



Equal Opportunities Policy

Prepared by:	People Matters team
Applies to:	Teachers & Support Staff in all WHMAT Academies (including WHMAT's Core Team)
Approved by:	WHMAT Board of Trustees on 26.06.2020
Issued to WHMAT Academies for use:	03.07.2020
Annual review date:	24 months from ratification by Board of Trustees
Links to:	WHMAT's Grievance Policy WHMAT's Dignity at Work Policy WHMAT's Disciplinary Policy & Procedure WHMAT's Employee Code of Conduct WHMAT's Pay Policy WHMAT's Safer Recruitment Policy WHMAT's Flexible Working Policy WHMAT's Fixed-Term Employee Policy WHMAT's Whistleblowing Policy ACAS Guidance July 2019
Version:	Version 3 28.05.2020

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Diversity & inclusion statement

Washwood Heath Multi Academy Trust (WHMAT) recognises that individuals with different cultures, perspectives and experiences are at the heart of the way we work. We want to recruit, develop and retain the most talented people, regardless of their background and make best use of their talents.

At WHMAT, we are guided by our values in everything we do, and recognise that being a diverse and inclusive employer helps us fulfil our responsibility to make a difference for our pupils and employees. We seek to develop a work environment where we treat all employees as individuals, fairly and in a consistent way. We work within the spirit and the practice of the Equality Act 2010 by promoting a culture of respect and dignity and actively challenging discrimination, should it ever arise.

We will remove unnecessary barriers for our employees seeking opportunities through training and development, promotion and career planning. We will continue to support our leaders, managers and employees to demonstrate the principles of diversity and inclusion in their everyday activities, roles and functions.



Mr P Anstey
Chair of Trustees, WHMAT



Mrs B Mabey
Chief Executive Officer, WHMAT

1.0 Commitment & purpose

- 1.1 Washwood Heath Multi Academy Trust (WHMAT) is committed to providing equal opportunities in employment, to promoting equality and to avoiding unlawful discrimination in the workplace. It is committed to promoting equality and diversity and to promoting a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.
- 1.2 WHMAT aims to be an inclusive employer, committed to providing equal opportunities throughout employment including in the recruitment, training and development of employees, and to pro-actively tackle and eliminate discrimination.
- 1.3 WHMAT recognises that every employee is entitled to a working environment that promotes dignity, equality and respect for all. It will, as part of this, not tolerate any acts of unlawful or unfair discrimination committed against an employee, contractor, job applicant or visitor because of a protected characteristic (see 3.2 below).
- 1.4 This policy is intended to:
 - a) assist WHMAT to put this commitment into practice; and
 - b) to provide a framework for good practice for employees so that they avoid carrying out unlawful acts of discrimination in the workplace.

2.0 Scope of policy

- 2.1 The rights and obligations set out in this policy apply equally to all employees, whether part time or full time on a permanent or fixed-term contract. It also applies to associated persons such as secondees, agency staff, contractors and others employed under a contract of service.
- 2.2 This policy is also relevant to WHMAT trustees insofar as they are concerned with recruitment, training and promotion procedures and employment decisions which affect others.
- 2.3 Whilst this policy does not form part of an employee's contract of employment, all employees are personally responsible for familiarising themselves with this policy, either as part of employee induction, following appropriate training or as part of a scheduled Inset day.

3.0 Protected characteristics

- 3.1 The Equality Act 2010 (the Act) applies to all academies and brings all discrimination law into one place.

3.2 “Protected characteristics” are the grounds upon which discrimination is unlawful:

3.2.1 age;

3.2.2 disability;

3.2.3 sex;

3.2.4 gender reassignment;

3.2.5 pregnancy & maternity;

3.2.6 race (which includes colour, nationality and ethnic or national origins);

3.2.7 sexual orientation;

3.2.8 religion or belief; or

3.2.9 because someone is married or in a civil partnership.

4.0 Types of unlawful discrimination

4.1 Below is a summary of how the Equality Act 2010 defines different types of discrimination. These types of act could be a breach of this policy and/or be unlawful.

4.2 **Direct discrimination:** This is where a person is treated less favourably than another has been, or would have been, in identical circumstances, because of a protected characteristic (see 3.2 above). Examples: Rejecting a job applicant because of a disability or not promoting a woman because she is pregnant.

4.3 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” e.g. a requirement for a male PE teacher to be appointed. However, the occupational requirement must be crucial to the post and be a proportionate means of achieving a legitimate aim.

4.4 **Indirect discrimination:** This is when an individual or group of people with one of the protected characteristics, (excluding pregnancy and maternity), are put at a disadvantage because of a provision, criterion or practice being applied to all staff, unless the treatment is justified for a good business reason. Example: Refusing a request from a female employee to work part-time without a good business reason (which may indirectly discriminate against women who are more likely to have childcare responsibilities).

4.5 **Harassment:** This is when there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the

conduct. Examples: name calling, lewd comments, insensitive jokes etc. (see further WHMAT's Dignity at Work Policy).

- 4.6 **Associative discrimination:** This is where an individual is directly discriminated against or harassed because of another person's protected characteristic (excluding harassment because of marriage and civil partnership or pregnancy and maternity). Examples: an employee is overlooked for promotion because they work part-time to care for a disabled relative or a candidate who has been told she is getting a job is suddenly deselected after revealing she has a severely disabled child with complicated care arrangements.
- 4.7 **Perceptive discrimination:** This is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity). Example: Deciding not to promote a member of staff because the employer wrongly believes that they have a disability.
- 4.8 **Victimisation:** This is where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. Example: An employee is dismissed or denied an increment because they spoke up on behalf of a colleague in a harassment investigation against another member of staff.
- 4.9 **Failure to make reasonable adjustments:** This is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage e.g. not having wheelchair access to an academy.

5.0 When does this Policy apply?

- 5.1 This policy applies to:
- a) all conduct in the workplace;
 - b) to conduct outside of the workplace that is related to your work (e.g. at external meetings, social events and social interactions with colleagues); and
 - c) to conduct which may impact on WHMAT's reputation (e.g. the expression of views on social media which may be perceived by others to be discriminatory).

6.0 Public Sector Equality Duty

- 6.1 The Equality Act 2010 also introduced a public sector equality duty (PSED) which requires academies to take a more proactive approach in all of their activities to eliminate discrimination, harassment and victimisation and to advance equality of opportunity.
- 6.2 In particular, academies are required to publish information to demonstrate how they are complying with the PSED and prepare and publish equality objectives.
- 6.3 Compliance with the PSED is not only a legal requirement but is also central to the Ofsted Inspection Framework. Equality Objectives will be available on individual academy websites.

7.0 Equal opportunities in employment

Recruitment, Selection & Promotion

- 7.1 WHMAT will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 7.2 Job adverts and/or person specifications will be limited to those requirements that are necessary for the effective performance of the job and shall not include wording that may discourage some groups of people from applying, or stereotype in any way unless there is a genuine “occupational requirement” (see 4.2).
- 7.3 Candidates selected for employment or promotion opportunities will be assessed objectively against the requirements for the job and will be on the basis of aptitude and ability.
- 7.4 Nobody applying for employment within WHMAT will be asked about their health or attendance record, or whether they have a disability, before a job offer is made, except in very limited circumstances e.g. asking applicants whether they require any adjustments to be made in advance of an interview, or checking they are capable of carrying out aspects of the role.
- 7.5 Consideration will also be given to any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary. For example, if a candidate would be unable to fulfil a role despite reasonable adjustments being made.

Positive action

- 7.6 “Positive action” is a concept introduced under the Equality Act 2010. It is a voluntary concept that an employer can use when it recognises that specific groups of staff are underrepresented in the workplace e.g. SLT in one academy is dominated by males, and takes proportionate action to try and overcome this. WHMAT may use positive

action such as promoting a female over a male candidate, provided they are both of equal merit if this is deemed necessary and appropriate.

- 7.7 Where possible, WHMAT's HR Operations team will capture applicants' diversity data as part of its recruitment processes to promote the elimination of unlawful discrimination. They will also monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

During employment

- 7.8 The benefits, terms and conditions of employment and facilities available to WHMAT employees will be reviewed on a regular basis to ensure that access is not restricted by unlawful means and to provide appropriate conditions to meet the special needs of disadvantaged or under-represented groups.

Flexible Working

- 7.9 WHMAT managers will comply with their obligations in relation to statutory requests for contract variations/flexible working requests in line with its Flexible Working Policy & Procedure (see www.whmat.academy).
- 7.10 WHMAT will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

8.0 Customers, suppliers and other people not employed by WHMAT

- 8.1 WHMAT will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by WHMAT.
- 8.2 In addition, WHMAT will not tolerate unlawful behaviour of its employees from customers, suppliers and other people not employed by WHMAT. Employees should report any perceived bullying or harassment by customers, suppliers, visitors, pupils or others to their manager who will take appropriate action.

9.0 Training

- 9.1 The People Matters team will provide equal opportunities training to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.
- 9.2 The People Matters team will ensure that all new and existing employees receive basic training on this Policy to help them understand their rights and responsibilities under this Policy and to help create a working environment free from unlawful discrimination. This Policy will form part of induction for new WHMAT Employees.

10.0 Our Responsibilities & Duties

- 10.1 Every WHMAT employee has a role to play in promoting an inclusive workplace that is free from discrimination and which offers equal opportunities. Everybody has a legal responsibility to comply with this Policy and employees may be found personally liable for unlawful discrimination if they breach this Policy without justification.
- 10.2 All managers, regardless of level within WHMAT are expected to lead by example and to maintain appropriate standards of behaviour within the teams that they manage.
- 10.3 WHMAT also encourages all employees to play an active role in promoting equal opportunities across WHMAT. WHMAT employees are encouraged to contact WHMAT's People Matters team if they have any ideas or suggestions for embedding a culture of equal opportunities.

11.0 Complaints

- 11.1 WHMAT employees who may have suffered discrimination in the workplace (see types at 4.0) because of any of the above protected characteristics (see 3.2 above), are encouraged to attempt to resolve the matter informally in the first instance by discussing this in confidence with their line manager or another colleague in a relevant position of seniority. Colleagues may wish to consult with their nominated wellbeing champions or a representative from the People Matters team if they wish to have an informal conversation about perceived discrimination or discriminatory practices.
- 11.2 All allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate procedure. Employees who consider that they may have suffered bullying, harassment or other discriminatory treatment under this Policy should refer to WHMAT's Dignity at Work Policy (see www.whmat.academy policies tab). Complaints not relating to alleged workplace discrimination may need to be dealt with under WHMAT's Grievance Policy or WHMAT's Complaints Policy (see www.whmat.academy policies tab).
- 11.3 WHMAT will ensure that individuals who make such allegations in good faith will not be victimised or treated less favourably by WHMAT as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith or to be untrue will be dealt with under WHMAT's Disciplinary Policy (see www.whmat.academy policies tab).
- 11.4 Employees found to have breached this policy may, subject to an investigation, be subject to disciplinary action under WHMAT's Disciplinary Policy. Employees may also be personally liable for any acts of discrimination prohibited by this policy that they commit, meaning that they can be sued by the victim personally.

12.0 Data Protection

- 12.1 WHMAT treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its GDPR Compliant Data Protection

Policy. Information about how data is used and the basis for processing it is provided in WHMAT's privacy notices for job applicants and for existing employees.

13.0 Monitoring and review

- 13.1 This policy will be monitored by WHMAT's People Matters team to judge its effectiveness and use across WHMAT academies.
- 13.2 In particular, WHMAT's People Matters team 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, WHMAT will seek to implement them.
- 13.3 The policy will be reviewed every 24 months unless significant changes in law require an earlier amendment.