

## EMPLOYEE EQUALITY AND DIVERSITY POLICY

<b>AREA:</b>	PEOPLE SERVICES
<b>AUDIENCE:</b>	ALL EMPLOYEES
<b>REVIEW FREQUENCY:</b>	ANNUALLY
<b>DATE ISSUED:</b>	06.02.2019
<b>LAST REVIEW DATE:</b>	SEPTEMBER 2023
<b>NEXT REVIEW DATE:</b>	SEPTEMBER 2024
<b>OWNED &amp; REVIEWED BY:</b>	DIRECTOR OF PEOPLE & CULTURE
<b>APPROVED BY:</b>	CHAIR OF BRUNEL BOARD OF TRUSTEES
<b>APPROVAL DATE:</b>	27.09.2023

*Brunel Academies Trust (Brunel) is a company limited by guarantee with registration number 10074054 and registered offices at Unit B4C Orbital Retail Park, Thamesdown Drive, Swindon, SN25 4AN; Brunel is the parent company and Sole Corporate Member of the subsidiary company, Brunel Education (BE), a company limited by guarantee with registration number 11991915 and registered offices also at Unit B4C Orbital Retail Park, Thamesdown Drive, Swindon, SN25 4AN.*

*The Brunel Education (BE) Board have approved and adopted the majority of Brunel Tier 1 policies and procedures. Tier 1 policies are centrally held policies relating to Governance, People Services, Finance, ICT and Operations and are the direct responsibility of Brunel. Tier 1 policies are created by the Brunel Central Services Team but adopted and reviewed by the Brunel Board.*

*We are committed to a sustainable future and to improving the social, economic, and environmental well being of the community. We are dedicated to environmental improvements that foster a sustainable future and lead to social and economical improvements in the communities we operate within.*

*Where this Brunel Tier 1 policy refers to Brunel this also therefore consistently applies to BE.*

*This policy applies to all employees, however for any employees that have enhanced terms under TUPE protections, the enhanced terms will apply.*

### 1. SCOPE AND PURPOSE

- 1.1. Brunel Academies Trust (Brunel) is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. This policy aims to remove unfair and discriminatory practices within Brunel and to encourage full contribution from its diverse community. Brunel is committed to actively opposing all forms of discrimination.
- 1.2. Brunel also aims to provide a service that does not discriminate against its children and young people (CYP), vulnerable adults and their parents and carers in the means by which they can access the education and work-related services supplied by Brunel. Additionally, Brunel believes that all employees and Brunel's wider network of stakeholders are entitled to be treated with respect and dignity.

## 2. STATEMENT OF PRINCIPLES

- 2.1. Brunel wholeheartedly supports the principles of equal opportunities and non-discrimination in service provision, the employment of Brunel People and opportunities for service users.
- 2.2. We oppose all forms of unlawful and unfair discrimination or victimisation. To that end the purpose of this policy is to provide equality and fairness for all.
- 2.3. Brunel will actively seek to eliminate all forms of discrimination, direct or indirect, which restricts or hinders the promotion of equal opportunities, the provision of equal treatment and the valuing of diversity.
- 2.4. To ensure that recruitment, promotion, training, development, assessment, benefits, pay, terms and conditions of employment, redundancy and dismissals are determined on the basis of capability, qualifications, experience, skills and productivity.

## 3. Designated Officer

Name	Position	Telephone Number
David West	Director of People & Culture	01793 286620

## 4. Definition of Discrimination

- 4.1 Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. 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. Discrimination may be direct or indirect and includes discrimination by perception and association.

## 5. Types of Discrimination

### 5.1 Direct Discrimination:

This occurs when a person or a policy intentionally treats a person less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because they are pregnant.

### 5.2 Indirect Discrimination:

This is the application of a policy, criterion or practice which the employer applies to all employees, but which is such that:

- it is detrimental to a considerably larger proportion of people from the group that the person the employer is applying it to represents;

- the employer cannot justify the need for the application of the policy on a neutral basis; and
- the person to whom the employer is applying it suffers detriment from the application of the policy.

### 5.3 **Associative Discrimination:**

This 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.

### 5.4 **Perceptive Discrimination:**

This occurs where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they in fact do not have that protected characteristic. This might occur, for example, where an employee is subjected to homophobic bullying based on a perception that they are homosexual.

### 5.5 **Harassment:**

This 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. This conduct is considered as harassment even if the effect was not intended by the person responsible for the conduct.

### 5.6 **Victimisation:**

This occurs when a person is subjected to detriment, such as being denied a training opportunity or promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. A person is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

## 6. **Unlawful Reasons for Discrimination**

### 6.1 **Sex/Gender:**

It is not permissible to treat a person less favourably on the grounds of sex, marital status, civil partnership, pregnancy or maternity, gender reassignment or transgender status. This applies to men, women and those undergoing or intending to undergo gender reassignment. Sexual harassment of men and women can be found to constitute sex discrimination.

### 6.2 **Age:**

It is not permissible to treat a person less favourably because of their age. This applies to people of all ages. This does not currently apply to the calculation of redundancy payments.

### 6.3 **Disability:**

It is not permissible to treat a disabled person less favourably than a non-disabled person. Reasonable adjustments must be made to give the disabled person as much

access to any services and ability to be employed, trained, or promoted as a non-disabled person.

**6.4 Race:**

It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin.

**6.5 Sexual Orientation:**

It is not permissible to treat a person less favourably because of their sexual orientation. For example, an employer cannot refuse to employ a person because they are homosexual, heterosexual or bisexual.

**6.6 Religion or Belief:**

It is not permissible to treat a person less favourably because of their religious beliefs or their religion or their lack of any religion or belief.

**6.7 Marital Status (including civil partnership)**

It is not permissible to treat a person less favourably because of their marital status which includes civil partnership.

**4. Positive Action in Recruitment**

4.1 Under the Equality Act 2010, positive action in recruitment and promotion applies as of 6 April 2011. 'Positive action' means the steps that Brunel can take to encourage people from groups with different needs or with a past record of disadvantage or low participation, to apply for positions within Brunel.

4.2 If Brunel chooses to utilise positive action in recruitment, this will not be used to treat people with a protected characteristic more favourably, it will be used only in tie-break situations, when there are two candidates of equal merit applying for the same position.

**5. Reasonable Adjustments**

5.1 Brunel has a duty to make reasonable adjustments to facilitate the employment of a disabled person. These may include:

- Making adjustments to premises
- Re-allocating some or all of the employee's duties
- Transferring the employee to a role better suited to their ability
- Relocating the employee to a more suitable office
- Giving the employee time off work for medical treatment or rehabilitation
- Providing training or mentoring for the employee
- Supplying or modifying equipment, instruction and training manuals for the employees
- Any other adjustments that Brunel considers reasonable and necessary provided such adjustments are within the financial means of Brunel

5.2 If an employee has a disability and feels that any such adjustments could be made by Brunel, they should contact the Designated Officer.

## **6. Responsibility for the Implementation of this Policy**

- 6.1 All employees, subcontractors and agents of Brunel are required to act in a way that does not subject any other employees or clients to direct or indirect discrimination, harassment or victimisation on the grounds of their race, sex, pregnancy or maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.
- 6.2 The co-operation of all employees is essential for the success of this Policy. Senior employees are expected to follow this Policy and to try to ensure that all employees, subcontractors and agents do the same.
- 6.3 Employees may be held independently and individually liable for their discriminatory acts by Brunel and in some circumstances an employment tribunal may order them to pay compensation to the person who has suffered as a result of discriminatory acts.
- 6.4 Brunel takes responsibility for achieving the objectives of this policy, and endeavours to ensure compliance with relevant legislation and Codes of Practice.

## **7. Acting on Discriminatory Behaviour**

- 7.1 In the event that an employee is the subject or perpetrator of, or witness to, discriminatory behaviour, please refer to the Brunel Disciplinary Policy, the Brunel Grievance Policy, or the Brunel Whistleblowing Policy. Employees are encouraged to speak to a member of the Senior Leadership Team (SLT) or People Services at any time if they believe they have been subject to or have witnessed discriminatory behaviour.

## **8. Advice and Support on Discrimination**

- 8.1 Employees may contact their employee or trade union representative if access to such an individual is possible. Other contacts include:
  - Equality and Human Rights Commission. 3 More London, Riverside Tooley Street, London, SE1 2RG. Telephone (England): 0845 604 6610. Website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
  - Citizens Advice Bureau. Myddleton House, 115-123 Pentonville Road, London, N1 9LZ. Website: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)
  - Community Legal Services Direct. Telephone: 0845 345 4 345. Website: [www.clsdirect.org.uk](http://www.clsdirect.org.uk).

## **9. The Extent of the Policy**

- 9.1 Brunel seeks to apply this policy in the recruitment, selection, training, appraisal, development and promotion of all employees. Brunel offers services in a fashion that complies with the spirit of this policy.

9.2 This policy does not form a part of any employment contract with any employee and its contents are not to be regarded by any person as implied, collateral or express terms to any contract made with Brunel.

9.3 Brunel reserves the right to amend and update this policy at any time.

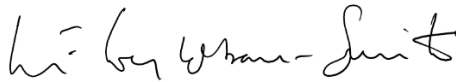
**This policy is adopted by Brunel and will be reviewed every year or earlier if there are changes to legislation.**

Signed:



CEO

Signed:



Chairman of Brunel Board

Date:

27 September 2023