

## Equal opportunities, diversity and recruitment of ex-offenders' policy

### OUR POLICY

4myschools embraces diversity and aims to promote the benefits of diversity in all our business activities. We seek to develop a business culture that reflects that belief. We will expand the media in which we recruit to ensure that we have a diverse employee and candidate base. We will also strive to ensure that our clients meet their own diversity targets.

4myschools is committed to diversity and will promote diversity for all employees, workers, and applicants. We will continuously review all aspects of recruitment to avoid unlawful discrimination. 4myschools will treat everyone equally and will not discriminate on the grounds of an individual's "protected characteristic" under the Equality Act 2010 (the Act) which are age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We will not discriminate on the grounds of an individual's membership or non-membership of a Trade Union. All staff have an obligation to respect and comply with this policy. 4myschools is committed to providing training for its entire staff in equal opportunities and diversity. 4myschools will avoid stipulating unnecessary requirements which will exclude a higher proportion of a particular group of people and will not prescribe discriminatory requirements for a role.

4myschools will not discriminate unlawfully when deciding which candidate/temporary worker is submitted for a vacancy or assignment, or in any terms of employment or terms of engagement for temporary workers. 4myschools will ensure that each candidate is assessed in accordance with the candidate's merits, qualifications, and ability to perform the relevant duties for the role.

4myschools has shown their commitment to racial equality by signing up to the Race at Work Charter.

The Race at Work Charter is a public commitment to improving the experiences of black, Asian and minority ethnic employees in the workplace. It sets out five actions for signatories like 4myschools take:

- Appointing an Executive Sponsor for race
- Capturing data and publicising progress
- Ensuring zero tolerance of harassment and bullying
- Making equality in the workplace the responsibility of all leaders and managers

- Taking action that supports ethnic minority career progression

## **DISCRIMINATION**

Under the Act unlawful discrimination occurs in the following circumstances:

### **Direct discrimination**

Direct discrimination occurs when an individual is treated less favourably because of a protected characteristic. Treating someone less favourably means treating them badly in comparison to others that do not have that protected characteristic.

It is unlawful for a recruitment consultancy to discriminate against a person on the grounds of a protected characteristic:

- in the terms on which the recruitment consultancy offers to provide any of its services;
- by refusing or deliberately omitting to provide any of its services;
- in the way it provides any of its services.

Direct discrimination can take place even if the individual does not have the protected characteristic but is treated less favourably because it is assumed he or she has the protected characteristic or is associated with someone that has the protected characteristic.

Direct discrimination would also occur if a recruitment consultancy accepted and acted upon instructions from an employer which states that certain persons are unacceptable due to a protected characteristic unless an exception applies. The Act contains provisions that permit specifying a requirement that an individual must have a particular protected characteristic to undertake a job. These provisions are referred to as occupational requirements.

Where there is an occupational requirement then the client must show that applying the requirement is a proportionate means of achieving a legitimate aim, i.e., the employer must be able to objectively justify applying the requirement. An occupational requirement does not allow an employer to employ someone on less favourable terms or to subject a person to any other detriment. Neither does an occupational requirement provide an excuse against harassment or victimisation of someone who does not have the occupational requirement.

### **Indirect discrimination**

Indirect discrimination occurs when a provision, criterion, or practice (PCP) is applied but this results in people who share a protected characteristic being placed at a disadvantage in comparison to those who do not have the protected characteristic. If the PCP can be objectively justified it will not amount to discrimination.

Indirect discrimination would also occur if a recruitment consultant accepted and acted upon an indirectly discriminatory instruction from an employer.

If the vacancy requires characteristics which amount to an occupational requirement or the instruction is discriminatory but there is an objective justification, 4myschools will not proceed with the vacancy unless the client provides written confirmation of the occupational requirement, exception, or justification.

4myschools will use best endeavours to comply with the Act and will not accept instructions from clients that will result in unlawful discrimination.

### **Harassment**

Under the Act, harassment is defined as unwanted conduct that relates to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. This includes unwanted conduct of a sexual nature.

4myschools is committed to providing a work environment free from unlawful harassment.

4myschools will ensure that the consultants do not harass any individual.

Examples of prohibited harassment are:

1. verbal or written conduct containing derogatory jokes or comments;
2. slurs or unwanted sexual advances;
3. visual conduct such as derogatory or sexually orientated posters;
4. photographs, cartoons, drawings, or gestures which some may find offensive;
5. physical conduct such as assault, unwanted touching, or any interference because of sex, race, or any other protected characteristic basis;
6. threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favours;
7. retaliation for having reported or threatened to report harassment.

If an individual believes that they have been unlawfully harassed, they should make an immediate report to Simone Payne followed by a written complaint as soon as possible after the incident. The details of the complaint should include:

- Details of the incident
- Name(s) of the individual(s) involved.

- Name(s) of any witness(es)

4myschools will undertake a thorough investigation of the allegations. If it is concluded that harassment has occurred, remedial action will be taken.

All employees and workers will be expected to comply with 4myschools policy on harassment in the workplace. Any breach of such a policy will lead to the appropriate disciplinary action.

Any individual who 4myschools finds to be responsible for harassment will be subject to the disciplinary procedure and the sanction may include termination.

### **Victimisation**

Under the Act victimisation occurs when an individual is treated unfavourably because he/she has done a 'protected act' which is bringing a claim for unlawful discrimination or raising a grievance about discrimination or giving evidence in respect of a complaint about discrimination.

4myschools will ensure that the consultants do not victimise any individual.

### **DISABLED PERSONS**

Discrimination occurs when a person is treated unfavourably because of their disability.

In direct discrimination occurs where a provision, criterion or practice is applied by or on behalf of an employer, or any physical feature of the employer's premises, places a disabled person at a substantial disadvantage in comparison with persons who are not disabled.

In recruitment and selection there may be a requirement to make reasonable adjustments. For example, it might be necessary to have different application procedures for partially sighted or blind applicants that enable them to use Braille. With testing and assessment methods and procedures, tests can only be justified if they are directly related to the skills and competencies required for the job. Even then, it might be appropriate to have different levels of acceptable test results, depending on the disability. For example, an applicant with a learning disability might need more time to complete a test, or not be expected to reach the same standard as other non-disabled applicants.

Reasonable adjustments in recruiting could include:

- modifying testing and assessment procedures;
- meeting the candidate at alternative premises which are more easily accessible;
- having flexibility in the timing of interviews;
- modifying application procedures and application forms;
- providing a reader or interpreter.

Wherever possible 4myschools will make reasonable adjustments to hallways, passages, and doors in order to provide and improve means of access for disabled employees and workers. However, this may not always be feasible, due to circumstances creating such difficulties as to render such adjustments as being beyond what is reasonable in all the circumstances.

4myschools will not discriminate against a disabled person:

- in the arrangements i.e., application form, interview, or arrangements for selection for determining whom a job should be offered; or
- in the terms on which employment or engagement of temporary workers is offered; or
- by refusing to offer, or deliberately not offering the disabled person a job for reasons connected with their disability; or
- in the opportunities afforded to the person for receiving any benefit, or by refusing to afford, or deliberately not affording him or her any such opportunity; or
- by subjecting the individual to any other detriment (detriment will include refusal of training or transfer, demotion, reduction of wage, or harassment).

4myschools will make career opportunities available to all people with disabilities and every practical effort will be made to provide for the needs of staff, candidates, and clients.

## **AGE DISCRIMINATION**

Under the Act, it is unlawful to discriminate against directly or indirectly or to harass or victimise a person because of age. Age discrimination does not just provide protection for people who are older or younger. People of all ages are protected.

A reference to age is a reference to a person's age group. People who share the protected characteristic of age are people who are in the same age group.

Age group can have various references:

Under 21s

People in their 40s

Adults

4myschools will not discriminate directly or indirectly, harass, or victimise any person on the grounds of their age. We will encourage clients not to include any age criteria in job specifications and every attempt will be made to encourage clients to recruit based on competence and skills and not age.



4myschools is committed to recruiting and retaining employees whose skills, experience, and attitude are suitable for the requirements of the various positions regardless of age. No age requirements will be stated in any job advertisements on behalf of the company.

If 4myschools requests age as part of its recruitment process such information will not be used as selection, training, or promotion criteria or in any detrimental way and is only for compilation of personal data, which the company holds on all employees and workers and as part of its equal opportunities monitoring process. In addition, if under age 22 to adhere to Conduct of Employment Agencies and Employment Business Regulations 2003 and other relevant legislation applicable to children or young candidates.

Where a client requests age or date of birth, this will have to be under an occupational requirement or with an objective justification which should be confirmed in writing.

### **PART-TIME WORKERS**

This policy also covers the treatment of those employees and workers who work on a part-time basis, 4myschools recognises that it is an essential part of this policy that part time employees are treated on the same terms, with no detriment, as full-time employees (albeit on a pro rata basis) in matters such as rates of pay, holiday entitlement, maternity leave, parental and domestic incident leave, and access to our pension scheme. 4myschools also recognises that part time employees must be treated the same as full time employees in relation to training and redundancy situations.

### **GENDER REASSIGNMENT POLICY**

4myschools recognises that any employee or worker may wish to change their gender during the course of their employment with the Company.

4myschools will support any employee or worker through the reassignment.

4myschools will make every effort to try to protect an employee or worker who has undergone, is undergoing or intends to undergo gender reassignment, from discrimination or harassment within the workplace.

Where an employee is engaged in work where the gender change imposes genuine problems 4myschools will make every effort to reassign the employee or worker to an alternative role in the Company, if so desired by the employee.

Any employee or worker suffering discrimination on the grounds of gender reassignment should have recourse to the Company's grievance procedure.

## **RECRUITMENT OF EX-OFFENDERS**

Where 4myschools has registered with the Disclosure and Barring Service (DBS) and has the authority to apply for criminal records checks on individual because they are working with children or vulnerable adults or both, we will comply with the DBS's Code of Practice

### **Recruitment of ex-offenders' policy**

**All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.**

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), 4myschools complies fully with the code of practice and undertakes to treat all applicants for positions fairly.

4myschools undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

4myschools can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)

4myschools can only ask an individual about convictions and cautions that are not protected.

4myschools is committed to the fair treatment of its staff, potential staff, or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability, or offending background.

4myschools has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

4myschools actively promotes equality of opportunity for all with the right mix of talent, skills, and potential and welcome applications from a wide range of candidates, including those with criminal records.

4myschools select all candidates for interview based on their skills, qualifications, and experience.

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

4myschools ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

4myschools also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g., the Rehabilitation of Offenders Act 1974

At interview, or in a separate discussion, 4myschools ensure that an open and measured discussion takes place about any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

4myschools makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

4myschools undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

#### **COMPLAINTS AND MONITORING PROCEDURES**

4myschools has in place procedures for monitoring compliance with this policy and for dealing with complaints of discrimination. These are available from Simone Payne and will be made available immediately upon request. Any discrimination complaint will be investigated fully.