



The Holy Family of Nazareth Catholic Academy Trust

Equal Opportunities in Employment Policy

Date of policy: **October 2020**

Date last review adopted by HFNCAT Board: **December 2020**

Frequency of review: **Annual**

Date of next review: **October 2021**

The Holy Family of Nazareth Catholic Academy Trust ("The Trust") is the employer of all its staff and is responsible for ensuring equal opportunities in employment.

This policy applies to all employees within the Academy Trust, whether permanent, temporary, casual, part time or on fixed term contracts. It also applies to job applicants and to individuals such as agency staff and consultants and volunteers who are not employees but who work at one of the Trust's Academies collectively known as "Staff" in this policy).

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Academy, who are required to familiarise themselves and comply with its contents. The Trust reserves the right to amend its content at any time.

This policy applies to all aspects of the Academy relationship with Staff and to relations between Staff members at all levels. This includes:

- job advertisements;
- recruitment and selection;
- training and development;
- opportunities for promotion;
- conditions of service;
- pay and benefits;
- conduct at work;
- disciplinary and grievance procedures; and
- termination of employment.

All staff are required to set an appropriate standard of behaviour, lead by example and ensure that those that they manage adhere to the policy and promote the Academy aims and objectives with

regard to equal opportunities. Staff will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice.

Any questions about the content or application of this policy should be referred to the Principal/Head Teacher in the first instance.

As a matter of Christian principle and in accordance with its foundation, the Academy will promote equality of opportunity in its employment policy and practice and is committed to ensuring that no member of Staff is unlawfully discriminated against on the basis of their gender, sexual orientation marital or civil partner status, pregnancy, maternity, race, colour, nationality disability, age, religion or belief (protected characteristics) nor be disadvantaged by any other condition or requirement which cannot be shown to be justified in accordance with legislation or regulations from time to time in force.

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

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 occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their national origin because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in the Academy Anti-Harassment and Bullying Policy.

Victimisation is also prohibited. This is less favourable treatment of someone who had complained or given information about discrimination or harassment or supported someone else's complaint.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the Academy, the Academy will monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary. The information will be removed from applications before short listing and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us to take appropriate steps to avoid unlawful discrimination and improve equality and diversity.

Religion and Belief

The Governing Body has a duty to secure, preserve and develop the character of the Academy as a voluntary aided faith Academy and to conduct the Academy in accordance with the provisions of the Trust Deed.

This duty is currently carried out in respect of employment under the powers accorded to the Governing Body by the Academy Standards and Framework Act 1998 Sections 58-60, under the Equality Act 2010 and in accordance with the provision of the Trust Deed.

As part of this duty and in order to promote the Academy Christian mission and service, the Academy, in accordance with the powers accorded to the Local Governing Body, may in respect of teaching staff or applicants for teaching posts at the Academy:

- give preference in connection with the appointment, remuneration or promotion of teachers at the Academy to those whose religious opinions are in accordance with the rights, doctrines, practices and tenets of the Roman Catholic Church or who attend religious worship in accordance with those tenets or who give or who are willing to give religious education at the Academy in accordance with those rights, doctrines, practices and tenets;
- have regard to, in connection with, the engagement or termination of the employment of any teachers, to any conduct on his or her part which is incompatible with the precepts or with the upholding of the rights, doctrines, practices and tenets of the Roman Catholic Church;
- terminate, in accordance with the Academy Disciplinary Policy and Procedure from time to time in force, the employment of any teacher employed to give religious education on the grounds that he or she has failed to give such education efficiently and suitably.

In relation to associate staff or applicants for associate staff posts, the Academy will not discriminate on the grounds of religion or belief in connection with the appointment, remuneration, promotion or termination of employment unless there is a determining occupational requirement associated with the post and that requirement is a proportionate means to achieve a legitimate aim of the Academy bearing in mind its duties as specified above.

For example, this may include (but is not limited to):

- asking associate staff applicants about their willingness and ability to support the Catholic ethos of the Academy;
- requiring all staff to behave in a manner that is compatible with the precepts and the upholding of the tenets of the Roman Catholic Church;
- having regard to such requirements in managing disciplinary, performance and grievance matters under the Academy policies and procedures.

Recruitment and Selection

With the exception of the rights, powers and exceptions set out above in respect of religion and belief, the Academy aims to ensure that no job applicant suffers unlawful discrimination because of any of the protected characteristics above.

The Academy 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.

With the exception of the rights, powers and exceptions set out above in respect of religion and belief, job advertisements will avoid using wording that may discourage particular groups from applying. A short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

The Academy will take steps to ensure that its vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in the Academy.

Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which the Academy may use, for example:

- questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments);
- questions to establish if 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 decision-making process).

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, sexual orientation, or gender reassignment, religion or belief without first considering whether such matters are relevant and may lawfully be taken into account.

The Academy is 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. A list of acceptable documents is available from the Human Resources Manager / School Business Manager.

Recruitment of ex-offenders

The Academy is an organisation that uses the Disclosure and Barring Service (DBS) service to assess candidates' suitability for positions of trust working in an environment with children and young people. The Academy complies fully with the DBS Code of Practice and undertakes to treat all candidates fairly.

The Academy undertakes not to discriminate unlawfully against any candidate who is required to provide information (a check) through this process. Having a criminal record will not necessarily prevent a candidate from working with the Academy. Whether or not it does will depend on the nature of the position and the circumstances and background of the offences.

The Academy policy on the recruitment of ex-offenders will be made available to all candidates at the outset of the recruitment process. The Academy will ensure that it makes any candidate who is subject to a check is aware of the DBS Code of Practice and will provide a copy of the Code on request.

As a check is part of the Academy recruitment process, the Academy encourages all candidates called to interview to provide details of any criminal record at any early stage of the application process. The Academy requests that this information is sent under separate confidential cover to a designated person with the Academy who may vary in case to case depending on the nature of the post being recruited. The Academy guarantees that only those who need to see it as part of the recruitment process will see this information.

Unless the nature of the position is such that the Academy may ask questions about an individual's entire criminal record (with the exception of 'filtered' convictions), the Academy will only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

The Academy will ensure that it discusses with the candidate the relevance of any offence to the job in question. A candidate's failure to reveal information directly relevant to the job could result in withdrawal of an offer of employment.

Staff training, promotions and conditions of service

Staff training needs will be identified through informal and formal staff appraisals.

All Staff will be given appropriate access to training to enable them to progress within the Academy and all promotion decisions will be on the basis of merit.

The composition and movement of Staff at different levels will be reviewed from time to time to monitor and ensure compliance with the Academy equal opportunity policy at all levels of the organisation.

Subject to the rights, powers and exceptions set out above in respect of religion and belief, where appropriate the Academy will take steps to identify and remove unnecessary or unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or underrepresented groups.

The Academy conditions of service, benefits and facilities will be reviewed from time to time to monitor and ensure compliance with the Academy equal opportunities policy.

Termination of employment

Subject to the rights, powers and exceptions set out above in respect of religion and belief, the Academy will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

Subject to the rights, powers and exceptions set out above in respect of religion and belief, the

Academy will also ensure that disciplinary procedures and penalties applied are without discrimination and are carried out fairly and uniformly for all Staff, whether they result in disciplinary warnings, dismissal or other disciplinary action.

Disability Discrimination

If a member of Staff is disabled, or becomes disabled, in the course of their employment with the Academy, they are encouraged to tell us about their condition. This is to enable us to support the member of Staff as much as possible.

If a member of Staff experiences difficulties at work because of their disability, they may wish to contact the Principal/Head Teacher to discuss any reasonable adjustments to their working conditions or duties which they consider to be reasonable and necessary or which would assist in the performance of their duties.

The Principal/Head Teacher may wish to consult with the member of Staff and their medical adviser(s) about possible adjustments. Careful consideration will be given to any such proposals and they will be accommodated where reasonable, practicable and proportionate in all the circumstances of the case.

Nevertheless, there may be circumstances where it would not be reasonable for the Academy to accommodate a particular adjustment and in such circumstances, it will ensure that it provides the member of Staff with its reasons and try to find an alternative solution where possible.

The Academy will monitor the physical features of its premises to consider whether they place disabled Staff, job applicants or service users at a substantial disadvantage compared to other Staff. Where reasonably practicable and proportionate the Academy will take steps to improve access for disabled Staff and service users.

Fixed-Term Employees and Agency/Temporary Workers

The Academy will monitor its use of fixed-term employees and agency workers, and their conditions of service to ensure they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. The Academy will also, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

Part-Time Workers

The Academy will monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. It will also ensure that requests to alter working hours are dealt with appropriately under the Academy Flexible Working Policy.

Complaints of Unlawful Discrimination, Victimisation and Harassment on the Protected Characteristics

The Academy will treat seriously and will take action where appropriate concerning all complaints of unlawful discrimination, harassment or victimisation on any of the protected characteristics made by any of its Staff, students or other third parties.

Any member of Staff who consider that they may have been unlawfully discriminated against, victimised or harassed within the meaning of this policy should discuss the matter in the first instance with the Principal/Head Teacher or, if inappropriate under the circumstances of the case, with the Chair of Governors. In some cases it may be possible to resolve the matter informally and reach a satisfactory resolution.

If a member of Staff wishes to make a formal complaint, then they should follow the Academy Grievance Policy and Procedure.

If an employee is accused of unlawful discrimination, victimisation or harassment, the Academy will investigate the matter fully. In the course of the investigation the employee will be given the

opportunity to respond to the allegation and provide an explanation for his or her actions.

If the Academy concludes that the claim is false or malicious then the complainant may be subject to disciplinary action.

If on the other hand the Academy concludes that the employee's action amounts to unlawful discrimination, victimisation or harassment they may be subject to disciplinary action under the Academy Disciplinary Policy and Procedure, up to and including summary dismissal for gross misconduct.

