HCAT

 Equal Opportunities and Diversity Policy

2022

Reviewed Sept 2022



**HCAT EQUAL OPPORTUNITIES AND DIVERSITY POLICY**

**Please note:**

This policy has been developed between key advisors, the trade unions represented at the school and professional associations recognised by HCAT who have been consulted in the development of this policy.

**Introduction**

HCAT is committed to promoting and achieving equality of opportunity for all pupils, parents, staff, governors, visitors and job applicants.

HCAT aims to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

HCAT does not discriminate against staff on the basis of their gender, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age (the protected characteristics).

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat pupils, parents, visitors, suppliers and former staff members,

All 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. Your attention is drawn to our separate Dignity at Work 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 HCAT who are required to familiarise themselves and comply with its contents.

This Policy applies to all the Trusts’ employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to job applicants and to individuals such as agency staff and consultants and volunteers who are not employees but who work in one of our Schools (collectively referred to as “Staff” in this policy).

All Staff must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote HCAT’s 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 Head of School in the first instance.

This policy applies to all aspects of HCATs’ relationship with Staff and to relations between Staff members at all levels. This includes the following however this list is not exhaustive:

* 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.

HCAT and the Schools will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.

**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 race 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’s Dignity at Work 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.

**Recruitment and Selection**

HCAT and our Schools aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. The 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.

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.

HCAT and our Schools 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 Academies.

Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which HCAT and the Schools 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, religion or belief, sexual orientation, or gender reassignment without first considering whether such matters are relevant and may lawfully be taken into account.

HCAT and the Schools 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. A list of acceptable documents is available.

**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 our Schools 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 ensure equality of opportunity at all levels of the organisation.

Where appropriate HCAT and the Schools 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.

HCATs’ conditions of service, benefits and facilities will be reviewed from time to time to ensure that they are available to all Staff who should have access to them and that there are no unlawful obstacles to accessing them.

**Termination of employment**

HCAT will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory, they 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 his or her employment with the Trust, he or she is encouraged to tell us about his or her 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 his or her disability, he or she may wish to contact the Head of School to discuss any reasonable adjustments to his or her working conditions or duties which he or she considers to be reasonable and necessary or which would assist in the performance of his or her duties.

The Head of School may wish to consult with the member of Staff and his or her 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 Trust 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.

HCAT 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 Trust will take steps to improve access for disabled Staff and service users.

**Fixed-Term Employees and Agency/Temporary Workers**

HCAT 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. HCAT will also, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

**Part-Time Workers**

HCAT 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.

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

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

Any member of Staff who considers 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 Head of School or, if inappropriate under the circumstances of the case, with the CEO. 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 he or she should follow the Trust’s Grievance Policy and Procedure.

If an employee is accused of unlawful discrimination, victimisation or harassment, HCAT 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 HCAT concludes that the claim is false or malicious then the complainant may be subject to disciplinary action.

If on the other hand HCAT conclude that the employee’s action amounts to unlawful discrimination, victimisation or harassment he or she may be subject to disciplinary action under the Trust’s Disciplinary Policy and Procedure, up to and including summary dismissal for gross misconduct.