

STAFF EQUALITY & DIVERSITY POLICY

Including

CONTRACTORS AND VOLUNTEERS

Created: January 2017
Reviewed & Issued: August 2017
Next Review Due: August 2021

1. Purpose

This policy sets out BDAT's approach to equality and diversity. BDAT is committed to promoting equality and diversity and promoting a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.

BDAT aims to be an inclusive organisation, committed to providing equal opportunities throughout employment including in the recruitment, training and development of staff and volunteers and to pro-actively tackle and eliminate discrimination.

2. Equality and diversity at BDAT

At BDAT, we consider that equality means breaking down barriers, eliminating discrimination and ensuring equal opportunities and access for all groups both in employment, and to goods and services.

We consider diversity to mean celebrating difference and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contributions which is beneficial not only for the individual but for BDAT too.

We acknowledge that equality and diversity are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed.

3. Scope

The rights and obligations set out in this policy apply equally to all staff, whether part time or full time on a substantive or fixed-term contract, and also to associated persons such as volunteers, secondees, agency staff, contractors and others employed under a contract of service. The term 'employee' includes all these groups.

You have personal responsibility for the application of this policy. As part of your employee induction, you are expected to read and familiarise yourself with this policy, ensure that this policy is properly observed and fully complied with.

This policy is also of particular relevance to senior staff, line managers and other staff concerned with recruitment, training and promotion procedures and employment decisions which affect others.

4. BDAT's commitment

Every employee and volunteer is entitled to a working environment that promotes dignity, equality and respect for all. BDAT will not tolerate any acts of unlawful or unfair discrimination (including harassment) committed against an employee, contractor, job applicant or visitor because of a protected characteristic:

- Sex;
- Gender reassignment;
- Marriage and civil partnership;

- Pregnancy and maternity;
- Race (including ethnic origin, colour, nationality and national origin);
- Disability;
- Sexual orientation;
- Religion and or belief; and
- Age.

Discrimination on the basis of work pattern (part-time working, fixed term contract, flexible working) which is unjustifiable will also not be tolerated.

All staff and volunteers will be encouraged to develop their skills and fulfil their potential and to take advantage of training, development and progression opportunities in BDAT.

Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability.

No form of intimidation, bullying or harassment will be tolerated. If you believe that you may have suffered discrimination because of any of the above protected characteristics, you should consider the appropriateness and feasibility of attempted informal resolution by discussion in the first instance with your line manager or another colleague in a relevant position of seniority. You may decide in the alternative to raise the matter through BDAT's Harassment Policy or Grievance Policy. For types of discrimination see the Annex to this policy.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate procedure. BDAT will ensure that individuals who make such allegations in good faith will not be victimised or treated less favourably by BDAT as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under BDAT's Discipline Policy.

A person found to have breached this policy may be subject to disciplinary action under BDAT's Discipline Policy.

Staff and volunteers may also be personally liable for any acts of discrimination prohibited by this policy that they commit, meaning that they can be sued by the victim.

5. When does this policy apply?

This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to your work (e.g. at meetings, social events and social interactions with colleagues) or which may impact on BDAT's reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to BDAT). We set out below some specific areas of application:

a) Recruitment

Selection for employment at BDAT will be on the basis of aptitude and ability. Further details are set out in BDAT's Recruitment and Selection Policy. Where possible, BDAT will capture applicants' diversity demographics as part of its recruitment processes to promote the elimination of unlawful discrimination.

b) Training

You may also be required to participate in training and development activities from time to time, to encourage the promotion of the principles of this policy.

c) Promotion

All promotion decisions will be made on the basis of merit, and will not be influenced by any of the protected characteristics listed above. Promotion opportunities will be offered to ensure equality of opportunity at all levels. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers to promotion.

d) During employment

The benefits, terms and conditions of employment and facilities available to BDAT staff will be reviewed on a regular basis to ensure that access is not restricted by unlawful means and to provide appropriate conditions to meet the special needs of disadvantaged or under-represented groups.

6. BDAT's legal duties

BDAT is subject to equality duties under the Equality Act 2010 as follows:

Schools and The Public Sector Equality Duty

- Schools, colleges and local authorities are under a statutory duty to be proactive in the elimination of discrimination and the promotion of equal opportunities for both staff and students. This means they must assess the impact of their policies and practices on the people affected by them and take steps to remove any barriers that come to light where it is proportionate to do so.
- Schools, colleges and local authorities also have a statutory duty to foster good relations between people who share a particular protected characteristic and those who do not.
- Protected characteristics encompass age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- Local authorities and the governing bodies of maintained schools, academies and colleges with 150 or more staff have a specific legal duty to annually publish information about the workforce which demonstrates compliance with the general equality duty. Public authorities in Wales are required to publish information about staff each year regardless of the size of their workforce.

- All schools and colleges in England, regardless of the size of their workforce, should publish equality information about their staff each year to demonstrate compliance with the general equality duty, even where there is no specific legal obligation for them to do so.

This policy will be reviewed on an ongoing basis by BDAT to assess its effectiveness and may be amended from time to time.

This policy is for guidance only and does not form part of your contract of employment.

ANNEX - types of discrimination

There are various types of discrimination prohibited by this policy. The main types are:

1) Direct discrimination

Direct discrimination occurs where one person is treated less favourably than another because of a protected characteristic set out in this policy. By way of example, refusing to promote a pregnant employee on the basis that she is shortly due to go on maternity leave would be direct discrimination on the protected characteristic of the employee's sex.

Other types of direct discrimination are:

- Associative discrimination - this is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, staff or volunteers are discriminated against because their son is disabled.
- Perceptive discrimination - this is direct discrimination against an individual because others think they possess a particular protected characteristic. For example, where co-workers believe the individual is gay. It applies even if the person does not actually possess that characteristic.

2) Indirect discrimination

Indirect discrimination occurs when an unjustifiable requirement or condition is applied, which appears to be the same for all, but which has a disproportionate, adverse effect on one group of people. This is discrimination even though there was no intention to discriminate. For example, a requirement for UK based qualifications could disadvantage applicants who have obtained their qualifications outside of the UK; this could amount to indirect discrimination on the grounds of race.

3) Victimisation

Victimisation is where an employee is treated less favourably than others because they have asserted legal rights against BDAT or assisted a colleague in doing so. For example, victimisation may occur where an employee has raised a genuine grievance against BDAT and is demoted as a result.

4) Harassment

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.” It is important to remember that it is not the intention of the harasser but how the recipient perceives their behaviour, which determines whether harassment has occurred. Please see BDAT’s Harassment Policy, for further details of how BDAT will deal with bullying and harassment.