



# **Staff Equality, Equity, Diversity and Inclusion Policy**

**September 2022**

DATE FOR REVIEW: September 2023



## Statement of intent

The James Montgomery Academy Trust and its schools are child-centred, inclusive and distinctive, delivering excellence in education, sharing best practice and building aspiration. We are committed to promoting equality of opportunity for all staff and job applicants.

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 are committed to supporting our staff and applicants to be their authentic selves in the workplace without judgement and ensuring that diverse communities are celebrated.

We do not discriminate against staff on the basis of age, disability, gender identity and/or reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation (the protected characteristics), amended in line with the Equality Act 2010. More detail on each of the protected characteristics can be found in [Appendix 1](#).

All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status. The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat pupils, parents, governors, third party organisations and former staff members.

This policy does not form part of any employee's contract of employment and may be amended at any time.

## Legal Framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Human Rights Act 1998
- Equality Act 2010
- Data Protection Act 2018
- General Data Protection Regulation (GDPR)
- Protection from Harassment Act 1997

## Public Sector Equality Duty (PSED)

PSED requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and people who do not.

This policy operates in conjunction with the following Trust policies:

- Grievance Policy
- Disciplinary Policy and Procedure

## Principles and Aims

In accordance with this policy, the JMAT and its schools is committed to:

- Creating a working environment free of bullying, harassment, victimisation and unlawful discrimination, where individual differences and the contributions of all staff are recognised and valued.
- Promoting dignity and respect for all.
- Training leaders and all other employees about their rights and responsibilities under this policy.

This policy applies to all aspects of the school's relationship with staff and to relations between staff members at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.

The JMAT and its staff are committed to observing good equalities practice in staff recruitment, retention and development, and to ensure that all policies and procedures benefit all employees and potential employees regardless of any protected characteristic, and with full respect for legal rights relating to pregnancy and maternity.

Instances of bullying, harassment, victimisation and unlawful discrimination will be dealt with as misconduct, in line with JMAT's Grievance Policy and/or Disciplinary Policy and Procedure, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice. Sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. Harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

### **Scope and purpose of the policy**

This policy applies to all aspects of our relationship with staff and to relations between staff members at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.

This policy covers all individuals working at all levels and grades, including members of the SLT, teachers, TAs, pastoral and inclusion staff, learning mentors, support staff, trainees, part-time and fixed-term employees, volunteers, governors and agency staff (collectively referred to as 'staff' in this policy).

### **Who is responsible for this policy?**

The **Local Governing Body (LGB)** is responsible for:

- The effective operation of this policy.
- Ensuring compliance with discrimination law.
- Monitoring the composition of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability.
- Monitoring how the composition of the workforce encourages equality, equity, diversity and inclusion, and meets the aims and commitments set out in this policy.
- Assessing how this policy, and any supporting action plans, are working in practice, reviewing them annually, and considering and taking action to address any issues.

The **Senior Leadership Team** is responsible for:

- Setting an appropriate standard of behaviour and leading by example.
- Ensuring that those they manage adhere to this policy and promote the school's aims and objectives with regard to equal opportunities.
- Taking appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities

- Making opportunities for training, development and progress available to all staff.
- Ensuring staff are helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- Making staff progression decisions based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act 2010).
- Reviewing employment practices and procedures where necessary to ensure fairness.
- Participating in appropriate training on equal opportunities awareness and equal opportunities recruitment and selection good practice.

**Staff will:**

- Conduct themselves appropriately to help the school provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.
- Understand that they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against their colleagues, customers, suppliers, visitors and the public.
- Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by their colleagues, customers, suppliers, visitors, the public and any others in the course of the school's work activities.

## **Forms of discrimination**

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.

**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.

**Indirect discrimination** occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

**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.

**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.

## **Recruitment and selection**

We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate. Short listing of applicants will be done by more than one person wherever possible.

Job advertisements will avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. We take steps to ensure that our vacancies are advertised to a diverse labour market.

Applicants will not be asked about health or disability before a job offer is made. Pre-employment health related checks – up to a 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 amongst people making applications for jobs.
- Take positive action to assist disabled people.

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without the approval of a HR Advisor (who will first consider whether such matters are relevant and may lawfully be taken into account).

We are required by law to ensure that all staff are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, will be expected to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the UK Border Agency.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an applicant's chances of 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.

## **Staff training and promotion and conditions of service**

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 regularly 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 special needs of disadvantaged or underrepresented groups.

Our conditions of service, benefits and facilities are reviewed regularly to ensure that they offer equal opportunities for all.

## **Termination of employment**

We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## **Disability discrimination**

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager or Headteacher to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager or Headteacher may wish to consult with you and a medical adviser(s) about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.

We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and service users.

### **Fixed-term employees and supply/agency staff**

We monitor our use of fixed-term employees and supply/agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

### **Part-time work**

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. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Conditions and in consideration of contract of employment.

### **Breaches of this policy**

If a member of staff feels they have been discriminated against they are encouraged to raise the matter through the JMAT Grievance Procedure. If they believe that you may have been subject to harassment they are encouraged to raise the matter with their line manager or Headteacher.

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.

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. We take a strict approach to serious breaches of this policy.

### **Pay**

Equal pay – the pay of staff should be granted on their skills and abilities and not based on a particular characteristic.

### **Gender Pay Gap**

The JMAT will ensure as far as possible that pay is equal between employees; particularly that it is equal between males and females. It will publish the table of statistics in accordance with [www.gov.uk](http://www.gov.uk) and Gender Pay Gap Reporting.

## **Pay secrecy**

JMAT will not prevent or restrict employees from having a discussion to establish if differences in pay exist that are related to protected characteristics.

## **Publishing information**

The Trust will publish information to demonstrate its compliance with the Equality Act.

- The Equality Strategy Statement is published on each schools' website and on the Trust website.
- The Equality Strategy Statement will be reflected in the individual school plans.
- Its implementation will be monitored within the Trust's self-evaluation and other review processes.
- Each school is committed to reviewing, publishing and updating their own action plans, which are published on their school website.
- Paper copies and translations will be available from the office upon request.

## **Monitoring and Review**

The JMAT will regularly review the effectiveness of this policy to ensure it is achieving its objectives. As part of this process, JMAT schools will monitor the composition of job applicants and the benefits and career progression of staff. Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting either the Strategic Operations Lead or the Strategic Safeguarding Lead.

Any changes made to this policy by the above will be communicated to all members of staff. The policy is available for public view on the JMAT website. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.

The next scheduled review date for this policy is **September 2023**.

## Appendix 1

### Equality Act 2010 Protected Characteristics

The definitions used in this appendix are based on the Equality Act 2010, the full text of which is available [here](#).

**Age:** The Act protects people of all ages; however, differential treatment because of age is not unlawful direct or indirect discrimination if it can be justified, i.e. if you can demonstrate that it is a proportionate means of achieving a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

**Disability:** The Act protects people who are disabled; the Act defines this as someone who has 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.

**Gender identity and/or reassignment:** The Act protects transgender people. The Act no longer requires a person to be under medical supervision to be protected, so a person who does not undergo any medical procedures would be covered by these protections.

**Marriage and civil partnership:** The Act protects people who are married or in a civil partnership against discrimination. Single people are not protected.

**Pregnancy and maternity:** The Act protects people against discrimination on the grounds of pregnancy and maternity during the period of their pregnancy and any statutory maternity leave to which they are entitled.

**Race:** The Act protects people of all races; the Act's definition of race includes colour, nationality, and ethnic or national origins.

**Religion or belief:** The Act protects people of any religion, including specific denominations or sects, as well as a lack of religion, i.e. employees or jobseekers who do not follow a certain religion or do not follow any religion are protected. The Act protects people of any belief; this is defined as any religious or philosophical belief, or a lack of such belief, that is a weighty and substantial aspect of human life and behaviour.

**Sex:** The Act protects men and women.



**Sexual orientation:** The Act protects lesbian, gay, bisexual and heterosexual staff.