



BROADHURST
SCHOOL

Equal Opportunities for Staff

Date	Review Date	Headteacher	Proprietor
October 2026	October 2027	Mrs Paula Flindell	Mr Brian Berkery

This policy forms part of a set of documents and policies that relate to the safeguarding and employment responsibilities of the School, with particular reference to the EYFS, PSHEE, SEND, Behaviour, Whistleblowing, SMSC, Anti-Bullying, Safer Recruitment, Grievance and Disciplinary Policies.

1. Legislation and statutory framework

This policy has been reviewed against the law and government guidance applicable in England as at October 2026. Broadhurst School is an independent school and, as an employer, must comply with employment protections including the Equality Act 2010. The School will also have regard to relevant statutory codes and guidance issued by the Equality and Human Rights Commission (EHRC), Acas and the Government.

Key legislation and developments reflected in this policy include:

- **Equality Act 2010** – protects employees and applicants from unlawful discrimination, harassment and victimisation in employment. The nine protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- **Worker Protection (Amendment of Equality Act 2010) Act 2023** – from 26 October 2024 employers have had a legal duty to take reasonable steps to prevent sexual harassment of employees in the course of employment.
- **Employment Rights Act 2025** – the Government is implementing further employment-law reforms in phases. From 1 October 2026, the ordinary time limit for bringing most Employment Tribunal claims increases from three months to six months (subject to the relevant statutory rules and transitional provisions).
- **Further sexual-harassment protections from 30 October 2026** – the School will prepare to comply with the strengthened duty to take *all reasonable steps* to prevent sexual harassment and the new obligation relating to harassment by third parties, including parents, visitors and others where the statutory provisions apply.
- **Supreme Court judgment in For Women Scotland Ltd v Scottish Ministers [2025] UKSC 16** – for the purposes of the Equality Act 2010, the Court ruled that 'sex', 'man' and 'woman' refer to biological sex. A Gender Recognition Certificate does not change a person's sex for the purposes of the Equality Act. Trans people remain protected from discrimination on grounds of gender reassignment and other applicable protected characteristics.
- **EHRC 2026 Code of Practice and guidance** – the School will take account of the updated equality guidance and codes relevant to its employment and wider activities.

The Public Sector Equality Duty (PSED) is generally a duty on specified public authorities and organisations when exercising public functions. It is not generally imposed on an independent school simply because it is a school. Broadhurst School nevertheless seeks to apply the principles of the PSED as good practice: eliminating discrimination, advancing equality of opportunity and fostering good relations.

2. Philosophy and aims of the policy

Broadhurst School believes that no employee, worker, job applicant or prospective employee should be unlawfully discriminated against. The School is committed to fairness, dignity, inclusion and equality of opportunity in recruitment, appointment, induction, pay, promotion, training, professional development, performance management, discipline, grievance, family-related leave, flexible working, redundancy, termination and all other aspects of employment.



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The School values the individuality of all members of its community. We recognise that people have different backgrounds, experiences, needs and circumstances, and we seek to ensure that these differences do not become a barrier to recruitment, development, progression or participation.

3. Protected characteristics and unlawful conduct

The School will not unlawfully discriminate because of any protected characteristic under the Equality Act 2010. This includes direct discrimination, indirect discrimination, harassment, sexual harassment and victimisation. Protection applies to employees and, where the legislation provides, workers, job applicants and other people involved in the employment relationship.

- **Direct discrimination:** treating someone less favourably because of a protected characteristic.
- **Indirect discrimination:** applying a provision, criterion or practice which puts people sharing a protected characteristic at a particular disadvantage, unless it can be objectively justified as a proportionate means of achieving a legitimate aim.
- **Harassment:** unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- **Sexual harassment:** unwanted conduct of a sexual nature which has the purpose or effect described in the Equality Act 2010. The School will take reasonable steps, and from 30 October 2026 all reasonable steps, required by law to prevent sexual harassment.
- **Victimisation:** treating someone less favourably because they have carried out, or are suspected of carrying out, a protected act under the Equality Act 2010.



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4. Equality, sex and gender reassignment

The School will apply the Equality Act 2010 in accordance with current legislation and authoritative case law. Following the Supreme Court's 2025 judgment in *For Women Scotland Ltd v Scottish Ministers*, the protected characteristic of sex is interpreted as biological sex for the purposes of the Equality Act 2010. A Gender Recognition Certificate does not change a person's sex for the purposes of that Act.

This does not remove protection for trans people. The protected characteristic of gender reassignment continues to protect people from unlawful discrimination. The School will treat all staff with dignity and respect and will consider individual circumstances carefully when applying policies, workplace arrangements and facilities.

Where the law permits or requires a particular treatment or exception based on sex, the School will follow the current legal position and seek appropriate advice where the application is unclear. This policy does not create rights or restrictions beyond those provided by law.

5. Staff recruitment, retention and development

The School will ensure that recruitment, selection, promotion, retention and continuing professional development procedures are fair, transparent and based on merit, ability, qualifications, experience and the requirements of the role.

- Job descriptions and person specifications will be based on genuine occupational and organisational requirements.
- Recruitment advertising and selection processes will avoid discriminatory criteria and unnecessary barriers.
- Reasonable adjustments will be considered for disabled applicants and employees where required by the Equality Act 2010.
- Health or disability-related questions during recruitment will only be asked where permitted by law, including where necessary to determine reasonable adjustments or an individual's ability to carry out an essential function of the role.
- All appointments and promotions will comply with the School's Safer Recruitment Policy and relevant safeguarding requirements.
- Staff will have access to appropriate induction, training and professional development opportunities.
- The School will seek, wherever reasonably practicable, to ensure that its workforce reflects the diversity of the community it serves without using unlawful positive discrimination.

6. Disability and reasonable adjustments

The School recognises its legal duty to make reasonable adjustments for disabled employees and applicants where required by the Equality Act 2010. Adjustments may relate to recruitment, working arrangements, duties, communication, equipment, premises, working hours or other aspects of employment.

Requests for adjustments will be considered individually and sensitively. The School will seek advice, including occupational health or specialist advice, where appropriate and with due regard to confidentiality and data-protection requirements.

7. Pregnancy, maternity, family responsibilities and flexible working

The School will not unlawfully discriminate because of pregnancy or maternity and will comply with statutory rights relating to maternity, paternity, adoption, parental and other family-related leave and pay. Requests for flexible working will be considered in accordance with the applicable statutory procedure and the needs of the School.

The School will also seek to support staff experiencing caring responsibilities or other circumstances that may affect their working arrangements, while maintaining fair and consistent employment practices.



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8. Preventing sexual harassment and harassment by third parties

Broadhurst School has a zero-tolerance approach to sexual harassment. The School will take proactive steps to prevent sexual harassment, including clear standards of behaviour, appropriate staff training, accessible reporting routes, prompt action on concerns and appropriate risk assessment and review.

From 30 October 2026, the Employment Rights Act 2025 strengthens the existing preventative duty so that employers must take **all reasonable steps** to prevent sexual harassment of employees. It also introduces an obligation concerning harassment of employees by third parties. The School will ensure its procedures, training and risk controls are reviewed to reflect these requirements.

- Staff should report concerns about sexual harassment or other unlawful harassment as soon as reasonably possible through the School's reporting, grievance or safeguarding arrangements, as appropriate.
- No member of staff will be victimised for raising a genuine concern, supporting a colleague, making a complaint or participating in an investigation.
- The School will respond proportionately and promptly to complaints and will maintain appropriate confidentiality.
- Where concerns involve a parent, visitor, contractor or other third party, the School will consider what protective and preventative measures are reasonably available and will follow the relevant legal and safeguarding framework.
- Disciplinary action may be taken where allegations are substantiated, in accordance with the School's Disciplinary Policy.

9. Religion or belief

The School respects the religion or belief of staff and will seek to accommodate reasonable requests relating to religious observance and practice, subject to legal requirements, the needs of the School and the requirement to balance competing rights.

10. Equality in practice

- The School is committed to active implementation of equal-opportunities principles in all staffing and employment practices.
- Appointments and promotions will be made on merit and ability and in accordance with the law and the Safer Recruitment Policy.
- The School will work to eliminate discrimination, harassment, sexual harassment and victimisation within its employment practices.
- All staff, including teaching, support, administrative and other employees, will be given appropriate opportunities for professional development.
- The School will make reasonable adjustments where required for disabled staff.
- The School will review its policies and practices where equality issues arise or where changes in legislation, case law or statutory guidance require amendments.
- Managers and leaders are expected to model respectful behaviour and challenge inappropriate or discriminatory conduct.

11. Complaints, concerns and victimisation

Any member of staff who believes they have experienced discrimination, harassment, sexual harassment or victimisation should raise the concern through the appropriate School procedure. Depending on the circumstances, this may be the Grievance Policy, Disciplinary Policy, Whistleblowing Policy, Safeguarding Policy or another relevant procedure.



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The School will take concerns seriously, investigate appropriately and protect individuals from retaliation or victimisation. Nothing in this policy prevents an individual from exercising statutory rights.

12. Monitoring and review

The Headteacher is responsible for overseeing the implementation of this policy, supported by the Proprietor and relevant school leaders. The School will monitor the effectiveness of its equality practices and review this policy at least annually, or sooner where there is a material change in legislation, statutory guidance or case law.

The next scheduled review is October 2027. This policy should be read alongside the School's Safer Recruitment, Safeguarding, Behaviour, Anti-Bullying, Whistleblowing, Grievance, Disciplinary and other relevant policies.

13. Legislative and guidance sources considered for this review

- Equality Act 2010, as amended and in force at the date of review.
- Worker Protection (Amendment of Equality Act 2010) Act 2023.
- Employment Rights Act 2025 and the Government's published implementation timetable.
- Equality Act 2010: Government and EHRC guidance, updated 2026.
- EHRC Equality Act 2010 Code of Practice for Services, Public Functions and Associations 2026, insofar as relevant to the School's equality duties and interpretation of the Act.
- Supreme Court: For Women Scotland Ltd v Scottish Ministers [2025] UKSC 16.

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