

# Equality & Diversity Policy

## Fairfax Multi-Academy Trust

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<b>Date:</b>	<b>December 2024 – September 2025</b>
<b>Ratified By:</b>	<b>People Committee</b>
<b>Date Ratified:</b>	<b>December 2024</b>
<b>Review Date:</b>	<b>April 2025</b>



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## 1. Introduction

- 1.1 The Fairfax Multi-Academy Trust (FMAT) is committed to providing high quality teaching and learning for our students. The Trust recognises the importance of valuing and promoting equality and diversity for all employees and job applicants as well as avoiding unlawful discrimination in employment and delivery of services.
- 1.2 The Trust aims 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. The Trust also values diversity and recognises the varied contributions that a diverse workforce brings to an organisation. The Trust is committed to drawing on different perspectives and experiences of individuals which will add value to our work.
- 1.3 The principles of non-discrimination also apply to how the Trust expects employees to treat their colleagues, students, parents and carers, visitors, clients, customers, suppliers, Members, Directors and Academy Associates and former employees regardless of whether the legal protection of having a protected characteristic applies.
- 1.4 This policy complies with the requirements of the Equality Act 2010. Under the general public sector equality duty of the Equality Act 2010, our Trust must have due regard to the need to:
  - (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - (c) Foster good relations between people who share a protected characteristic and those who do not.

The duty covers the protected characteristics of race, disability, sex, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment. The first part of the duty - the duty to eliminate discrimination, harassment and victimisation - also applies to the protected characteristic of marriage and civil partnership. As part of the Trust's duty, a summary of anonymised information relating to our employees, who share a relevant protected characteristic and who are affected by the Trust's policies and practices, is published on our website. The gender pay gap is also published in line with the regulations.

- 1.5 As part of the application of this policy, the Trust processes personal data collected in accordance with its data protection policy. Data collected is held securely and accessed by, and we will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).



- 1.6 This policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation.

## **2. Scope and purpose**

- 2.1 This policy covers all individuals working at all levels and grades in the Trust, including Directors, Academy Associates, Principal's, senior leadership, employees, consultants, contractors, trainees, part-time and fixed-term employees, volunteers, 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, 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.
- 2.3 The purpose of this policy is to set out how the Trust will put this commitment into action and comply with the law, to ensure that equality and diversity is promoted in the workplace and employees are not subject to and do not commit unlawful acts of discrimination.

## **3. Responsibility for the implementation of this policy**

- 3.1 The Board of Directors has overall responsibility for the effective operation of this policy and for ensuring compliance with equality legislation. Day-to-day operational responsibility has been delegated to the CEO and the Principal's.
- 3.2 All senior leaders 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 have a duty to act in accordance with this policy and not to discriminate against or harass colleagues, treating them with dignity at all times. They should also apply this 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 of the protected characteristics as set out in paragraph 1.4.



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 to in the Trust.

- 4.3 Indirect discrimination occurs where someone is disadvantaged by a provision, criterion or practice that also puts people with a protected characteristic at a particular disadvantage. Such a requirement will need to be objectively justified.
- 4.4 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. 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.
- 4.5 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.
- 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.

Support is available from the relevant line manager and/or Principal (or the CEO for Principal's and the Central Team and the Chair of the Trust Board for the CEO) and/or via the Employee Assistance Programme details 0800 030 5182.

## **5. Applying this policy to recruitment and selection**

- 5.1 The Trust aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics. The purpose of our recruitment procedures is to ensure that individuals are treated on the basis of their relevant skills and abilities.



- 5.2 Job selection criteria are regularly reviewed to ensure that they are relevant to the job. Shortlisting of applicants should be done by more than one person wherever possible.
- 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, where appropriate depending on the situation, 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;
- (a) Establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
  - (b) Establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.
  - (c) Carry out equal opportunities monitoring (which will not form part of the decision-making process).
- 5.6 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.
- 5.7 The Trust is 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.
- 5.8 To ensure that this policy is operating effectively and to identify groups that may be underrepresented or disadvantaged in the Trust, diversity data is monitored as part of the recruitment process and as set out in the 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 shortlisting. Analysing this data helps the Trust to take appropriate steps to avoid discrimination and improve equality and diversity.
- 6. Applying this policy to training, promotions, pay decisions and conditions of service**
- 6.1 All employees will be provided with a copy of the Workforce Privacy Notice which sets out how personal data of employees will be collected, held and shared 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 as detailed in our Pay Policy.

6.4 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all employees who should have access to them and that there are no unlawful obstacles to accessing them.

## **7. Applying this policy when terminating employment**

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

7.2 The Trust 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 If an employee is disabled or becomes disabled, they are encouraged to inform their line manager/Principal about their condition so that the employee can be supported as appropriate.

8.2 If an employee experiences difficulties at work because of their disability, they may wish to contact their line manager/Principal and the HR department ([hr@fmat.co.uk](mailto:hr@fmat.co.uk)) to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The Trust may wish to consult with the employee and their medical adviser(s) about possible adjustments. The Trust will consider the matter carefully and try to accommodate the employee's needs within reason. If a particular adjustment is not considered to be reasonable, the reasons will be explained. The Trust aims to find an alternative solution where possible and reasonable.

## **9. Breaches of this policy**

9.1 If an employee believes that they may have been discriminated against or may have been subject to harassment, they are encouraged to raise the matter through the Grievance Procedure. If they are unable to access the Grievance Procedure or need advice on how to proceed, they should speak to their line manager/Principal. If the complaint is relating to the employee's manager, the HR Department can be contacted at [hr@fmat.co.uk](mailto:hr@fmat.co.uk).

9.2 Allegations regarding potential breaches of this policy will be 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 the 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. The Trust takes a strict approach to serious breaches of this policy.

**10. Review of this policy**

- 10.1 This policy is reviewed at least every three years by the Trust. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

