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Statutory Policy:	Policy provided centrally for adoption by schools with minimal amendment to the core text. Changes are allowed to the text where indicated

Equality and Diversity Policy

St Nicholas C.E. Primary School

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I Statement of Intent

This equality and diversity procedure provides a framework outlining how ODST will be a fair employer and promote equal opportunities which do not disadvantage any person on the grounds of a protected characteristic. It is designed to ensure that clear and transparent guidelines are provided for all working in ODST and to ensure that ODST complies with its legal obligations under the Equality Act (2010).

Please note: The starting point for developing this policy was the Oxfordshire County Council model policy which had been drawn up following consultation with all the recognised Trade Unions and Associations. It has been amended to reflect the independent status of ODST as a multi academy trust, although the substantive content remains the same. ODST intends that future changes to this policy will be subject to consultation with its schools/academies, their staff and any recognised Trade Unions and Associations.

II Introduction

The Equality Act came into force on 1st October 2010 and provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

The Act brings together previous legislation into one single Act providing individuals with protection in relation to the following protected characteristics:

- Age,
- Disability,
- Gender reassignment,
- Marriage and civil partnership,
- Pregnancy and maternity,
- Race, including ethnic or national origins, colour and nationality,
- Religion or belief, including the lack of belief,
- Sex,
- Sexual orientation.

In accordance with its responsibilities under the Act, ODST is committed to ensuring the fair and equal treatment of its employees and all other stakeholders including pupils, contractors, and applicants.

III Objectives

The equality and diversity procedure aims to:

- value and recognise all stakeholders and enable them to develop and perform to the best of their ability,
- promote good relations and equality between people who share protected characteristics and those who do not,
- support dignity and respect for all, where no form of discrimination, intimidation, bullying, or harassment is tolerated,
- advance equality of opportunity between people who share a protected characteristic and those who do not,
- where appropriate, allows positive action to be taken for under-represented groups,
- allow breaches of equality to be investigated and dealt with accordingly as matters of misconduct,
- enable ODST to comply with its statutory obligations under the Equality Act (2010).

IV Scope

Local Governing Body
All School Staff
Central Team
Contractors/Service Providers

V Relevant Legislation

Equality Act 2010,
Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002,
Part-time Employees (Prevention of Less Favourable Treatment) Regulations 2000.

VI Related Policies

Disciplinary Policy
Grievance Policy
Maternity Policy
Pay Policy
Whistleblowing Policy

VII Date of Review

The policy will be reviewed as required by the Board of Directors of ODST to take account of any legislative changes and/or national policy development as well as feedback from ODST staff and schools and in any event, by 31st December 2025 at the latest.

VIII General Principles

Definitions

The term "relevant body" has been used throughout this policy. In ODST the relevant body is the Board of Trustees of ODST,
Unless indicated otherwise, all references to "school" include both schools and academies,
Unless indicated otherwise, all references to "teacher" include the Headteacher,
Unless indicated otherwise, all references to "staff" include teaching, support and centrally employed staff.

Consistency of Treatment and Fairness

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.

Delegation

The relevant body has chosen to delegate some of its functions to Local Governing Bodies as set out in this policy.

Monitoring and Evaluation

The Local Governing Body and Headteacher will monitor the operation and effectiveness of the school's equality and diversity procedure. The Headteacher/chair of the Local Governing Body must liaise with the ODST HR team in the event of any concern relating to the application of the equality and diversity procedure within their school, and its resolution, and this will be shared as appropriate with the ODST pay and personnel sub-committee to ensure that any learning is implemented.

IX Responsibilities

Responsibilities of the Governors

Ensuring on a day-to-day basis the implementation and adherence to the equality and diversity procedure in school's rests with the Local Governing Body and they should formally adopt this ODST policy and publicise it to their employees.

In liaison with the relevant body as required, treating seriously any concerns raised in relation to this procedure and ensuring that they are investigated appropriately. It is anticipated that responsibility for investigating such concerns will be delegated to the Headteacher in the first instance unless the concern relates to the Headteacher.
Ensuring that the Relevant Body are consulted with regard to any concerns or outcomes raised under the Equality and Diversity Procedure.

Responsibilities of the Relevant Body

Monitoring the implementation and adherence to the equality and diversity procedure in schools.
Ensuring implementation and adherence to the equality and diversity procedure centrally in ODST.
Supporting the Local Governing Body, where required, in investigating any concerns raised in relation to the equality and diversity procedure and facilitating appropriate follow-up actions.
Supporting the Local Governing Body in investigating and responding to any concern relating to the Headteacher.

Responsibilities of the Headteacher/Line Managers

Acting as a role model to ensure that individuals are treated with dignity and respect.
Ensuring that the procedure operates effectively within their span of control.
Ensuring that all employees are aware of the requirements of the procedure and their individual responsibilities.
Treating seriously and with sensitivity any concerns raised under this procedure, investigating, and documenting them appropriately.

Responsibilities of Employees

Ensuring you treat everyone with dignity and respect.
Cooperating with the equality and diversity procedure and any other measures introduced to ensure equality of opportunity.
Raising any concerns in relation to suspected discriminatory acts or practices.
Refraining from bullying, victimising, or harassing anyone you come into contact with as part of your work.

ODST Equality and Diversity Procedure for Employees

This procedure should be made available to all employees.

Aims

The equality and diversity procedure aims to:

- ensure that ODST fulfils its legal obligations in accordance with the Equality Act (2010),
- value and recognise all stakeholders and enable them to develop and perform to the best of their ability,
- promote good relations between different groups of people who share protected characteristics and those who do not,
- support dignity and respect for all, where no form of discrimination, intimidation, bullying, or harassment is tolerated,
- advance equality of opportunity between people who share a protected characteristic and those who do not,
- where appropriate, allows positive action to be taken for under-represented groups,
- allow breaches of equality to be investigated and dealt with accordingly as matters of misconduct.

Application

The equality and diversity procedure applies to all employees within ODST, including those engaged on permanent and fixed-term contracts, casual workers, agency workers and apprentices. It also applies to job applicants.

Through application of the equality and diversity procedure, ODST aims to promote a culture of fairness and to ensure that no employee, or applicant, is treated less favourably than another on the grounds of a protected characteristic.

The scope of the procedure covers all aspects of the employment relationship including selection for employment; promotion; learning and development; pay and benefits; employment practices and performance management.

Discrimination, Victimisation and Harassment

ODST is committed to the avoidance of all forms of discrimination, victimisation, and harassment in the workplace. This could take various forms as outlined below.

Direct discrimination occurs when a person treats another less favourably than they treat or would treat others because of a protected characteristic. This could arise at any point in the employee life cycle from recruitment through to selection for redundancy.

Direct discrimination includes discrimination by perception: i.e., when an individual is treated less favourably because others think they possess one of the protected characteristics even if this isn't actually the case.

Direct discrimination also includes associative discrimination where someone is treated less favourably because they associate with another person who possesses a protected characteristic, e.g., turning down someone for a job because they are known to have caring responsibilities for someone with a disability.

Indirect discrimination may occur if a particular working practice or rule is applied which puts (or would put) one group of employees, who share a protected characteristic, at a disadvantage- e.g., limiting part-time employees from training opportunities would impact females indirectly as they make up the largest component of part-time workers. Indirect discrimination can only be lawful if there is an objective justification for it and it is a proportionate means of achieving a legitimate aim.

Harassment is defined as occurring when a person engages in unwanted conduct which is related to a relevant protected characteristic or be of a sexual nature, which has the purpose or effect of violating an individual's dignity or creating an environment that is hostile, intimidating, degrading, humiliating or offensive for that individual. Harassment may also arise through perception or association.

Victimisation is where an employee is subject to a detriment because they have made or supported a complaint or grievance under the Equality Act or because they are suspected of doing so.

Positive action is permitted under law and ODST may take positive action if it is believed that employees or applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic.

Support is available centrally from the ODST HR team and it is expected that the Local Governing Body, Headteacher or centrally employed line manager, will seek their advice in the event of any query relating to possible discrimination, victimisation, or harassment.

Protected Characteristics

ODST is committed to the fair and equal treatment of all its employees and will not tolerate discrimination on the basis of any of the following protected characteristics.

Age: ODST recognises the positive contribution employees from all age groups can bring to the organisation and employees will be treated fairly regardless of age across the whole employment life cycle. Employees will also not be compulsorily retired because of their age.

Disability: a person is disabled if they have a physical or mental impairment which has a substantial, long-term adverse effect on their ability to carry out normal day to day activities. ODST commits that its employees will not be directly or indirectly discriminated against on the grounds of a disability and that applicants and employees who are disabled are treated fairly with any needs arising as a consequence of the disability being addressed during the recruitment process and during employment.

Cancer, HIV infection, multiple sclerosis and certain mental health conditions are deemed disabilities under the Act from the point of diagnosis. Progressive conditions and those with fluctuating, recurring effects will amount to disabilities in certain circumstances. Advice is available from the ODST HR team.

ODST will:

- Take prompt action to identify and implement reasonable adjustments to ensure, wherever possible, disabled people can access, progress, and remain in employment,
- Access specialist support and advice where required,
- Ensure action is taken against those who discriminate against disabled people,
- Take all reasonable steps to ensure employees understand their responsibilities under the Equality Act in relation to disabled workers.

Any information disclosed by an individual to ODST about a disability will be treated sensitively and confidentially.

Gender reassignment: people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their gender have the protected characteristic of gender reassignment. ODST commit that any such employee or applicant will not be discriminated against on account of this characteristic, e.g., absence from work due to a gender reassignment process will be treated in the same manner as absence for illness or injury.

Marriage (including same sex marriage) or civil partnership: ODST employees and job applicants who are married or in a civil partnership will be treated fairly and equally to all others.

Pregnancy and maternity: women who are pregnant or on maternity leave are protected from discrimination during the period of pregnancy or statutory maternity leave to which they are entitled. Additional statutory rights are also applicable to a pregnant employee such as time off for antenatal care and unfair dismissal protection.

Race: a racial group is a group of people who have or share a colour, nationality and ethnic or national origins. Employees of ODST will not be treated less favourably on account of these characteristics.

Religion or belief: ODST employees and applicants will not be discriminated against on the basis of their religion or beliefs and will be respectful of those of other religions or their own. This protection also applies to those who do not follow a religion.

Sexual orientation: ODST employees and applicants will be treated fairly regardless of their sexual orientation and the dignity of all should be respected. Care should be taken to avoid situations where a person feels excluded or unwelcome because of their sexual orientation, or where interviewers ask questions that may be regarded as intrusive or imply potential discrimination. Line managers should be aware that harassment that takes the form of a general culture, e.g., the telling of homophobic jokes, should not be tolerated.

Sex: no employee or job applicant will be treated less favourably on the basis of their gender identity.

General Provisions

In recruiting staff, ODST will ensure that its practices do not discriminate against candidates in ways which are unrelated to their ability to carry out the role.

All opportunities for employees to develop their skills and expertise will be carried out in a fair manner.

The pay of staff within ODST will be based upon their skills and abilities, and linked to their job role, and not based upon any particular characteristic.

ODST is committed to ensuring relevant training is provided to employees in respect of the provisions of the Equality Act and any subsequent revisions to it.

The Equality and Diversity Procedure is applicable to all staff, governors and contractors working within a school. Pupils are subject to separate policies relating to Behaviour.

Raising Concerns

If any employee has concerns about conduct or behaviour in the workplace pertaining to the equality and diversity procedure, they should speak to their line manager at the earliest opportunity. In the event that the concern relates to the line manager, an employee should speak to the Headteacher (or for central office staff, their line manager's manager) in the first instance.

Any employee found to be in breach of this procedure as a result of behaviour, conduct or comments towards another employee or stakeholder will be subject to disciplinary proceedings.

Monitoring

The Local Governing Body should regularly monitor the effectiveness of this policy through a variety of means including:

- all applicants for posts should be asked to complete a monitoring form to enable monitoring of recruitment decisions against the principles of this policy,
- all shortlisted candidates for posts should be invited to indicate whether they have any special requirements or require reasonable adjustments to enable them to attend an interview or carry out the duties of the post. Responses to this question and appropriate actions taken by a school to accommodate people with disabilities will also be monitored as part of this process,
- the incidence of complaints under the procedures and any other aspect of this policy will also be monitored.

The Headteacher/Chair of Governors must liaise with the ODST HR team in the event of any of any concern relating to the application of the equality and diversity procedure within their school, and its resolution.

The ODST HR team will be responsible for sharing as appropriate with members of the Pay and Personnel sub-committee details of any concerns raised in relation to the Equality and Diversity Procedure and any learning or steps required to ensure that all ODST schools continue to follow best practice.

The Headteacher/Chair of Governors will be responsible for ensuring that any such information obtained is stored in an appropriate and confidential format in accordance with the General Data Protection Regulations 2018.