

# EQUALITY AND DIVERSITY POLICY STATEMENT



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# EQUALITY AND DIVERSITY POLICY STATEMENT

## 1. INTRODUCTION

- 1.1 Ark recognises that its employees are its most valuable asset.
- 1.2 Ark recognises, respects and values diversity and recognises that diversity is a strength.
- 1.3 Ark is committed to recognising, supporting and valuing the diversity of its employees in the workplace.
- 1.4 Ark is committed to providing an environment free from discrimination, bullying, harassment or victimisation, where all members of its community are treated with respect and dignity.
- 1.5 Ark recognises that equality is central to the development of our policies and practices.
- 1.6 Ark will also address discrimination, encourage understanding and promote equality of opportunity.
- 1.7 Our aim is to create an inclusive culture for all based on dignity, courtesy and respect

## 2. SCOPE

- 2.1 This policy statement applies in employment and service delivery.
- 2.2 The following protected characteristics are defined as per the most recent Acas guidance. In particular, this applies in ensuring no unfair treatment on the following grounds\*:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion and belief
  - Sex
  - Sexual orientation

\*See Appendix 1 for definitions

### 3. LEGAL ENACTMENTS

3.1 This policy statement is underpinned by the provisions of the following:

3.2 European legislation

- Equal Pay Directive (1975)
- Equal Treatment Directive (1976)
- Part-time Work Directive (1997)
- Fixed term Work Directive (1999)
- Race and Ethnicity Directive (2000)
- Equal Treatment Framework Directive (2000)
- Equal Treatment (Amendment) Directive (2002)

3.3 United Kingdom legislation

- Equality Act (2010)
- Employment Rights Act (1996)
- Gender Reassignment Regulations (1999)
- Part-time Workers Regulations (2000)
- Employment Act (2002)
- Fixed-time Employees Regulations (2002)
- Work and Families Act (2006)
- Employment Relations Act (2004)

### 4. PUBLIC SECTOR EQUALITY DUTY

4.1 In line with the Public Sector Equality Duty, Ark has due regard for:

4.2 Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act

4.3 Advancing equality of opportunity between people who share a protected characteristic and people who do not share it

4.4 Fostering good relations between people who share a protected characteristic and people who do not share it

4.5 Ark consciously considers equality factors in decisions of policy and process

## 5. ROLES AND RESPONSIBILITIES

- 5.1 It is Ark's responsibility to:
  - 5.1.1 Review and consult with unions on this policy statement
  - 5.1.2 Monitor the effectiveness of this policy
  
- 5.2 It is the Principal's responsibility to:
  - 5.2.1 Implement the policy statement
  - 5.2.2 Ensure all employees receive appropriate and relevant continuous professional development
  - 5.2.3 Actively challenge and take appropriate action in any cases of discriminatory practice
  - 5.2.4 Deal with any reported incidents of harassment or bullying
  - 5.2.5 Ensure that all visitors, contractors, agency workers are aware of and comply with this policy statement
  
- 5.3 It is the manager's responsibility to:
  - 5.3.1 Support the implementation of this policy statement
  - 5.3.2 Manage their employees in a way which is consistent with this policy statement
  - 5.3.3 Set a good example and ensure all employees and third parties understand the standards expected from them
  - 5.3.4 Implement HR policies and procedures in line with this policy statement
  
- 5.4 Every employee is responsible for:
  - 5.4.1 Adhering to the principles in this policy statement
  - 5.4.2 Promoting equality and good relations and not discriminate on the grounds of any protected characteristics
  - 5.4.3 Setting a good example
  - 5.4.4 Being vigilant in all areas of the workplace for any type of harassment and bullying, raising concerns appropriately
  
- 5.5 All third parties (e.g. contractors, agency workers, visitors, etc.) are responsible for:
  - 5.5.1 Adhering to the principles in this policy statement
  - 5.5.2 Promoting equality and good relations and not discriminate on the grounds of any protected characteristics

## 6. COMPLAINTS

- 6.1 Ark will not tolerate any form of discrimination, harassment or bullying by or against employees.
- 6.2 Any employee who raises a complaint against any grounds set out in this policy statement should do so in line with Ark's Grievance Policy and Procedure.
- 6.3 Any external candidate / applicant will need to raise a complaint in relation to the recruitment process with the Head of Recruitment.
- 6.4 Any third party (e.g. agency worker / visitor / trainee teacher / contract workers / etc.) will need to raise a complaint with the Head of HR.
- 6.5 All complaints will be dealt with seriously and promptly.

## 7. MONITORING OF EQUALITY AND DIVERSITY

- 7.1 HR policies and procedures will be reviewed against this policy statement to ensure that they reflect Ark's commitment to equalities and diversity in the workplace.
- 7.2 As part of the recruitment process, job applicants will be asked for anonymous monitoring data.
- 7.3 Where information is collected, Ark will monitor its workforce based on the monitoring data.
- 7.4 By monitoring the various areas above Ark can check and review whether current recruitment, promotion, training, pay progression, capability, disciplinary, absence management, dismissal and general employment practices are reaching and protecting the full range of possible candidates and help to guard employees against any potential for discrimination.

## 8. GENUINE OCCUPATIONAL REQUIREMENT

- 8.1 Under current legislation, any job may be restricted to a particular characteristic if the characteristic is a 'genuine occupational requirement' (GOR) for the job, or for the context within which it is carried out. However, the circumstances in which this applies are very limited and would be exceptional in Ark. Advice should be sought from the Ark HR and recruitment team.

## 9. POSITIVE ACTION

- 9.1 In recruitment and promotion decisions, where candidates are “as qualified as” each other, i.e. in a tie break situation, Ark may take into account a candidate’s particular protected characteristic.
- 9.2 Ark will only use these measures in situations where it is evident that people who share the characteristic face particular challenges in the workplace and/or are disproportionately under represented.
- 9.3 Ark considers the abilities, merits, and qualifications of all of the candidates in each recruitment or promotion exercise and will not automatically treat individuals who share a protected characteristic more favourably.

## 10. REVIEW

- 10.1 This policy will be reviewed every two years in consultation with the recognised trade unions.

## APPENDIX 1

Equality Act (2010) definitions of protected characteristics:

### **Age**

Where this is referred to, it refers to a person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

### **Disability**

A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

### **Gender Reassignment**

A person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

### **Marriage and civil partnership**

Marriage and civil partnership means someone who is legally married or in a civil partnership. Civil partnership is between partners of the same sex.

### **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

### **Race**

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

### **Religion**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

### **Sex**

A man or a woman.

### **Sexual orientation**

A person's sexual orientation towards people of the same sex (lesbians and gay men), towards people of the opposite sex (heterosexual) or towards people of the same sex and the opposite sex (bisexual).