

# OUR LADY OF THE MAGNIFICAT

## Equal Opportunities Policy



## **Our Lady of the Magnificat Multi Academy Equal Opportunities Policy**

### **1. Equal Opportunities Statement**

The Our Lady of the Magnificat Multi Academy seeks to express the dignity and equality of all human beings in every aspect of community life and is therefore committed to achieving equality of opportunity both as an employer of staff and as a provider of education.

You and any job applicants will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (Protected Characteristics).

The Our Lady of the Magnificat Multi Academy is committed to identifying and addressing inequality and under representation throughout the organisation wherever that might occur. It will review, at board level, an annual gender pay gap analysis and will from time to time conduct an equality audit in conjunction with recognised trade unions.

### **2. About this Policy**

2.1 This policy sets out our approach to equal opportunities and the avoidance of discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

2.2 The Principal in each school is responsible for the implementation of this policy and any necessary training on equal opportunities.

2.3 This policy does not form part of any employee's contract of employment.

### **3. Discrimination**

3.1 It is unlawful to discriminate against or harass other people including current and former employees, job applicants, clients, customers, suppliers and visitors. This applies in the workplaces, and on work-related trips including social events.

3.2 The following forms of discrimination are prohibited under this policy and are unlawful:

- a) Direct discrimination: treating someone less favorably because of a Protected Characteristic. For example, rejecting a job applicant for a role because of their race.
- b) Indirect discrimination: a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time might adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

- c) Harassment: this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- d) Victimization: retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
- e) Disability discrimination: this includes direct and indirect discrimination, any unjustified less favorable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

#### **4. Recruitment and Selection**

- 4.1 Recruitment, promotion and other selection exercises such as redundancy selection will be conducted on the basis of merit against objective criteria that avoid discrimination. Shortlisting must be done by more than one person.
- 4.2 Vacancies must generally be advertised to a diverse section of the labor market. Advertisements must avoid stereotyping or using wording that may discourage particular groups from applying. They must include a short policy statement on equal opportunities and a copy of this policy will be made available on request.
- 4.3 Job applicants must not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.
- 4.4 Job applicants must not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law; for example, to check that an applicant could perform an intrinsic part of the job (taking account of any reasonable adjustments), or to see if any adjustments might be needed at interview because of a disability. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms, which must not be used for selection or decision-making purposes.
- 4.5 The Our Lady of the Magnificat Multi Academy recognises the challenge to remain true to the Catholic faith and traditions. In order to ensure that the faith is communicated to all those involved in the community there will be instances where a particular job carries with it a 'genuine' occupational requirement to be a practicing Catholic e.g. role of Principal, Deputy Principal and Subject Lead for Religious Education. Memorandum on Appointment of Teachers to Catholic Schools can be found at:

*[www.catholiceducation.org.uk/employment-documents/bishopsmemorandum/item/1000049-memorandum-on-appointment-of-teachers-to-catholic-schools](http://www.catholiceducation.org.uk/employment-documents/bishopsmemorandum/item/1000049-memorandum-on-appointment-of-teachers-to-catholic-schools)*

In all cases, it is appropriate to require that job applicants are broadly in sympathy with the vision, mission and values of The Our Lady of the Magnificat Multi Academy and its schools, as expressed in their mission statements.

4.6 Whilst every employee has a right to their private life, at the same time, they will, on appointment, sign the CESEW (Catholic Education Service of England and Wales) contract which requires them to preserve and develop the Catholic character of the School; have regard to the Catholic character of the School and not to do anything in any way detrimental or prejudicial to the interest of the same.

## **5. Disabilities**

If a person is disabled or becomes disabled, we encourage them to tell us about their condition so that we can consider what reasonable adjustments or support may be appropriate.

## **6. Part time and Fixed Term work**

Part-time and fixed-term employees should be treated the same as comparable fulltime or permanent employees and enjoy no less favorable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

## **7. Breaches of the Policy**

7.1 We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of discrimination may amount to gross misconduct resulting in dismissal.

7.2 If a person believes that they have suffered discrimination they may be able to sort out matters informally. The individual believed to have discriminated may not know that their behavior is unwelcome or upsetting. The person may feel able to approach the individual themselves or with the help of someone else within Our Lady of the Magnificat Multi Academy. The individual should be told what behavior is found offensive and unwelcome, and told that it should stop immediately. If an informal approach does not resolve matters, or if a situation is thought to be too serious to be dealt with informally, you can raise the matter through our formal Grievance Procedure. If behavior is observed that causes concern and a person does not feel able to intervene or raise the matter through the Grievance Procedure, then the Our Lady of the Magnificat Multi Academy Whistle Blowing procedures may be used. The Our Lady of the Magnificat Multi Academy will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

7.3 A person must not be victimised or retaliated against for complaining about discrimination. However, malicious reporting will be treated as a disciplinary matter, which will be dealt with under the Our Lady of the Magnificat Multi Academy Disciplinary Procedure.

7.4 Every employee is required to assist Our Lady of the Magnificat Multi Academy to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, The Our Lady of the Magnificat Multi Academy for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

## Appendix 1: Examples of Bullying and Harassment

The Our Lady of the Magnificat Multi Academy is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

Bullying is offensive, intimidating, malicious or insulting behavior, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Examples of bullying would include:

- Picking on someone or setting them up to fail
- Making threats about someone's job security without good reason

Harassment is unwanted conduct related to relevant protected characteristics which are sex, gender reassignment, race (includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age that:

has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or

is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Examples of harassment would include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwanted sexual advances
- Demeaning comments about a person's appearance
- Unwelcome jokes or comments of a sexual or racist nature or about an individual's age
- Excluding someone because they are associated or connected with someone with a protected characteristic, e.g. their child's sexuality, their spouse is black or their parent is disabled
- Repeated name calling related to individual's religion or belief
- Repeated mis-gendering related to an individual's gender reassignment
- Ignoring an individual because it is perceived that they have a protected characteristic e.g. an employee is thought to be Jewish, or is perceived to have a disability.
- The use of obscene gestures

- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin ups.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a “joke” may offend another person. Everyone has the right to decide what behavior is acceptable to them personally and to have their feelings respected by others.

Behavior that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behavior of this type is not acceptable to them e.g. sexual touching.

It may not be clear in advance that some forms of behavior would be unwelcome to, or could offend, a particular person, e.g. certain “banter”, flirting or asking someone for a private drink after work. In these cases, first time conduct that unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behavior is unacceptable.

A single incident can be harassment if it is sufficiently serious.