

The 3-18 Education Trust

Workforce Equality, Diversity and Inclusion Policy

Every individual is in a great school.

Approved: Spring Term 2024

www.3-18education.co.uk



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Introduction

The 3-18 Education Trust (Trust) is committed to providing high quality teaching and learning for its pupils. The Trust recognises that by valuing and promoting equal opportunities in employment for all employees and job applicants and avoiding unlawful discrimination in employment and delivery of services, it will be able to deliver first class education and value the differences the workforce brings to the Trust.

The Trust aims to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. The Trust also values diversity and recognise the varied contributions that a diverse workforce brings to an organisation; it is committed to drawing on different perspectives and experiences of individuals which will add value to all aspects of the Trust's work. The Trust acknowledges intersectionality and the impact that a wide variety of differences will have on the individual and the workplace.

The Trust will ensure that it does not discriminate against staff on the basis of the 9 protected characteristics (Appendix A):

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

The principles of non-discrimination also apply to how staff are expected to treat colleagues, pupils, parents and carers, visitors, clients, customers, suppliers and former staff regardless of whether the legal protection of having a protected characteristic applies.

This policy complies with the requirements of the Gender Recognition Act 2004 and the Equality Act 2010. Under the general public sector equality duty of the Equality Act 2010, the Trust must have due regard to and are committed to:

- Eliminate discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The duty covers the protected characteristics of race, disability, sex, age, sexual orientation, religion or belief, pregnancy and maternity, gender reassignment, gender definition, intersex and non-binary. The first part of the duty - the duty to eliminate discrimination, harassment and victimisation - also applies to the protected characteristic of marriage and civil partnership. As part of the duty the following is published on the website:

- The Trust's equality objectives (at least every four years); and
- Information that demonstrates compliance with this duty.
- Gender pay gap reporting in line with the regulations.

As part of the application of this policy, the Trust may collect, process and store personal data and special categories of data in accordance with the Trust's Data Protection Policy. The Trust will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time, in relation to how personal data is collected, held and shared.

This policy does not form part of any employee's contract of employment and may be amended at any time.

Scope and Purpose

This policy covers all individuals working at all levels and grades in the Trust, including trustees, local governors, headteachers, senior leadership, employees, consultants, contractors, trainees, part-time and fixed-term employees, volunteers, casual workers and agency staff (collectively referred to as employees in this policy).

This policy applies to all aspects of the employment relationship and covers job advertisements, recruitment and selection, training and development, opportunities for promotion, appraisals, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment. It also applies to former employees for example in the provision of employment references. This policy focuses on employment and does not cover the provision of services to pupils.

Decision makers at each school must be aware of the duty to have 'due regard' when making decisions or taking action and must assess whether it has implications for people with a particular Protected Characteristic. Equality, diversity and inclusion implications should be considered when policies or decisions are being made, and should be kept under review, for example through the use of the Equality Impact Assessment (Appendix B).

The purpose of this policy is to set out the Trust's approach to equal opportunities, how discrimination is addressed and how the Trust's commitment is put into action and complies with the law, to ensure that equality and diversity is promoted in the workplace and employees are not subject to and do not commit unlawful acts of discrimination.

Roles and Responsibilities

The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with equality legislation. Day-to-day operational responsibility for this policy including regular review of this policy, has been delegated to the Chief Executive Officer.

All senior leaders must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote the Trust's aims and objectives with regard to equal opportunities.

All employees must be aware of this policy and have a duty to act in accordance with this policy and not to discriminate against or harass other people including employees, former employees and job applicants treating them with dignity at all times. This also applies on work-related trips or

events including social events. They should also apply this to how they treat members of the public in the provision of services and should support the Trust in meeting its commitment to provide equal opportunities for all and promoting diversity in the workplace.

Forms of Discrimination

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.

Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics as set out above. For example, rejecting a job applicant because of their religious views or because they might be gay. 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. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim. It will only be exceptional circumstances that this will apply in the Trust.

Indirect discrimination occurs where someone is disadvantaged by a provision, criterion or practice that applies to everyone but puts people with a protected characteristic at a particular disadvantage. Such a requirement will need to be objectively justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be objectively justified.

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. Pregnancy and maternity, and marriage and civil partnership are not protected directly under the harassment provisions. However, pregnancy and maternity harassment would amount to harassment related to sex, and harassment related to civil partnership would amount to harassment related to sexual orientation. Harassment is dealt with further in our Bullying and Harassment Policy.

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. This includes where someone mistakenly believes that the victim has complained, given information or supported someone else's complaint.

Discrimination by association is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Discrimination by perception is where an individual is directly discriminated against or harassed based on a perception that a person has a particular protected characteristic irrespective of whether they do have that protected characteristic (this does not include marriage and civil partnership and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as parents and carers, clients or customers.

Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.

It is also unlawful to discriminate on the grounds of trade union membership or non-membership and past unrelated convictions.

Hate crime is an offence committed against a person or property motivated by the perpetrator's hostility and prejudice towards people because they are seen as being different. By working together schools should try to meet their equality and diversity obligations, particularly in seeking to eliminate discrimination, harassment and victimisation. In addition, working together aims to encourage social inclusion and promotes a resilient and caring society. The Hate Crime Reporting protocol are:

<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

Applying this Policy to Recruitment and Selection

The Trust aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics. When recruiting or on promotion, the Trust will aim to take steps to improve the diversity of its workforce and provide equality of opportunity. The recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant skills and abilities.

Job selection criteria as set out in the person specification will be regularly reviewed to ensure that they are relevant to the job. Short listing of applicants should be done by more than one person wherever possible and will be carried out objectively against the requirements of the job.

Job advertisements should avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying.

The Trust will take reasonable steps, where appropriate depending on the situation, to ensure that vacancies are advertised to a diverse labour market.

Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to;

- establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments¹).
- establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.
- carry out equal opportunities monitoring (which will not form part of the decision-making process).

¹ Section 60 of the Equality Act 2010

Job offers will be conditional upon a satisfactory medical check in accordance with the obligation under Keeping Children Safe in Education², where a school must verify the candidate's mental and physical fitness to carry out their work responsibilities in accordance with the Education (Health Standards) (England) Regulations 2003.

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy or gender identity or history. Applicants will not be asked about matters which may suggest an intention to discriminate on ground of a protected characteristic.

The Trust is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance, name or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original specified documents before employment starts to satisfy current immigration legislation.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the Trust, diversity data is monitored as part of the recruitment process. Provision of this information is voluntary, and it will not adversely affect an individual's success at recruitment, or any other decision related to their employment. The information is removed from applications before short listing and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

Applying this Policy to Training, Promotion, Pay Decisions and Conditions of Service

All employees will be provided with a copy of the Trust's Staff Privacy Notice which sets out how the Trust will collect, hold and share personal data of individuals during their employment.

Employees training needs will be identified through the appraisal process. All employees will be given appropriate access to training for their job and in order to enable them to progress within the Trust.

Pay and promotion decisions will be based on an employee's performance (where relevant), skills and experience and as detailed in the Trust's Pay Policy.

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.

Relevant national and local conditions of service within the Trust as applied to employees, will meet the requirements of equal opportunities.

Applying this Policy When Terminating Employment

The Trust will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

² Keeping Children Safe in Education 2023

The Trust will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

Disability Discrimination

Disability discrimination includes direct or indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate the effects caused by a disability.

If you are disabled or become disabled, you are encouraged to tell the Trust about your condition so that you can be supported as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact a member of SLT or the Headteacher to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The School Business Manager, in conjunction with Human Resources may wish to consult with you and your medical adviser(s) about possible adjustments. The Trust will consider the matter carefully and try to accommodate your needs within reason. If it is considered a particular adjustment would not be reasonable, the Trust will explain the reasons and try to find an alternative solution where possible.

The Trust will monitor the physical features of all premises to consider whether they place disabled employees or job applicants at a substantial disadvantage compared to other employees. Where reasonable, the Trust will take steps to improve access for employees who have a disability.

As a Disability Confident Committed Employer, the Trust is committed to inclusivity and accessibility. The Trust guarantees to interview a disabled applicant, provided they meet the minimum criteria for the job. This applies to all internal and external vacancies.

Breaches of this Policy

If you believe that you may have been discriminated against or you have witnessed discrimination you are encouraged to raise the matter through the Trust's Grievance Procedure. If you believe that you may have been subject to harassment you are encouraged to raise the matter through the Trust's Bullying and Harassment Policy. If you are uncertain which policy applies or need advice on how to proceed you should speak to your Headteacher or a member of SLT.

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 the Trust's Disciplinary Procedure.

Any member of staff 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. The Trust takes a strict approach to serious breaches of this policy.

Policy Consultation, Monitoring and Review

Consultation

This Policy has been consulted on with the recognised professional associations/trade unions set out below:

- Association of School and College Leaders
- GMB
- National Association of Headteachers
- National Association of Schoolmasters Union of Women Teachers
- National Education Union
- Unison

Monitoring

The HR Director and the Chief Executive Officer will monitor the outcomes and impact of this policy on an annual basis.

Review

Member of Staff Responsible	HR Director
Relevant Guidance/Advice/Legal Reference	Browne Jacobson The Equality Act 2010 The Equality Act 2010 (Specific Duties) Regulations 2011 DfE School Teachers' Pay and Conditions National Joint Council Pay and Conditions
Policy Adopted By	Trust Board
Consultation	Professional Associations / Trade Unions
Date of Policy	Spring Term 2023
Review Period	Annually
Date of Next Review	Spring Term 2024

Appendix A Definitions of the Protected Characteristics

The Protected Characteristics are as follows:

Age

Discrimination directed at either 'young' or 'old' is likely to be unfair.

It is important to emphasise that employers are highly vulnerable if they decide not to interview any job candidates who have reached an age which they regard as an appropriate age for retirement. Employers should therefore interview all suitable candidates irrespective of age focusing on their skills and ability to do the job rather than age alone.

Retiring from work

- Dismissal
Unless it can be objectively justified it is not permissible to dismiss someone on the grounds of retirement. Older workers (age 55 plus) can voluntarily retire at a time they choose and draw any occupational pension they are entitled to. Older workers may also request flexible retirement from age 55. Employers cannot force employees to retire or set a retirement age. It is advisable for the employee to contact their pension provider for further information regarding pension benefits.
- Work place discussions
Whatever the age of an employee, discussing their future aims and aspirations can help an employer to identify their training or development needs and provide an opportunity to discuss their future work requirements.
For all employees these discussions may involve the question of where they see themselves in the next few years and how they view their contribution to the organisation. A useful exercise is to ask open questions regarding an employee's aims and plans for the short, medium and long term.
Employers may find it useful to hold these discussions as part of their formal appraisal processes.
The outcome of any workplace discussions should be recorded and held for as long as there is a business need for doing so. A copy of the discussion should be given to the employee.
- Poor performance
If an employee is performing poorly the employer should discuss this with them to establish a cause. Failure to address any poor performance with an employee because there is an expectation they will retire soon may be discriminatory. Employers should establish a reason for poor performance, setting improvement periods and agreeing what training, development and support would help the employee meet the required expectation.
If levels are not improved and an employer has followed the company's performance procedure they then may decide to dismiss the employee on capability grounds, contact Human Resources for further information.
- Is the increase in annual leave based on length of service discriminatory?
No, any increase in benefits during or before the 5th year of service is not discriminatory, the increase in the annual leave is based on loyalty, rather than age.

Disability

It is unlawful to discriminate against workers because of a physical or mental disability or fail to make reasonable adjustments to accommodate a worker with a disability. Under the Equality Act 2010 a person is classified as disabled if they have a physical or mental impairment which has a

substantial and long-term effect on their ability to carry out normal day-to-day activities. Day-to-day activities include things such as using a telephone, reading a book or using public transport.

If an employee has a disability that is making it difficult to work, employers should consider what reasonable adjustments they can make in the workplace to help or schedule an interview with the employee to discuss what can be done to support them. This could be as simple as supplying an adequate, ergonomic chair or power-assisted piece of equipment. Reasonable adjustments also include re-deployment to a different type of work if necessary. Further advice may be obtained from the Sickness Absence Policy and Occupational Health.

Gender Reassignment

Gender reassignment is a personal, social, and sometimes medical process by which a person's gender presentation (the way they appear to others) is changed. Anyone who proposes to, starts or has completed a process to change his or her gender is protected from discrimination under the Equality Act. An individual does not need to be undergoing medical supervision to be protected and all transsexual people share the common characteristic of gender reassignment. So, for example, a woman who decides to live as a man without undergoing any medical procedures would be covered.

It is discrimination to treat transgender or gender fluid people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured, or if they were absent for some other reason.

Support for individuals undergoing gender transitions.

- Discuss with the transgender person how they would prefer information about their transition to be communicated to colleagues. Some transgender people may feel comfortable talking about their transition with colleagues, but others may prefer not to.
- Confidentiality - At a point agreed with the individual, all personal records should be changed to reflect the acquired name and gender. Access to personal records which indicate a person's previous gender should be retained only if necessary, and otherwise deleted or destroyed.

Employees should make sure that they consider the following.

- Telling people about your situation - Make a list of the people who need to be informed. You may wish to speak to them personally or may prefer to ask HR or your line manager to communicate with them.
- Medical appointment and absences - Make sure the employer knows when you will need to take time off work. It is discrimination for your employer to treat you less favourably if you are absent from work for a reason related to gender reassignment than you would be treated if you were absent because you are ill or injured, or if you were absent for some other reason.
- Changing everything into your new identity - You will need to change your name on your email address, company directories, records, and work pass. Speak to the Headteacher at an early stage about how this should be managed.
- Further information can be found at <https://www.gires.org.uk/>

Marriage and Civil Partnerships

Gay and lesbian couples are able to get married or register their civil partnership in England, Scotland and Wales, which gives many of the same rights as other married couples.

Same sex couples who marry or register as civil partners have the same rights as other married couples in respect of employment rights.

The Equality Act protects employees who are married or in a civil partnership or marriage against discrimination.

Pregnancy and Maternity

It is unlawful to discriminate, or treat employees unfavourably because of their pregnancy, or because they have given birth recently, are breastfeeding or on maternity leave.

Discrimination happens when a woman is treated unfavourably because of her pregnancy, pregnancy-related illness or she exercises the right to statutory maternity leave. Ensure that an employee absent from work is notified of any important information, such as restructures, changes to terms and conditions and organisational/management changes within the school.

Race

It is unlawful for an employer to discriminate against employees because of race which includes colour, nationality, ethnic or national origin.

In very limited circumstances, there are some jobs which can require that the job-holder is of a particular racial group. This is known as an 'occupational requirement'. One example is where the job-holder provides personal welfare services to a limited number of people and those services can most effectively be provided by a person of a particular racial group because of cultural needs and sensitivities.

Religion or Belief and Lack of Religion or Belief

There is no specific list that sets out what religion or belief discrimination is. The law defines it as any religion, religious or philosophical belief. This includes all major religions, as well as less widely practised ones.

To be protected under the Equality Act, a philosophical belief must:

- Be genuinely held.
- Be a belief and not an opinion or viewpoint, based on the present state of information available.
- Be a belief as to a weighty and substantial aspect of human life and behaviour.
- Attain a certain level of cogency, seriousness, cohesion and importance.
- Be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Humanism and atheism are examples of philosophical beliefs.

Workers are also protected against discrimination if they do not hold a particular (or any) religion or belief.

Employers do not have to give workers time off or facilities for religious observance, but they should try to accommodate them whenever possible. For example, if a worker needs a prayer

room and there is a suitable room available then a worker could be allowed to use it, providing it does not disrupt others or affect their ability to carry out their work properly.

Many employers find that being sensitive to the cultural and religious needs of their employees makes good business sense. This can mean making provisions for:

- flexible working
- religious holidays and time off to observe festivals and ceremonies
- prayer rooms with appropriate hygiene facilities
- dietary requirements in staff canteens and restaurants
- dress requirements.

Sex

It is unlawful to discriminate against workers because of their sex, e.g. paying women less than men for carrying out the same role. In very limited circumstances, there are some jobs which can require that the job-holder is a man or a woman. This is known as an 'occupational requirement'. The list of occupational requirements is restricted and very rare.

Sexual Orientation

An employer should protect employees from discrimination on grounds of the sexual orientation.

Sexual orientation is defined as:

- Orientation towards people of the same sex.
- Orientation towards people of the opposite sex.
- Orientation towards people of the same sex and the opposite sex.

Additional Protections Apply to the Following:

Equal Pay

An employer must give equal treatment in the terms and conditions of their employment contract if staff are employed on

- Like work – work which is the same or broadly similar.
- Work rated as equivalent under job evaluation.
- Work found to be of equal value.

The **Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002** aim to ensure employees on a fixed term contract are treated no less favourably when compared with permanent employees.

The **Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000** aim to ensure that part-time workers receive the same rate of pay as an equivalent full time member of staff; additionally, they should not be excluded from training and should receive holiday pay pro rata to an equivalent full time employee.

The Rehabilitation of Offenders Act 1974. Under this Act, many ex-offenders are given certain employment rights if their convictions become 'spent'. The DBS Code of Practice and the Rehabilitation of Offenders Act states that employers are not allowed to discriminate against employees with a criminal background and must treat applicants fairly. Recruitment decisions should therefore be based on whether the criminal information presented is relevant to the job the applicant will be carrying out.

Trade Union Membership. In accordance with the **Trade Union and Labour Relations (Consolidation) Act 1992**, this Act provides protection from discrimination either because of membership or non-membership of a trade union.

Race (including ethnicity and nationality) (does your project take into account the needs of people from different groups, if not do you need to make any adjustments?)

Religion or belief (do people from faith groups experience any specific disadvantage in relation to your research project)

Sex

Sexual orientation (is your language inclusive of LGB groups?)

Gender Reassignment – is your language inclusive of trans and non-binary people?

Pregnancy and maternity

Marriage and Civil Partnership

E. Evidencing Impact

Please answer each of the following questions:

Is there any information available about the people who will be involved in or affected by your programme/ activity? (E.g. demographic info, scoping of need etc).

Are there any gaps in evidence/ insufficient information to properly assess the impact of your programme/ activity, and how will this be addressed? E.g. further research or working with a voluntary sector organisation?

Does your programme/ activity disproportionately affect any one group named above?

Will this programme/ activity lead to discrimination (direct or indirect), harassment, victimisation, or less favourable treatment of people with protected characteristics?

Does your programme/ activity contribute to advancing equality of opportunity?¹

Is there an opportunity for your programme/ activity to foster good relations between groups?

Do you need to make any reasonable adjustments to your programme/ activity to avoid discrimination or advance equality of opportunity? This may include adjusting interview questions, so they are more accessible or making changes to the way events are managed.

How is the programme/ activity's communication made accessible to all groups?

How are you engaging people with a wide range of protected characteristics in the development, review and/or monitoring of the programme/ activity?

F. EqIA Outcome

Select one of the four options below to indicate how the development or review of the programme/ activity will be progressed and state the rationale for the decision. (Delete the options that do not apply):

Option 1: No change required – the assessment is that the programme/ activity is/will be robust.

Option 2: Adjust the programme/ activity – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.

Option 3: Continue the programme/ activity despite the potential for adverse impact with mitigation in place

Option 4: Stop the programme/ activity as there are adverse effects which cannot be prevented/mitigated.

G. Action and Monitoring

Please specify the actions required to implement the findings of this EqIA and how the programme/ activity's equality impact will be monitored in the future. It may be helpful to complete the table.

Activity in each quarter				What steps will you take to measure this activity is taking place	What will successful completion look like?	Date of completion? Please note this by quarters			
Q1	Q2	Q3	Q4			Q1	Q2	Q3	Q4

H. Review

Date of next review:

H. Sign-off

EqlA undertaken by (name and job title):

Date:

Appendix C Equality Impact Assessment Guidance

Introduction

This guidance is intended to help you undertake an Equality Impact Assessment (EqIA). An EqIA should be carried out whenever you are starting (and regularly reviewing) any major activity (e.g. a new strategy, programme, campaign or policy). For the purposes of this template, this is summarised as your 'programme/ activity'.

EqIA is part of the Trust/School general equality duty under the Equality Act 2010. The Equality Act 2010 specifies the following 'protected characteristics': age, disability, race (including ethnicity and nationality), religion or belief, sex, sexual orientation, gender reassignment, pregnancy and maternity, and marriage or civil partnership.

The Trust/School has a general equality duty to have due regard to the needs to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

This guidance is designed to lead you through the EqIA process through asking pertinent questions and giving examples. The law does not dictate a particular form for EqIA, but we have provided a template for you use if required. The requirement is to actively consider how a programme/ activity will meet the general equality duty, and take any necessary action. Wherever practicable, EqIA should be built into standard processes and tailored to the nature of the policies or practices involved.

Answers should be recorded in the EqIA form and can be expanded and supplemented as required. Answers may be as long or short as is necessary and relevant, bearing in mind that the effort involved in EqIA should be proportionate to the relevance of the programme/ activity to equality.

Assessing for Equality Impact

Before assessing the programme/ activity, ensure that you have a clear understanding of the purpose of the programme/ activity, the context, the intended beneficiaries, and the results aimed for.

- Bear in mind that the extent of EqIA should be proportionate to the relevance of the programme/ activity to equality. It may not be practicable or necessary to answer every question or address every potential scenario.
- Focus mainly on aspects of the programme/ activity that are most relevant to the question, to ensure most attention is given to the most important areas.
- Relate answers to consideration of the available evidence and address any gaps or disparities revealed, where feasible without disproportionate effort. For new policies, assess potential impact.
- Describe any action identified to address any issues highlighted.
- Where there is potential for adverse impact, but the programme/ activity will still be applied, indicate the rationale for that decision.

Initial/partial EqlA: in some circumstances - particularly for new policies/practices – there may be limited information on which to base EqlA. In these cases, the EqlA should be carried out to the extent possible and should identify arrangements for monitoring/ investigation of equality impact and for fuller EqlA in future.

Wholly positive impact: Some policies/practices may be viewed as having only positive equality impact. For these, consideration should still be given to ensure that no adverse impact is overlooked and to ensure that full advantage is taken of the positive impact, e.g. through effective communication. However, the effort involved in carrying out EqlA should not be excessive.

Undertaking an Equality Impact Assessment

Sections A, B, and C

Indicate the current status of the programme/ activity or the stage of development/review. Also note any general comments here regarding the relevance and significance of the programme/ activity to equality. Which aspects of the programme/ activity are particularly relevant (which should be the main focus for EqlA)? On what aspects of equality does the programme/ activity particularly impact?

Section D

Indicate which equality group/s is the programme/ activity relevant and why? Policies/practices applying to substantial groups of service users or staff will be relevant to all equality groups, which should be noted.

The protected characteristics under the Equality Act are:

- age
- disability
- race (including ethnicity and nationality)
- religion or belief
- sex
- sexual orientation
- gender reassignment
- pregnancy and maternity
- marriage or civil partnership

You must consider each of these protected characteristics. As part of this, consider diversity within, as well as between groups (e.g. different disabilities, different racial groups). Consider the implications of combinations of protected characteristics e.g. issues of relevance to women may vary once race, religion and age are taken into consideration. Also consider the impact on those with caring/family responsibilities (which tends to impact more on women).

Section E

What evidence is available about the needs of relevant equality groups? E.g. information/feedback from equality groups or other stakeholders, involvement or research with equality groups or individuals, equality monitoring data, service monitoring data, information for other similar policies/practices, staff surveys, research reports, demographic information, audit, inspection or management reports and recommendations.

Where are the gaps in evidence? If there is insufficient information to properly assess the programme/ activity, how will this be addressed? If information cannot be gathered now, consider building monitoring into the plans for implementation/review of the programme/ activity. Note: the

resources put into collecting evidence should be proportionate to the relevance of the programme/ activity to equality.

Is there evidence (or an expectation) of higher or lower uptake by any equality group(s)? If so, give details of the differences and the reasons for these (if known)? Is any equality group excluded from participating in or accessing the service or functions? If so, why? Does the programme/ activity create any barriers for any group? For example, because of the time when the service is delivered or because of restricted income.

Might the application of this programme/ activity lead to discrimination, harassment or victimisation? Might it result in less favourable treatment for particular equality groups or give rise to indirect discrimination?

Does the programme/ activity contribute to advancing equality of opportunity? Will it help to:

- Remove or minimise disadvantage?
- Meet the needs of different equality groups?
- Encourage increased participation of particular groups?
- Take account of disabled people's impairments?

Is there an opportunity in applying this programme/ activity to foster good relations between people in any protected group and those who are not? Will it help to tackle prejudice and/or promote understanding?

Are reasonable adjustments built in where they may be needed? Is there evidence (or an expectation) that people from different equality groups have different needs or experiences in relation to the programme/ activity? If so, what are they?

Is the communication of the programme/ activity accessible to all groups? Are you using channels that are accessible to everybody? How could you make sure that your messages reach the widest range of people?

How are relevant equality groups or communities involved in the development, review, and/or monitoring of the programme/ activity?

Section F

There is a legal obligation to take account of the results of the EqIA in the development of a new or revised programme/ activity. This requires considering taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. Clearly any unlawful discrimination must be eliminated.

Having considered all of the sections of the EqIA form you must come to a conclusion about how the development/review of the programme/ activity should be progressed. The reasons for the outcome and option chosen should be noted:

- **Option 1:** No change required – the assessment is that the programme/ activity is/will be robust. There is no evidence of potentially unlawful discrimination and all reasonable opportunities to advance equality and foster good relations have been taken, subject to continuing monitoring and review.

- **Option 2:** Adjust the programme/ activity – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations. This may involve removing or changing the aspect of the programme/ activity that creates any negative or unwanted impact. It may also involve introducing additional measures to reduce or mitigate any potential negative impact.
- **Option 3:** Continue the programme/ activity – this means adopting/continuing with the programme/ activity despite the potential for adverse impact. Set out the rationale for this decision, including how the decision is compatible with our legal obligation. Where there is discrimination, but it is considered not to be unlawful – the objective justification must be recorded.
- **Option 4:** Stop the programme/ activity – if there would otherwise be unlawful discrimination or adverse effects that are not justified and cannot be prevented/mitigated.

Section G, H, and I

- Specify the actions required to implement the findings of this EqIA.
- State how the programme/ activity will be monitored in relation to its equality impact (or note where this is specified above).
- When will the programme/ activity next be reviewed?