

Castle View Primary School

EQUAL OPPORTUNITIES POLICY



This policy has been reviewed on 16th January 2017 and has been impact assessed in the light of all other school policies and the Equality Act 2010.

Signed:	
Position: Chair of Resources Committee	
Date: 16th January 2017	Review Date: 15th January 2020
Minute Number: RC01/17.18.6	

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Headteacher: Clare Peat
Chair of Governors: Helen Boocock

Castle View Equal Opportunities Policy January 2017

1. Equal Opportunities Policy

The Governing Body's policy is to act fairly towards all pupils, potential pupils, employees and potential employees. It will not discriminate against anyone by treating them less favourably because of their sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity. In so doing it complies with the Equality Act 2010.

The Act makes it unlawful for the Governing body or LEA to discriminate against, harass or victimise a pupil or potential pupil

- in relation to admissions
- in the way it provides education for pupils
- in the way it provides pupils access to any benefit, facility or service
- by excluding a pupil or subjecting them to any other detriment

1.1 The Governing Body's Commitment

All Governors, employees and those acting on behalf of the Governing Body or school are responsible for implementing the policy and have a continuing duty to challenge all forms of discrimination.

The Governing Body will:

- Give advice and training to ensure that Governors and employees understand the implications of the policy and legislation and their responsibilities.
- Promote itself as an employer people are proud to work for and seek to achieve a balanced workforce which reflects the local labour market.
- Promote and support education and training to increase awareness and eliminate discrimination.

Castle View Equal Opportunities Policy January 2017

- Ensure that services and resources are appropriate to the pupils and members of the community it serves.
- Promote and support the principles of equal pay.

1.2 Monitoring and Evaluation

The Headteacher will report to the Governing Body annually providing information about employees within the school according to sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity. The term “protected characteristics” is used as a convenient way to refer to these categories to which the law applies.

- and about pupil attainment according to protected characteristics.
- This information will be published on the Castle View School website.
- The Governing Body will review the impact of the policy on a regular basis.
- The policy will be regularly reviewed to ensure that it reflects changes in legislation, directives and codes of practice.

1.3 Direct/Indirect Discrimination

The Governing Body recognises that there are different types of discrimination and will work with pupils and employees of the school to ensure that all are eradicated.

The Act defines four kinds of unlawful behaviour – direct discrimination; indirect discrimination; harassment and victimisation.

Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people.

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic.

Harassment has a specific legal definition in the Act - it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour, but

Castle View Equal Opportunities Policy January 2017

potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

Where schools are concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does not mean that schools are free to bully or harass pupils on these other grounds - to do so would still be unlawful as well as unacceptable. Any case against the school would be on grounds of direct discrimination rather than harassment.

Victimisation occurs when a person is treated less favourably than they otherwise would have been because of something they have done ("a protected act") in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person's complaint by giving evidence or information,

The Governing Body recognises that harassment, discrimination, victimisation or bullying of any nature is unacceptable. A culture will be promoted within the school where employees and pupils can bring a complaint without fear of ridicule or reprisal.

It is also recognised that harassment or victimisation may occur when an individual has or intends to make a complaint, or give evidence about discrimination or harassment. Specific procedures are in place to enable an individual to pursue a complaint and for appropriate action to be taken.

The aim is to prevent harassment occurring and to enable individuals to confront unacceptable action or behaviour.

Employees have an obligation to promote an atmosphere free from harassment and to challenge instances of harassment.

The Governing Body will:

- Ensure that employees are aware of harassment procedures.
- Ensure that complaints are dealt with in a sensitive manner.
- Provide support for any individual within the school who is experiencing harassment, victimisation or discrimination.
- Monitor complaints.

Castle View Equal Opportunities Policy January 2017

The LEA's guidance 'Dealing with Complaints of Harassment' in the Personnel Handbook will inform the Governing Body's consideration of this aspect of Equal Opportunities.

The Governing Body will:

- Ensure no individual is discriminated against because of their sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity. The only exception to this being if a genuine occupational requirement can be shown to apply.
 - Ensure that no group within society is disadvantaged by a criterion, provision or practice, unless it can be objectively justified.
 - Ensure that appropriate awareness training is provided in existing training courses to employees and where necessary make additional provision for such.

1.4 Genuine Occupational Requirement

In law there may be instances when being of particular ethnic group, religion, sex or sexual orientation will be a specific requirement of a post and can be justified. This is known as a genuine occupational requirement or qualification. However, Derbyshire LEA believes that there will be very few, if any, circumstances where this requirement will arise for educational appointments. If this circumstance arises the Governing Body will seek advice from its personnel service provider before proceeding with the advertising and filling of the post.

1.5 Effect on Other Policies and Procedures

The Governing Body will ensure that, where relevant, the school's policies and procedures will take into account the Equalities Act 2010. These will include:

- Pupil attainment
- Recruitment and Selection.
- Training/Staff Development.
- Absence Control/Ill-Health Capability.
- Redundancy.
- Professional Competence of Teachers.

The Governing Body is aware that the above list is by no means exhaustive and that the Equalities Act 2010 may have a direct impact on other personnel policies and procedures adopted by the Governing Body.

1.6 Changes to employees' circumstances

The Governing Body encourages, and would like to emphasise the need for, employees to inform the Headteacher and Governors of any material change in their circumstances which could affect their working conditions and the application of this policy. The Governing Body also encourages employees to seek advice from their union before doing so.

1.7 Complaints and Resolution of Disputes

If the school receives a complaint relating to any aspect of this Policy which cannot be resolved informally the complaint will be dealt through the school's Complaints Procedure.

All employees of the Governing Body have a contractual obligation to comply with this policy and the school's Equal Opportunities Policy statements set out in Section 2.

2. Equal Opportunities Policy Statements

The Governing Body is committed to the following policy statements:

2.1 Disability

The Governing Body is committed to eliminating unlawful discrimination and promoting equality of opportunity in the field of employment.

As in previous equality legislation, the disability provisions in the 2010 Act are different from those for other protected characteristics in a number of ways in that we may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what we offer to the same extent that a person without that disability can.

The Governing Body will not discriminate against candidates applying for vacancies within the school. Special consideration will, therefore, be given to the following:-

- Application forms.
- Interview arrangements.
- Terms and conditions of employment.
- Staff development opportunities.
- All other policies and procedures adopted by the Governing Body.

The Governing Body will seek to avoid direct and indirect discrimination by:-

- Not making assumptions about a person's disability.
- Promoting equal opportunities.
- Seeking professional advice on whether an impairment is covered by the legislation and carrying out workplace risk assessments where appropriate.

The Governing Body, wherever possible and practicable, will agree to make reasonable adjustments which will assist a person with a disability including:-

- Adjustments to premises.
- Reallocation of a disabled person's duties.
- Consideration of suitable alternative employment.
- Consideration of more flexible working, including altering the person's working hours.
- Allowing time off for rehabilitation, assessment or treatment

Castle View Equal Opportunities Policy January 2017

- Training.
- Acquiring or modifying equipment.
- Modifying instructions or reference manuals.
- Modifying procedures in recruitment and selection for testing or assessment.

The Governing Body will not discriminate against pupils or potential pupils by way of direct discrimination, indirect discrimination, victimisation and harassment in relation to disability.

The duty to make reasonable adjustments applies only to disabled people. For schools the duty is summarised as follows:

- Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school must take reasonable steps to try and avoid that disadvantage.
- Schools will be expected to provide an auxiliary aid or service for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils.

Currently, the LEA's guidance on 'The Disability Discrimination Act 1995' in the Personnel Handbook will inform the Governing Body's consideration of any reasonable adjustments that may be required.

2.2 Race Equality

The school recognises that people from ethnic minority groups face discrimination.

The school recognises its general duty to promote race equality as follows:

- To eliminate unlawful discrimination
- To promote equality of opportunity
- To promote good relations between individuals of different racial groups.

The Governing Body will:

- Give full and fair consideration to all applicants, regardless of their ethnic origin, based solely on their ability to do the job and give equal opportunity for training, career development and promotion for employees.

- Ensure that information provided by the school is accessible and, where necessary, targeted at ethnic minority or other identified groups.
- Ensure that the school considers, and where appropriate implements, recommendations from the LEA as a result of their consultations with the Racial Equality Council, other minority community groups and trade unions on the implementation of this policy.
- Continue to respond to the recommendations arising from the Stephen Lawrence Inquiry.

2.3 Religion or Belief

The Governing Body is opposed to all forms of religion or belief based discrimination. It recognises that decisions and practices relating to employment and vocational training should not be based on an individual's religious beliefs or lack of them.

The school's policy is to protect the right of individuals, regardless of their religion or belief, and will work for the eradication of all forms of discrimination on these grounds through training, awareness raising and implementation of anti-harassment procedures.

The Governing Body will:

- Respect an individual's right to follow and practice a particular religion, religious or similar philosophical belief and respect those individuals who do not do so.
- Encourage a culture within the school which allows individuals to be open about their religious beliefs or otherwise.

2.4 Sex Equality

The Governing Body is opposed to all forms of sex based discrimination and will respect the right to dignity of all women and men.

It will continue to strive to achieve equality of opportunity, while attempting to recognise and address historical and gender-specific discrimination.

The Governing Body will:

- Recognise family and caring responsibilities through the continued development of family friendly and carer support policies and provisions. Examples of these include reference to the LEA's 'Authorised Leave of

Absence Policy' and 'Contracts of Employment', with particular reference to job sharing, in the Personnel Handbook.

- Recognise that career patterns are often disrupted because of caring responsibilities and provide appropriate training and career development opportunities.
- Challenge sexist attitudes and practices both within the school and external organisations with which the school may deal.
- Give full and fair consideration to applications for employment from individuals, based solely on their ability to do the job and give equal opportunity to training, career development and promotion for employees regardless of gender.
- Develop specific initiatives, where required, to address gender imbalances within the school.
- Ensure that information, publicity and advertising over which the school has control or influence is non-sexist and uses positive images and language.

2.5 Sexuality and gender reassignment

The Governing Body recognises its general duty to protect people at work and in vocational training from discrimination on grounds of sexual orientation or gender reassignment.

The Governing Body is opposed to all forms of discrimination against lesbian women, gay men, transgender, bisexual or heterosexual men and women. It recognises that decisions and practices relating to employment should not be based on the assumption that everyone is, or should be, heterosexual.

The school's policy is to protect the rights of individuals, regardless of their sexuality, and will work for the eradication of all forms of discrimination on these grounds through training, awareness raising and implementation of anti-harassment procedures.

The protection against discrimination because of gender reassignment now matches the protection because of sexual orientation in schools. That is protection from direct and indirect discrimination and victimisation. Gender reassignment is defined in the Equality Act as applying to anyone who is undergoing, has undergone or is proposing to undergo a process (or part of a process) of reassigning their sex by changing physiological or other attributes.

Castle View Equal Opportunities Policy January 2017

This definition means that in order to be protected under the Act, a pupil will not necessarily have to be undertaking a medical procedure to change their sex but must be taking steps to live in the opposite gender, or proposing to do so.

The Governing Body will:

- Respect an individual's right to define their sexual identity.
- Protect the dignity of women and men at work.
- Work towards enabling employees to feel safe in being open about their sexual identity.

2.6 Age Equality

Ageism is discrimination based on preconceived ideas of an individual's capabilities at certain stages in their lives and is often targeted at younger and older people. The school is opposed to discrimination on the grounds of age.

The Governing Body will:

- Ensure that age is not a barrier to recruitment, selection, promotion, training or personal development.
- Ensure that age will not be considered adversely where redundancy and retirement may apply.
- Seek to eliminate age discrimination through education and training.

This policy will be reviewed annually by the Governing Body and will be adjusted in line with any subsequent guidelines from the DfES or the LA.
Policy agreed by governors

Signed by the Chair of Governors:
Date:
Minute Number:

Castle View Equal Opportunities Policy January 2017