



EQUALITY AND DIVERSITY POLICY

Approving Body	Trust
Date of Last Review	September 2018
To be Reviewed	September 2021
Authorised	BMAT CEO

I. STATEMENT OF INTENT

1. Under the requirements of the Equality Act 2010, BMAT is legally required to promote equality and diversity in the workplace.
2. BMAT is committed to the principles of equality and diversity in employment. This commitment will lead to a fully cohesive organisation and a better education for the diverse community that we serve.
3. BMAT aims to create and sustain an organisation that values diversity and promotes equality of opportunity, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation (i.e. protected characteristics under the Equality Act 2010).
4. BMAT appreciates that talent and potential are distributed across the population; by ensuring that our workforce broadly reflects the population, BMAT will increase the quality of service provided to the public and lead by example, by showing our diverse student population that their diversity is an asset, not a hindrance.
5. BMAT aims to create a working environment in which there is no bullying, harassment or discrimination; in which all people are able to realise their full potential; and in which all decisions are based on merit.
6. This policy should be read in accordance with the [BMAT Dignity at Work Policy](#).
 - a. This policy sets out the values of BMAT as an organisation and its commitment to equality and diversity in employment;
 - b. BMAT's Dignity at Work Policy provides pragmatic guidance on dealing with bullying, harassment and victimisation in the workplace.
7. Scope:
 - a. This Policy applies to all aspects of BMAT employment including recruitment, promotion, opportunities for training and development, pay and benefits, discipline, redundancy and retirement.
 - b. This Policy applies to all those working at BMAT, including temporary and agency staff.
 - c. This policy is non-contractual in nature and may be amended in the normal process.

II. THE IMPORTANCE OF EQUALITY AND DIVERSITY IN EMPLOYMENT

8. Equality in the workplace requires the breaking down barriers that block opportunities for people with protected characteristics, ensuring equal access to opportunities and eliminating unlawful discrimination.
9. Equality in the workplace does not mean treating every employee the same; it may mean treating people differently and according to their needs. Embracing diversity means being open to and celebrating people's differences, recognising everyone's talent and giving everyone an opportunity to actively participate in a workplace and achieve their potential.
10. Equal opportunity in the workplace can only exist in a culture that respects, values and harnesses difference; and actively challenges negative attitudes and stereotypes about different groups.
11. In addition to the legal requirements placed on BMAT by the Equality Act 2010, other drivers for promoting equality and diversity in the workplace include the fact that:
 - a. Unfair treatment at work demoralises staff and creates stress, which in turn contributes to absenteeism and/or elevated levels of staff turnover;
 - b. Employees who feel valued and respected are more likely to go the extra mile for the organisation and be more committed to their role;
 - c. Attracting and recruiting employees from a diverse talent base means BMAT will attract the best candidates;
 - d. Equality and diversity enhances reputational image with external stakeholders, prospective employees and the general public; and
 - e. Equality and diversity in the BMAT workforce, including support staff, shows BMAT students that their diversity is an asset, not an obstacle; and helps to fill them with confidence, ambition and respect.

III. PROTECTED CHARACTERISTICS – THE EQUALITY ACT 2010

12. The Equality Act 2010 protects against discrimination based upon protected characteristics.
13. **Age** refers to a specific age (e.g. 21 year olds) or range of ages (e.g. 18 - 30 year olds). The Equality Act protects people over 18 from discrimination in employment. Under this policy, no BMAT employee should be treated differently based on their age, unless it can be demonstrated that it is a proportionate

means of meeting a legitimate aim. For example, employers often link pay and benefits to an employee's length of service. This may indirectly discriminate against younger employees, but it is seen as being a proportionate way of encouraging staff loyalty (a legitimate aim).

14. **Disability** refers to a physical or mental impairment which has a substantial and long-term adverse effect (usually interpreted as a minimum of 12 months into the future) on one's ability to carry out normal day-to-day activities.
15. **Gender Reassignment** applies to individuals who are proposing to undergo, undergoing or have undergone a process to change their sex. To benefit from the provisions of the Equality Act, a transgender person does not have to show that they are under medical supervision.
16. **Marriage and Civil Partnerships** are self-explanatory – they are a legal union between heterosexual or homosexual couples. Civil partners must be treated the same as married couples and neither group can be discriminated against for being married or part of a civil partnership.
17. **Pregnancy** is the condition of expecting a baby, whereas **maternity** is the period after birth. Female employees are protected from discrimination on the grounds of pregnancy and maternity during the period of pregnancy and during any maternity leave to which they are entitled. BMAT will not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.
18. **Race** includes race, colour, nationality, citizenship and ethnic or national origins. A racial group can thus be made up of more than one racial group e.g. Black British.
19. **Religion and Belief** refers to philosophical beliefs, religious beliefs and a lack of belief, provided those beliefs or lack of beliefs affect an individual's life choices or the way that s/he lives. For example, humanism is a protected philosophical belief.
20. **Sex** means 'male' or 'female' (i.e. a person's biological sex, which may be legally changed following sexual reassignment. Sex may be different from gender because an individual may be biologically male or female but may identify as another gender or as non-binary.

21. **Sexual orientation** refers to an individual's sexual attraction to their own sex, the opposite sex or to both sexes. Lesbian, gay, bisexual and heterosexual people are protected from discrimination.

IV. **FORMS OF DISCRIMINATION**

22. **Direct discrimination** means that an individual or group of individuals is treated less favourably because of a protected characteristic they have or are mistakenly perceived to have ('perceptive discrimination'); or because they associate with someone who has a protected characteristic ('associative discrimination'). For example, it would be direct discrimination if an employer rejected a job applicant from a particular ethnic group because it was felt that they might not fit in.

23. **Indirect discrimination** takes place when an employer imposes a condition, rule, policy or practice that applies to everyone, but which disadvantages people who share a protected characteristic. For example, if an employer banned employees from wearing anything on their head, this would indirectly discriminate against those who wear head coverings for religious reasons. Indirect discrimination may be justified if it can be demonstrated show that the condition, rule, policy or practice is a proportionate means of achieving a legitimate aim.

24. **Associative Discrimination** takes place when an individual is treated less favourably because they are related to or associate with someone with a protected characteristic. For example, associative discrimination would take place if an employer refused to recruit somebody because s/he was married to a foreign national or because they cared for a disabled relative.

25. **Perceptive Discrimination** takes place when an individual is treated less favourably because others think that they possess a protected characteristic, even if the person does not actually possess that characteristic. For example, perceptive discrimination would take place if an employer refused to recruit an individual because the employer thought that s/he was Muslim; or if an employer refused to allocate a job to a person purely because the employer thought that s/he didn't look old enough.

26. **Disability Discrimination** takes place when an employer treats a disabled employee less favourably because of something arising in consequence of their disability. For example, disability discrimination would take palce if a disabled employee needed to take a number of days of work for reasons linked to their

disability and their employer disciplined them for their high absence record without taking their disability related absence into account.

27. For practical guidance on identifying and responding to bullying, harassment and victimisation in the workplace, please refer to the BMAT Dignity at Work Policy by clicking [here](#).

V. **MAKING REASONABLE ADJUSTMENTS FOR DISABLED EMPLOYEES**

28. Where a disabled employee is at a substantial disadvantage in comparison with people who are not disabled, there is a duty on employers to take all reasonable steps to remove that disadvantage by:

- a. Changing provisions, criteria or practices;
- b. Altering, removing or providing a reasonable alternative means of avoiding physical features; and
- c. Providing auxiliary aids.

29. **'Reasonable'** depend on all the circumstances of the case including:

- a. The size of the organisation and its available resources;
- b. What is practicable;
- c. The effectiveness of what is being proposed and the likely disruption that would be caused by taking the measure in question, taking into account the nature of the organisation and its needs.

30. Employers must pay for reasonable adjustments but grants may be accessed from the government's 'Access to Work' scheme for extra costs that arise as a consequence of a disabled employee's needs.

31. Examples of reasonable adjustments include:

- a. Adjusting premises;
- b. Acquiring or modifying equipment;
- c. Allowing a disabled person to be absent during work hours for treatment;
- d. Altering a person's hours of work;
- e. Providing information in alternative formats which are accessible to disabled people with specific impairments (e.g. Braille); and
- f. Providing supervision or other support.

32. To give a concrete and illustrative example, it would be reasonable for a small organisation to fit a ramp allowing employees and clients in wheelchairs to

access the building as easily as non-wheelchair users. For a large organisation, it would be reasonable to install lifts enabling employees and clients with limited mobility to use all floors.

33. **Proportionate** refers to measures or actions that are appropriate and necessary. Assessing proportionality entails a weighing up of the discriminatory impact of the action against the reasons for it, and asking if there is any other way of achieving the aim in question. If it is decided that a requested adjustment is not reasonable or proportionate, BMAT will provide evidence to the employee to support its decision.

VI. **IMPLEMENTING THIS POLICY**

34. All BMAT employees are responsible for the effective implementation of this policy.

35. Senior leaders, members of the Trust Executive and members of HR have a specific responsibility to ensure that:

- a. They themselves do not engage in discrimination;
- b. This policy translates into effective action at an operational level;
- c. Resources are available to promote equal opportunities, diversity and to eliminate discrimination from the workplace;
- d. Complaints are dealt with effectively and fairly;
- e. This policy is communicated to all BMAT employees and that appropriate induction and training is provided;
- f. Line/performance managers are aware of their responsibilities; and
- g. Monitoring takes place to review the effectiveness of this policy

36. Line/performance managers have a responsibility to ensure that:

- a. They themselves do not engage in discrimination;
- b. Their team or department are aware of this policy, how it affects them and their responsibilities within it;
- c. They support employees who make complaints and maintain confidentiality; and
- d. They act to deal with any discriminatory behaviour in the workplace, especially if it occurs within their team or department.

37. All BMAT employees have a responsibility to ensure that:

- a. They themselves do not engage in discrimination;

- b. They are familiar with and comply with this policy; and
- c. They report discrimination to their line/performance manager or to HR.

VII. DATA COLLECTION AND MONITORING

38. BMAT collects workforce diversity data via a diversity monitoring questionnaire.

All job applicants will be asked to complete the non-compulsory questionnaire which asks for information relating to all protected characteristics.

39. Information gathered from the questionnaire will not be used in the shortlisting or interviewing process; and will be stored anonymously and in accordance with data protection legislation.

40. BMAT will use the information gathered from the monitoring process to:

- a. Identify trends and areas for improvement;
- b. Analyse the application and success rates of different groups, to identify any issues regarding accessibility and promotion of vacancies;
- c. Where necessary, provide further training (e.g. fair recruitment training), support for employees or revise a policy or practice that has been found to disadvantage any particular group of employees or applicants.

41. Employees may be asked to check the information held about them from time to time to ensure that it is accurate.

VIII. EQUALITY IMPACT ASSESSMENTS AND TRAINING

42. Where appropriate, the HR Department will ensure that employment and HR policies are subject to an Equality Impact Assessment (EIA).

43. The success of this policy depends upon its implementation by employees at all levels in the organisation. All new recruits will receive induction training in equality and diversity in employment.

44. Senior members of staff and members of the Trust Executive will be updated with relevant employment and recruitment legislation by the HR Department, whose members are available to support and advise managers on any particular equality and diversity issue.

IX. COMPLAINTS

45. If an employee believes s/he has been discriminated against in the workplace, they should deal with the situation through the procedure set out in [BMAT's Dignity at Work Policy](#) or in [BMAT's Grievance Policy and Procedure](#).

46. Unless a matter is too serious to be dealt with informally, employees are encouraged to attempt to resolve any equality and diversity complaints informally in the first instance.

47. Employees may speak confidentially about any concerns regarding discrimination in the workplace with HR or their line/performance manager.

48. BMAT will treat all complaints seriously and will conduct a full and prompt investigation. Confidentiality will be observed as far as this is possible and consistent with a thorough investigation and proper solution to the issue(s) involved. All reasonable efforts will be made to ensure that employees who allege discrimination are supported and not victimised.

49. Discrimination on any of the grounds listed in this policy will not be tolerated; an intention or motive to discriminate is not necessary in order to prove that discrimination has occurred.

50. Discrimination will be dealt with in accordance with the [BMAT Disciplinary Policy and Procedure](#), up to and including dismissal. Employees who commit serious acts of harassment may be reported to the police.

51. If a complaint of discrimination is found to be deliberately false, action against the person responsible will be considered in accordance with the [BMAT Disciplinary Policy and Procedure](#).

52. If employees see discrimination taking place, they are strongly encouraged to report the matter to their line/performance manager or HR.