



equality and diversity policy
City of Birmingham Foundation



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1. Objectives and Policy Statement

1.1 CoBF (the Trust) is committed to promoting and achieving equality of opportunity for all employees, workers, students, parents, governors, visitors and job applicants.



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1.2 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.

1.3 The Trust will take a zero tolerance approach to breaches of this and will meet its statutory obligations under relevant legislation including the Equality Act 2010, which prohibits discrimination, harassment and victimisation in employment. This policy conforms to the Equality Act 2010 and is monitored to ensure compliance with the requirements of the relevant legislation in force from time to time. The principles of non-discrimination and equality of opportunity also apply to the way in which employees treat students, parents, visitors, suppliers and former employees.

2. The Protected Characteristics Under the Equality Act 2010

1. age
2. disability
3. gender reassignment
4. marriage and civil partnership
5. pregnancy and maternity
6. race
7. religion or belief
8. sex
9. sexual orientation

3. Policy Context

3.1 This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all employees of the Trust who are required to familiarise



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themselves, and comply, with its contents. The Trust reserves the right to amend this policy at any time.

3.2 This Policy applies to the Trust's employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to job applicants and to individuals such as agency staff and consultants and volunteers who are not employees but who work at the Trust (collectively referred to as "Staff" in this policy).

3.3 This policy applies to all aspects of the Trust's relationship with Staff and to relations between Staff members at all levels. This includes:

- ✓ job advertisements
- ✓ recruitment and selection
- ✓ training and development
- ✓ opportunities for promotion
- ✓ conditions of service
- ✓ pay and benefits
- ✓ conduct at work
- ✓ capability, disciplinary and grievance procedures
- ✓ termination of employment

The Trust will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.

4. Responsibilities

4.1 All employees are required to support this policy to ensure that discrimination does not occur in the workplace. All employees have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not discriminate against or harass other employees/workers, regardless of their status.



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

4.3 Staff will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice.

4.4 Any questions about the content or application of this policy should be referred to the Human Resources Department in the first instance.

5. Forms of Discrimination

5.1 Discrimination by or against a member of Staff is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

6. Direct Discrimination

6.1 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their gender or race because they would not "fit in" would be direct discrimination.

7. Indirect Discrimination

7.1 Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

8. Harassment

8.1 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



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or offensive environment for them. Harassment is dealt with further in the
Trust's Anti-Harassment and Bullying Policy.

9. Victimisation

9.1 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.

10. Trust Operating Norms

In addition to complying with legislation, all staff are required to abide by the Trust's operating norms;

We are CoBF: we're one group working for one aim, both empowered and responsible to be working together for the common good

The standard is excellence: excellence is our bar, it's what we aim for together, nothing less

Our people matter: humanity in all that we do, common manners, we value relationship, everyone matters, not just some

We're in the work together: we stand by each other, we work to do the best for our students and staff, we are not self-advertising, none of us considers ourselves to be above the work

Character is key: integrity, honesty, patience and tolerance – they matter

We lead by example: the way we do anything is the way we do everything, we set the standard in all areas and at all times

Every moment matters: we sense an urgency to be excellent, we can't waste time and we aim to be reflective and sensible in our decision-making



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11. Safer Recruitment and Selection

11.1 The Trust aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics. The Trust's Safer Recruitment Policy and Procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.

11.2 Job advertisements will avoid using wording that may discourage particular groups from applying. A short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

11.3 The Trust will take steps to ensure that its vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in the Trust.

11.4 Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which the Trust may use, for example:

- ✓ Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments);
- ✓ Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment;
- ✓ Positive action to recruit disabled persons;
- ✓ Equal opportunities monitoring (which will not form part of the decision-making process).

11.5 Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without first considering whether such matters are relevant and may lawfully be taken into account.

11.6 The Trust is required by law to ensure that all members of Staff are entitled to work in the UK. Assumptions about immigration status will not be made



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based on appearance or apparent nationality. All prospective members of Staff, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation.

11.7 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the Trust, the Trust will monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information will be removed from applications before shortlisting and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us to take appropriate steps to avoid discrimination and improve equality and diversity.

12. Recruitment of ex-offenders

12.1 The Trust is an organisation that uses the Disclosure and Barring Service (DBS) to assess candidates' suitability for positions of trust working in an environment with children and young people. The Trust fully complies with the DBS Code of Practice and undertakes to treat all candidates fairly.

12.2 The Trust undertakes not to discriminate unlawfully against any candidate who is required to provide information (a check) through this process. Having a criminal record will not necessarily prevent a candidate from working with the Trust.

Whether or not it does will depend on the nature of the position and the circumstances and background of the offences.

12.3 The Trust's policy on the recruitment of ex-offenders will be made available to all

candidates at the outset of the recruitment process. The Trust will ensure that it makes any candidate who is subject to a check aware of the DBS Code of Practice and will provide a copy of the Code on request.



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12.4 As a check is part of the Trust's recruitment process, the Trust encourages all candidates called to interview to provide details of any criminal record (except cautions, convictions, reprimands or warnings which are "protected" (as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013) at an early stage of the application process. The Trust requests that this information is sent under separate, confidential, cover to a designated person within the Trust, who may vary depending on the nature of the post being recruited. The Trust guarantees that only those who need to see this information as part of the recruitment process will see it.

12.5 The Trust will ensure that it discusses with the candidate the relevance of any offence to the job in question. A candidate's failure to reveal information directly relevant to the job may result in an offer of employment being withdrawn.

13. Staff training, promotions and conditions of service

13.1 Staff training needs will be identified through informal and formal staff appraisals.

13.2 Subject to budgetary restrictions all Staff will be given appropriate access to training to enable them to progress within the Trust and all promotion decisions will be on the basis of merit.

13.3 The composition and movement of Staff at different levels will be reviewed from time to time to ensure equality of opportunity at all levels within the Trust.

13.4 Where appropriate the Trust will take steps to identify and remove unnecessary or unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or under-represented groups.

13.5 The Trust's conditions of service, benefits and facilities will be reviewed from time to time to ensure that they are available to all Staff who should have access to them and that there are no unlawful obstacles to accessing them.



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15. Reasonable Adjustments

15.1 If a member of Staff becomes disabled in the course of their employment with the Trust, they are encouraged to tell us about their condition. This is to enable the Trust to support the member of Staff appropriately.

15.2 If a member of Staff experiences difficulties at work because of their disability, they may wish to contact their Line Manager/Head of Department or Human Resources to discuss any reasonable adjustments to their working conditions or duties which they consider to be reasonable and necessary or which would assist in the performance of their duties.

15.3 The Trust may wish to consult with the member of Staff and their medical adviser(s) about possible adjustments. Careful consideration will be given to any such proposals and they will be accommodated where reasonable, practicable and proportionate in all the circumstances of the case.

15.4 Nevertheless, there may be circumstances where it would not be reasonable for the Trust to accommodate a particular adjustment and in such circumstances it will ensure that it provides the member of Staff with its reasons and will try to find an alternative solution where possible.

15.6 The Trust will monitor the physical features of its premises to consider whether they place disabled Staff, job applicants or service users at a substantial disadvantage compared to other Staff. Where reasonably practicable and proportionate the Trust will take steps to improve access for disabled Staff and service users.

16. Part-Time Workers

16.1 The Trust will 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. The Trust will also ensure that requests to alter working hours are dealt with appropriately under its Flexible Working Policy.



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17. Complaints of Discrimination, Victimisation and Harassment on the Protected Characteristics

17.1 The Trust will treat all complaints of discrimination, harassment or victimisation related or connected to any of the protected characteristics made by its staff, students or third parties seriously and will take action where appropriate.

17.2 Any member of Staff who considers that they may have been unlawfully discriminated against, victimised or harassed within the meaning of this policy should discuss the matter in the first instance with their Line Manager/Head of Department or Human Resources. In some cases it may be possible to resolve the matter informally and reach a satisfactory resolution.

18. Making a Formal Complaint

18.1 If a member of Staff wishes to make a formal complaint they should raise the matter through the Trust's Grievance Policy and Procedure.

18.2 Allegations regarding potential breaches of this policy will be treated in confidence and will be investigated in accordance with the relevant procedure and the member of Staff will be given the opportunity to respond to the allegation and provide an explanation for their actions.

18.3 Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. If the Trust concludes that the allegations are false or have been made maliciously or in bad faith, it will deal with the matter in accordance with its 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.



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19. Formal Complaints Against the Principal

19.1 If the complaint is in relation to the Principal then the member of staff should write to the Chairman of the Local Governing Body.

20. Formal Complaints Against the CEO

20.1 If the complaint is in relation to the Principal then the member of staff should write to the Chairman of the Trust.