Tandridge Learning Trust

Excellent Teaching
Inspiring Leadership
Innovative Training

Equality, Diversity & Inclusion

Drafted By	**HR**
Review By	HR
Status & Review Cycle	Annual
Next Review Date	Summer 2025

Tandridge Learning Trust is an exempt charity and a company limited by guarantee, registered in England with Company Number 8248059
and has a registered office at Tithepit Shaw Lane, Warlingham, Surrey, CR6 9YB.
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Introduction

Tandridge Learning Trust is committed to encouraging equality, diversity and inclusion amongst the workforce and seeks to eliminate unlawful discrimination in all aspects of employment.
This policy aligns with the Public Sector Equality Duty (PSED) under the Equality Act 2010. The Trust is committed to:

- Eliminating discrimination, harassment, victimisation, and other conduct prohibited by the Act.
- Advancing equality of opportunity between people who share a protected characteristic and those who do not.
- Fostering good relations between people who share a protected characteristic and those who do not.

Promoting and supporting diversity in the workplace assists in the workforce being representative of all sections of society. An inclusive environment where everyone feels able to participate and achieve their potential will add value to our organisation, as well as contribute to employee well-being and engagement.

This policy is intended as a statement of our aims, commitments and responsibilities in relation to equality, diversity and inclusion in employment. These principles have been integrated into HR policies which provide the detail of operational practices and procedures.

Equality Law

Introduction

In accordance with the Equality Act 2010, 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, 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.

Types of Discrimination

Direct discrimination: 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: 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: 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.

Associative discrimination: 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: 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.

Victimisation: 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: 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.

Responsibilities of Employees

Every employee is expected to assist Tandridge Learning Trust to meet its obligations by encouraging equality, diversity and inclusion in everyday activities. All staff have a responsibility to assist in the creation of a working environment free of bullying, harassment, victimisation and unlawful discrimination by conducting themselves with dignity and respect.

Employees can be held personally liable as well as, or instead of, the employer 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 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 our commitments in relation to equality, diversity and inclusion, managers have particular responsibilities because they are in a position to make or influence employment decisions. Managers are, therefore, accountable for the provision of equal opportunities through the actions that they take, and to monitor and review practices within their sphere of responsibility.

Commitments

- All managers undertaking recruitment must adhere to the Trust's 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, neurodiversity or particular need.

- 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 Trustees and senior management will foster a workplace culture in which individual differences 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, any possible indirectly discriminatory effect of the practice in question will be considered and requests will be refused only where there are sound organisational reasons for doing so, unrelated to any protected characteristic. Reasonable adjustments will be made to standard working practices to overcome barriers caused by disability.

- The composition of the existing workforce and of applicants for jobs will be monitored and, where problems are identified, senior management will consider whether appropriate action can be taken to address these.

- Senior managers in conjunction with HR, will review on an annual basis the need for training in equal opportunities and unconscious bias 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 to help them understand their rights and responsibilities.

- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.

- Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by employees, 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 or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to summary dismissal without notice.

Sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. The Workers Protection (amendment of the Equality Act 2010) Act 2023, due to come into force in October 2024, will also put a legal duty on employers to protect staff and workers from unwanted sexual conduct or contact in the workplace. 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.

The Trust also commits to:

Making opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.

Making decisions concerning staff based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).

Reviewing employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.

Monitoring the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in the equality, diversity and inclusion policy. This will also include assessing how the equality, diversity and inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

Complaints

Any employee who considers that they may have been unlawfully discriminated against may use the Grievance Procedure to make a complaint. If the complaint involves bullying or harassment, the Bullying and Harassment Policy provides further information about how to raise concerns. A copy is available from the HR Team (hr@tandridgelearningtrust.co.uk).

Any complaint will be taken seriously and all managers are expected to seek to resolve any grievance that is well-founded. An employee will not be penalised for raising a grievance providing the concerns are put forward in good faith.

Data Protection

Equality, Diversity & Inclusion

Tandridge Learning Trust treats personal data collected for reviewing equality of opportunity 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 and the staff privacy notice.

Status of Policy and Review

The content and operation of this policy is reviewed as and when deemed necessary by the Board of Trustees. The policy is discretionary and does not confer any contractual rights.