



The Harpur Trust

Equality & Diversity Policy

Policy Statement

The Trust is committed to the promotion of equal opportunities, valuing and encouraging diversity and the creation of an inclusive working environment for all employees / workers¹, and opposes all forms of irrelevant and unlawful discrimination, including discrimination on the basis of age, sex, marriage and civil partnership, gender reassignment, race, disability, sexual orientation, religion or belief, pregnancy and maternity (the nine **Protected Characteristics** defined in the Equality Act 2010). (See Appendix 1).

We are committed to employing the best person for the job and to ensuring that employees are treated equally and fairly. All policies and practices will seek to conform to the principle of equal opportunities in terms of recruitment, selection, training, promotion, career development, discipline, redundancy and dismissal. (See Appendix 2).

Ensuring that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of delivering equal opportunities in employment. The Trust has a separate dignity at work policy, which deals with these issues should they occur.

Scope

Application. This policy applies the Trust's employees, job applicants and volunteers who work within the Trust and its schools. It is not contractual and may be varied at the Trust's discretion. Breaches of this Policy will be regarded as misconduct and could lead to disciplinary proceedings.

¹ Trust's employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, agency staff, consultants, volunteers and Governors and Trustees who are not our employees but who may work, volunteer, or attend the schools.

Employees' responsibilities. All employees have a duty to act in accordance with this policy, to treat colleagues with dignity at all times, and not to discriminate against, harass or victimise other members of staff, whether junior or senior to them.

Trustees' Responsibilities. The Trust will not tolerate any discriminatory practices or behaviours and in some situations may be at risk of being held responsible for the acts of individual employees. The Trust therefore commits to the following actions to achieve the aims of this policy:

- Providing awareness training and guidance to workers, as appropriate
- Challenging and investigating any allegations of discriminatory behaviour
- Supporting the communities in which we live and work to ensure that we are accessible and involved

Measuring policy effectiveness

Some of the ways the Trust will measure the effectiveness of its policy are:

- Collating and reviewing quantitative and qualitative data to identify any areas requiring action
- Benchmarking against other organisations where relevant

Monitoring and review

This policy will be monitored periodically by the Trust to judge its effectiveness and will be updated in accordance with changes in the law

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

Murray Stewart
Chairman of the Harpur Trust

17 March 2015

Appendix 1 – Unlawful discrimination

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and

- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Appendix 2 – Equal Opportunities

Equal opportunities in employment

The Trust will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Recruitment and selection. The Trust aims to ensure that no job applicant receives less favourable treatment because of a Protected Characteristic. Recruitment procedures will be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are reviewed from time to time to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.

Monitoring. To ensure that this policy is operating effectively with respect to recruitment and selection, the Trust monitors applicants in terms of age, disability, ethnic origin, gender and sexual orientation during the recruitment procedure (where applicants are willing to provide this information). We also maintain records of this data in an anonymised format solely for the purposes stated in this policy. Ongoing monitoring and regular analysis of the data provide the basis for taking appropriate steps to eliminate unlawful discrimination and implement this policy.

Staff training and promotion. Training needs shall be identified through the performance management process. All workers will be given fair access to training that is relevant for their role. All promotion decisions shall be made on the basis of merit.

Terms and conditions of employment. Our conditions of service, benefits and facilities will be reviewed from time to time to ensure that they are available to all workers who should have access to them and that there are no obstacles to accessing them.

Disability discrimination. If someone is disabled, or becomes disabled in the course of their employment, we will encourage them to tell us about their condition. This is to enable us to support employees as much as possible and to ensure that they are able to continue to contribute to the Trust to the best of their ability.

Reasonable adjustments. On being informed of an employee's disability, the Line Manager and/or Human Resources professional will talk to the employee about reasonable adjustments to working conditions or the duties of the job, which may be considered necessary and proportionate to assist the employee in the effective and efficient performance of their duties. This may involve the provision of an additional piece of equipment or assistance in helping the employee to perform their work. If it is

decided that it is not reasonable for us to accommodate the suggested adjustments we will ensure that the employee is fully informed as to the basis of our decision not to make any adjustments.

Employees' responsibilities. Every employee is required to assist the Trust to meet its commitment to provide equal opportunities and diversity in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Trust for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences. They will be dealt with under the Trust's disciplinary procedure and may constitute gross misconduct and could lead to dismissal without notice.

Complaints. If an employee considers that they may have been discriminated against, they may use the Trust's grievance procedure to make a complaint. If the complaint involves bullying or harassment, employees are encouraged to raise the matter through the Trust's Dignity at Work policy.

The Trust will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

Customers, suppliers and other people not employed by the Trust

The Trust will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Trust.

Employees of the Trust should report any bullying or harassment by customers, suppliers, visitors or others to their line manager or Human Resources professional who will take appropriate action.