

EQUAL OPPORTUNITIES IN EMPLOYMENT POLICY

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1. Introduction

- 1.1 Jigsaw is committed to providing equal opportunities for all staff and prospective employees and seeks to eliminate unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 1.2 This policy is intended as a statement of Jigsaw's aims, commitments and responsibilities in relation to equal opportunities in employment. These will be integrated into Jigsaw's HR policies which provide the detail of operational practices and procedures.
- 1.3 This policy is intended to complement the Equality and Diversity Policy which covers Jigsaw's broader commitments in relation to its learners, pupils and the community it serves.

2. Definitions

- 2.1 'Jigsaw' means Jigsaw School, Jigsaw Plus, Jigsaw Trust and Café in the Park.

3. The Law

- 3.1 In accordance with the Equality Act 2010, it is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy or maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, marital status or because someone is in a civil partnership. These are known as 'protected characteristics'. Discrimination after employment has ended can also be unlawful, for example in relation to the provision of an employment reference.

4. Types of Discrimination

- 4.1 **Direct discrimination** occurs where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement (such as the need for same-sex staff in changing rooms). The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.
- 4.2 **Indirect discrimination** occurs where a requirement, condition or practice is applied which has a disproportionate and adverse effect on one group with a relevant protected characteristic when compared to other groups. It is, however, capable of justification where the discrimination can be shown to be a 'proportionate means of achieving a legitimate aim'. A requirement, for example, for a job applicant to be a graduate is likely to discriminate indirectly against older workers. It will not, however, be unlawful discrimination if the requirement can be objectively justified.
- 4.3 **Harassment** occurs where there is unwanted conduct, related to one of the protected characteristics, that has the purpose or effect of violating a person's dignity or creating

an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

- 4.4 **Associative discrimination** occurs where an individual is directly discriminated against or harassed, for associating with another individual who has a protected characteristic. This might occur, for example, where an employee is ostracised by a colleague because the colleague had a gay flatmate.
- 4.5 **Perceptive discrimination** occurs where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she in fact does not have that protected characteristic. This might occur, for example, where an employee is subjected to homophobic bullying based on a perception that he/she is gay.
- 4.6 **Third-party harassment** occurs where an employee is harassed by a third party and the harassment is related to a protected characteristic.
- 4.7 **Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. An employee is not, however, protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.
- 4.8 **A failure to make reasonable adjustments** may occur where a physical feature or a requirement, condition 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.

5. Responsibilities of Employees

- 5.1 Every employee is expected to assist Jigsaw to meet its obligations in relation to the provision of equal opportunities in employment and to eliminate unlawful discrimination.
- 5.2 Employees can be held personally liable as well as, or instead of, Jigsaw for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
- 5.3 Acts of discrimination, harassment, bullying or victimisation against employees or other individuals involved with Jigsaw are disciplinary offences and will be dealt with under Jigsaw's disciplinary procedure and/or Ending Bullying and Harassment Policy. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.
- 5.4 Whilst all employees have a responsibility for supporting Jigsaw's commitments in relation to equality, managers have particular responsibilities because they are in a position to make or influence employment decisions. Managers are therefore expected

to be accountable for the provision of equal opportunities through the actions that they take, and to monitor and review practices within their sphere of responsibility.

6. Jigsaw's Commitments

- 6.1 Jigsaw will adhere to its recruitment and selection policy in relation to all new appointments and promotions. In particular, this means that essential criteria on person specifications will be limited to those requirements which are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking into account any reasonable adjustments that may be required for candidates with a disability.
- 6.2 All decisions relating to appointment, promotion or access to training will be made based on merit, job needs or other relevant job-related criteria. Jigsaw will foster a workplace culture in which individuals are respected, in which diversity is valued and in which employees are encouraged to report any behaviour which causes them concern.
- 6.3 Where employees seek a variation to a standard working practice, Jigsaw will consider any possible indirectly discriminatory effect of the practice in question and will refuse such requests only where Jigsaw considers it has sound organisational reasons for doing so, unrelated to any protected characteristic. Jigsaw will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- 6.4 Jigsaw will monitor the composition of the existing workforce and of applicants for jobs and, where problems are identified, will consider whether appropriate action can be taken to address these.
- 6.5 Jigsaw will regularly review the need for training in equal opportunities for managers and others involved in recruitment or other decisions relating to employment, as well as reviewing the need for training for existing and new employees, volunteers and other workers engaged at Jigsaw to help them understand their rights and responsibilities.
- 6.6 Jigsaw will ensure that its role and responsibilities as a sponsoring employer are carried out with full and due diligence and that any individual employed via a sponsorship route will only be employed to a genuine vacancy. A genuine vacancy is defined in [Home Office Guidance](#) as one which:
 - requires the jobholder to perform the specific duties and responsibilities for the job and meets all of the requirements of the relevant route
 - does not include dissimilar and/or predominantly lower-skilled duties
 - is appropriate to the business in light of its business model, business plan and scale

7. Employment of ex-offenders

- 7.1 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), Jigsaw complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly

7.2 Jigsaw:

- undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- can only ask an individual to provide details of convictions and cautions that Jigsaw 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)
- can only ask an individual about convictions and cautions that are not protected
- 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
- 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
- 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
- selects all candidates for interview based on their skills, qualifications and experience

7.3 For roles 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.

7.4 Jigsaw ensures that HR staff involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences and 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.

7.5 At interview, or in a separate discussion, Jigsaw ensures that an open and measured discussion takes place on the subject of 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.

7.6 Jigsaw 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.

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

8. Complaints about Discrimination

- 8.1 Any employee who considers that he/she may have been unlawfully discriminated against may use Jigsaw's grievance procedure to make a complaint. If the complaint involves bullying or harassment, the relevant policy provides further information about how to raise concerns.
- 8.2 Jigsaw will take any complaint seriously and will seek to resolve any grievance that it deems to be well-founded. An employee will not be penalised for raising a grievance providing the concerns are put forward in good faith.
- 8.3 Use of Jigsaw's grievance procedure does not affect an employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months of the act of discrimination complained of.

9. Policy Review

- 9.1 In the interests of ensuring that Jigsaw achieves its aims and duties, the HR Department will include an equality and diversity action plan as part of the department's strategic plan.
- 9.2 Recruitment and employment will be monitored and analysed in respect of protected characteristics.
- 9.3 This policy will be reviewed bi-annually and will be monitored periodically by the HR Department to judge its effectiveness and the findings reported to Governors/Trustees.
- 9.4 This policy was last reviewed in April 2023.

10. Version History

No.	Date	Amendment
1.1	October 2018	
1.2	February 2020	Policy reviewed. No material changes made.
1.3	October 2021	Appendix 1 – Equality & Diversity Monitoring Form updated.
1.4	February 2022	Policy reviewed. No material changes made
1.5	March 2023	Section 6.6 added regarding responsibilities as a sponsoring employer
1.6	April 2023	New section added at Section 7 on employment of ex-offenders

11. Related Legislation & Guidance

Document	Electronic Copy Location
Diversity in the Workplace: Factsheet	https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/factsheet;
ACAS: Equality and discrimination	http://www.acas.org.uk/index.aspx?articleid=1363
Gov.UK – Employers: Preventing discrimination	https://www.gov.uk/employer-preventing-discrimination
Equality and Human Rights Commission	https://www.equalityhumanrights.com/en
EOC	https://www.eoc.org.uk/
Home Office Guidance on Sponsoring Workers	https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance-accessible-version#genuine-vacancy
Gov.UK – Guidance on employment of ex-offenders	https://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders/sample-policy-on-the-recruitment-of-ex-offenders

12. Related Internal Documentation

Document	Hard Copy Location	Electronic Copy Location

APPENDIX 1 - Equality & Diversity Monitoring Form

Jigsaw strives to be an equal opportunity employer and aims to select staff on merit, irrespective of race, sex, disability, age or other protected characteristics. In order to monitor the effectiveness of Jigsaw's Equality Policy and recruitment procedures, we ask that all applicants complete this form and return it with their application. In accordance with the Data Protection Act 2018, the information provided will only be used for the purposes of equality monitoring and to inform improvements to our policies. The form will be separated from your application upon receipt and will **not** be shared with the selection panel. Thank you.

Equal Opportunities Monitoring

Please note that this section of the Application Form will be removed on receipt by our HR Team and will be held separately before shortlisting commences

Please complete all sections

Which of the following most accurately describes you? <i>Choose as many of the following options as you like</i>					
Female <input type="checkbox"/>	Male <input type="checkbox"/>	Non-binary <input type="checkbox"/>	Transgender <input type="checkbox"/>	Intersex <input type="checkbox"/>	I prefer not to say <input type="checkbox"/>
Let me describe here Click or tap here to enter text.					

What is your ethnic group? <i>Please choose whichever applies to you</i>	
Asian or Asian British Includes any Asian background, for example, Bangladeshi, Chinese, Indian, Pakistani	<input type="checkbox"/>
Black, African, Black British or Caribbean Includes any Black background	<input type="checkbox"/>
Mixed or multiple ethnic groups Includes any Mixed background	<input type="checkbox"/>
White Includes any White background	<input type="checkbox"/>
Another ethnic group Includes any other ethnic group, for example, Arab	<input type="checkbox"/>
I prefer not to say	<input type="checkbox"/>

What age group do you belong to? *Please choose whichever applies to you*

18-25	26-35	36-45	46-55	56- 65	Over 65
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you consider yourself to have a disability? *Please choose whichever applies to you*

Yes	No	I prefer not to say
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jigsaw is an equal opportunities employer. Please indicate below if there is anything we need to do or take into consideration to ensure that the recruitment process is fair in relation to any disability you may have or special requirements. Candidates who are invited to interview will be asked in the invitation email if they require any adjustments to be made to the interview or other selection activities.

[Click or tap here to enter text.](#)