



## Zest Academy Trust

### Equality policy

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Registered in England No. 8087508 Company Limited by Guarantee

## Introduction

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Zest Academy Trust Board is committed to providing equality in employment for all staff, ensuring that we take all possible steps to avoid unlawful discrimination as it relates to our employment practice and the wider community.

## Policy Intent

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This policy is intended to assist the Trust in putting this commitment into practice. Compliance with this policy should also ensure that employees do not unwittingly commit unlawful acts of discrimination.

Striving to ensure that the work environment is free from harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

## The Law

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It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as ‘protected characteristics’.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

We expect all our employees to act in a non-discriminating manner and be mindful to avoid actions that will be deemed as harassment in the services we provide to the public and our wider community. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, as service providers, we have an obligation to think ahead and address any barriers that may impede disabled people from accessing the services we provide.

## Types of unlawful discrimination

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### **Direct discrimination**

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. 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.

### **Indirect discrimination**

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

### **Harassment**

Harassment is where 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.

### **Associative discrimination**

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and - according to guidance from the Government and ACAS - pregnancy and maternity).

### **Perceptive discrimination**

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

### **Third-party harassment**

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 clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

### **Victimisation**

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under The Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under The Equality Act 2010. For example, if a blind employee raises

a grievance that the employer is not complying with its duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

#### **Failure to make reasonable adjustments**

Failure to make reasonable adjustments 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.

#### **Equal opportunities in employment**

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The Academy Trust Board will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of 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.

The Trust Board will consider any possible indirect discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Trust Board considers it has good reasons, unrelated to any protected characteristic, for doing so. Zest Academy trust will comply with its obligations in relation to statutory requests for contract variations and will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Trust will 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.

#### **Dignity at work**

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Zest Academy Trust has adopted a separate policy that covers issues of bullying and harassment on any ground and how complaints of this type will be dealt with.

The Trust will not discriminate unlawfully against customers using, or seeking to use, goods, facilities or services provided by the Trust or its Academies.

Employees should report any bullying or harassment which they experience from the wider community (parents, suppliers, visitors or others) to their manager who will take appropriate action.

## Training

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The Trust will ensure that appropriate training is provided on equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The Trust will also provide training to all existing and new employees and others engaged to work at the school to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

## Your responsibilities

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Every employee is required to assist the Trust and the Academy to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees should be aware that they can be held personally liable as well as, or instead of, the governing body for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or parents and their families are disciplinary offences and will be dealt with under the school's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## Grievances

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If any member of staff considers that they have experienced unlawful discrimination, they may use the Trust grievance procedure to make a complaint. If their complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The Trust Board will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the Trust's adopted grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

## Monitoring and Review

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This policy will be monitored periodically, to judge its effectiveness and will be updated in accordance with changes in the law. A particular focus will be given during the monitoring of 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 the policy will be

reviewed in accordance with the results shown by the monitoring. If changes are required, the school will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with General Data Protection Regulation 2018.