



BROADLEAF
PARTNERSHIP TRUST
Growing together

Equality, Diversity & Inclusion Policy

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Associated documents:

- Grievance Policy
- Pay Policy
- Whistleblowing Policy
- Code of Conduct
- Disciplinary Policy
- Dignity at Work Policy
- Flexible Working Policy
- Performance Management and Development Policy
- Reorganisation Policy
- Recruitment and Selection Policy
- Sexual Harassment Prevention Policy
- Records Management and Data Protection Policy
- All other relevant professional standards

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1. Policy Statement

- 1.1 Broadleaf Partnership Trust is committed to promoting equality of opportunity for all employees and job applicants. We aim to create a supportive and inclusive working environment in which all individuals are able to make the best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.
- 1.2 The Trust will take allegations of discrimination seriously and address them promptly and confidentially, where possible.
- 1.3 All employees are personally responsible for ensuring that they adhere to this policy and promote our aims and objectives with regard to equal opportunities. In certain circumstances, the Trust could be held to be vicariously liable for the actions of their employees. Employees should be aware that they may be personally liable if they are found to have discriminated against another person whilst in School or on School-related business.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. Elements of this procedure may be varied as appropriate in any case.

2 Scope and purpose of policy

- 2.1 This policy covers all individuals working at all levels and grades, including senior managers, employees, trainees, part-time and fixed-term employees, volunteers, casual workers, agency staff and governors (collectively referred to as employees in this policy). All employees have a duty to act in accordance with this policy and treat colleagues with dignity at all times, as well as a duty not to discriminate against or harass other employees, regardless of their status. Details of this are in the Dignity at Work Policy.
- 2.2 This policy applies to all aspects of our relationship with employees and to relations between employees at all levels. This includes our approach to;
 - job advertisements, recruitment and selection,
 - promotion, training and development opportunities
 - conditions of service, including pay and benefits,
 - conduct at work,
 - disciplinary and grievance procedures,
 - dismissal
 - redundancy and restructures
 - requests for leave and flexible working

3 Protected Characteristics

3.1 Discrimination is being treated unfairly for one of the following reasons:

- Age
- Disability
- Being married or in a civil partnership
- Pregnancy or maternity
- Race (including colour, nationality, ethnic or national origin)
- Religion or belief
- Sex
- Sexual orientation
- Gender reassignment

3.2 These are called protected characteristics in the Equality Act 2010. Discrimination based on any of these protected characteristics is against the law.

4 Discrimination

4.1 Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

4.2 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above (paragraph 3.1).

4.3 Indirect discrimination is where there is a provision, criterion or practice that applies to everyone but which adversely affects people with a particular protected characteristic more than others and is not justified.

4.4 Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Dignity at Work Policy.

4.5 Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.

4.6 Examples of discriminatory behaviours can be found at appendix 1.

5 Recruitment & Selection

5.1 Recruitment and selection should be conducted on the basis of ability and merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act), and the procedures used reviewed regularly.

5.2 Job advertisements avoid stereotyping or words that may discourage an individual or group with a protected characteristic from applying.

- 5.3 Job selection criteria are regularly reviewed to ensure that they are relevant and proportionate. Short listing of candidates will be based on this criteria, and wherever possible conducted by more than one person.
- 5.4 We will take reasonable steps to ensure that external vacancies are advertised to a diverse market, and all internal vacancies made available to all appropriate staff regardless of the possession of a protected characteristic. Where relevant, vacancies will be advertised to particular groups that have been identified as disadvantaged or underrepresented in the Trust.
- 5.5 Applicants will be asked about health/disability as part of their application under the section of equal opportunities monitoring. This information will be treated confidentially and not used during selection stage.
- 5.6 When inviting candidates to attend an interview HR will routinely ask candidates if they would like to request a reasonable adjustment. This is to ensure equal opportunity at the interview/assessment stage for candidates and will not form part of the basis of selection.
- 5.7 Prior to an offer of employment being made, a member of school Senior Leadership Team or HR may authorise further questions about health or disability in limited circumstances. For example, to establish if an applicant can perform an intrinsic part of the job (subject to reasonable adjustments).
- 5.8 Applicants will not be asked about current or future pregnancy intentions, or the childcare arrangements for any dependents.
- 5.9 Applicants will not be asked, as part of selection, about matters concerning age, race, religion/belief, sexual orientation or gender re-assignment. Candidates will be asked for this information for equal opportunities monitoring, but they will have the ability to choose not to answer. Any information provided, or not provided, will not form part of selection and will be kept confidential and only used anonymously for equal opportunities monitoring purposes.
- 5.10 All applicants will be asked to provide proof of right to work in the UK. This is to comply with current legislation. Assumptions about immigration status will not be made based on appearance, name or apparent nationality. All successful candidates must be able to produce original documents as sufficient evidence of right to work in the UK as defined by the Home Office.

6 Professional Development, Promotion and Conditions of Service

- 6.1 All managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities awareness. The Headteacher has overall responsibility for equal opportunities training.
- 6.2 Employee training needs will be identified through regular line management conversations. All employees will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.
- 6.3 Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.

- 6.4 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all employees who should have access to them and that there are no unlawful obstacles to accessing them.

7 Termination of Employment

- 7.1 We will ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.
- 7.2 In some limited circumstances an employee may need to be dismissed due to a statutory obligation. In such a case the decision to dismiss will be based on the statutory requirement, and in no way based on the possession of a protected characteristic.
- 7.3 We will ensure that redundancy criteria and procedures are fair and objective and processes and criteria and fair and objective, are not directly or indirectly discriminatory. The Trust will ensure that there is no adverse impact on a particular group sharing a protected characteristic compared to others who do not have that characteristic.
- 7.4 Our Performance Management and Development and Absence Management Policies will be applied without discrimination based on a protected characteristic. Where appropriate, reasonable adjustments will be considered, and implemented where reasonably possible to do so, in order to improve an individual's performance or capability. We aim to ensure that all employees perform and attend satisfactorily to support our organisational aims. However, in some cases after support has been offered and the process exhausted there may be no option other than to dismiss an employee. In such a case an individual's protected characteristic will have no impact on the decision to dismiss.

8 Disability Discrimination

- 8.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.
- 8.2 If you experience difficulties at work because of your disability, you should speak to your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager or our HR department may wish to consult with you and your medical adviser/s about possible adjustments. We will consider the matter carefully and try to accommodate your needs. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.
- 8.3 We will monitor the physical features of our premises to consider whether they place disabled workers and job applicants at a substantial disadvantage compared to other employees. Where reasonable, we will take steps to improve access for disabled employees.

9 Fixed-term Employees, Casual and Agency Workers

- 9.1 We monitor our use of fixed-term employees, casual and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

10 Part-time Work & Flexible Work Requests

- 10.1 We 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.
- 10.2 We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

11 Breaches of this Policy

- 11.1 If you believe that you may have been discriminated against you are encouraged to raise the matter through our grievance procedure. If you believe that you may have been subject to harassment or bullying, you are encouraged to raise the matter through our Dignity at Work.
- 11.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Employees who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our disciplinary procedure.
- 11.3 Any employee who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

12 Public Sector Equality Duty

- 12.1 The Equality Act 2010 (Statutory Duties) Regulations 2011 impose a specific duty on public sector bodies to publish information relating to protected characteristics of employees.
- 12.2 We will publish information required under these duties in accordance with our statutory obligations, and will provide information relating to protected characteristics of employees to Trade Unions upon request.

13 Review of policy

- 13.1 This policy is reviewed on a three yearly basis, or more frequently if required.
- 13.2 Employees are invited to comment on this policy and suggest ways in which it might be improved by contacting the Director of People.
- 13.3 We take seriously our responsibility in respect of equality monitoring and will monitor the equality impact of this policy in respect of all protected characteristics as defined under the Equality Act 2010.

Appendix 1 – Examples of Discriminatory Behaviour

Direct Discrimination

When shortlisting candidates for a teaching role, Rebecca turns down Tony's application. Tony, who is Bangladeshi, learns that Rebecca did this as she believes that he will not "fit in" to the team as the department does not have any BIPIC staff and the team therefore may be uncomfortable around him because of his race. This would be direct discrimination on the grounds of race.

Discrimination by Association

Paul has been successful in gaining a place on a NPQSL training programme. However, after he tells his line manager that he has a disabled child who has frequent medical appointments which he has to attend, his place is withdrawn. This may be discrimination against Paul because an assumption was made that he will need considerable time off due to his "association" with a disabled person.

Harassment

Hamza is 17 years old and the youngest employee in his team. Hamza is being harassed by his line manager Jo who frequently taunts him about his age and belittles him in the office referring to him as the 'cry baby'. This is harassment directly related to Hamza's age.

Indirect Discrimination

Ade, a Department Head, decides that all meetings will be held at 7:30am. This is indirect discrimination because although the policy applies to everyone, it has a disproportionate impact on staff with childcare responsibilities, the majority of whom tend to be women.

Perception Discrimination

Emma, who is heterosexual, is being harassed by her colleagues and has been 'outed' by a group of colleagues at work who believe her to be a lesbian. Offensive notes have been left on her desk and she is consistently subjected to taunts and jibes. This unacceptable behaviour is based on her colleagues' perception of her sexual orientation and is a form of harassment and perception discrimination.

Pregnancy & Maternity

Crystal is a pregnant and works as a receptionist in the school office on a temporary contract. The role she is covering becomes available as a permanent role, however, the Office Manager, tells Crystal "not to bother to apply", as she wouldn't be shortlisted due to her upcoming maternity leave. This is discrimination in relation to pregnancy and maternity.