

Oakfield Lodge School



Equality and Diversity in Employment Policy

Written by: CE
Reviewed by: SN
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Scope

This policy is applicable to all employees of **Oakfield Lodge School** including teaching and support staff. It also applies to job applicants and volunteers.

AIMS

To set out the responsibilities to ensure that everyone is treated with dignity and respect, and that the school acts within equal opportunities legislation. The policy also covers definitions of equality and diversity, discrimination; direct and indirect, and harassment and victimisation as defined by the Equality Act 2010.

INTRODUCTION

The school is firmly committed to promoting and complying with equality of opportunity in all aspects of employment including recruitment, pay, terms and conditions of service, development and training. The school will take positive steps to create an employment culture through its governing body, senior leadership team, employees and volunteers, in which people feel confident of being treated with fairness, dignity and tolerance irrespective of the characteristics that they share or their individual differences.

This policy complements other equality policies that are available within the school.

POLICY STATEMENT

No employee, volunteer or job applicant will receive less favourable treatment on the grounds of their gender or transgender, marital status or civil partnership, race, religion or belief, sexual orientation, age, disability, pregnancy or maternity or caring responsibility or will be disadvantaged by conditions or requirements which cannot be justified.

DEFINITIONS

Equality

Equality means treating everyone with fairness and respect and recognising the needs of individuals.

The school will ensure that they promote an understanding of equality and comply with the legislation and principles across all areas of employment.

Diversity

Diversity acknowledges there are differences between people. The school values and respects that variety of backgrounds, perspectives, values and beliefs that a diverse workforce brings to the school.

The school will promote and celebrate diversity. The school recognises that that it can only deliver high quality services through its employees, and that it values and welcomes the perspectives and contributions that a diverse workforce brings to their roles, and will endeavour to secure a workforce that is representative of the wider community.

Direct discrimination

The Equality Act 2010 defines direct discrimination as occurring when someone is treated less favourably than another person because of a protected characteristic they have, are perceived to have, or because they are associated with someone who has a protected characteristic.

The protected characteristics, as set out in Section 4 of the Equality Act, are:

- age;
- disability or a long term health condition;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race (which includes ethnic origin, colour and nationality);
- religion or belief;
- sex (previously referred to as gender); and
- sexual orientation.

Indirect discrimination

The Equality Act 2010 defines indirect discrimination can occur when a condition, rule or policy in the school is applied to everyone but particularly disadvantages people who share a protected characteristic.

Indirect discrimination can be justified if you can show that you acted reasonably in managing your school, i.e. that it is 'a proportionate means of achieving a legitimate aim'. The aim must be legitimate, and a real objective consideration such as the economic needs of running the school. But arguing that it is more expensive not to discriminate is unlikely to be considered a valid justification. Being proportionate means being fair and reasonable, including showing that you have looked at "less discriminatory" alternatives to any decision made.

The school is committed to developing employment policies, procedures and practices that do not discriminate unfairly or unlawfully against anyone and that promote equality of opportunity for all.

Harassment and victimisation

Harassment, as defined by the Equality Act 2010, is unwanted conduct or behaviour related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Victimisation, as defined by the Equality Act 2010, is where an employee suffers less favourable treatment because they have brought proceedings or given evidence or information relating to such proceedings, or has alleged that discrimination occurred under relevant legislation.

The school will not accept harassment and victimisation of any kind and perpetrators are liable to action under the school's disciplinary policy.

THE EQUALITY DUTY FOR SCHOOLS

Public Sector Equality Duty (PSED)

As public bodies, maintained schools must must comply with the [Public Sector Equality Duty \(PSED\)](#) introduced by the Equality Act 2010, which requires schools to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; by removing or minimising disadvantages suffered by people due to their protected characteristic.
- Advance equality of opportunity between different groups/people, who share a relevant protected characteristic and groups/people who do not; by taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Foster good relations between different groups/people who share a relevant protected characteristic and persons who do not share it; by encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- Having due regard involves thinking consciously about how the schools existing and proposed policies and decisions impact on equality.

Please access [The Equality Duty for Schools \(CEC website\)](#) for more information.

RESPONSIBILITIES

The Governing Body of the school has responsibility for:

- ensuring that all policies and procedures comply with the Public Sector Equality Duty (PSED) introduced by the Equality Act 2010;
- monitoring the equalities impact of all policies and working practices;
- supporting the implementation of this policy;
- ensuring that all employment policies and procedures are non-discriminatory;
- ensuring that complaints are investigated and dealt with effectively; and
- nominating a lead governor to have responsibility for equality and diversity.

The head teacher and other members of the senior leadership team have responsibility for:

- ensuring that this policy is implemented in all employment and management practices;
- ensuring that this policy is brought to the attention of all employees and volunteers;
- encouraging good practice and dealing appropriately with any breaches of this policy;
- monitoring the operation of relevant policies and procedures; and
- nominating a lead member of the senior management team to take the lead of equality and diversity issues.

All school employees and volunteers have a responsibility to:

- act within equal opportunities legislation and to comply with this policy; and
- report any breaches of this policy to their line manager, or other appropriate person.

PRINCIPLES

Our objective is to treat everyone with dignity and respect and value all views, efforts and achievements. We are committed to treating everyone, whether currently employed in the school or an applicant for a post, fairly, respecting their achievements and contributions and ensuring equality of opportunity. This will be seen both in the way that potential employees are encouraged to seek and gain employment within the school and in the way existing employees are treated. Further principles of this policy are:

- The training needs of Governors and employees in the school will be reviewed to ensure that they promote equality of opportunity and anti-discriminatory practice in their work.
- Selection criteria and procedures will be regularly reviewed to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities.
- All Governors and employees who are involved with recruitment and selection have a responsibility to ensure that they have received the appropriate training to enable them to act in a fair and legal manner and to ensure that no unlawful act of discrimination occurs. This provision runs alongside the Safer Recruitment requirements which apply in schools.
- This policy will be made available to all Governors, employees, new employees and job applicants within the school.
- Any school employee who is subject to discrimination in the course of his/her employment will be fully supported and may raise their complaints with their manager, or make use of the school's grievance, dignity at work (bullying and harassment) or complaints procedures in order to raise their complaints.

VOLUNTARY AIDED ESTABLISHMENTS ONLY

The governing body may give preference with regard to the appointment, remuneration and promotion of teachers at the school, to persons (*see Section 60 of the School Standards and Framework Act 1998*):

- whose religious opinions are in accordance with the principles and beliefs of the school;
- who attend religious worship in accordance with those principles and beliefs; and
- who give, or are willing to give, religious education at the school in accordance with those principles and beliefs.

When appointing a head teacher, the governing body may have regard to that person's ability to preserve and develop the religious character of the school.

For support staff, voluntary aided schools may discriminate on religious grounds where being of a particular religion or religious denomination is a genuine occupational requirement (*see Employment Equality (Religion or Belief) Regulations 2003*).

It must not be assumed that a 'blanket' approach to genuine occupational requirement can be applied to all support staff. The governing body must be able to demonstrate that it is reasonable and proportionate for an employee to be of a particular religion or belief for the job in question.

When considering whether a genuine occupational requirement might apply, governing bodies should consider the following issues:

- Do the duties for which the genuine occupational requirement is claimed represent a substantial part of the post and would the objective of the job be achieved without the application of the faith requirement?
- Does the school have sufficient employees who could carry out the duties without undue inconvenience?

A genuine occupational requirement cannot be used to maintain a balance or quota of employees of a particular religion or belief.

COMPLAINTS

Existing employees of the school who feel they have been discriminated against, harassed or victimised should raise it in the first instance with their line manager or another manager within the school (where their own line manager is the subject of the complaint). Employees should refer to the grievance or dignity at work policy and procedure.

Other complaints from individuals not currently employed by the school should raise their concerns via the school's complaints procedure.

All concerns raised will be handled in a positive and sensitive manner and in accordance the relevant policy/procedure.