



# **EQUAL OPPORTUNITIES AND DIVERSITY POLICY**

Approved by:	GFM Board	Date:	05 October 2023
Maintained by:	Human Resources	Next review due:	October 2024



## **1. Introduction**

1.1 Individuals with different cultures, perspectives and experiences are at the heart of the GFM. We want to recruit, develop and retain the most talented people, regardless of their background and make the best use of their talents. GFM Education recognises that being a diverse and inclusive employer helps us fulfil our responsibility to make a difference for our learners.

1.2 We seek to develop an environment where we treat everyone as individuals, in a fair and consistent way. We promote a culture of respect and dignity and actively challenge discrimination, should it arise. We aim to remove unnecessary barriers for employees seeking career progression, through the use of inclusive recruitment and selection policies and access to training and development opportunities.

1.3 We continue to support leaders, managers and employees to demonstrate the principles of diversity and inclusion within their roles and day to day activities.

1.4 GFM Education's aim is for every learner to engage in a rich, diverse and challenging learning experience. This is supported through the sustained modelling of the Trust's ethos, values and expectations. Having an equal opportunity to learn and work in a supportive environment is essential and requires a collective responsibility on each and every member of the Trust to oppose any forms of discrimination on the grounds of the protected characteristics defined by the Equality Act 2010, namely sex, gender and gender reassignment, race, disability, age, sexual orientation, religion or belief, marriage and civil partnership, pregnancy and maternity.

## **2. Purpose of this Policy**

2.1 The policy sets out GFM Education's approach to equality and diversity. The Trust is committed to promoting and achieving equality and diversity and promoting a culture that recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.

2.2 The Trust 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 individuals can achieve their full potential.



2.3 The Trust is committed to a policy of treating all its employees, workers and job applicants equally. No employee or potential employee will receive less favourable treatment because of any protected characteristic.

2.4 The Equality Act 2010 prohibits discrimination, harassment and victimisation in employment, and the principles of non-discrimination and equality of opportunity also apply to the way in which the Trust treats employees, students, parents and visitors.

2.5 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. Employees are expected to work with the Trust in achieving this.

2.6 This policy does not form part of any contract of employment and is not intended to have contractual effect. The Trust reserves the right to amend its content at any time.

### **3. Scope of this policy**

3.1 This Policy applies to the Trust's 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 within the Trust (collectively referred to as "Staff" in this policy).

3.2 The rights and obligations set out in this policy apply equally to all staff. All staff have personal responsibility for the application of this policy. Staff should familiarise themselves with this policy and ensure that it is properly observed and fully complied with.

3.3 This policy is also of particular relevance to Executives, Senior Leaders, line managers and other employees involved in recruitment, training and promotion procedures and employment decisions which affect others.

3.4 No form of discrimination will be tolerated. If you believe that you may have suffered discrimination because of any of the above protected characteristics, you should consider the appropriateness and feasibility of informal resolution by discussion in the first instance with your line manager or member of the Senior Leadership Team.



3.5 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate procedure.

3.6 Any individuals found to have breached this policy may be subject to disciplinary action under the Disciplinary Policy. Employees may also be held personally liable for any acts of discrimination prohibited by this policy, meaning that they can personally be sued by the victim.

3.7 This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to work (such as at meetings, social events, sports events where you are known to be, or can be identified as, a member of the GFM), which may impact on the Trust's reputation.

#### **4. Legislation**

4.1 The Equality Act 2010 provides a protection against direct and / or indirect discrimination, harassment and victimisation, at work and in education. It protects individuals and promotes a fair and more equal society.

4.2 The Public Sector Equality Duty (PSED) comprises the General Equality Duty (GED) as set out in Section 149 of the Equality Act 2010. The Public Section Equality Duty requires public sector bodies to consider how they can positively contribute to the advancement of equality and good relations.

4.3 To that extend GFM Education must, in the exercise of its functions, have due regard to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between persons who share a protected characteristic and those who don't.
- Foster good relations between persons who share a protected characteristic and those who don't.

#### **5. Responsibilities**

5.1 All employees will be encouraged to develop their skills and fulfil their potential and to take advantage of training, development and progression opportunities within the Trust. Selection for employment and / or promotion, training or any other benefit will be on the basis of aptitude and ability.



5.2 The Trust will take responsibility for promoting equal opportunities and will challenge any discriminatory practices.

5.3 The following have specific responsibilities for promoting equal opportunities and for challenging discriminatory practices:

- **The GFM Board:** will seek to ensure that the Trust complies with all current equal opportunities and anti-discriminatory legislation and guidance. They also have the responsibility for ensuring that this policy and procedures linked to it are implemented.
- **Executives and Senior Leadership Team:** will ensure that this policy is implemented on a day-to-day basis and that staff are aware of their responsibilities. The Executives will be responsible for ensuring that staff receive appropriate training and support for putting the policy into practice and for considering what disciplinary action may be taken against staff who discriminate. The Executives will report back to the Board on the implementation of this policy and therefore must ensure that they keep themselves and their staff up-to-date with current legislation and guidance on equal opportunities and discrimination.
- **All staff within the Trust:** will deal with incidents of discrimination in accordance with Trust procedures and will challenge discriminatory bias and stereotyping. Staff will not discriminate on the grounds of sexual orientation, marriage or civil partner status, pregnancy or maternity, gender and gender reassignment, sex, race (including ethnic and national origin and colour), religion or belief, disability or age.
- **Parents / carers, visitors, volunteers and contractors:** will comply with the Trust's policy.

## 6. Forms of Discrimination

6.1 There are various types of discrimination prohibited by this policy. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

**6.2 Direct discrimination** occurs where someone is treated less favourably than others because of one or more of the protected characteristics set out above. For example, paying someone less because of their sex or because they belong to a



particular racial group would be direct discrimination, or refusing to promote a pregnant employee on the basis that she is due to go on maternity leave.

6.3 Other types of direct discrimination are:

**6.3.1 Associative discrimination** – this is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, an employee is discriminated against because their child is disabled.

**6.3.2 Perceptive discrimination** – this is direct discrimination against an individual because others think they possess a particular protected characteristic. For example, it is believed the individual is gay. It applies even if the person does not actually possess that characteristic

**6.4 Indirect discrimination** occurs where someone is disadvantaged by an unjustified provision, criterion or practice (PCP), which appears to be the same for all, but which has a disproportionate, adverse effect on the person, or persons, with the protected characteristic. For example, telling all employees that they have to work late at night – although applied to everyone, will adversely affect those employees who have the main responsibility for childcare and these tend to be women.

**6.5 Harassment** related to any of the protected characteristics is prohibited. Harassment is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It is important to remember that it is not the intention of the harasser but how the recipient perceives the behaviour which determines whether harassment has occurred.

**6.6 Victimisation** is also prohibited. This is treating someone less favourably because they have asserted their legal right not to be discriminated against because of a protected characteristic. An example of this would be an employee claiming that they had been discriminated against on the grounds of their disability and their manager deciding not to give them a reference when they left because they had claimed disability discrimination, or where an employee has raised a genuine grievance and been demoted as a result of it.



## **7. Recruitment and Selection**

7.1 The Trust aims to ensure that no job applicant will suffer discrimination because of any of the protected characteristics above. The Trust's recruitment procedures ensure that individuals are treated fairly and on the basis of their relevant merits and abilities. Where possible the GFM aims to capture applicant's diversity demographics as part of its recruitment processes to ensure the elimination of discrimination.

7.2 Selection criteria, including job descriptions and post-holder specifications, will be kept under review to ensure that they are justifiable and non-discriminatory, as being essential for the effective performance of the shortlisting and the selection interview.

7.3 The Trust is required by law to ensure that all members of staff are entitled to work in the UK. 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.

7.4 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the Trust, the Trust will monitor applicants' 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 an individual's chances of recruitment or any other decision related to their employment. The information will be removed from applications before shortlisting and kept in an anonymised format solely for the purposes stated in this policy.

7.5 A copy of this policy will be supplied on request to those who enquire about vacancies.

## **8. Recruitment of ex-offenders**

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

8.2 The Trust 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 within the



Trust. Whether or not it does will depend on the nature of the position and the circumstances and background of the offences.

8.3 The Trust 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.

## **9. Promotion, transfer and training**

9.1 The Trust will carefully examine assessment criteria and appraisal schemes to ensure that they are not discriminatory, whether directly or indirectly.

9.2 The Trust will monitor promotion and career development plans to ensure that access to promotion, training and career development opportunities is not denied to particular groups or types of workers.

9.3 All promotions decisions will be made on the basis of merit and will not be influenced by any of the protected characteristics mentioned in this policy. Promotion opportunities will be monitored to ensure equality of opportunity.

## **10. Termination of employment**

10.1 The Trust will carefully examine redundancy criteria and procedures to ensure that they do not operate, or are not applied, in an unlawfully discriminatory manner.

10.2 The Trust will also ensure that disciplinary procedures and sanctions 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.

## **11. Disability Discrimination**

11.1 It is the Trust's policy that disabled people, including job applicants and employees, should be able to participate in all of the Trust's activities fully, on an equal basis with people who are not disabled.

11.2 Due to the wide variety of potential disabilities and the likelihood of a disability affecting different people in different ways, it would be inappropriate to prescribe rigid rules on how issues concerning disabled people should be dealt with. What is essential, however, is that all managers, Senior Leadership Team, Executives, and HR take all reasonable practical steps to ensure that disabled





people are not less favourably treated or disadvantaged by comparison to people who are not disabled in relation to their work, working environment, or by any provision, criterion or practice used by the Trust. Managers need to be aware in particular that an employee on long-term sick leave or with intermittent sickness absence may be disabled.

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

11.4 If a member of staff experiences difficulties at work because of their disability, they may wish to contact their Line Manager to discuss any reasonable adjustments to their working conditions or duties which they consider to be reasonable to assist in the performance of their duties.

11.5 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.

11.6 HR reserves the right to refer a member of staff to Occupational Health for a medical assessment before implementing reasonable adjustments to ensure they are appropriate.

11.7 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.

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

12.1 The Trust is committed to ensuring that all its staff are treated with dignity and respect and will take appropriate action against complaints of discrimination, harassment or victimisation on any of the protected characteristics made by any of its staff, students or other third parties.

12.2 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 their Line Manager or, if in cases where the line manager has been involved, speak to a member of the Senior Leadership Team or HR.



12.3 It is hoped that it may be possible to resolve the matter informally and reach a satisfactory resolution.

12.4 If a member of staff wishes to make a formal complaint then they should use the procedure set out within the Trust's Grievance Policy and Procedure.

12.5 If an employee is accused of unlawful discrimination, victimisation or harassment, the Trust will investigate the matter fully. In the course of the investigation the employee will be given the opportunity to respond to the allegation.

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

12.7 If the Trust concludes that the claim is malicious then the complainant may be subject to disciplinary action.

12.8 Any questions about the content or application of this policy should be referred to HR in the first instance.