



BATH & WELLS  
Multi Academy Trust

'That they may have life, life in all its fullness' John 10:10

**Equal Opportunities**

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## 1 Purpose

1.1 The purpose of this policy is to provide equality and fairness for all and to ensure staff are not treated unfairly on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

1.2 Approved by Bath & Wells Diocesan Academies Trust trading as Bath & Wells Multi Academy Trust (hereafter referred to as the BWMAT).

## 2 Applicability

2.1. This policy applies to all employees within the BWMAT, whether permanent or on a fixed term contract. Specific sections of the policy also apply to job applicants to the BWMAT.

## 3 Roles and Responsibilities

3.1 The BWMAT along with the Local Governing Body is responsible for the implementation and compliance of this policy.

3.2 Executive Principals/Principals/Headteachers/Line Managers are responsible for ensuring:

- This policy is implemented and operates effectively in their span of control.
- All employees are aware of the requirements of this policy and their individual responsibilities.
- All employment matters are dealt with in a fair and consistent manner and are appropriately documented.
- Any concerns raised under the scope of this policy are treated seriously and sensitively.

3.3 Employees are responsible for:

- Not unlawfully discriminating in any employment practice or process.
- Raising with management any suspected discriminatory acts or practice.
- Co-operating with measures introduced to ensure equality of opportunity
- Refraining from harassment or intimidation of others
- Refraining from victimising an employee who has made allegations or complaints of discrimination or who has provided information about such discrimination

## 4 Principles

4.1 The BWMAT is an Equal Opportunities Employer and is committed to eliminating discrimination and encouraging cultural diversity amongst its workforce. The BWMAT aims for its workforce to be truly representative of the community it serves, and that each employee feels respected and able to give their best while at work.

4.2 It is the intention of the BWMAT that all employees will be treated fairly and equally. The BWMAT will ensure as far as possible that no employee or potential employee receives less favourable treatment on the grounds of the following protected characteristics: pregnancy and maternity, gender (including gender, marriage, gender re-assignment); race (including ethnic origin, colour, nationality, language and national origin); disability; sexual

orientation; religion, spirituality or belief; age, sex, on their marital or civil partnership status or disadvantaged by any other conditions or requirements which cannot be shown to be justifiable.

4.3 This policy aims to: -

- Reinforce the BWMAT's commitment to equal opportunities in employment practice
- Ensure the BWMAT fulfils its legal obligations in accordance with relevant legislation
- Promote a climate in which good equal opportunities practice exists
- Create an environment in which individual differences and the contributions of all BWMAT staff are recognised and valued
- Ensure every employee is treated with dignity and respect
- Ensure that any form of intimidation, victimisation, bullying or harassment will not be tolerated
- Ensure training, development and progression opportunities are available to all
- Challenge breaches of equality and regard such breaches as misconduct which may lead to disciplinary

4.3 Fairness at work and good job performance go hand in hand. Tackling discrimination helps to attract, motivate and retain staff and enhances the BWMAT's reputation as an employer. Eliminating discrimination helps everyone to have an equal opportunity to work and to develop their skills.

4.4 All BWMAT employees will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All BWMAT employees will be helped and encouraged to develop their full potential and the talents and resources of the BWMAT's workforce will be fully utilised to maximise the efficiency of the organisation.

## 5 Protected Characteristics

5.1 All BWMAT employees will be treated fairly and equally and will not be discriminated against on the basis of any of the following protected characteristics:

5.2 Age - All BWMAT employees will be treated fairly regardless of their age. Employees will not be harassed, victimised, directly or indirectly discriminated against because of their age. Employees will also not be compulsorily retired because of their age. In some circumstances different treatment because of age will not be unlawful if it is objectively justified, and demonstrated that it is a proportionate means of meeting a legitimate aim.

5.3 Disability - A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This covers all forms of physical, sensory, or mental impairments, including learning disabilities which have lasted more than 12 months.

5.3.1 BWMAT employees will not be directly or indirectly discriminated against on the grounds of a disability or treated less favourably because of something connected with a disability. The BWMAT is committed to supporting staff to help them overcome a disadvantage resulting from impairment, therefore where a manager knows, or could reasonably be expected to know, a person has a disability, reasonable steps should be taken to support them in working to overcome their disability or anything in connection with their impairment, however, there will be some instances where adjustments are not reasonable.

5.3.2 The BWMAT will give fair consideration and selection of applicants with disabilities. Assumptions will not be made about the effect of an impairment on an employee's performance, or their ability to undertake more demanding work. Employees with a disability should also be given attention during the induction process in order to quickly overcome any problems over access or needs for special facilities. All health and safety procedures, must take into account the needs of disabled employees. Where special steps need to be taken this should be discussed with the responsible person in school for health and safety.

5.3.3 Where a disabled employee's performance is unsatisfactory, reasonable adjustment should be considered to improve performance with the employee. It should not be assumed that performance issues are disability related.

5.3.4 Where an employee becomes disabled in the course of employment, steps would be taken to make adjustments to working conditions and/or the physical working environment wherever possible. When an employee becomes incapable of carrying out their normal duties because of a disability then the management of the school in consultation with the employee should consider whether reasonable adjustments might enable the employee to continue in the same or similar job or whether redeployment options available. In the event this is not possible then a decision to terminate the employee's contact may need to be taken under either the BWMAT's Capability or Management of Sickness Absence Procedure.

5.3.5 In the event of the need for compulsory redundancies, the BWMAT will use the means of selection outlined in its Redundancy Policy. When applying these criteria, the BWMAT will give special consideration to the circumstances and performance of employees with a disability. Disability must never be used as criteria for selection for redundancy and if a disabled employee is selected for redundancy, consideration must be given as to whether any reasonable adjustment would remove any disadvantage caused by their disability. Sickness absence directly related to disability is excluded.

5.3 Gender Reassignment - BWMAT employees or potential BWMAT employees will not be discriminated against on the basis of gender reassignment. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. Transsexual people will not be treated less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

5.4 Marriage and civil partnership – BWMAT employees or job applicants who are married or in a civil partnership will be treated fairly and equally to all others.

5.5 Pregnancy and maternity - The BWMAT is committed to protecting a woman against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. An employee's period of absence due to pregnancy-related illness will not be taken into account when making any decision about her employment.

5.6 Race - 'Race' includes colour, nationality and ethnic or national origins and employees of the BWMAT will not be treated less favourably on the grounds of these characteristics.

5.7 Religion and Belief – Generally BWMAT employees and job applicants will not be discriminated against on the basis their religion or beliefs. BWMAT employees will be respectful of people with other religions and also of those of the same religion. Religion includes any religion and also a lack of religion, i.e. those who do not follow a religion. There may be some roles within the BWMAT that have a genuine occupational requirement (GOR) and where this occurs this will be clearly stated at the point of recruitment advertising.

5.8 Sex - Both male and female employees and job applicants will not be treated less favourably on the basis of their gender.

5.9 Sexual orientation - BWMAT employees and job applicants will be treated fairly regardless of their sexual orientation, whether they are bisexual, gay, heterosexual or lesbian.

## 6. Discrimination, Victimisation and Harassment

6.1 Direct discrimination - BWMAT employees will not be directly discriminated against. Direct discrimination occurs when someone is treated less favourably because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

6.2 Discrimination by association - BWMAT employees will not be discriminated against by association.

6.3 Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic. Perception discrimination - BWMAT employees will not receive perception discrimination. 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.

6.4 Indirect discrimination - BWMAT employees will not suffer indirect discrimination. BWMAT policies, practises, rules and procedures will be fair and will not disadvantage people who share a protected characteristic. In some circumstances indirect discrimination can be justified if it is 'a proportionate means of achieving a legitimate aim'.

6.5 Harassment - Harassment is 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. The BWMAT will ensure as far as reasonably practical that employees are not harassed and that they do not find behaviours offensive even if it is not directed at them. BWMAT employees should also not suffer from harassment because of perception or Managers should appropriately deal with instances of harassment and association. discuss with Human Resources if needed. Please also refer to the Bullying and Harassment Policy.

6.6 Third party harassment - As far as reasonably possible the BWMAT will ensure it's employees do not suffer any form of harassment from third parties who are not employees of the organisation, i.e. customers or clients. If an employee is known to have received or has reported receiving harassment from a third party, the employee's Manager will need to ensure reasonable steps are taken to prevent it from happening again.

6.7 Victimization - BWMAT employees will not suffer victimisation. Victimization occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so.

### **7 Positive action**

7.1 Where possible the BWMAT will take positive action if it is believed that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

7.2 In some circumstances protected characteristics may be taken into consideration when deciding who to recruit or promote. However, this can only be done when candidates are "as qualified as each other" for a particular vacancy, meaning that selection assessment on a range of criteria rates, them as equally capable of doing the job.

## **8. Recruitment**

8.1 In recruiting staff, the BWMAT will ensure that its practices do not discriminate against candidates or potential candidates in ways which are unconnected to their ability to perform the duties of the post. All staff will be given opportunities to develop their skills and expertise in their chosen career.

8.2 Pre-employment health-related checks - Up to the point of an individual being offered a job, health-related questions can only be asked to:

- Decide whether any reasonable adjustments need to be made for the person to participate in the selection process
- Decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people

Once a candidate has been offered job other appropriate health-related questions can be asked.

## **9 Pay**

9.1 Equal pay – The pay of staff should be granted based on their skills and abilities and not based on a particular characteristic. The BWMAT will ensure as far as possible that pay is equal between employees; particularly that it is equal between males and females.

9.2 Pay secrecy - The BWMAT will not prevent or restrict employees from having a discussion to establish if differences in pay exist that are related to protected characteristics.

## **10. Impact Assessment**

10.1 All relevant persons are required to comply with this policy and must demonstrate sensitivity and competence in relation to diversity in race, faith, age, gender, disability and sexual orientation. If you, or any other groups, believe you are disadvantaged by this policy please contact Human Resources.

## **11. Training**

11.1 Staff training can play an important role in establishing the principles and practices which create greater equality of opportunity. Programmes of awareness training can draw

attention to discriminatory procedures. Measures can also be taken to develop and encourage models of good practice. Specific training can also be designed to develop the managerial potential of under-represented groups.

### **12 Monitoring and Review**

This policy will be monitored periodically by the BWMAT to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the BWMAT will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the organisation will implement them.

The BWMAT treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its data protection policy. Information about how data is used and the basis for processing is provided in the organisation's privacy notice.