



Marches Academy Trust

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Equality, Diversity, Inclusion and Belonging Policy

DOCUMENT CONTROL

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Policy control survey	Please complete this survey and provide feedback if you have had to use this policy • https://forms.office.com/r/HMeZtB29Si

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1 Introduction

- 1.1 Marches Academy Trust (the Trust) is committed to providing high quality teaching and learning for our pupils. We recognise that by valuing and promoting equal opportunities in employment for all employees and job applicants, and avoiding unlawful discrimination in employment and delivery of services, we will be able to deliver first class education and value the differences a diverse workforce brings to the Trust.
- 1.2 We aim to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. We also value diversity and recognise the varied contributions that a diverse workforce brings to an organisation; we are committed to drawing on different perspectives and experiences of individuals which will add value to what we do. We are committed to ensuring we create an inclusive environment where we treat everyone with dignity and respect.
- 1.3 The Trust is committed to ensuring equality of opportunity for all and promotes a positive and diverse culture in which all staff and Children and Young People (CYP) are valued and supported to fulfil their potential. The policy operates in accordance with the Trust's duty to promote equality, eliminate discrimination and promote good relations between staff with protected characteristics as required under the Equality Act 2010.
- 1.4 The Trust values each person equally. We are committed to building a diverse team and embedding a welcoming, inclusive culture that encourages diversity and authenticity. We believe this will encourage creative ways of thinking - ensuring we collaborate more effectively and achieve better outcomes.
- 1.5 The policy has been implemented and formally adopted by the Board of Trustees following negotiation and consultation with recognised Trade Unions. These include:
- National Education Union
 - National Association of Schoolmasters and Women Teachers
 - National Association of Headteachers
 - Association of School and College Leaders
 - Unison
 - GMB
- 1.6 This policy does not form part of any employee's contract of employment and may be amended at any time in consultation and negotiation with recognised Trade Unions.
- 1.7 The principles of non-discrimination also apply to how we expect our staff to treat colleagues, pupils, parents and carers, visitors, clients, customers, suppliers and former staff regardless of whether the legal protection of having a protected characteristic applies.
- 1.8 This policy complies with the requirements of the Gender Reassignment Act 2004 and the Equality Act 2010. Under the general public sector equality duty of the Equality Act 2010, the Trust must have due regard to and are committed to three equality aims:

- To eliminate discrimination, harassment, victimisation and any other conduct that is prohibited.
 - To advance equality of opportunity between groups/ people who share a relevant protected characteristic and groups/ people who do not share it by considering the need to remove or minimise disadvantage by taking steps to meet different needs, and by encouraging participation when it is disproportionately low.
 - To foster good relations between groups/ people who share a relevant protected characteristic and groups/ people who do not share it.
- 1.9 The Trust will prepare and publish the required data about workforce diversity to show how they are complying with the Public Sector Equality Duty.
- 1.10 As part of the application of this policy, the Trust may collect, process and store personal data and special categories of data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time, in relation to how we collect, hold and share personal data.

2 Scope and purpose

- 2.1 This policy applies to all individuals working at all levels and grades in the Trust, including trustees, governors, Headteachers, senior leadership, employees, consultants, contractors, trainees, part-time and fixed-term employees, casual workers and agency staff (collectively referred to as **employees** in this policy).
- 2.2 This policy applies to all aspects of the employment relationship and covers job advertisements, recruitment and selection, training and development, opportunities for promotion, appraisals, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment. It also applies to former employees for example in the provision of employment references. This policy focuses on employment and does not cover the provision of services to our children and young people.
- 2.3 The purpose of this policy is to set out the Trust's commitment and drive to ensuring equality of opportunity for all. It sets out how we will tackle discrimination and how we will make sure our commitment is actioned, how we will comply with the law and to ensure that equality and diversity is promoted in the workplace and our employees are not subject to and do not commit unlawful acts of discrimination. It underpins our strategic development plan.

3 Roles and responsibilities

- 3.1 Our Trustees have overall responsibility for the effective operation of this policy and for ensuring compliance with equality legislation. Operational responsibility for this policy lies with Headteachers /Line Managers.
- 3.2 All Trustees, Executive Team members, Senior Leaders and Headteachers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities.
- 3.3 All employees must be aware of this policy and have a duty to act in accordance with this policy and not to discriminate against or harass other people including employees, former employees and job applicants, treating them with dignity at all times. This also applies on work-related trips or events including social events. This also applies to how they treat members of the public in the provision of services and should support the Trust in meeting its commitment to provide equal opportunities for all and promoting diversity in the workplace.

4 Forms of discrimination

- 4.1 Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- 4.2 Direct discrimination occurs where someone is treated less favourably because of one or more protected characteristic. For example, rejecting a job applicant because of their religious views or because they might be gay. 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. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim. It will only be exceptional circumstances that this will apply in our Trust.
- 4.3 Indirect discrimination occurs where someone is disadvantaged by a provision, criteria or practice that applies to everyone but puts people with a protected characteristic at a particular disadvantage. Such a requirement will need to be objectively justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be objectively justified.
- 4.4 Harassment of any sort 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. Pregnancy and maternity, and marriage and civil partnership are not protected directly under the harassment provisions. However, pregnancy and maternity harassment would amount to harassment related to sex, and harassment related to civil partnership would amount to harassment related to sexual orientation. Harassment is dealt with further in our Anti-Bullying and Harassment Policy.

- 4.5 Victimisation is also prohibited. Victimisation is defined as less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else's complaint.
- 4.6 Discrimination by association is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
- 4.7 Discrimination by perception is where an individual is directly discriminated against or harassed based on a perception that a person has a particular protected characteristic irrespective of whether they do have that protected characteristic (this does not include marriage and civil partnership and pregnancy and maternity).
- 4.8 Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as parents and carers, clients or customers.
- 4.9 Part-time and fixed-term staff should be treated the same as full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.

5 Applying our policy to recruitment and selection

- 5.1 We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant skills and abilities. All applicants will be provided with a copy of the Trust Privacy Notice which sets out how we will gather, process and hold personal data of individuals during the recruitment process. Our recruitment processes are set out in our Recruitment and Selection Policy.
- 5.2 Job selection criteria as set out in the person specification will be regularly reviewed to ensure that they are relevant to the job. Short listing of applicants should be done by more than one person wherever possible and will be carried out objectively against the requirements of the job.
- 5.3 Job advertisements should avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying.
- 5.4 We will take reasonable steps to ensure that our vacancies are advertised to a diverse labour market.
- 5.5 Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to;
 - 5.5.1 establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).ⁱ
 - 5.5.2 establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.

- 5.5.3 carry out equal opportunities monitoring (which will not form part of the decision-making process).

Job offers will be conditional upon a satisfactory medical check in accordance with our obligation under Keeping Children Safe in Educationⁱⁱ, where a school must verify the candidate's mental and physical fitness to carry out their work responsibilities in accordance with the Education (Health Standards) (England) Regulations 2003.

- 5.6 Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy or gender identity or history. If a candidate chooses to disclose this information, they should be assured that the disclosure will have no bearing on the outcome of the interview and will not be revealed outside of the interview room or noted on their interview record. Applicants will not be asked about matters which may suggest an intention to discriminate on ground of a protected characteristic. Applicants will be asked to clarify which pronoun they would prefer to be referred to.
- 5.7 We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance, name or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original specified documents before employment starts to satisfy current immigration legislation. The list of acceptable documents is available from Human Resources.
- 5.8 To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our Trust, we monitor diversity data as part of the recruitment process and as set out in our Trust Privacy Notice and Data Protection Policy. Provision of this information is voluntary, and it will not adversely affect an individual's success at recruitment or any other decision related to their employment. The information is removed from applications before short listing and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

6 Applying our policy to training, promotion, pay decisions and conditions of service

- 6.1 The Trust Workforce Privacy Notice sets out how we will collect, hold and share personal data of individuals during their employment.
- 6.2 Employees training needs will be identified through the appraisal process. All employees will be given appropriate access to training for their job and in order to enable them to progress within the Trust.
- 6.3 Pay and promotion decisions will be based on an employee's performance (where relevant), skills and experience and as detailed in our Pay Policy.
- 6.4 Our facilities are reviewed regularly to ensure that they are available to all employees who should have access to them and that there are no obstacles to accessing them.

- 6.5 Relevant national and local conditions of service within our Trust as applied to our employees, will meet the requirements of equal opportunities.

7 Applying our policy when terminating employment

- 7.1 We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.
- 7.2 We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

8 Disability discrimination

- 8.1 Disability discrimination includes direct or indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate the effects caused by a disability.
- 8.2 If an employee is disabled or becomes disabled, they are encouraged to tell us about their condition so that appropriate support can be offered.
- 8.3 If an employee experiences difficulties at work because of their disability, they may wish to contact their line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The line manager may wish to consult with them and their medical adviser(s) about possible adjustments. The matter will be considered carefully and attempts made to accommodate any additional needs within reason. If it is considered that a particular adjustment would not be reasonable, the reasons for this would be explained and an alternative solution sought wherever possible.
- 8.4 We will monitor the physical features of our premises to consider whether they place disabled employees or job applicants at a substantial disadvantage compared to other employees. Where reasonable, we will take steps to improve access for employees who have a disability.

9 Breaches of this policy

- 9.1 If a member of staff believes they have been discriminated against, they are encouraged to raise the matter through the Trust Grievance Procedure. If a member of staff believes they have been subject to harassment they are encouraged to raise the matter through the Trust Anti- Bullying and Harassment Policy.
- 9.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Employees 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.

- 9.3 Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal as outlined in the Disciplinary Procedure. We take a strict approach to breaches of this policy.

10 Review of policy

This policy is reviewed periodically in accordance with our policy schedule and where appropriate amended regularly by the Trust in consultation and negotiation with the recognised Trade Unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

ⁱ Section 60 of the Equality Act 2010

ⁱⁱ Keeping Children Safe in Education 2023