



Ref: 005/16/2

Newmarket Academy – part of the Samuel Ward Academy Trust

EQUALITY IN EMPLOYMENT POLICY

**This policy should be read in conjunction with
the accompanying guidance**

Adopted by the Samuel Ward Academy Trust Board on:	
Review:	September 2020
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CONTENTS

- 1 INTRODUCTION
- 2 PROHIBITED CONDUCT
- 3 ELIMINATING AND MITIGATING DISCRIMINATION
- 4 JUSTIFYING DISCRIMINATION
- 5 DISCRIMINATION ARISING FROM A DISABILITY
- 6 HARASSMENT
- 7 EQUALITY IMPACT ASSESSMENTS (EIAs)
- 8 STATUTORY CODES OF PRACTICE
- 9 MONITORING EQUAL OPPORTUNITIES
- 10 EQUAL PAY
- 11 FURTHER GUIDANCE AND SUPPORT

1. INTRODUCTION

The Samuel Ward Academy Trust (“the Trust”) Board of Directors recognises that all its employees and other workers have the right not to be unlawfully discriminated against, harassed or victimised on a range of grounds. These are known as the “protected characteristics”, of which there are nine:

- Age: people of all ages are protected.
- Disability: only disabled people are protected, which means disabled people can be treated more favourably in order to eliminate disadvantage; hence the need to make reasonable adjustments in the workplace to accommodate their needs).
- Gender reassignment: people are now protected as soon as they start to manifest any aspect of an intention to reassign their gender – i.e., they do not have to be undergoing a medical procedure.
- Marriage and civil partnership: people are not protected from discrimination for being single.
- Pregnancy and maternity: a woman is protected as soon as she is pregnant, and during the period of any statutory maternity leave to which she is entitled; she should not suffer a detriment at any time because of maternity leave.
- Race: including national and ethnic origin, and potentially caste ; people of all races are protected.
- Religion and belief: this covers any religion, and philosophical beliefs that meet a number of set criteria; people of no religion or belief are equally protected.
- Sex: both sexes are equally protected.
- Sexual orientation: people of any sexual orientation are protected.

The Trust also recognises and appreciates that the right to make a complaint of unlawful discrimination is not restricted to people in employment and no qualifying period of employment is required. In some cases, job applicants and former workers may also make a complaint to an employment tribunal.

2 PROHIBITED CONDUCT

The Trust recognises that discrimination and harassment may arise in a variety of employment decisions, particularly appointment, training and promotion, performance appraisals, treatment during employment (including harassment and victimisation), redundancy situations, and dismissal.

The Trust and all its schools will act in accordance with the Equality Act 2010 and any subsequent amendments, which specifically prohibits:

- direct discrimination
- indirect discrimination without justification

- discrimination arising from a disability
- harassment
- victimisation

related to any of the protected characteristics.

A brief definition of each of these is provided below.

- Direct discrimination: less favourable treatment because of a protected characteristic.
- Discrimination by association: less favourable treatment because of an association with another person with a protected characteristic.
- Discrimination by perception: less favourable treatment because a person is believed to possess a protected characteristic, even if they do not.
- Indirect discrimination: where the effect of certain requirements or practices has an adverse impact on a group.

3. ELIMINATING AND MITIGATING DISCRIMINATION

All Trust schools must take steps to eliminate and/ or mitigate any identified negative impacts as far as possible, before reaching the position of justification.

Every Trust school should consider its practices, particularly when any changes are being made, in order to eliminate and minimise indirect discrimination as much as possible. Consultation with staff, unions or particular groups may be necessary in order to help identify potential negative impacts that were previously not considered.

If the evidence shows this is not practical or possible, the school should consider how to mitigate the negative impact.

4. JUSTIFYING DISCRIMINATION

Where it is not possible to eliminate or mitigate a negative impact, the school can justify their actions, if it can be shown that the action or actions are a “proportionate means to achieving a legitimate aim”.

“Proportionate means” – both the level of the negative impact, and whether anything else could be done instead, should be considered.

“Legitimate aim” – the intention behind the action must in itself be defensible and reasonable. Reducing costs alone is unlikely to be considered a legitimate aim, although it can be a factor.

The school should be able to provide detailed evidence of its justification and considerations to demonstrate its intention to be reasonable.

5. DISCRIMINATION ARISING FROM A DISABILITY

The Trust recognises and accepts that it is unlawful to discriminate on the grounds of disability and that a person does not have to prove that a non-disabled person in similar circumstances would have been treated differently.

The Trust and all its schools will not discriminate on the grounds of disability unless it can be shown that these actions are a proportionate means to achieving a legitimate aim.

6. HARASSMENT

The Trust recognises that harassment or bullying in any workplace is clearly undesirable and unacceptable. Not only can it have a detrimental effect on health and well-being of an employee who suffers it, but it can generally undermine good working relationships, affect staff morale and reduce overall effectiveness in a working environment. The Trust also recognises that, as an employer, it has a legal duty to provide a safe working environment for its employees.

Behaviour of this sort may not necessarily be linked to the protected characteristics but is unacceptable in any situation. It is dealt with separately under the Trust's Harassment and Bullying policy and procedure.

7. EQUALITY IMPACT ASSESSMENTS (EIAs)

All Trust schools should ensure that EIAs are carried out on all policies, procedures and decisions that may have an impact on staff or service users, and are updated any time changes are made. A template EIA is contained in the accompanying guidance. Contact the Trust's HR Team for further guidance.

8. STATUTORY CODES OF PRACTICE

The Trust and all its schools will comply with all relevant statutory Codes of Practice published by the Equality and Human Rights Commission (EHRC).

9. MONITORING EQUAL OPPORTUNITIES

All Trust schools should monitor equal opportunities by keeping statistics on the makeup of its workforce and job applicants.

10. EQUAL PAY

The Trust will ensure that men and women employees and other workers in its schools receive equal pay for carrying out like work, or work of equal value.

11. FURTHER GUIDANCE AND SUPPORT

Further guidance and support should be sought from the Trust's HR team at any time as required.

This policy and procedure is non-contractual and may be updated from time to time following consultation through the Trust's JCNC arrangements.