



Equality and Diversity Policy

**“ALL DIFFERENT,
ALL EQUAL,
ALL ACHIEVING TOGETHER”**

Sources

In developing this *Equality and Diversity Policy* we have taken account of the Department of Education's Guidance on the Equality Act 2010 and also the Ofsted Inspection Framework October 2017 which places a strong focus on improving the learning and progress of different groups and on closing gaps in standards. We note that Ofsted has a statutory duty to report on the outcomes and provision for pupils who are disabled and those who have special educational needs. We also referred to other documents listed below.

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Equality Act 2010 and Schools May 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf

Public Sector Equality Duty Guidance for Schools in England

http://www.equalityhumanrights.com/sites/default/files/psed_guide_for_schools_in_england.pdf

Children and Families Act 2014

<http://www.legislation.gov.uk/ukpga/2014/6/schedule/3/enacted>
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/359681/Young_Persons_Guide_to_the_Children_and_Families_Act.pdf

SEND Code of Practice: 0-25 years – January 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Prevent Strategy 2011

<https://www.gov.uk/government/publications/prevent-strategy-2011>

This policy and all associated procedures apply to all our young people, teaching and non-teaching staff (including volunteers and students on placements) parents, and visitors and should be read in conjunction with a range of other policies available on the Learn@ MAT website and our individual Academy websites.

Introduction

This *Equality and Diversity Policy* brings together Learn@ MAT's approach to taking positive action in the promotion of equality and diversity in our policies and procedures and most importantly in our day-to-day practices and interactions with the whole school community at each of our Academies.

We believe that all pupils and members of staff should have the opportunity to fulfil their potential whatever their background, identity and circumstances. We are committed to creating a community that recognises and celebrates difference within a culture of respect and co-operation. We appreciate that a culture, which promotes equality and diversity, will create a positive environment and a shared sense of belonging for all who work, learn and use the services of our Academies.

We recognise that equality and diversity will only be achieved by the whole school community working together – our pupils, young people, staff, parents, and members of the Academy Councils and Learn@ Trust Board. When we refer to parents we mean not only a pupil's birth parents but adoptive, step and foster parents, or other persons who have parental responsibility for, or who have care of, a pupil.

Learn@ operates an *Equality and Diversity Policy* which treats all pupils, young people, staff, parents and visitors as individuals irrespective of their sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity.

Learn@ recognises that it would be failing its pupils and young people if it did not prepare them for playing a full and responsible part in society and this may involve challenging negative stereotypes both in the school and in our wider community.

The welfare and happiness of our pupils and young people is our prime concern. We want every single one of them to feel safe and positive about themselves. The overall aim of the Learn@ MAT is to raise the achievement and self esteem of all of our students by guiding them in their learning and empowering them to discover in their learning and enjoy it too. This will be achieved by holding to values where we respect one another and one another's property and where we take responsibility for our own actions. This can only be achieved if we operate a clear and successful *Equality and Diversity Policy*.

Principles of Equality and Diversity in Learn@ Academies

Learn@ MAT expects everyone involved with its Academies to base their approach to equality and diversity on the following principles:

- 1. All our young people are different but all deserve equal opportunities to achieve their full potential – irrespective of physical or mental ability;** whatever their ethnicity, culture, national origin and national status; whatever their gender and gender identity; whatever their religious or non-religious affiliation or faith background and whatever their sexual orientation.

- 2. We promote and reflect equality and fairness across our whole community, and celebrate diversity.** We take account of difference and strive to remove barriers and disadvantages, which members of our Academy communities may face in relation to disability, ethnicity, gender, religion, belief or faith, sexual orientation and other vulnerabilities. We believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach, work, interact with and visit Learn@ Academies.
- 3. We foster positive attitudes and relationships to support the best possible progress for our pupils academically, socially and emotionally.** Through recognition, acknowledgement, understanding and responsibility we will promote positive attitudes and mutual respect between individuals, groups and communities that are different from one another to prepare pupils for positive participation and engagement in their wider community throughout their lives.
- 4. We foster a shared sense of cohesion and belonging.** We want all members of our Academy communities to feel a sense of belonging within the Academy and wider community and to feel that they are respected and able to participate fully in the life of our Academies.
- 5. We observe good equalities practice for our staff when we recruit and develop highly skilled, adaptable and committed practitioners.** We ensure that policies and procedures benefit all employees and potential employees in all aspects of their work, including recruitment and promotion and continuing professional development.
- 6. We have the highest expectations of all our young people.** We deliver an inclusive and personalised curriculum to equip our students with the skills and experience they need to embrace life-long learning and we expect them to progress and to achieve their highest potential.
- 7. We work to raise standards for all of our learners and particularly to remove barriers to learning for our most vulnerable children and young people.** We believe that offering every individual member of our learning community the support, structure, resources and style of approach they require will enable them to fulfil their hopes and aspirations, improve their quality of education and raise standards across in all our Academies.

The Legal Framework

This Learn@ MAT *Equality and Diversity Policy* details how our Academies are meeting their statutory duties and are in line with national guidance.

We recognise our obligations under The Equality Act 2010 and are committed to promoting diversity and equality of opportunities of all those we work with especially pupils, young people, and staff. We oppose all forms of direct and indirect discrimination, bullying, harassment or victimisation and will make every effort to comply with the requirements of the Act and its subsequent provisions. Compliance with the Act is the responsibility of all members of staff. Any breach of this policy may result in disciplinary action.

Definitions

The Equality Act 2010 was introduced to ensure protection from discrimination, harassment and victimisation on the grounds of nine protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and
- sexual orientation.
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Our policy recognises that ethnicity and nationality are distinctly different to race and as such are areas for potential discrimination. Whilst not listed in the Equalities Act 2010 we have included these characteristics As protected areas under our policy.

TERM	DEFINITION	EXAMPLES
Race	Physical characteristics that define a person as being a member of a specific group	Skin colour, hair colour and texture, eye colour, facial features, physical build
Ethnicity	Cultural characteristics that define a person as being a member of a specific group	Language, accent, religion, styles of dress, hairstyles, social customs, food and dietary preferences or restrictions
Nationality	The legal sense of belonging to a specific political nation state	Citizenship (birthright or naturalisation)

Although age and marriage and civil partnerships are protected characteristics in relation to employment they do not apply to Academy pupils. This allows Learn@ Academies to admit and organise its young people in age groups and to treat them in ways appropriate to their age and stage of development, even in the case of those students who are over the age of 18.

For further information on types of unlawful discrimination see Appendix 1.

Roles and Responsibilities

Trust Board and Academy Councils

The Learn@ Trust Board and Academy Councils will play a vital role in ensuring that students, teachers, learning support assistants, professionals, the community and all others involved in Academy life think seriously about their own assumptions about gender, culture, sexual orientation, disability and social background. Individuals should be supported in challenging and seeking positive action to overcome these assumptions where needed.

Headteachers and Leadership Team

The Headteacher at each Learn@ Academy is responsible for implementing the *Equality and Diversity Policy* with the help and support of the Academy Council. Their role includes ensuring that all staff are aware of their responsibilities and are given appropriate training and support; taking 'all reasonable steps' to prevent discrimination, harassment and victimisation and recording, managing and analysing any cases in accordance with Learn@ MAT and the Academy's policies, procedures and guidance. .

A key part of the Headteacher's role is to create an environment in which all members of the community are expected to treat one another with mutual respect, dignity and tolerance. It is also to make effective and reasonable adjustments where appropriate to meet the individual needs of young people, staff, parents and others who may have business with their Academy.

Teaching and Support Staff

It is important to the ethos of the Learn@ MAT that all teaching and support staff:

- promote inclusiveness and collaboration in their classroom
- challenge prejudice and discrimination
- deal fairly and professionally with any prejudice related incidents that may occur.
- plan and deliver a curriculum and lessons that reflect the school's principles.
- maintain the highest expectations of success for all students.
- support different groups of students in their class through differentiated planning and teaching, especially those who may (sometimes temporarily) find aspects of academic learning difficult.

- keep up to date with equalities legislation relevant to their work. We will provide training and guidance on Equality and Diversity (ED) for all staff new to the school as part of the induction process.

It is important to appreciate that Learn@ employees are personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not Learn@ is also liable.

Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any Learn@ employee found doing so will be subject to disciplinary action.

Students

Pupils are positively encouraged to contribute to the review of this *Equality and Diversity Policy* through the School Council.

Learn@ recognises and respects that pupils have a grievance procedure through the pastoral care system of School Council if they feel there has been a breach of this policy through abuse, harassment or discrimination.

Visitors

Learn@ will seek and value the support of parents and the local community in embedding the principles and developing the aims of this policy.

All visitors to the school, including parents and carers, are expected to support our commitment to equality and diversity and comply with the duties set out in this document.

Any abuse, harassment or discrimination in contravention of this *Equality and Diversity Policy* by members of the Trust Board or Academy Councils, Staff, Students, Parents or Associated Agencies will lead to the implementation of our Grievance Procedures and/or Behaviour Policy.

Duty to make reasonable adjustments

Learn@ Academies will actively seek to make reasonable adjustments, where there is a need to ensure that a person living with and managing a disability has the same access to everything as a non-disabled person, as far as is reasonable. We will take positive and proactive steps to remove, reduce or prevent the obstacles faced by a disabled individual, as far as is reasonable.

Admissions Policy

Our admissions criteria are defined under our Academy Admissions policy and are applied consistently to every young person, irrespective of any protected characteristic.

The Curriculum

The curriculum is crucial to tackling inequalities for pupils including gender stereotyping, preventing bullying and raising attainment for everyone. The principles of equality and diversity are embedded in our academic and social curriculum.

Positive and proactive steps will be taken to prevent discrimination against, or victimisation of, any young person in the provision of education or access to any benefit, facility or service including educational trips, work experience and leisure activities.

There is greater detail on the Learn@ approach to the curriculum later in this document.

Exclusion policy

The decision to exclude a child for a fixed period or permanently is a last resort. Our Academy exclusion criteria are defined in our Behaviour Policies available on our individual Academy websites. They are applied consistently to every young person, irrespective of any protected characteristic.

Recruitment and selection

All Learn@ employees, whether part-time, full-time, temporary or permanent will be treated fairly and equally. We will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, and opportunities for training, pay and benefits, discipline and selection for redundancy. Selections will be made on the basis of aptitude, ability and/or merit, where appropriate.

Learn@ will endeavour to make all reasonable and effective adjustments during the recruitment and selection process, where appropriate. Where recruitment and selection is carried out by a third party, on our behalf, we will take all reasonable steps to ensure they adhere to the principles of this policy.

Reporting and recording incidents of discrimination and harassment

All incidents of discriminatory treatment, bullying and harassment must be reported to senior staff and recorded as soon as is reasonably possible (and in any event within 24 hours of the incident). All bullying-related incidents (confirmed or otherwise) will be addressed in accordance with the Learn@ Anti-Bullying Policy. A copy of all bullying-related incident reports must be sent to the Learn@ MAT central offices to be monitored by the CEO.

Complaints and grievances

If an individual believes that they have been discriminated against, harassed or victimised, they are asked to follow our Complaints or Grievance procedures.

Implementation, monitoring, evaluation and review

The Headteachers of our Learn@ Academies are responsible for ensuring that all young people, staff, parents and placing local authorities are aware of this *Equality and Diversity Policy*. Additional support will be given to any parent or significant person, wishing to know more about the policy and procedures detailed in it.

A copy of this policy is available for inspection at any of our Learn@ Academies during term-time office hours and an electronic copy is posted on our website www.learnmat.uk/. This policy will be reviewed and publicised in writing, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policy, guidance and practice.

Equality and Diversity in Action

Academy Council, Staff and Student Support

All Academy Council members and all staff will be consulted and then actively involved in the implementation of Equality and Diversity (ED) issues and reviews.

It will be the responsibility of all staff to ensure that all students are aware of the importance of ED issues throughout their school lives, and the relevance of ED issues in adult life.

Pupils can take any grievances and complaints to the School Council.

Teachers and Other Staff

All Learn@ staff should carefully examine the ways in which their expectations of different gender groups or those with disabilities, or different social or ethnic groups may be affecting the achievement, behaviour and status of the students. ED should be an underlying theme of all in-service training and resources should be appropriately allocated to this area.

The good management and supervision of groups should ensure that they do not lead to inequality between gender groups, those with disabilities or different social or ethnic groups.

Support from Parents and the Local Community

Parents and carers will be consulted about this *Equality and Diversity Policy* and have the opportunity to comment either verbally or in writing. Any statements received will be published in the school prospectus, with the written consent of the person concerned.

It should be obvious that Learn@ gives high priority to Equality and Diversity issues whenever members of the local community visit our Academies.

The Curriculum

The curriculum in its fullest sense comprises all the opportunities for learning provided by Learn@. It includes the formal programme of lessons in the timetable, the extra-curricular and out of school activities promoted by Learn@ and the climate of relationships, attitudes, styles of behaviour and the general quality of life established in the school community as a whole.

In a Learn@ Academy all students will have access to a broad, balanced and differentiated curriculum, which will offer opportunities for them to counteract aspects of unfair, careless or even offensive stereotyping including that concerned with gender and disability. Teachers will avoid reinforcing stereotypical views of society by their careful use of language and choice of resources. The planning and delivery of the programme of study in all curriculum areas will reflect and reinforce this *Equality and Diversity Policy*.

Equality and diversity issues will permeate the whole curriculum, with the Personal and Social Education component and the role of the School Council both being significant in emphasising the importance of these issues.

The curriculum will include the study of different environments, societies and cultures across the world and the reasons for inequality on the basis of disability, gender, race, religion or belief, sex and sexual orientation.

Learn@ assemblies and festivals will include the celebrations of different cultures across the world.

Learning Resources

Learning resources will present positive, non-stereotyped images of men and women, of ethnic minority groups and of people with disabilities. Resources across the whole Academy (e.g. textbooks, worksheets, videos, multi-media, etc) will reflect that students are living in a multi-cultural society. Those responsible for ordering and purchasing new resources will do so with reference to that fact.

Staff will have equal access to all resources within a framework of effective management and monitoring of them.

Linguistic Diversity in our Students

Learn@ believes bi-lingualism is an advantage. It will ensure that teaching staff are aware of the dialect and linguistic needs of their students so that they can give them the opportunity to speak, hear and read their first or second language and dialect on the premises outside of Academy hours. It may be necessary to provide additional support through advisers and interpreters.

Learn@ Academies will access a properly funded translation and interpretation service when necessary, particularly for Annual Reviews.

Cultural Practices

Our Academies will show respect for the cultural and religious practices of different groups of students, and will take reasonable steps to ensure that they are able to access and take part in religious worship and cultural festivals.

Learn@ will provide meals acceptable to the religion of students and will be sensitive to cultural culinary differences. It will also be sensitive to cultural dress practices.

Racism

Racism was defined in the Stephen Lawrence Inquiry report as:

“Conduct or words which advantage or disadvantage people because of their colour, culture or ethnic origin. In its subtle form it is more damaging than in its overt form”.

Learn@ opposes racism and will not tolerate any form of racist behavior which includes but is not confined to:

- Physical assault because of colour and/or ethnicity.
- Derogatory name-calling, insults and racist jokes.
- Racist graffiti.
- Provocative behaviour such as wearing racist badges or insignia.
- Bringing racist materials such as leaflets, comics or magazines into school.
- Verbal abuse or threats.
- Incitement of others to behave in a racist way.
- Racist comments in the course of discussion in lessons.
- Ridicule of individual for cultural differences e.g. food, music, dress etc.
- Refusal to co-operate with other people because of their ethnic origins.

Learn@ strives to promote equality and non-racist attitudes by:

- promoting justice, equality of opportunity and fair treatment for all to enable all our young people, irrespective of their ethnic origin, to achieve the level of success and self-respect which they deserve, whilst retaining their cultural identity.
- instilling in young people an awareness of racism and establishing an environment where school becomes effective in reducing prejudice and raising self-esteem.
- preparing young people for living in a complex multicultural society.
- promoting an understanding of a variety of cultures, valuing the positive contribution these make to the community, e.g. young people should understand the differences in dress, hairstyles and diet.
- providing an environment where racist assumptions, attitudes and behaviour are continually challenged.

- providing a curriculum which emphasises the positive aspects of all cultures and which gives young people the confidence that racism can and must be eradicated.
- supporting the Local Authority in its multicultural and antiracist policies, and to take the appropriate action to deal with any form of racism within Learn@.
- recognising in our teaching the contributions made by different cultures to the development of Science, Technology and the Arts.
- understanding that cultural diversity is a positive advantage and that Learn@ pupils are a valuable multicultural resource in the classroom. Their personal experiences of festivals, food, dress, etc. should be valued and shared.
- contributing towards imparting a sense of citizenship in the student.

Homophobic Incidents

The police and crown prosecution service have the following commonly agreed definition of homophobic incidents:

“A homophobic hate incident is any non-crime incident, which is perceived by the victim, or any other person, to be motivated by a hostility or prejudice based on a person’s sexual orientation or perceived sexual orientation (lesbian, gay, bisexual or transgender).”

Learn@ will not tolerate any form of homophobic behaviour which includes but is not confined to:

- the regular use, consciously or unconsciously, of offensive and discriminatory language, particularly the widespread misuse of the term “gay” as a generic insult or term of abuse.
- verbal abuse and threats. Name-calling is the most common expression of homophobia and although sometimes viewed as trivial its effect on a child ‘victim’ can be profound.
- homophobic graffiti.
- provocative behaviour such as a frightening look or stare.
- bullying through mobile phones, texting, Internet and other social media platforms.
- homophobic comments during discussions in the classroom.
- spreading rumours that questions, ridicules or insults a young person’s sexuality this is increasingly happening online.

- public ridicule e.g. of mannerisms, dress etc.;
- homophobic jokes, insults and comments.
- physical or sexual assault against a person or group because of their sexuality.
- incitement of others to behave in a homophobic way.
- refusal to cooperate/work with someone because of their sexuality or perceived sexuality;
- isolation or exclusion of someone from social groups because of their sexuality or perceived sexuality.

We recognise that homophobic incidents involving young children do happen, and teachers and professionals within Learn@ need to respond to them proactively and work to prevent their reoccurrence. Young children may unknowingly use derogatory homophobic terms such as “gay” without understanding of their meaning and without intending to offend. They may also behave in ways, which are homophobic, i.e. refusing to sit next to, or refusing to play with other children because of differences in their interests or mannerisms. They may have heard homophobic or gender stereotypical comments at home, which they repeat, like “boys can’t kiss boys” or “girls can’t play with cars”. It would be a mistake to disregard or play down such behaviours because ‘they didn’t mean it’ or ‘she didn’t really understand’ or ‘it’s only a name’, as the impact on the child who is the victim may still be hurtful and damaging.

We also recognise that young children may have same sex parents or carers, or have relatives or family friends who are lesbian, gay, bisexual or trans (LGBT), and may already be aware of the prejudice they can face. It can be really difficult for them if their family relationships or home culture are negated or ridiculed by other children or by adults whose views they respect. We therefore give parents an opportunity to disclose information about their family relationships, so we can be sensitive to the child’s circumstances, without being obtrusive. We respect confidentiality and allow parents to limit who they want to be aware of their sexuality.

Learn@ aims to eliminate discrimination, harassment and victimisation of any person based on sexual orientation or transgender identity. In order to achieve this, the school aims to deliver a broad and balanced curriculum and find opportunities across the curriculum to address homophobia and promote equality of opportunity for young people and adults. Pupils will be challenged to think about their attitudes, misinformation should be corrected, and awareness raised of prejudice and discrimination at every possible opportunity. This is most often done through morning registration, assemblies, PSHE and Citizenship. Through planning, there may be opportunities to incorporate the teaching of an awareness of homophobia through other subjects.

How Learn@ deals with Racist and Homophobic incidents

When dealing with racist and homophobic incidents our Academy staff will:

- Identify the behaviour
- Deal with the perpetrator
- Support the victim
- Deal with the impact of incidents on the whole Academy and the community.
- Monitor the result of any actions taken in relation to the perpetrator, victim and Academy.

Reporting and Recording

All incidents of racist and homophobic behavior must be recorded on the appropriate Incident Reporting Form and a copy retained by the Academy and another one sent to the Learn@ MAT CEO.

When it is necessary to escalate concerns about such incidents reference should be made to our *Behaviour for Learning Policy* and *Complaints Policy*.

All bullying incidents are recorded on a CYPs racist or homophobic bullying form. Copies must be sent to the Children and Young People's Service and to Learn@ MAT central offices. Learn@ CEO monitors and records all incidents and includes them as a regular item in reports to the Trust Board.

Monitoring and evaluation

The Headteacher at each of our Academies will ensure that all racist and homophobic incidents are recorded and safely filed so that they are available for external scrutiny by Learn@ Members, Trustees, and Academy Councillors as well as Ofsted Inspectors. The Headteacher will also provide termly updates about any incidents and inform Academy Councillors and Trustees how they were dealt with and whether any of them required whole school action. An annual evaluation report will summarise the overall effectiveness of the ongoing in school strategies and procedures for positively managing and reducing such incidents.

We want Learn@ to be an environment where all the community recognises individual and group differences but treats everyone equally so that we can work successfully together.

Equality Objectives

1. To review our recruitment procedures and address means of ensuring our workforce across Learn@ MAT is more representative of the racial demographics of the area.

Why we have chosen this objective:

To achieve this objective we plan to:

Progress we are making towards this objective:

2. To improve the progress in writing of boys and particularly BME boys.

Why we have chosen this objective:

To achieve this objective we plan to:

Progress we are making towards this objective:

3. To reduce the incidents of bullying across Learn@ MAT, specifically race related, through a designed programme, 'All together- united against racism.'

Why we have chosen this objective:

To achieve this objective we plan to:

Progress we are making towards this objective:

4. To increase the overall attendance of students across Learn@ MAT, in particular those with SEMH who display physically challenging behaviours and are at high risk of exclusion.

Why we have chosen this objective:

To achieve this objective we plan to:

Progress we are making towards this objective:

Appendix 1

Further information about equality and diversity

Types of unlawful discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex sexual orientation).

Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination occurs when a condition, provision, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Discrimination arising from disability occurs when you treat a disabled person unfavourably because of something connected with their disability and cannot justify such treatment. Discrimination arising from disability is different from direct and indirect discrimination.

Harassment occurs when a person is subject to “unwanted conduct related to a relevant 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”.

Third-party harassment occurs where, during the course of their duties, an individual or individuals who are not under the direct control of one of the Learn @ MAT Academies harass an employee and the harassment relates to a protected characteristic.

Victimisation occurs when an individual is subject to a detriment because they have made an allegation of, or given evidence about, the treatment of any individual (including themselves) who has been subject to any of the above.

Anyone making allegations of a false, malicious or vexatious nature would not be protected against victimisation and will be subject to disciplinary action.

Lawful Equality Action

Positive Action

Sections 158 and 159 Equality Act 2010 set out the circumstances in which positive action is allowed. Section 159, which deals with positive action in connection with recruitment and promotion (and which is the basis for the example of equally qualified applicants above), did not come into force until April 2011. The Government Equalities Office has issued a guide to the Section 159 rules. Section 158 deals with the circumstances in which positive action is permitted other than in connection with recruitment and promotion, for example in provision of training opportunities. Section 158 does not have the requirement for candidates to be equally qualified.

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