

HR Policies and Procedures

Equality, Diversity and Inclusion

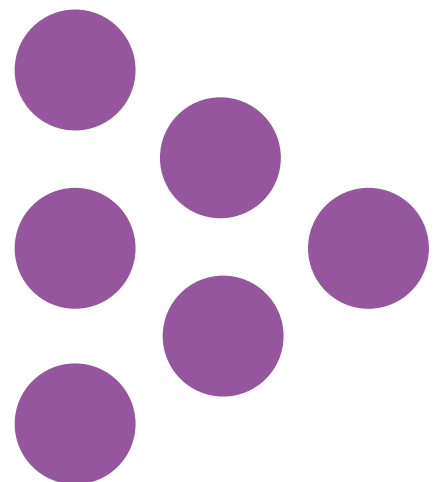
For all NFER Staff

National Foundation for Educational Research (NFER)

Restricted

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Introduction

The National Foundation for Educational Research (“NFER”) is committed to creating an environment where staff, Trustees, customers, clients, suppliers and former staff members experience equality, diversity and inclusion in all our activities.

The purpose of this policy is to eliminate all forms of unlawful discrimination and encourage diversity and inclusion amongst our workforce such that each member of staff feels respected and able to give of their best.

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1 Summary

All staff, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability; relevant training will be provided to those involved in decision making in all of these areas.

All staff will be helped and encouraged to develop their full potential such that the talents and resources of the workforce are fully utilised and the efficiency of the organisation maximised.

This policy is fully supported by senior management and will be monitored and reviewed every three years unless legislative changes require an earlier update.

2 The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment on the grounds of:

- age,
- disability,
- sex (gender),
- sexual orientation,
- gender reassignment, being or becoming a transsexual person,
- race including colour, nationality, ethnic or national origin,
- religion, belief or lack of religion / belief,
- being married or in a civil partnership,
- being pregnant or having a child.

These are “**Protected Characteristics**” as defined in the Equality Act 2010.

Discrimination by or against a member of staff is generally prohibited unless there is a **specific legal exemption**. For example, it may be lawful for an employer to specify that applicants for a job must have a particular protected characteristic; however the requirement must be crucial to the job, not just one of several important factors, relate to the nature of the job, and be a proportionate means of achieving a legitimate aim.

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; this is “ordinary direct discrimination”. Direct discrimination may occur even when unintentional. It may also, in some cases, occur by: association, i.e. where a person is put at a disadvantage due to a characteristic of another person; or by perception, i.e. where a person is put at a disadvantage because it is perceived that they have a protected characteristic.
- **Indirect discrimination** occurs where a provision, criterion or practice is applied equally to a group of staff / job applicants but has / will have the effect of putting those in the group who share a certain protected characteristic at a particular disadvantage, compared to others without that characteristic, and the employer is unable to justify it; examples might include: recruitment selection criteria or contractual benefits.
- **Harassment** related to any of the protected characteristics or of a “sexual nature” is also prohibited. Harassment is defined as “unwanted conduct” and has the purpose of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment is dealt with further in the NFER “Dignity at Work (Anti Harassment & Bullying) Policy”.
- **Victimisation**, when a member of staff suffers what is termed “detriment” in law, is also prohibited. Victimisation is the less favourable treatment of someone who has complained / raised a grievance, or given information about discrimination or harassment, or supported someone else’s complaint.
- **Failure to make reasonable adjustments** is also unlawful; this may occur where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

All staff who are not disabled are unable to claim discrimination on the grounds that they have been treated less favourably because of “reasonable adjustments” given to a disabled colleague.

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat visitors, clients, customers, suppliers and former staff members.

All staff have a duty to act in accordance with this policy to treat colleagues with dignity at all times and not to discriminate against or harass other members of staff, regardless of their status.

3 Discrimination after Employment

Protection under the Equality Act extends beyond the end of the working relationship, so care must be taken to ensure that any reference written for a former member of staff is accurate and fair. It would be unlawful to provide a written or verbal reference that discriminates, harasses or victimises that individual.

Matters relating to Equal Pay (Sex Equality), Job applicants' health and Liability are covered in Annex A.

4 Commitment to Staff

NFER recognises that an open and equal environment will enable staff to best achieve career goals and aspirations and will reinforce their commitment to NFER, its aims and its goals. NFER is committed to:

- Creating an environment in which individual differences and the contributions of all our staff are recognised and valued;
- Providing every member of staff with a working environment that promotes dignity and respect to all; no form of intimidation, bullying or harassment will be tolerated;
- Providing all staff with equal opportunities in all aspects of employment, training and career progression;
- Promoting equality in the workplace as good management practice and one which makes sound business sense;
- Continually reviewing all our employment practices and procedures to ensure fairness;
- Treating breaches of our equality policy as misconduct which will, in turn, lead to disciplinary proceedings.
- Supporting staff in understanding and meeting their responsibilities, providing appropriate training and guidance through induction programmes, and providing advice on appropriate ways to discuss concerns.

5 Responsibilities of Managers

All Managers recognise that promoting equality, diversity and inclusion is an integral part of their role within NFER. Managers are committed to:

- Ensuring that job descriptions and advertisements are non-discriminatory and appointments, both internal and external, are made on the basis of the candidate's ability to demonstrate their suitability for the position;
- Encouraging fair levels of representation at all levels within NFER, ensuring that the needs and interests of all are fairly represented;
- Seeking where possible to ensure that customers, clients, sub-contractors, consultants and other external stakeholders have policies and an ethos that are sympathetic to, and supportive of NFER's objectives.

6 Responsibilities of Staff

All staff should recognise, respect, implement and maintain NFER's 'Equality, Diversity and Inclusion Policy'. Staff are committed to:

- Ensuring that fellow staff are treated equally and fairly and are provided with the necessary support to achieve their full potential;
- Recognising that harassment, which may deliberately or unconsciously cause humiliation, offence or distress is a hostile act; anyone who suffers from or witnesses an incident of harassment has a duty to report such behaviour (refer to the NFER "Dignity at Work (Anti Harassment & Bullying) Policy" for more information on this topic);
- Aiming for all research output and products and services to advance equality and access and reflect the diversity of cultures, backgrounds and experiences of the recipients.

7 Implementation

- The CEO and SMT have responsibility for ensuring the implementation and monitoring of this policy;
- Managers will co-ordinate the application of policy and procedures through development and induction programmes;
- All staff will be encouraged to contribute ideas to promote non-discriminatory practices in all aspects of NFER life.

8 Monitoring and Evaluation

The promotion of equality of opportunity is a dynamic process; monitoring and evaluating performance will encourage continuous improvement:

- Information on all nine protected characteristics will be collected through the Applicant Tracking System ("ATS") from those applicants for employment who are prepared to

provide this information; individual data will be held securely in the ATS and transferred subsequently to the electronic personal file of those applicants who become members of staff;

- Information on the following protected characteristics - age, disability, sex and race - for the existing workforce, will be reviewed quarterly by the Senior Management Team (“SMT”) to gain an accurate picture of the organisation and to identify any potential issues;
- An “Equality Monitoring Report” together with our annual “Gender Pay Gap Report” will be submitted to the Board of Trustees;
- Recruitment and selection, and training and development procedures and practices will be monitored to ensure no particular group is disadvantaged, and corrective action taken if necessary;
- Staff are invited to comment on the Foundation’s efforts to achieve equality, diversity and inclusion through the Annual Staff Survey and/or by contacting the Head of HR;
- Any feedback from staff which identifies a significant divergence from the content or spirit of this policy will be investigated and reported to the SMT for action.

9 Grievances and Complaints

NFER’s procedures are designed to ensure that staff, Trustees, customers and clients seldom, if ever, encounter discrimination. Openness and equality includes the freedom to raise grievances in an atmosphere free from the fear of intimidation or harassment:

- a) Any member of staff who considers they are suffering from discrimination or harassment should take their complaint to their line manager or to any other Senior Manager who they feel they can trust;
- b) Any complaint will be treated seriously and in the strictest confidence, in accordance with the NFER Grievance Procedure.

Serious breaches of this policy will be considered a disciplinary offence and will be dealt with in the manner laid down in the NFER Disciplinary Procedures. The question of liability in relation to a breach of the Equality Act is covered in Annex A

Annex A

Equal Pay (Sex Equality)

The Equality Act says that women and men in full-time or part-time employment have a right to “no less favourable” pay, benefits and terms and conditions in their employment contracts where they are doing equal work. NFER will take positive action to address this matter, and will monitor the situation regularly and through its Annual Gender Pay Gap Report.

Job applicants’ health

All job applicants invited for interview will be asked if they require any reasonable adjustments to the selection process so they have every opportunity to give their best.

Health-related questions will only be asked **before** a job offer is made under the following circumstances:

- To determine whether an applicant can carry out a function essential to the role
- To take positive action to assist a disabled person
- To monitor, without revealing the candidate’s identity, whether they are disabled.

Liability

Both NFER and its staff can be held responsible and liable for their actions where they breach the Equality Act.

Staff are responsible for their actions in “the course of their employment” if they discriminate against, harass or victimise a colleague because of a protected characteristic, whether this takes place at work or at a time and place associated with the workplace, such as at a work related social gathering.

NFER will also be liable for the actions of its staff during “the course of their employment or engagement” regardless of the fact that the Foundation has not discriminated against the member of staff.