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## 1. Introduction to Policy

1.1 Foundation's position. The Mill Hill School Foundation (the Foundation) supports the principle of equal opportunities and opposes discrimination on the basis of age, sex, marriage and civil partnership, gender reassignment, race, disability, sexual orientation, religion or belief, pregnancy and maternity and part-time or fixed-term employment (defined as Protected Characteristics). Being a committed equal opportunities employer, the Foundation will take every possible step to ensure that employees are treated equally and fairly. All policies and practices will conform with the principle of equal opportunities in terms of recruitment, selection, training, promotion, career development, discipline, redundancy and dismissal.

## 2. Application

2.1 This policy applies to the Foundation's employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to ex-employees, to job applicants and to individuals such as agency staff, consultants, volunteers and Governors who are not Foundation employees, but who work, volunteer or attend at the Foundation (collectively workers).

2.2 All workers have a duty to act in accordance with this policy, to treat colleagues with dignity at all times, and not to discriminate against, harass or victimise other members of staff, whether junior or senior to them. In some situations, the Foundation may be at risk of being held responsible for the acts of individual members of staff and will not tolerate any discriminatory practices or behaviour.

## 3. Personnel Responsible

3.1 Those working at a management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to ensure that those they manage adhere to the policy and promote the aims and objectives of the Foundation with regard to equal opportunities. To facilitate this process, managers may be given training on equal opportunities awareness and equal opportunities recruitment and selection best practice.

3.2 All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives. If any member of staff is involved in management or recruitment, or has any questions about the content or application of this policy, they should contact the Director of Finance and Resources (DFR) or HR Manager.

## 4. Forms of Discrimination

Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

### 4.1 Direct Discrimination

Direct discrimination occurs where:

- Someone is treated less favourably because of one or more Protected Characteristics. For example, rejecting an applicant because they would not "fit in" because of their race or sexual orientation would be direct discrimination.

- Someone is less favourably treated because of their association with someone who has a Protected Characteristic. For example, an employee may be treated less favourably because they have a disabled child.
- Someone is treated less favourably because they are perceived to have a Protected Characteristic. For example, an employee may be treated less favourably because they are believed to be (but may not actually be) homosexual.

#### **4.2 Indirect Discrimination**

- Indirect discrimination occurs where an individual is subject to a provision, criterion or practice, applied to a group of people, which puts them at a particular disadvantage because of a Protected Characteristic, and it cannot be objectively justified. An example might be a minimum height requirement for a job. This is likely to eliminate proportionately more women than men. If this criterion cannot be objectively justified, because it is not a proportionate means of achieving a legitimate aim, then it will be indirectly discriminatory on the ground of sex.

#### **4.3 Victimisation and Harassment**

- Discrimination also includes victimisation (suffering a detriment because of action the employee has taken or may take to assert legal rights against discrimination or to assist a colleague in that regard (called a Protected Act)) and harassment (see the Foundation's Dignity at Work policy for a more detailed explanation of "harassment").

### **5. Recruitment and Selection**

- 5.1 The Foundation aims to ensure that no job applicant receives less favourable treatment because of a Protected Characteristic. Recruitment procedures will be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities and that sufficiently diverse sectors of the community are reached. Job selection criteria are reviewed from time to time to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.

### **6. Staff Training and Promotion and Conditions of Service**

- 6.1 Staff training needs shall be identified through regular staff appraisals. All workers will be given an equal opportunity and access to training to enable them to progress within the organisation. All promotion decisions shall be made on the basis of merit.
- 6.2 Our conditions of service, benefits and facilities will be reviewed from time to time to ensure that they are available to all workers who should have access to them and that there are no unlawful obstacles to accessing them.

## **7. Disability Discrimination**

### **7.1 Informing the Foundation**

If a member of staff is disabled, or becomes disabled in the course of their employment, they are encouraged to tell the Foundation about their condition. This is to enable the Foundation to support the member of staff as much as possible and to ensure that they are not treated less favourably because of something related to their disability.

### **7.2 Reasonable Adjustments**

A member of staff may also wish to advise their Line Manager, or HR Manager or DFR of any reasonable adjustments to their working conditions or the duties of their job which they consider to be necessary, or which would assist them in the performance of their duties. This may involve the provision of an additional piece of equipment or assistance in helping the member of staff to perform their work. Their Line Manager or DFR may wish to consult with the member of staff and with their medical adviser(s) about possible reasonable adjustments. Careful consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of the job. Nevertheless, there may be circumstances where it will not be reasonable for the Foundation to accommodate the suggested adjustments and the Foundation will ensure that it provides the member of staff with information as to the basis of its decision not to make any adjustments.

### **7.3 Physical Features**

The Foundation will monitor the physical features of its premises to consider whether it can make any changes to help remove disadvantages which these may create for disabled users. Where possible and proportionate, the Foundation will take steps to improve access for disabled users of the premises. Further detail can be found in the Foundation Disability Policy and Accessibility Plan.

## **8. Fixed-Term Employees**

8.1 The Foundation will monitor its use of fixed-term employees and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. It will, where relevant, monitor their progress within the Foundation to ensure that they are accessing permanent vacancies.

## **9. Part-Time Workers**

9.1 The Foundation 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. It will also ensure requests to alter working hours are dealt with appropriately under the Foundation's flexible working policy.

## **10. Agency Workers**

10.1 The Foundation will monitor agency workers to ensure that they are treated no less favourably than a comparable worker in relation to accessing collective facilities and amenities at the Foundation. The Foundation will also monitor the use of temporary work agencies and, subject to the exceptions set out in the Agency Workers Regulations 2010, will ensure that all agency workers have the same basic working conditions they would have been entitled to had they been recruited by the Foundation directly into a comparable role.

## **11. Breaches of the Policy**

### **11.1 Complaints**

If a member of staff believes that they may have been disadvantaged because of a Protected Characteristic, they are encouraged to raise the matter through the Foundation's grievance procedure. If they believe that they may have been harassed because of a Protected Characteristic, they are encouraged to raise the matter with your line manager. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure.

### **11.2 False Allegations**

These procedures apply during and after termination of a member of staff's employment. Workers who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations of a breach in this policy which are found to have been made in bad faith will, however, be dealt with under the disciplinary procedure.

### **11.3 Disciplinary Action**

If, after investigation, a member of staff is proven to have engaged in any unwanted conduct because of a Protected Characteristic, or otherwise acted in breach of this policy, they will be subject to disciplinary action. In serious cases, such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The Foundation will always take a strict approach to serious breaches of this policy.

### **11.4 Review**

This Policy shall be reviewed every two years. Next review June 2022.

This Policy was approved by the Pastoral Committee of the Court of Governors: June 2020  
Next Review: June 2022