



**KING EDWARD VI  
FOUNDATION  
BIRMINGHAM**

*Educational excellence for our City*

<b>Equality, Diversity and Inclusion Policy</b>	
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<b>Version</b>	2

## SCHOOLS OF KING EDWARD VI IN BIRMINGHAM

### EQUALITY, DIVERSITY & INCLUSION POLICY

#### 1. Purpose of the policy

The Foundation is committed to creating an ethos of culture and inclusion for the benefit of all staff irrespective of age, race (including colour, nationality, and ethnic or national origin), religion/belief, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity and/or sex and sexual orientation.

The Foundation recognises and respects values and difference and understands that diversity improves and enriches our lives. The Foundation will take account of differences and strive to remove any barriers to employment.

The Foundation encourages its staff to be inclusive of each other and celebrate difference and to respond to each other in ways that helps to promote values and respect and helps everyone to stay safe.

The Foundation is committed to eliminating discrimination and encouraging diversity amongst our members of staff. It will endeavour to build a workforce that is truly representative of all sections of society and that each member of staff feels respected and able to give their best.

The Foundation is committed to:

- Promoting equality and diversity in our policies and procedures, adhering to the Equality Act 2010 and subsequent amendments.
- Delivering high quality teachers and support staff that meet the needs of our diverse student population and our workforce, ensuring that no individual or group is disadvantaged.

The Foundation opposes all forms of unlawful and unfair discrimination and bullying, and harassment and we recognise the need to champion equality and ensure inclusion for all staff in the full life of our school, where appropriate making necessary adjustments to enable participation.

This policy aims to set out the Foundation's commitment and the expectations of each of its staff members to each other to help build a strong foundation for equality, diversity, and inclusion practice.

All policies and practices will conform to legislation and take account of all aspects of the employee lifecycle including recruitment, selection, CPD, promotion, career development, discipline, redundancy, and dismissal.

## **2. Scope**

This policy applies to all staff across the Foundation and includes workers, whether permanent, temporary, casual, and part-time or on fixed-term contracts, to ex-employees, to job applicants and to agency staff, consultants and volunteers who are not our employees, but who also work in our Foundation (collectively known as workers).

### **2.1 Workers' duties**

All workers have a duty to act in accordance with this policy, to always treat colleagues with dignity, and not to discriminate against, harass or victimise other members of staff. In some situations, the Foundation may be at risk of being held responsible for the acts of individual members of staff and will not tolerate any discriminatory practices or behaviour.

### **2.2 Leadership and Management**

Those working at a management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to ensure that those they manage adhere to the policy and promote the aims and objectives of the Foundation with regard to equality, diversity, and inclusion.

### **2.3 Application of this Policy**

All members of staff are responsible for the implementation of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives and our legal duties.

Any questions about the content or application of this policy, should be directed to the Foundation's HR team.

### **2.4 Policy Review**

The Foundation will undertake regular reviews of this policy, our procedures, practice of policy and perception of policy and process. This will be undertaken by encouraging feedback from staff and leaders across the Foundation.

## **3. Legal Requirements**

The Foundation takes its legal duties and responsibilities very seriously and seeks to comply with all legislation and statutory duties.

The Equality Act 2010 provides the framework of protection from discrimination, victimisation, and harassment. We aim to comply with all aspects of the Equality Act 2010 in the Foundation in order to:

- provide equality, fairness, and respect in all aspects of employment, whether temporary, part-time, or full-time. not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, race (including colour, nationality, and ethnic or national origin), religion/belief, political views, disability, SEN status, gender reassignment, marriage and

civil partnership, pregnancy and maternity and/or sex and sexual orientation.

- oppose and avoid all forms of unlawful discrimination. This includes in pay and benefits, terms, and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training, or other developmental opportunities.

The Foundation aims to meet its legal requirements under the public sector equality duty by having due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Equality Act 2010.
- advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- and foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it

Discrimination may be direct or indirect, and it may occur intentionally or unintentionally.

### **3.1 Direct discrimination**

Direct discrimination occurs where:

- Someone is treated less favourably because of one or more Protected Characteristics. For example, rejecting an applicant because they would not "fit in" because of their race or sexual orientation would be direct discrimination.
- Someone is less favourably treated because of their association with someone who has a Protected Characteristic. For example, an employee may be treated less favourably because they have a disabled child.
- Someone is treated less favourably because they are perceived to have a Protected Characteristic. For example, an employee may be treated less favourably because they are believed to be (but may not actually be) homosexual.

### **3.2 Indirect discrimination**

Indirect discrimination occurs where an individual is subject to a provision, criterion, or practice, applied to a group of people, which puts them at a particular disadvantage because of a Protected Characteristic, and it cannot be objectively justified. An example might be a minimum height requirement for a job. This is likely to eliminate proportionately more women than men. If this criterion cannot be objectively justified because it is not a proportionate means of achieving a legitimate aim, then it will be indirectly discriminatory on the ground of sex.

### **3.3 Victimization and harassment**

Discrimination also includes victimisation (suffering a detriment because of action the employee has taken or may take to assert legal rights against discrimination or to assist a colleague in that regard (called a **Protected Act**) and harassment (see the Foundation's Dignity at Work policy for a more detailed explanation of "harassment").

### **3.4 Disability discrimination**

#### **3.4.1 Informing your Line Manager**

If a worker is disabled or becomes disabled in the course of their employment, they are encouraged to tell their Line Manager about their condition. This is to enable the Foundation to support them as much as possible and to ensure that they are not treated less favourably because of a situation related to their disability.

#### **3.4.2 Reasonable adjustments**

A worker may also wish to advise their Line Manager of any reasonable adjustments to their working conditions or the duties of their job which they consider to be necessary, or which would assist them in the performance of their duties. This may involve the provision of an additional piece of equipment or assistance in helping them to perform their work. Their Line Manager may wish to consult with them and with their medical adviser(s) about possible reasonable adjustments.

Careful consideration will be given to any such proposals, and the worker will be accommodated where possible and proportionate to the needs of their job. Nevertheless, there may be circumstances where it will not be reasonable for the Foundation to accommodate the suggested adjustments and will ensure that the worker is provided with information as to the basis of the decision not to make any adjustments.

#### **3.4.3 Physical features**

The Foundation is responsible for monitoring the physical features of the premises to consider whether it can make any changes to help remove disadvantages which these may create for disabled users. Where possible and proportionate, the Foundation will take steps to improve access for disabled users of the premises.

### **3.5 Fixed-term employees**

#### **Monitoring**

The Foundation will monitor the use of fixed-term employees and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion, and permanent employment opportunities. The Foundation will, where relevant, monitor fixed-term employees' progress to ensure that they are accessing permanent vacancies.

### **3.6 Part-time workers**

The Foundation will monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. The Foundation will also ensure requests to alter working hours are dealt with appropriately under the Foundation's Flexible Working policy.

### **3.7 Agency workers**

The Foundation will monitor agency workers to ensure that they are treated no less favourably than a comparable worker in relation to accessing collective facilities and amenities. The Foundation will also monitor the use of temporary work agencies and subject to the exceptions set out in the Agency Workers Regulations 2010, will ensure that all agency workers have the same basic working conditions, they would have been entitled to had they been recruited directly into a comparable role.

## **4.0 Recruitment and selection**

The Foundation aims to ensure that no job applicant receives less favourable treatment because of a Protected Characteristic. Recruitment procedures will regularly be reviewed to ensure that individuals are treated on the basis of their relevant merits and abilities and that sufficiently diverse sectors of the community are reached. Job selection criteria are reviewed from time to time to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.

## **5.0 Terms and conditions**

Our conditions of service, benefits and facilities will be reviewed from time to time to ensure that they are available to all workers who should have access to them and that there are no unlawful obstacles to accessing them.

## **6.0 Staff training and promotion and conditions of service**

Staff training needs shall be identified through regular staff appraisals, 121's and CPD (Continuing Professional Development) discussions. All workers will be provided with equality, diversity, and inclusion to access training and learning and development to enable them to progress within the organisation. All promotion decisions shall be made on the basis of evidence.

As part of our approach to Equality and Diversity we welcome feedback from employees in relation to our approach to inclusion and anyone wishing to provide feedback can contact the Foundation's HR Team.

## **7.0 Breaches of the policy**

All staff should understand that they as well as their employer, can be liable for acts of bullying, harassment, victimisation, and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and during their interactions with the public.

We take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities.

Such acts will be dealt with as misconduct under the organisation's grievance and/or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence and will be reported to the appropriate authorities.

### **7.1 Complaints**

If a worker believes that they may have been disadvantaged because of a Protected Characteristic, they are encouraged to raise the matter through the Foundation's Grievance Policy. If they believe that they may have been harassed because of a Protected Characteristic, they are encouraged to raise the matter through the Foundation's Dignity at Work Policy. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure.

### **7.2 False allegations**

These procedures apply during and after termination of employment. Workers who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations of a breach in this policy which are found to have been made in bad faith will, however, be dealt with under the Foundation's Disciplinary procedure.

### **7.3 Disciplinary action**

If, after investigation, the worker is proven to have engaged in any unwanted conduct because of a Protected Characteristic, or otherwise acted in breach of this policy, they will be subject to disciplinary action. In serious cases, such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The Foundation will always take a strict approach to serious breaches of this policy.