



## Equality Information and Objectives (to cover both staff and students)

<b>Member of Staff Responsible</b>	Chief Executive Officer, with HR input
<b>Relevant guidance/advice/legal reference</b>	The Equality Act 2010 and Specific duties 2011
<b>Approved by</b>	Trust Board
<b>Date of Policy</b>	March 2022
<b>Review Cycle</b>	Various – see reference to Section 1 and Section 2 on this page, below this table
<b>Date of Next Review</b>	Information: May 2023 Objectives: May 2026
<b>Website</b>	Yes

This policy is divided into two sections.

**Section 1:** Is common to all schools in The 3-18 Education Trust. Section 1a reflects the over-arching principles of equality, the responsibility and detail of the general duty. Section 1b covers workforce equality given all our employees have a single employer, operating from the same policy. Section 1 therefore makes clear the Trust's legal duty to provide opportunities for both learning and employment in an environment which is fair and without discrimination. Information (See Section1, 2.2.1 and 2.2.2) about equality will be produced annually by the schools for the CEO, the latter of which will report to the trustees. **Equality objectives for staff are set by the trust for all its employees and these are written to advance any of the general duty of the Act** – they are reviewed by the board every four years. They are written at the end of **Section 1b**

**Section 2:** Refers to students and is written by the school to reflect its individual context and the application of the equality act in its own setting. Responsibility for the achievement of objectives is delegated to each school's leadership team and local governing body for implementation, although ultimate responsibility for this policy remains with the board. **Equality objectives for students are determined by each school separately** and are represented in **Section 2**.

## Section 1a:

### 1.1 Statement of Intent

The 3-18 Education Trust is committed to equality and to valuing and celebrating diversity. We actively support practices that promote genuine equality of opportunity for all staff and young people, and by doing so we are committed to being a fully inclusive community.

We aim to be a community where everyone is treated fairly and with respect. We want everyone to reach their full potential, and we recognise that for some people extra support is needed to help them to achieve and be successful.

The Public Sector Equality Duty (PSED), introduced under the Equality Act 2010, applies to public sector bodies, including maintained schools and academies. The legislation states that a listed authority must comply with both a general duty and with specific duties as set out in the Equality Act 2010. We take our legal duties on equality seriously. We welcome our general duty under the Equality Act 2010 to eliminate discrimination, to advance equality of opportunity and to foster good relations.

These general duties are:

- **To eliminate discrimination, harassment, victimisation** and any other conduct that is prohibited. In relation to students, schools may seek to meet this aim by monitoring admissions, exclusions, attendance and prejudice related incidents. In respect of staff, the trust achieves this by ensuring that there are appropriate employment policies in place.
- **To advance equality of opportunity** between groups/people who share a relevant protected characteristic and groups/people who do not share it, by considering the need to remove or minimise disadvantage, by taking steps to meet different needs, and by encouraging participation when it is disproportionately low.
- **To foster good relations** between groups/people who share a relevant protected characteristic and groups/people who do not share it.

We fully understand the principle of the Act and the work needed to ensure that those with protected characteristics are not discriminated against and are given equality of opportunity.

#### **Definition of Protected Characteristics:**

Decision makers at each school are aware of the duty to have 'due regard' when making decisions or taking action and must assess whether it has implications for people with a particular Protected Characteristic, listed below:

- Age;
- Disability
- Gender reassignment;
- Marriage and civil partnership (for employees).
- Pregnancy and maternity;
- Race,
- Religion and belief;
- Sex;
- Sexual orientation;

### **Purpose of the Policy:**

To demonstrate how the trust is compliant with Equality Act 2010 (Specific Duties) Regulations 2011 and to prepare and publish equality objectives.

### **Scope of the Equality Information & Objectives Policy:**

- A statement of the trust's commitment to meeting its equality duty to all staff (Section 1b) and all students (Section 2) which indicates school-specific detail.
- This detail will include a description of school measures in place to meet the general duties of the Act.
- A set of equality objectives.

## **1.2 Roles and responsibilities**

### **1.2.1 The board of trustees:**

- ensures that the equality information as set out in this statement is published and communicated throughout the trust - to the LGB, staff, pupils and parents, and that the equality objectives are reviewed and updated at least once every 4 years.
- delegates responsibility for monitoring the achievement of the objectives on a daily basis to the headteacher of each school

### **1.2.2 The local link governor for equality:**

- meets with the designated member of staff for equality annually and other relevant staff members, to discuss any issues and how these are being addressed.
- ensures they are familiar with all relevant legislation and the contents of this document.
- attends appropriate equality and diversity training.
- reports back to the Headteacher/LGB (on student matters) or CEO (on workforce or student matters who will report back to the Board).

### **1.2.3 The headteacher/designated member of staff for equality:**

- has overall responsibility for the daily implementation of equality practices and should have due regard as to how the school's decisions impact upon equality.
- promotes knowledge and understanding of the equality objectives amongst staff and pupils.
- monitors success in achieving the objectives and reports back to governors.
- identifies and delivers training if required.

### **1.2.4 All staff across the trust**

All staff and volunteers in the Trust share responsibility for discouraging examples of discrimination that they observe within the workplace and for advancing the general duty. Therefore, all staff across the trust are expected to have regard to this document and to work to achieve the objectives set out below.

## **2. General duty**

### **2.1 Eliminating discrimination**

The trust is aware of its obligations under the Equality Act 2010 and complies with non-discrimination provisions. Where relevant, our policies include reference to the importance of avoiding discrimination and other prohibited conduct.

When the equality information is published, trustees, local governors all staff are regularly reminded of their responsibilities under the Equality Act. This is minuted.

New staff receive training on the Equality Act as part of their induction; it is the decision of the school to provide refresher training as and when required. staff receive refresher training.

Each school has a designated member of staff (who may be the headteacher) for monitoring equality issues, and an equality link local governor. They regularly liaise regarding any issues and make senior leaders and local governors aware of these as appropriate.

## **2.2 Advancing equality of opportunity (at both trust and school level)**

As set out in the DfE guidance on the Equality Act, the trust aims to advance equality of opportunity by:

- removing or minimising potential disadvantages suffered by people, which are connected by a particular characteristic they have.
- taking steps to meet the particular needs of people who have a particular characteristic.
- encouraging people who have a particular characteristic to participate fully in any activities (e.g. encouraging all pupils to be involved in the full range of school societies).

### **2.2.1 Publishing information**

In addition to placing this policy on our web-site (and others which refer to equality) we make implicit and explicit reference throughout our schools and in our trust operations and strategic plans, to our focus on inclusion and equality. The School Development Plans and Trust strategy are available to reference on our school or trust web-site for the trust and for each school. It is possible to access retrospective data on student's performance about each school in this respect by referring to <https://www.gov.uk/school-performance-tables>.

Should a school wish to publish data about equality and inclusion, we will make sure that with any data we publish to show how we meet our equality duties, individual staff or pupils will not be identifiable. This means we may suppress some data if it relates to a very small number of staff or pupils to preserve their confidentiality.

#### **2.2.2.1 Students**

We fulfil our Public Sector Equality Duty by:

- Reviewing pupil progress and attainment data, particularly from identified sub-groups; this data informs intervention strategy
- Mentoring and enrichment programmes.
- PSHE programmes, including tutor sessions, assemblies and celebrations involving students.
- Data and information **published** on our websites, including; Pupil Premium, Covid catch-up and SEN reports.
- School Development Plan (web-site)
- Governing Body reports and minutes (web-site)
- SEND information report and SEND policy (web-site)

### **2.2.2.1 Staff**

We will consider how our activities as an employer affect staff with protected characteristics. We fulfil our Public Sector Equality Duty by:

- Equality impact needs assessment
- Policies that are in place across the trust
- Valued worker scheme
- Being an equal opportunities employer
- Being 'Disability confident committed'
- Gender pay-gap reporting **published** on our web-site
- Flexible working policy
- Staff well-being programmes (which have elements which are specific to each school and other parts which are specific generic across the trust).
- Policies and programmes in place to address equality concerns from staff
- Addressing information from staff surveys

The Government Equalities Office also provides guidance on suggested information to publish and these may be made available on request.

### **2.3 Fostering good relations**

The trust aims to foster good relations between those who share a protected characteristic and those who do not share it by:

- Promoting celebration of difference, friendship and understanding of a range of religions and cultures through different aspects of the curriculum. This includes teaching in RE, citizenship and personal, social, health and economic (PSHE) education, but this may occur in other areas.
- Holding assemblies to address relevant issues.
- Encouraging pupils to contribute to their local community.
- Encouraging and implementing initiatives to deal with tensions between different groups of pupils within each school. All pupils are encouraged to participate in their schools' activities. Schools may also work with parents/carers to promote knowledge and understanding of different cultures.

Further evidence of each school's actions is in Section 2

### **2.4 Links with other policies/documents**

This document links to the following policies:

- Accessibility plan
- Risk assessment
- Behaviour
- Suspensions and Exclusions
- School/Trust development plan

## **Section 1b: Workforce.**

This section of the policy has been approved by

- National Education Union
- National Associations of Schoolmasters Union of Women Teachers
- National Association of Head Teachers
- Association of School and College Leaders
- Unison
- GMB

As the employer, the Trust has a legal duty to provide opportunities for both learning and employment in an environment which is fair and without discrimination. The Trust will:

- Create an environment in which individual differences and the contributions of all staff are recognised and valued.
- Provide every employee with a working environment that promotes dignity and respect for all, where employees feel able to challenge behaviour and attitudes which are contrary to the policy.
- Ensure that no form of intimidation, bullying or harassment will be tolerated and cases will be dealt with swiftly and fairly. The Bullying and Harassment Policy is available to complainants and the Disciplinary Policy may be instigated against perpetrators.
- Ensure training, development and progression opportunities are available to all staff.
- Review all its employment practices and procedures to ensure fairness.

Decision makers at each school must be aware of the duty to have 'due regard' when making decisions or taking action and must assess whether it has implications for people with a particular Protected Characteristic. Equality implications should be considered when policies or decisions are being made, and should be kept under review, for example through the use of standard Equality and Social Inclusion Impact Assessments (Appendix C).

Additionally, it is also unlawful to discriminate on the grounds of trade union membership or non-membership, part time or fixed term contract status and past unrelated convictions. Definitions of the Protected Characters and types of discrimination are shown at Appendix A.

### **1.1 How to Resolve Difficulties**

The headteacher/CEO is responsible for preventing employees from suffering discrimination in the workplace. Employers are ultimately responsible for any discrimination which takes place by their employees, regardless of the employer's knowledge or approval. The Headteacher/CEO must also ensure that their staff are not harassed by a third party. It is important therefore that the Headteacher/CEO ensures that all staff and volunteers are aware of the policy.

#### **1.1.1 Internal issue.**

If an employee raises a grievance because either they are subject to discrimination by a member of staff, or because they have witnessed discrimination directed towards another person by a member of staff, they should be able to access, or request a copy of the Trust's Bullying and Harassment Policy from the Headteacher. The complainant will have the option of pursuing either the informal or formal route.

In cases where an employee's conduct falls short of the required standard, the disciplinary procedure may be invoked. The disciplinary procedure is the means by which rules are observed and standards are maintained. In cases where the misconduct is minor, it may be dealt with through the informal route. However, in cases where the informal route has not had the desired effect or the misconduct is considered too serious, the formal route should be followed. Certain acts such as a serious breach of the Trust's adopted Workforce Equality Policy, including any form of unlawful discrimination, victimisation, bullying or harassment of pupils or colleagues may constitute gross misconduct which may lead to dismissal.

### **1.1.2 External issue**

If a complainant raises a grievance because either they have been subject to discrimination by a third party, or because they have witnessed discrimination directed towards another person by a third party they should be able to access the Bullying and Harassment Policy.

Where a third party complainant raises a grievance because either they have been subject to discrimination by an employee, or because a third party has witnessed discrimination directed towards another person by an employee they should access the School's Complaints Procedure.

## **2. How to identify and act on Hate Crime**

Hate crime is an offence committed against a person or property motivated by the perpetrator's hostility and prejudice towards people because they are seen as being different. By working together schools should try to meet their equality and diversity obligations, particularly in seeking to eliminate discrimination, harassment and victimisation. In addition, working together aims to encourage social inclusion and promotes a resilient and caring society. The Hate Crime Reporting protocol with website links attached at Appendix B. The website links are also shown below.  
<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>  
<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

## **3. Recruiting and Employing People Fairly**

The Trust will make sure that we provide equality of opportunity to all in pre-employment and employment. We will:

- demonstrate an open and transparent approach to recruitment.
- ensure that recruitment decisions are made using pre-agreed objective criteria.
- seek to appoint the most suitable applicant for the job based on merit.
- ensure the recruitment and selection process conveys a positive image of the school/academy and portrays the school/academy as an employer of choice.
- demonstrate commitment to employ, retain and develop the abilities of disabled people, for example through achievement of the Disability Confident Scheme.
- ensure that the recruitment and selection of staff are conducted in a professional, timely and responsive manner and in compliance with current employment legislation.
- provide appropriate training, development and support to those involved in recruitment and selection activities in order to ensure the recruitment of employing people is fair and legally compliant.
- treat all applicants fairly, equitably and efficiently, with respect and courtesy, aiming to ensuring that the applicant experience is positive, irrespective of the outcome.

- ensure that if any member of staff involved in the recruitment process is related to, or has a close personal relationship with an applicant then they are not involved in the recruitment process at any point. This includes, but is not restricted to, restructures, ring-fencing, decisions about post-creation and job description content.
- ensure that all documentation relating to applicants will be treated confidentially and kept securely in accordance with the Trust's Data Protection Policy.

Schools should not as a matter of course require job applicants to complete a medical questionnaire as part of the application procedure. Health related questions should only be asked if they are intrinsic to a function of their work, i.e. ensuring applicants for a PE teaching post have the physical capability to carry out the duties.

#### **4. Training and Development**

During training sessions, the Trust will identify good equality practice and include guidance around discrimination, harassment or victimisation as appropriate. When selecting candidates to attend training, the Trust will ensure that selection is free from discrimination. The Trust will identify equality objectives around training and development.

#### **5. Promotion and Determining Pay**

All promotion and pay decisions must be open, transparent and fair. All decisions must be objectively justified. The Trust will follow the Department for Education advice regarding equalities consideration as part of the appraisal and pay determination process.

#### **6. Monitoring and Review Arrangements**

The HR Manager, in conjunction with the CEO, will monitor the outcomes and impact of this policy/procedure on an annual basis.



## 7. Objectives & Specific Actions

Objectives	Specific actions	Led by:	Target date
Undertake an annual analysis of recruitment data and trends with regard to race, gender and disability and report this to Trustees	<ul style="list-style-type: none"> <li>• Gather data from schools</li> <li>• Present report with actions</li> <li>• Shape strategy moving forwards</li> </ul>	HR Services Coordinator	December 2022
Train all members of staff and governors/trustees involved in recruitment and selection on equal opportunities and non-discrimination.	<ul style="list-style-type: none"> <li>• Develop and deliver training</li> <li>• Evaluation of training</li> </ul>	HR Manager & Senior HR Officer	April 2023
Endeavour to ensure that the staff body and representation of staff in leadership roles is reflective of the local community	<ul style="list-style-type: none"> <li>• Ensure recruitment and promotional material include contributions from BAME staff</li> <li>• Training stated above</li> <li>• Link with BAME Ed Network for advice and guidance</li> </ul>	HR Manager	April 2026

## **Section 2:**

The following information demonstrates how we comply and achieve our Public sector Equality Duty at Thomas Adams School.

Workforce Equality Objectives:

- Undertake an annual analysis of recruitment data and trends with regard to race, gender and disability and report this to Trustees
- Train all members of staff and governors/trustees involved in recruitment and selection on equal opportunities and non-discrimination
- Endeavour to ensure that the staff body and representation of staff in leadership roles is reflective of the local community

Objectives to be reviewed at least every 4 years to ensure compliance

### DEFINITIONS

#### The Protected Characteristics are as follows:

##### Age

Discrimination directed at either 'young' or 'old' is likely to be unfair.

It is important to emphasise that employers are highly vulnerable if they decide not to interview any job candidates who have reached an age which they regard as an appropriate age for retirement. Employers should therefore interview all suitable candidates irrespective of age, focusing on their skills and ability to do the job rather than age alone.

##### Retiring from work Dismissal

Unless it can be objectively justified it is not permissible to dismiss someone on the grounds of retirement. Older workers (age 55 plus) can voluntarily retire at a time they choose and draw any occupational pension they are entitled to. Older workers may also request flexible retirement from age 55. Employers cannot force employees to retire or set a retirement age. It is advisable for the employee to contact their pension provider for further information regarding pension benefits.

Teachers Pensions <https://www.teacherspensions.co.uk/public/home.aspx>

Local Government Pension Scheme <https://www.shropshirecountypensionfund.co.uk/>

##### Work place discussions

Whatever the age of an employee, discussing their future aims and aspirations can help an employer to identify their training or development needs and provide an opportunity to discuss their future work requirements.

For all employees these discussions may involve the question of where they see themselves in the next few years and how they view their contribution to the organisation. A useful exercise is to ask open questions regarding an employee's aims and plans for the short, medium and long term. Employers may find it useful to hold these discussions as part of their formal appraisal processes.

The outcome of any workplace discussions should be recorded and held for as long as there is a business need for doing so. A copy of the discussion should be given to the employee.

##### Poor performance

If an employee is performing poorly the employer should discuss this with them to establish a cause. Failure to address any poor performance with an employee because there is an expectation they will retire soon may be discriminatory. Employers should establish a reason for poor performance, setting improvement periods and agreeing what training, development and support would help the employee meet the required expectation. If levels are not improved an employee may be dismissed in accordance with the capability procedure.

### Is the increase in annual leave based on length of service discriminatory?

No, any increase in benefits during or before the 5<sup>th</sup> year of service is not discriminatory, the increase in the annual leave is based on loyalty, rather than age.

### **Disability**

Is it unlawful to discriminate against workers because of a physical or mental disability or fail to make reasonable adjustments to accommodate a worker with a disability? Under the Equality Act 2010 a person is classified as disabled if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities. Day-to-day activities include things such as using a telephone, reading a book or using public transport.

If an employee has a disability that is making it difficult to work, employers should consider what reasonable adjustments they can make in the workplace to help or schedule an interview with the employee to discuss what can be done to support them. This could be as simple as supplying an adequate, ergonomic chair or power-assisted piece of equipment. Reasonable adjustments also include re-deployment to a different type of work if necessary. Further advice is contained in the Managing Attendance Policy and may be accessed through Occupational Health.

### **Gender Reassignment**

Gender reassignment is a personal, social, and sometimes medical process by which a person's gender presentation (the way they appear to others) is changed. Anyone who proposes to, starts or has completed a process to change his or her gender is protected from discrimination under the Equality Act. An individual does not need to be undergoing medical supervision to be protected. So, for example, a woman who decides to live as a man without undergoing any medical procedures would be covered.

It is discrimination to treat transgender or gender fluid people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment.

Support for individuals undergoing gender transitions:

Discuss with the transgender person how they would prefer information about their transition to be communicated to colleagues. Some transgender people may feel comfortable talking about their transition with colleagues, but others may prefer not to.

Confidentiality:

At a point agreed with the individual, all personal records should be changed to reflect the acquired name and gender. Access to personal records which indicate a person's previous gender should be retained only if necessary, and otherwise deleted or destroyed.

Employees should make sure that they consider the following:

- Telling people about your situation - Make a list of the people who need to be informed. You may wish to speak to them personally, or may prefer to ask HR or your line manager to communicate with them
- Medical appointment and absences - Make sure the employer knows when you will need to take time off work. It is discrimination for your employer to treat you less favourably if you are absent from work for a reason related to gender reassignment than you would be treated if you were absent because you are ill or injured, or if you were absent for some other reason

- Changing everything into your new identity - You will need to change your name on your email address, company directories, records and work pass. Speak to the Headteacher at an early stage about how this should be managed.
- Further information can be found at [gires.org.uk](http://gires.org.uk)

## **Marriage and Civil Partnerships**

Gay and lesbian couples are able to get married or register their civil partnership in England, Scotland and Wales, which gives many of the same rights as other married couples.

Same sex couples who marry or register as civil partners have the same rights as other married couples in respect of employment rights.

The Equality Act protects employees who are married or in a civil partnership or marriage against discrimination.

## **Pregnancy and Maternity**

It is unlawful to discriminate, or treat employees unfavourably because of their pregnancy, or because they have given birth recently, are breastfeeding or on maternity leave.

Discrimination happens when a woman is treated unfavourably because of her pregnancy, pregnancy-related illness or she exercises the right to statutory maternity leave. It is important to ensure that an employee absent from work is notified of any important information, such as restructures, changes to terms and conditions and organisational/management changes within the school.

## **Race**

It is unlawful for an employer to discriminate against employees because of race which includes colour, nationality, ethnic or national origin.

In very limited circumstances, there are some jobs which can require that the job-holder is of a particular racial group. This is known as an 'occupational requirement'. One example is where the job-holder provides personal welfare services to a limited number of people and those services can most effectively be provided by a person of a particular racial group because of cultural needs and sensitivities.

## **Religion or Belief and Lack of Religion or Belief**

There is no specific list that sets out what religion or belief discrimination is. The law defines it as any religion, religious or philosophical belief. This includes all major religions, as well as less widely practised ones.

To be protected under the Equality Act, a philosophical belief must:

- be genuinely held
- be a belief and not an opinion or viewpoint, based on the present state of information available
- be a belief as to a weighty and substantial aspect of human life and behaviour
- attain a certain level of cogency, seriousness, cohesion and importance
- be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Humanism and atheism are examples of philosophical beliefs.

Workers are also protected against discrimination if they do not hold a particular (or any) religion or belief.

Employers do not have to give workers time off or facilities for religious observance, but they should try to accommodate them whenever possible. For example, if a worker needs a prayer room and there is a suitable room available then a worker could be allowed to use it, providing it does not disrupt others or affect their ability to carry out their work properly. Many employers find that being sensitive to the cultural and religious needs of their employees makes good business sense. This can mean making provisions for:

- flexible working
- religious holidays and time off to observe festivals and ceremonies
- prayer rooms with appropriate hygiene facilities
- dietary requirements in staff canteens and restaurants
- dress requirements.

At Voluntary Controlled (VC) and foundation schools, when appointing a Headteacher the governing body may take into account any candidate's suitability and ability to preserve and develop the religious character of the school. The Headteacher may also be a reserved teacher. VC and foundation schools must include reserved teachers where the number of teaching staff is more than two. Reserved teachers are selected according to their competence to teach RE according to the school's faith and are specifically appointed to do so. This may include the Headteacher. The number of reserved teachers must not exceed one-fifth of the teaching staff (including the Headteacher). Where there are 8 teachers, the maximum number of reserved teachers would be two. Reserved teachers must not be appointed unless the governors are satisfied that they are suitable and competent to give RE.

Voluntary Aided (VA), independent, academies and free schools with a religious character may apply religious criteria in recruitment, remuneration and promotion. Religious criteria may not be applied to other non-teaching posts in a VA school unless there is a genuine occupational requirement, e.g., a member of staff who gives pastoral care to pupils.

## **Sex**

It is unlawful to discriminate against workers because of their sex, e.g. paying women less than men for carrying out the same role. In very limited circumstances, there are some jobs which can require that the job-holder is a man or a woman. This is known as an 'occupational requirement'. The list of occupational requirements is restricted and very rare.

## **Sexual Orientation**

An employer should protect employees from discrimination on grounds of the sexual orientation.

Sexual orientation is defined as:

- orientation towards people of the same sex
- orientation towards people of the opposite sex
- orientation towards people of the same sex and the opposite sex

## **ADDITIONAL PROTECTIONS APPLY TO THE FOLLOWING:**

### **Equal Pay**

An employer must give equal treatment in the terms and conditions of their employment contract if staff are employed on:

- Like work – work which is the same or broadly similar
- Work rated as equivalent under job evaluation
- Work found to be of equal value

The **Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002** aim to ensure employees on a fixed term contract are treated no less favourably when compared with permanent employees.

The **Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000** aim to ensure that part-time workers receive the same rate of pay as an equivalent full time member of staff; additionally, they should not be excluded from training and should receive holiday pay pro rata to an equivalent full time employee.

The **Rehabilitation of Offenders Act 1974**. Under this Act, many ex-offenders are given certain employment rights if their convictions become 'spent'. The DBS Code of Practice and the Rehabilitation of Offenders Act states that employers are not allowed to discriminate against employees with a criminal background and must treat applicants fairly. Recruitment decisions should therefore be based on whether the criminal information presented is relevant to the job the applicant will be carrying out.

**Trade Union Membership.** In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, this Act provides protection from discrimination either because of membership or non-membership of a trade union.

## **TYPES OF DISCRIMINATION**

### **Direct discrimination**

Direct discrimination occurs if an employer treats a person less favourably on the grounds of a person's protected characteristic compared to a person who does not have that protected characteristic. There may be rare instances during recruitment where a genuine occupational requirement is acceptable.

### **Direct discrimination - associative discrimination**

Associative discrimination is direct discrimination against someone because of their association with another person who possesses a protected characteristic.

### **Direct discrimination - perceived discrimination**

Perceived discrimination is direct discrimination against a person because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic but is perceived by others to do so.

## **Indirect discrimination**

Indirect discrimination is where a criterion or practice is applied to everyone, but particularly disadvantages people who share a protected characteristic.

## **Harassment**

Harassment is behaviour deemed offensive by the recipient and occurs when, for a reason which relates to a protected characteristic, another person engages in unwanted conduct which may be physical, verbal or non-verbal and which violates the person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It is the effect of the conduct rather than the perpetrator's intentions that define whether the behaviour constitutes harassment. Employees can raise a complaint against behaviour that they find offensive even if it is not directed at them. Complainants need not possess the relevant protected characteristics themselves. Employees are also protected from harassment because of perception and association.

## **Victimisation**

Victimisation has a specific meaning in discrimination law. It does not just mean singling someone out. Victimisation makes it unlawful for one person to treat another less favourably than others because they made or supported a discrimination complaint or raised a discrimination grievance or because they are suspected of doing so.

An employee is not protected if they have maliciously made or supported an untrue complaint. However, it is sufficient if the employee believes that the victim has done, or intends to do any of the things listed above.



### HATE CRIME REPORTING PROTOCOL

The recommended protocol to follow when dealing with reports of racist or other hate crime incidents is as follows:

#### 1. The procedure

In principle, the procedure for investigating accusations of racist or other hate crime incidents should be similar to the procedure which is used for dealing with complaints. For example, all reports of incidents should be handled courteously, helpfully and promptly. Following the Stephen Lawrence enquiry, hate crime is an offence where the victim, or any other person, perceives it to be motivated by prejudice or hate.

#### 2. Timescales

Timescales for responding to an incident are the same as those for complaints:

- an acknowledgement or final response is sent within 5 working days
- a reply is sent within 20 working days, or the person reporting the incident is given an explanation of the delay

Whereas it might be appropriate for some complaints to be dealt with informally, all reports of racist or other hate crime incidents should be dealt with on a formal basis.

#### 3. Responsibilities

The person who sees, or is first made aware of, the incident should record the details, including the name, telephone number and address of the person reporting the incident. This person should report the incident at once to their Headteacher. The Headteacher will have overall responsibility for the investigation of the incident and will decide who should lead this. It is also the responsibility of the Headteacher to inform the Police when necessary.

#### 4. Referencing

In order to ensure that incidents are not double counted, the Headteacher should allocate a reference number to the incident - incorporating:

- an incremental reference number indicating total number of incidents within the school
- the month and year

For example: School Name, Ref no. 1, Feb 2016

#### 5. Complainant is unsatisfied with response

If the complainant is not satisfied with the response then, as with complaints, this can be reviewed by the Governing Body to ensure that an appropriate investigation has been carried out. (For cross Trust staff, the Trust should undertake this function).

#### 6. Reports via the website

Incidents which are reported on the Shropshire Council website will be passed on to the Diversity Officer in the first instance, who will then forward them to the appropriate Headteacher.

If a report is received via the Shropshire Council Website from an employee regarding the behaviour of another employee, this will be treated within the **grievance procedure** guidelines.

<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>  
<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

## FURTHER REFERENCE

Shropshire Council

<https://www.shropshire.gov.uk/equality,-diversity-and-social-inclusion/>

Gov.uk

<https://www.gov.uk/guidance/equality-act-2010-guidance>

Equality and Human Rights Commission EHRC

[www.equalityhumanrights.com/](http://www.equalityhumanrights.com/)

The Equality Act 2010 and Schools

<https://www.gov.uk/government/.../equality-act-2010-advice-for-schools>

Equality and Social Inclusion Impact Assessments

<https://www.shropshire.gov.uk/media/1457869/Shropshire-guidance-and-evidence-template.pdf>

Hate Crime

<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>

<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>