# Agency Workers' Equal Opportunities & Diversity Policy

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## Introduction

Vision for Education, ABC Teachers and Smart Teachers embrace diversity and aim to promote the benefits of diversity in all of our business activities. We seek to develop a business culture that reflects that belief. We will expand the media in which we recruit to in order to ensure that we have a diverse candidate base. We will also strive to ensure that our clients meet their own diversity targets.

We are committed to diversity and will promote diversity for all agency workers and applicants. We will continuously review all aspects of recruitment to avoid unlawful discrimination. We 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 reassignment, 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 agency workers are required to respect and comply with this policy and to complete any equality, diversity, harassment or sexual harassment training assigned to them. Further equality and diversity training and guidance are available on request. We 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.

We will not discriminate unlawfully when deciding which applicant/agency worker is submitted for a vacancy or assignment, or in any terms of engagement for agency workers.

We will ensure that each applicant/agency worker is assessed in accordance with the applicant/agency worker's merits, qualifications and ability to perform the relevant duties for the role.

## 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. Direct discrimination occurs where an individual is treated less favourably than another person is, or would be, treated because of a protected characteristic. This includes discrimination because someone is perceived to have a protected characteristic or because they are associated with someone who has a 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, or
- in the way it provides any of its services.

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 in order 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, ie 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, we will not proceed with the vacancy unless the client provides written confirmation of the occupational requirement, exception or justification.

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

### Harassment

Harassment includes unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual harassment is unwanted conduct of a sexual nature that has this purpose or effect. It also includes treating someone less favourably because they submitted to or rejected sexual harassment, or unwanted conduct related to sex or gender reassignment.

Harassment may be verbal, written, visual, physical or online. It may be a single incident or a pattern of behaviour. Examples include:

- derogatory remarks, jokes, banter, insults or slurs
- unwanted sexual comments, messages, advances or requests
- displaying or sharing offensive or sexually explicit images or material
- unwanted touching, physical contact or gestures
- intrusive questions or comments about a person's body, private life or protected characteristic
- threats, intimidation or promises of benefits in return for sexual favours
- deliberately excluding, humiliating or undermining someone because of a relevant protected characteristic, and
- treating someone adversely because they raised or supported a complaint.

We are committed to taking all reasonable steps to prevent sexual harassment and harassment by third parties. Third parties may include clients, school staff, pupils, parents or carers, visitors, contractors and members of the public. This protection applies to conduct occurring in person, online or through work-related communications.

We will assess relevant risks, provide appropriate information and training, monitor reported incidents and take reasonable preventive and remedial action. Agency workers are required to comply with this policy and the Agency Workers' Sexual Harassment Policy.
An agency worker who experiences or witnesses harassment should report it as soon as possible to their consultant, another appropriate manager or complaints@visionforeducation.co.uk.

A concern may be raised verbally or in writing. A person does not have to confront the alleged harasser before making a report.

Reports will be taken seriously and handled promptly, sensitively and, so far as reasonably possible, confidentially. We will consider any immediate steps required to protect the agency worker and will investigate the matter appropriately. This may include working with the hirer or school where the conduct occurred.

Where harassment is established, appropriate action will be taken. This may include ending an assignment, preventing further placement of an individual at a particular establishment, deregistration, notifying the hirer or taking other contractual, disciplinary or safeguarding action as appropriate.

No person will be subjected to a detriment for raising a concern in good faith, supporting a complaint or participating in an investigation.

### Victimisation

Victimisation occurs when an individual is subjected to a detriment because they have carried out, or it is believed that they have carried out or may carry out, a protected act.

Protected acts include making an allegation or complaint of discrimination or harassment, bringing proceedings under the Equality Act 2010, giving evidence or information in connection with proceedings, or doing anything else in connection with the Act.

We will not tolerate victimisation. No applicant or agency worker will be disadvantaged for raising a concern in good faith, supporting another person's complaint or participating in an investigation or legal proceedings.

### Disabled persons

We will not discriminate unlawfully against an applicant or agency worker because of disability. Disability discrimination may include direct discrimination, indirect discrimination, discrimination arising from disability, harassment, victimisation and failure to make reasonable adjustments.

We will make reasonable adjustments where we know, or could reasonably be expected to know, that an applicant or agency worker is disabled and is placed at a substantial disadvantage. Adjustments will be considered individually and in consultation with the person concerned.

Reasonable adjustments in recruiting could include:

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

Selection decisions will continue to be based on the essential skills, competence and requirements of the role. An adjustment may change the way in which an applicant demonstrates that they meet a requirement, but it will not normally remove an essential competence standard.

Where an agency worker requires an adjustment during an assignment, we will discuss the requirement confidentially with the agency worker and, where necessary and with appropriate regard to confidentiality, work with the hirer to identify and implement reasonable arrangements.

We will not make assumptions about a person's abilities because they are disabled. Applicants and agency workers will be considered on their merits, skills, qualifications and ability to undertake the essential requirements of the role, taking account of any reasonable adjustments.

## Age discrimination

Under the Act, it is unlawful to directly or indirectly discriminate against 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, and
- adults.

We 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 on the basis of competence and skills and not age.

We are committed to recruiting and retaining agency workers whose skills, experience, and attitude are suitable for the requirements of the various positions regardless of age. We will not include age-related requirements in job advertisements unless they are required by law or can be objectively justified.

If we request age as part of the 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 agency workers and as part of its equal opportunities monitoring process. Where age or date-of-birth information is required to comply with the Conduct of Employment Agencies and Employment Businesses Regulations 2003, safeguarding requirements or other applicable legislation, it will be collected and used only for that purpose.

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.

## Gender reassignment policy

We will not discriminate against or disadvantage an applicant or agency worker because they are proposing to undergo, are undergoing or have undergone gender reassignment.

We will support the individual appropriately and will take reasonable steps to protect them from discrimination, harassment, victimisation and inappropriate disclosure of personal information.

Any discussion about an individual's support needs will be handled sensitively and confidentially. Information about a person's gender reassignment or previous identity will not be disclosed without appropriate authority, unless disclosure is required by law.

An agency worker who experiences discrimination, harassment or victimisation related to gender reassignment should raise the matter through the reporting arrangements set out in this policy.

## Recruitment of ex-offenders

Where we have the authority to apply for criminal records checks on an individual because they are working with children or vulnerable adults or both, we will comply with the DBS Code of Practice and our Recruitment of Ex-Offenders Policy.

## Complaints and monitoring procedures

We have procedures for monitoring compliance with this policy and for receiving, investigating and responding to complaints of discrimination, harassment and victimisation.

Agency workers may raise a concern with their consultant, another appropriate manager or complaints@visionforeducation.co.uk. Alternative reporting arrangements will be provided where the usual contact is involved in the complaint, or the individual would otherwise be uncomfortable reporting through that route.

Complaints will be investigated promptly, fairly and sensitively. Information will be shared only where there is a legitimate reason to do so. Appropriate steps will be taken to protect those involved and no individual will be subjected to a detriment for raising a concern in good faith, supporting a complaint or participating in an investigation.

Compliance with this policy and information about complaints will be monitored to identify patterns, risks and any additional action required. A copy of the relevant complaints procedure is available on request.