

Diocese of Ely Multi-Academy Trust

Equality & Diversity policy

Policy version control

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Author In consultation with	Helen Fisher Helen Rothwell, Head of HR
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Description of changes	▪ ▪

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1. Definitions

- 1.1 **DEMAT** means the Diocese of Ely Multi-Academy Trust.
- 1.2 **Academy** means a constituent academy of DEMAT.
- 1.3 **Central Team** means Staff who are not employed within an Academy.
- 1.4 **Central Leadership Team** means any Director or Head of a Function in the Central Team other than the Director of Education, the COO and the CEO.
- 1.5 **CEO** means the Chief Executive Officer of DEMAT, or any officer or other person exercising relevant authority delegated by the Chief Executive Officer to them.
- 1.6 **Managers** refers to those with line management responsibilities including but not limited to Hub Directors, Head of Department and Headteachers.
- 1.7 **Senior Manager** means a Senior manager within the academies or a Hub Director or Senior Manager within the Central Team.
- 1.8 **Staff** means any person employed by DEMAT, temporarily or permanently.
- 1.9 **Employee** means any person employed by DEMAT, temporarily or permanently.
- 1.10 **Headteacher** also refers to any other title used to identify the Headteacher where appropriate.

2. Application of this Policy

The policy is applicable to all employees (permanent and temporary) of DEMAT and workers, contractors, volunteers and apprentices. This policy also relates to job applicants and is relevant to all stages of the employment relationship.

The above definitions are included for reference purposes for both School and Central Team staff to enable clarify and transparency when applying this policy.

This policy does not form part of any employee's contract of employment and may be amended at any time, following consultation with recognised trade unions.

3. Relationship with DEMAT Values

The application of this policy must be applied at all times in a way that reflects the values of DEMAT and our Christian Ethos:

Love – We engender love and tolerance between and for our staff, pupils and others to foster an inspiring atmosphere of mutual support.

Community – We are committed to ensuring our schools are a living part of the community and contribute positively to its needs.

Respect – We do everything to provide a caring, safe and secure place for our staff and pupils to be happy and respected in our schools so they may achieve their potential.

Trust – We acknowledge accountability and responsibility for our actions and ensure that we encourage each other to make brave decisions and then learn from any mistakes.

Ambition – We are determined that our schools offer a place for the joy of learning, enabling those of all abilities to thrive and go on to lead rewarding lives.

4. Associated Policies and Documents

This Policy/Procedure should be read in conjunction with the following DEMAT Policies/Procedures:

- Flexible Working Policy
- Menopause policy
- Organisational Change Policy
- Bullying & Harassment Policy
- Grievance Policy

In the development of this policy consideration has also been given to the Equality Act 2010 and Data Protection legislation.

5. Version control

No.	Status of document/changes	Prepared by	Reviewed by	Approved by	Date of approval	Review Date
1.	Template updated	Helen Fisher	Helen Rothwell	Personnel Committee	Nov 23	Nov 24
2.	Content review and updated	Helen Fisher	Helen Rothwell	Personnel Committee	Nov 23	Nov 24

This policy will be reviewed on an annual basis.

For all questions in relation to this policy please contact the HR team on hrteam@demat.org.uk.

6. Purpose and Scope

- 6.1 Equality is not about treating everyone the same; it is about ensuring that access to opportunities is available to all by taking account of people's differing needs and capabilities. Diversity is about recognising and valuing those differences through inclusion regardless of someone's background or status.
- 6.2 This policy sets out DEMAT's approach to equality and diversity. DEMAT is committed to promoting equality and diversity and a culture that actively values differences and promotes the fact that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.
- 6.3 We do not discriminate against staff, Trustees and members of our Local Governing Bodies on the basis of any of the protected characteristics as defined in the Equality Act 2010 (see section 7.2 below). The principles of non-discrimination and equality of opportunity also apply to the way in which staff and Governors treat visitors, volunteers, contractors and former staff members.
- 6.4 Independent contractors and service providers are encouraged to apply the Trust's Equality and Diversity Policy within their own area of practice.

7. Policy Statement

- 7.1 DEMAT is committed to promoting equality of opportunity for all staff. We aim to create a supportive and inclusive environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. Equal opportunities will be provided throughout employment including in recruitment and selection, pay, job/task allocation, promotion, secondment, training, appraisal, discipline and grievance and all terms and conditions of employment.
- 7.2 Our approach to equality, diversity and inclusion builds on the Equality Act 2010, which provides a legal framework to protect people from discrimination, harassment and victimisation in the workplace and wider society on the grounds of the following protected characteristics:
- Age
 - Disability
 - Marriage or civil partnership
 - Pregnancy or maternity
 - Race
 - Religion or belief including philosophical belief and lack of belief
 - Sex
 - Sexual orientation
 - Gender reassignment

- 7.3 Under the Equality Act, Neurodivergent workers may also meet the legal definition of disability. This provides them with important rights to reasonable adjustments, and protections against discrimination, harassment and victimisation.
- 7.4 As an Academy Trust, we are also required by the Public Sector Equality Duty under Section 149 of the Act to take positive steps to:
- Eliminate unlawful discrimination;
 - Advance equality of opportunity; and
 - Foster good relations between people from different groups
- 7.5 In addition to this, the Trust recognises that it is important to develop and promote policies and systems to ensure that our pupils, staff and anyone associated with our Trust are not unlawfully discriminated against and that we encourage a commitment to equality, diversity and fair treatment of all.
- 7.6 The Trust will wherever possible take positive steps to redress any under-representation of ethnic groups. The Trust is also committed to educating all staff through professional development opportunities and staff communications of equality and diversity issues.
- 7.7 The Trust will promote equality and diversity through an inclusive curriculum. Discrimination will be robustly challenged in all areas of the curriculum. Curriculum planning will take account of the needs of all pupils/students and will cover issues of equality and diversity.
- 7.8 The Trust also commits to creating and maintaining a culture and working environment free from unlawful discrimination, bullying, harassment and/or victimisation and promoting dignity and respect for all and an environment where individual differences and contributions of all employees are recognised and valued.
- 7.9 In formulating new or amending existing policies, practices, strategic plans, service plans and in employment and service development; the Trust will take account of its responsibility within the following statutory obligations:
- Equality Act 2010
 - Gender Recognition Act 2004
 - Employment Equality (Sex Discrimination) Regulations 2005
 - Human Rights Act 1998
 - Freedom of Information Act 2000 (amendment 2018)
 - Employment Equality (Age) Regulations 2006
 - Public Sector Equality Duty.

8 Roles and responsibilities

8.1 Chief Executive Officer

- has overall responsibility for the effective management of this policy and for ensuring compliance with discrimination law.

8.2 Central Leadership Team shall

- Lead by example and champion equality, diversity and inclusion across the Trust
- Ensure that the commitment of the Trust to equality, diversity and inclusion is communicated to all.
- Develop and pro-actively promote equality, diversity and inclusion internally and externally.

8.3 Managers shall

- Set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy.
- Promote our aims and objectives with regards to equality and diversity.
- Promote and encourage a culture of inclusivity, recognising and respecting the differences in their teams and the benefits these can bring.
- Attend training on equality and diversity awareness and best practice as provided.

8.4 All those to whom this policy applies

- be personally responsible for ensuring that they adhere to the policy and promote our aims and objectives with regard to equality and diversity.
- Report inappropriate behaviour(s) and raise any incident(s) that may breach this policy and any other associated policies.
- Treat colleagues, our children and third parties with dignity, trust and respect. Sometimes this may mean allowing for different views and viewpoints and making space for others to contribute.
- Be aware that if any employee is found to have committed, authorised or condoned an act of discrimination, victimisation or bullying, the trust will take action against them (see section 19 below)

8.5 Personnel Committee is responsible for monitoring the implementation of this policy.

8.6 Trust Board

- is responsible for ensuring the terms of reference of the Personnel and Audit & Risk Committees provide sufficient focus to cover the monitoring and assurance with regard to the implementation of this policy and our adherence to the Public Sector Equality Duty.

9. Forms of Discrimination

9.1 Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

- 9.1.1 **Direct discrimination** occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.
- 9.1.2 **Indirect discrimination** is where there is a provision, criterion or practice that applies to everyone but adversely affects people with a particular protected characteristic more than others and is not justified. For example, a requirement to work full time adversely affects women because they generally have greater childcare commitments than men. Such a requirement will be discriminatory unless it is objectively justified.
- 9.1.3 **Associative discrimination** is treating someone less favourably because they are associated with someone who has a protective characteristic, for example because their partner is transgender.
- 9.1.4 **Discrimination by perception** is treating someone less favourably because you *perceive* them to have a protected characteristic even if they do not.
- 9.1.5 **Disability discrimination.** This includes direct and indirect discrimination, any unjustified, less favourable treatment because of the effects of a disability.
- 9.1.6 **Harassment** related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Bullying and Harassment Policy.
- 9.1.7 **Sexual Harassment** is conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, degrading, humiliating, or hostile environment. Less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.
- 9.1.8 **Victimisation** is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.
- 9.1.9 **Bullying** is not defined in law but is considered by the Trust as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient. Bullying can be physical, verbal or non-verbal and may occur at work or outside work. It can also take place on-line. If bullying relates to a person's protected characteristic it may also constitute harassment, and therefore, will be unlawful.
- 9.1.10 The Trust takes allegations of bullying and/or harassment seriously. We have a separate Bullying and Harassment Policy which offers further support and guidance for employees who feel they have been subject to behaviour which may constitute bullying and/or harassment.

10. Equality & Diversity within our employment practices

10.1 Recruitment

- 10.1.1 We will take all reasonable and appropriate steps to encourage job applications from as diverse a range of people as possible.
- 10.1.2 Hiring Managers and members of staff making a decision about recruitment must not discriminate in any way. They must follow all our recruitment procedures as outlined in our Recruitment Policy. This means adhering to best practice during the advertising of vacancies, shortlisting and all selection processes.
- 10.1.3 Every decision-maker should challenge themselves, and other members of the recruitment selection panel, to make sure that any stereotypes, unconscious bias or prejudice do not play any part in recruitment decisions. All decisions should be recorded.
- 10.1.4 In some circumstances, the Trust may wish to recruit a person or group with a particular protected characteristic, for example a male or female employee where that is relevant to the requirements of the job role. Such situations are lawful if they demonstrate that there is a genuine occupational requirement with regard to the nature or context of the work i.e.
- a) it is an occupational requirement;
 - b) the application of the requirement is a proportionate means of achieving a legitimate aim, and:
 - c) the employee does not meet the requirement.

The advertisement for such a role should specify the exemption that applies.

10.2 Equality Impact Assessments

- 10.2.1 The Trust will carry out Equality Impact Assessments in order to ensure that policies, procedures and practices cater for the individuals who share protected characteristics in relation to the Equality Act 2010. The purpose of these assessments is to ensure that policies, procedures and practices within the organisation are fair to all. If unfairness is highlighted, the assessment will also seek to show how this can be changed and where it can't be changed, how it can be improved.
- 10.2.2 Our Organisational Change policy provides an overview of the steps we take to ensure that all procedures associated with redundancy consultation and selection are fair and objective and are not directly or indirectly discriminatory. This includes carrying out an equality impact assessment when considering any significant organisational change.

10.3 Staff training and promotion

- 10.3.1 Staff training needs will be identified through regular staff appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit. Workforce composition and

promotions will be monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the specific needs of disadvantaged or under-represented groups.

10.4 Conditions of Service

10.4.1 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

10.4.2 Fixed-term employees, Casual and Agency Workers

10.4.3 We monitor our use of fixed-term employees, casual and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities.

10.4.4 Part-time workers

10.4.5 We monitor the conditions of service of part-time employees and their progression, to ensure that they are being offered appropriate access to benefits and training and promotion opportunities.

10.4.6 We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

10.4.7 Disciplinary Action and Termination of Employment

10.4.8 We will ensure that disciplinary investigations and procedures including issuing warnings, or dismissal where necessary are applied without discrimination.

11. Disability Inclusion

11.1 Disability in recruitment

11.1.1 We will ask applicants at the outset if they require any reasonable adjustments to be made in the recruitment process.

11.1.2 Those involved in the interview process must not ask job applicants about their health or disability except with prior approval from the HR Team. Such approval is only given in exceptional circumstances and where there are specific legal grounds for doing so.

11.2 Reasonable adjustments and support for staff

11.2.1 The Trust is committed to creating a culture where those with a disability feel able to talk about and seek support in the workplace. We understand that some people find it hard to discuss their disabilities and that disability can be invisible.

- 11.2.2 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.
- 11.2.3 Employers are legally obliged to make reasonable adjustments to ensure that aspects of employment, or the employer's premises, do not put a disabled person at a substantial disadvantage.
- 11.2.4 If you experience difficulties at work because of your disability, you should speak to your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser(s) about your needs to help us get the right support in place. We will consider the matter carefully and try to accommodate your needs. If we consider a particular adjustment would not be reasonable, we will explain our reasons and seek, where possible to find an alternative solution.
- 11.2.5 We will monitor the physical features of our premises to consider whether they place disabled workers and job applicants at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff.

12. Breaches of this policy

- 12.1 If you believe that you may have been discriminated against, you are encouraged to raise the matter through our Grievance Procedure. If you believe that you may have been subject to harassment or bullying, you are encouraged to raise the matter through our Bullying and Harassment Policy.
- 12.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.
- 12.3 We take a strict approach to any breaches of this policy. Any member of staff who is found to have committed an act of discrimination or harassment may be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal.
- 12.4 Employees may be personally liable if they are found to have discriminated against or harassed another person.