behalf of one of their colleagues in a harassment investigation.

5.2 There are other actions which can be unlawful under equal opportunities legislation which apply specifically to disability:

- a Failure to make reasonable adjustments to minimise certain disadvantages suffered by a disabled employee (or job applicant).
Example: a person has a physical disability which makes it difficult to walk upstairs. They ask to be allocated classes on the ground floor. If this is a reasonable request and will remove or reduce the difficulty the person experiences, then it will be a reasonable adjustment to make and we will discriminate if we do not make it.
- b Treating someone less favourably because of something arising from their disability (rather than the disability itself) without a good reason which justifies that treatment.
Example: a person has a disability which means that they are absent frequently. If we tell them they should not attend a work social event because of their poor attendance levels, this will be discrimination arising from a disability unless we can show a good reason which justifies the treatment.

5.3 There are some exemptions from the legislation in situations where the essential nature of a job calls for a man, woman, or a person from a particular religion or racial group. We will not normally seek to use exemptions from the above Act unless it is necessary for the effective performance of a particular role. If you’re unsure whether an exemption may apply you should seek advice from HR as soon as possible.

5.4 All grievances should be examined carefully, whether or not the grievance is presented in writing, and be dealt with as quickly as possible. However, formal grievances under the grievance procedure should be submitted in writing.

HISP Multi Academy Trust

Equal Opportunities Policy

6. How we carry out our responsibilities and duties

- 6.1 Everyone in our organisation is essential to the success of this Policy. We all have a legal responsibility to comply with it, and any of us – however senior or junior we are – may be personally liable in an employment tribunal claim for unlawful discrimination if we breach terms of this Policy.
- 6.2 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.
- 6.3 The ethos and standards covered by this Policy can only be achieved and maintained if you cooperate fully and embrace the approach in this Policy. It is also important that you understand you have a legal responsibility to comply. If you breach this Policy, we may be liable for your actions, and we may both have to pay compensation to anyone who claims against us. We expect you to take personal responsibility for following this Policy's aims and commitments and for drawing any actual or potential breaches to our attention.
- 6.4 The avoidance of discrimination is not sufficient to ensure that equality exists in our Trust and full consideration will be given to measures of positive action which may assist in achieving the aims of this policy. This is action designed to encourage or facilitate the employment or training of minority or disadvantaged groups but is not positive discrimination.
- 6.5 We will not discriminate in favour of individuals from specific groups (positive discrimination) but will take positive action which enables members of those groups to compete on an equal basis.

7. Commitment to equal opportunities in recruitment, training and development and time-off

- 7.1 We will conduct advertising recruitment, promotion, and other selection exercises, on the basis of merit, using criteria and processes that avoid discrimination. Managers involved with these processes will receive training on equality and diversity. More information on our commitment in these areas can be found in our Recruitment Policy.
- 7.2 Training needs will be identified through regular performance reviews which will be carried out in line with our Performance Management and Training & Development Policy. We will not be influenced by any protected characteristics that you may have. You will be given appropriate access to training to enable you to progress within our Trust, and all promotion decisions will be made based on merit.

HISP Multi Academy Trust

Equal Opportunities Policy

- 7.3 The principles outlined above in relation to fair and equal treatment will also apply to selection for training. Requests for training will be considered in accordance with the Trust's operational priorities, based on the overall development plan and budget allocations.

The training of school leaders and trustees in issues of equality and discrimination is an essential part of our Equality policy.

- 7.4 Where training is scheduled to take place on site, we will, where possible, adapt the methods of training delivery if current arrangements disadvantage particular individuals or groups of staff.
- 7.5 Sympathetic consideration will be given to requests for time off for religious observance from staff who are active members of particular religions or beliefs. Such time off will be unpaid and will be considered only subject to the operational requirements of the school/unit.

8. How we enforce this Policy and handle breaches

- 8.1 We will investigate any complaint or allegation you raise regarding a potential breach of this Policy. If you believe you have been harassed or discriminated against, you should contact your line manager as soon as possible or your HR contact. If you want to take formal action, you will need to follow our grievance procedure (see our Grievance Policy or school-based Anti-Bullying policies; your HR contact can advise you).
- 8.2 You will face disciplinary action if we find you have harassed or discriminated against anyone else, in breach of this Policy. Sometimes, this type of behaviour may amount to gross misconduct, in which case we may dismiss you without notice.
- 8.3 Occasionally, people make complaints in bad faith, knowing that they're not true. People might do this to avoid or deflect disciplinary action or performance management. We view any complaint made in bad faith as an act of misconduct, and this will normally lead to disciplinary action. In some cases, bad faith complaints may lead to summary dismissal for gross misconduct.

9. How we monitor whether this Policy is working

- 9.1 Wherever possible we undertake equal opportunities monitoring as part of our recruitment processes. Further information is contained in our Recruitment Policy.

HISP Multi Academy Trust

Equal Opportunities Policy

- 9.2 We may record and analyse information about equal opportunities within the workplace, and when you join us, you give us consent to gather and process this data about you. We use the information to make sure this Policy works properly and to refine it. We may also use the information to review the composition of our workforce and to promote workplace equality. All data will be stored and processed in line with our Data Protection Policy and Privacy Notice.
- 9.3 HR will monitor the outcomes of any complaints raised under this Policy to note any patterns of behaviour and to assess the quality of investigations. We will use the information gathered to focus training, development and awareness needs appropriately.
- 9.4 An Equalities policy can only be shown to be effective if its implementation is properly monitored. Given the scope of our policy, this means monitoring both existing staff as well as all external applications. The Trust will therefore keep records of existing staff and where possible for recruitment campaigns which can be analysed to provide data to assess whether this policy is working in practice.

We will regularly monitor the effectiveness of this policy by the following methods:

- The existing workforce will be asked to complete an online self-reported monitoring form so that data is available on the composition of the staff across the Trust.
- Applicants for posts will be asked to complete a monitoring form to enable monitoring of our selection decisions against the principles of this policy.
- All applicants for posts will be invited to indicate whether they have any special requirements or require reasonable adjustments to enable them to apply, attend an interview or carry out the duties of that post. Responses to this question and appropriate actions taken by the school to accommodate people with disabilities will also be monitored as part of this process.
- Information arising from our data collection process will be published on an annual basis as part of our public sector Equality Reporting.
- Staff will be invited to give feedback, and to make suggestions to further our collective commitment to this Policy.
- The incidence of complaints under the above procedures and any other aspect of this policy will also be monitored, and figures published on a regular basis.

All information gathered in relation to this policy is stored in an appropriate and confidential format in accordance with the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act 2018.

HISP Multi Academy Trust

Equal Opportunities Policy

10. Useful links

10.1 The following internal policies are referred to in this Policy and are currently in existence or being produced at the time of this Policy's refresh (May 2024). They will provide additional information:

- Dignity at Work Policy
- Recruitment Policy
- Performance Management Policy
- Grievance Policy
- Pay Policy

11. Administration of the Equal Opportunities Policy

11.1 The HR department is responsible for the administration of the Equal Opportunities Policy. Should you have any feedback, please contact hr@hispmat.org.