South Farnham Educational Trust

The Continual Pursuit of Excellence

EQUAL OPPORTUNITIES IN EMPLOYMENT POLICY

REVIEW DATE:	AUTUMN 2026
NEXT REVIEW DATE:	AUTUMN 2028

. 1. Introduction

The Trust is committed to providing and promoting equal opportunities for all staff and prospective employees and seeks to eliminate unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. This policy is intended as a statement of the Trust's aims, commitments and responsibilities in relation to equal opportunities in employment. These have been integrated into the Trust's HR policies which provide the detail of operational practices and procedures.

This policy is intended to complement the Trust's Equality Policy which covers the Trust's broader commitments in relation to its pupils and the community it serves.

2. The Law

Introduction

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, gender reassignment, religion or belief, marital status or because someone is in a civil partnership. These are known as "protected characteristics". Discrimination after employment has ended can also be unlawful, for example in relation to the provision of an employment reference.

3. Types of Discrimination

Direct discrimination occurs 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 (such as the need for same-sex staff in changing rooms). The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination occurs where a requirement, condition or practice is applied which has a disproportionate and adverse effect on one group with a relevant protected characteristic when compared to other groups. It is, however, capable of justification where the discrimination can be shown to be a 'proportionate means of achieving a legitimate aim'. A requirement, for example, for a job applicant to be a graduate is likely to discriminate indirectly against older workers. It will not, however, be unlawful discrimination if the requirement can be objectively justified.

Harassment occurs where there is unwanted conduct, related to one of the protected characteristics, 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 occurs where an individual is directly discriminated against or harassed for associating with another individual who has a protected characteristic. This might occur, for example, where a mother of a disabled child is treated less favourably as a result of her child's disability.

Perceptive discrimination occurs where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she in fact does not have that protected characteristic. This might occur, for example, where an employee is subjected to homophobic bullying based on a perception that he/she is homosexual.

Third-party harassment occurs where an employee is harassed by a third party and the harassment is related to a protected characteristic.

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. An employee is not, however, protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

A failure to make reasonable adjustments may occur where a physical feature or a requirement, condition 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.

4. Responsibilities of Employees

Every employee is expected to assist the Trust to meet its obligations in relation to the provision of equal opportunities in employment and to eliminate 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 other individuals involved with the School are disciplinary offences and will be dealt with under the Trust's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Whilst all employees have a responsibility for supporting the Trust's commitments in relation to equality, managers have particular responsibilities because they are in a position to make or influence employment decisions. Managers are therefore expected to be accountable for the provision of equal opportunities through the actions that they take, and to monitor and review practices within their sphere of responsibility.

5. Trust Commitments

The Trust will adhere to its recruitment and selection policy in relation to all new appointments and promotions. In particular, this means that essential criteria on person specifications will be limited to those requirements which are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking into account any reasonable adjustments that may be required for candidates with a disability.

- All decisions relating to appointment, promotion or access to training will be made based on merit, job needs or other relevant job-related criteria.
- The Trust will foster a workplace culture in which individuals are respected, in which diversity is valued and in which employees are encouraged to report any behaviour which causes them concern.
- Where employees seek a variation to a standard working practice, the Trust will consider any possible indirectly discriminatory effect of the practice in question and will refuse such requests only where the Trust considers it has sound organisational reasons for doing so, unrelated to any protected characteristic. The Trust will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- The Trust will monitor the composition of the existing workforce and of applicants for jobs and, where problems are identified, will consider whether appropriate action can be taken to address these.
- The Trust will review on an annual basis the need for training in equal opportunities for managers and others involved in recruitment or other decisions relating to employment, as well as reviewing the need for training for existing and new employees, volunteers and other workers engaged at the Trust to help them understand their rights and responsibilities.

6. Complaints about Discrimination

Any employee who considers that he/she may have been unlawfully discriminated against may use the organisation's grievance procedure to make a complaint. If the complaint involves bullying or harassment, the relevant Trust policy provides further information about how to raise concerns. A copy is available from each School Office and on SharePoint.

The Trust will take any complaint seriously and will seek to resolve any grievance that it deems to be well-founded. An employee will not be penalised for raising a grievance providing the concerns are put forward in good faith.

Use of the Trust's grievance procedure does not affect an employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months of the act of discrimination complained of.

7. Data Protection

The Trust treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its data protection policy. Information about how data is used and the basis for processing is provided in the job applicant privacy notice.

8. Policy Review

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