



Monkhouse
Primary School

EQUALITY AND DIVERSITY
GUIDANCE AND POLICY

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1. Introduction

This document provides guidance for the whole school, and although it is written by the HR Advisory service, it relates to employees and workers, children and young people, governors and members of the wider community.

This document has been produced to give advice to the school regarding how to promote fairness and equality of opportunity as well as celebrate diversity for all people, particularly in respect of;

- Employment opportunities within the school

- Those who work or seek to work in a voluntary capacity within the school
- The way in which the school develops policies that impact upon individuals and the community
- Educational inclusion issues

This document will also contribute to the school's duty to promote Community cohesion.

2. Principles

All organisations should be free of discrimination, harassment or victimisation on the grounds of race, gender, disability, sexual orientation, religion or belief and age, and this is not accepted in any form.

All schools should have a framework for developing equality within education, service delivery and employment. In order to do this it is expected that each school will be committed to achieving equality as well as celebrating diversity.

A broad, balanced and appropriate curriculum provides equal opportunity for all pupils to maximise their potential regardless of age, gender, race, colour, religion, belief, sexual orientation or disability. All schools should endeavour to promote positive relationships with parents, governors and members of the wider community.

All individuals should be treated with dignity and respect, and issues dealt with fairly and as openly as possible.

A workforce that reflects the diverse range of the wider community is better suited to meet the needs of that community.

In order to be effective, the Equality & Diversity policy should have the support of everyone within the organisation with particular commitment from the very top of the organisation, be part of the business strategy and be promoted widely and circulated to all involved.

3. Definitions

3.1 Equality

It is understood that Equality has taken place when there is a fair society in which everyone can participate and is given the opportunity to achieve. Equality is also about eliminating discrimination and promoting fair and equal treatment for all. This means that employment opportunities and educational inclusion should be free from irrelevant barriers and accessible to all. Equality is about;

- Widening life chances, not restricting them
- Fostering talents, not suppressing them
- Ensuring no child is disadvantaged or discriminated against
- Creating a better and more efficient working environment

3.2 Diversity

It is understood that Diversity is about recognising and valuing differences between individuals, groups and communities to create a positive and inclusive culture for the benefit

of the school. Diversity is also about promoting good relations between staff and the community to attract and retain talented individuals to reflect the social and ethnic mix of the local community. This will allow the school to deliver education and services that meet the needs of the local people.

4. Aims and Objectives

The school should seek to ensure compliance with relevant legislation. It is believed that when individuals are treated fairly; motivation increases, teaching and learning performance improves and a healthy and positive working environment can be maintained.

The school should aim to ensure that no one receives less favourable treatment for reasons relating to: -

- Race, colour, nationality or ethnic origin
- Gender and transgender identity
- Disability
- Health
- Sexual Orientation
- Religion and Belief
- Age
- Marital status, civil partnership status, family circumstances or caring responsibilities.
- Income, employment status or housing circumstances
- Trade Union Activity or Political Belief
- Social Class

Everyone within the school should have a duty to;-

- Comply with and promote the Equality & Diversity Policy
- Be aware of our behaviour and its impact on others
- Report suspected discriminatory actions
- Report suspicions of harassment taking place
- Maximise the development of each child and young person and ensure access to all aspects of the curriculum
- To operate an equal opportunities policy in relation to the recruitment, selection and promotion of staff
- To enable staff to have equal access to personal and professional development courses.
- Ensure that individuals who have made a complaint or have been involved in a complaint of harassment or discrimination are not victimised against.
- Seek guidance on matters of equality and best practice when unsure of the appropriate course of action.

The school should ensure this is done by: -

- Not discriminating against any individual member of staff or pupil on the grounds of their gender, disability, race, sexual orientation, religion, belief, or age
- Ensuring that all pupils have equal access to the full range of educational opportunities provided by the school and that the taught curriculum reinforces the principle of equality
- Removing any forms of indirect discrimination which may form barriers to learning
- Ensuring that all recruitment, selection, promotion, training and development systems are fair and accessible to all
- Challenging stereotyping and prejudice whenever it occurs.
- Celebrating the cultural diversity of our community and show respect for all minority groups
- Respecting individual differences
- Recognising and valuing the contribution of all staff and pupils
- Providing positive educational experiences and support for all pupils in an attempt to promote positive social attitudes
- Acknowledging that every member of our school community is entitled to a learning environment that promotes dignity and respect for all.
- Not accept any forms of intimidation, bullying, harassment or victimisation.
- Providing positive action measures where appropriate and permissible by legislation
- Providing appropriate in-service training for all staff to ensure they are aware of their role and responsibility in relation to the equalities agenda.

5. Legislation

5.1 Legal Framework

The school should take into account and incorporate the following legal framework when creating an Equality & Diversity policy;

- The Race Relations Act 1976 (as amended in 2000)
- The Disability Discrimination Act 1995 (as amended in 2005)
- The Sex Discrimination Act 1975 (as amended by the Equality Act 2006)
- The Equality Act 2006
- The Human Rights Act 1998
- The Protection from Harassment Act 1997
- The Employment Equality (Age) Regulations 2006
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Rehabilitation of Offenders Act 1974
- The Equal Pay Act 1970

- The Part Time Workers Regulations 2000

5.2 Discrimination

The school should recognise that discrimination occurs when someone is treated unfairly or less favourably than another person. There are four ways in which discrimination can occur;

1. Direct Discrimination – When someone is treated less favourably than someone else because of their race, gender, disability, religion, belief, sexual orientation, marital status, pregnancy, maternity or trade union activity.
2. Indirect Discrimination – When a provision, criterion or practice (PCP), which when applied to all, puts those having a particular protected characteristic at a particular disadvantage, and that PCP is not a proportionate means of achieving a legitimate aim.
3. Victimisation – This has a very specific meaning in discrimination law. It does not just mean singling some-one out. Victimisation makes it unlawful for one person to treat another less favourably than they would treat other people because that person has raised a complaint under discrimination legislation, or given evidence, or been involved in proceedings resulting from a complaint under discrimination legislation.
4. Harassment – Conduct which violates a person’s dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment and may be intentional or unintentional. Harassment may occur as a result of persistent treatment or an isolated incident. Harassment can be related to a person's age, race, sex, disability, religion or sexual orientation.

The School should also recognise that unlawful discrimination can occur before, during or after the employment relationship. The school should not tolerate any form of discrimination or harassment from employees, students or the public and should work to improve attitudes and actions.

6. **Specific Roles in Relation to the Promotion of Equality**

6.1 The Role of The Governing Body

The Governing Body should have responsibility for:

- Adopting the Equality & Diversity policy
- Setting out its commitment to equal opportunities in its policy and continuing to do all it can to ensure that all members of the school community are treated fairly and with equality.
- Ensuring that no one is discriminated against when applying for jobs at its school on account of their sex, race, sexual orientation, religion and belief and age.
- Taking all reasonable steps to ensure that the school environment gives access to disabled people.
- Reviewing the arrangements for disabled pupils on an annual basis
- Welcoming all applications to join the school, whatever background or disability a child may have, and make every effort to make reasonable adjustments to the premises, facilities, school services and curriculum in order to enable disabled pupils and staff to have access to the school’s services and curriculum

- Ensuring that no child is discriminated against whilst in its school, on account of their age, gender, race, sexual orientation, religion or belief. For example, all children should have access to the full range of the curriculum and regulations regarding school uniform will be applied reasonably and equally to boys and girls. When the school uniform affects a child's religion, then the School will deal with each case sensitively and with respect for the child's cultural traditions.
- Ensuring that the school's policies, procedures and strategies are carried out and monitored with appropriate Equality Impact Assessments (EIA's).
- Being involved in dealing with serious breaches of the Equality & Diversity policy in sub-committees, with awareness of the need for potential appeal.

Appendix : Refer to the School's Racial, Anti Bullying and Access and Disability Policies for further guidance.

6.2 The Role of the Head Teacher

The Head Teacher should have responsibility for:

- Implementing the school's Equality & Diversity policy within school
- Providing appropriate training for staff in equal opportunities and diversity and its implications for teaching and learning
- Ensuring that all staff are aware of this policy and that the guidelines are applied fairly in all situations
- Ensuring that all staff receive a copy of this policy as part of their induction procedure
- Ensuring that all appointment panels give due regard to this policy in order that no-one is discriminated against when it comes to employment, pay, performance management, promotion and training matters
- Promoting the principles of Equal Opportunity and Diversity when developing the curriculum as well as promoting respect for other people in all aspects of the school's work, for example through assemblies, displays and the PSHE and RE Curriculum
- Ensuring that due regard is given to the principles of Equality & Diversity with respect to all school policies
- Encouraging staff to intervene in a positive way against any occurrence of discrimination
- Treating all reports of incidents of unfair treatment, discrimination, harassment and victimisation with due seriousness.
- Making the Governing Body aware of any serious incidents remembering that there might be a need for an appeal committee.

6.3 The Role of Staff

All individuals should have responsibility for:

- Adhering to the School's Equality & Diversity policy
- Ensuring that all staff, adults and pupils are treated fairly, equally and with dignity and respect

- Not discriminating against any member of staff, adult or pupil
- Taking care when selecting classroom materials, paying due regard to the sensitivities of all members of the class and not using resources that are discriminatory in any way. Staff should strive to provide material that gives positive images of ethnic minorities and that challenges stereotypical images of minority groups
- Taking care when designing schemes of work, paying due regard to the use of policy to guide the choice of topic to study, and in how to approach sensitive issues
- Challenging any incidents of prejudice and reporting to the Head Teacher

6.4 The Role of the Local Authority

The Local Authority, via the HR Advisory service, will have responsibility for;

- Providing advice, guidance and support to the School, the Head Teacher and its Governing Body
- Supporting the School in the implementation and review of its Equality & Diversity Policy
- Supporting the School in developing its Equality Action plan
- Assisting with the training of School staff regarding Equality & Diversity

7. Recruitment, Retention and Progression

The school should be committed to recruiting, retaining and progressing a diverse workforce by:

- Attracting applicants from all sections of the community
- Advertising in a variety of publications, working with Job Centre Plus and other agencies to attract under-represented groups
- Producing job descriptions and person specifications which are clearly related to duties
- Using and accepting different formats such as large print, tape, disk or email for the recruitment process
- Collating all medical forms separately to ensure the information is not used in the selection process
-
- Making adjustments within the recruitment/assessment process where reasonable to accommodate specific needs.
- Using appropriately trained staff to conduct interviews
- Valuing life skills as part of the recruitment process. Competence gained through these experiences will be balanced against those gained through the normal route
- Supporting all staff to achieve their potential through the Performance Management process
- Pursuing reasonable adjustments to enable staff who are disabled or have a medical condition to continue in employment

- Ensuring equal pay for equal value through job evaluation
- Training and informing staff of issues and expected behaviours
- Dealing effectively with incidents of discrimination or harassment

The School should understand that a workforce that broadly reflects the community it serves has a greater understanding and ability to respond to pupils' and parents' needs.

8. Monitoring and Review

The School should recognise that equality and diversity action and progress needs to be monitored and analysed. In order to do this the school should:

- Assess the impact of its policies, practices and procedures and where necessary set new targets
- Review the schools Equality and Diversity Policy in line with current legislation and any other improvements identified
- Monitor the recruitment and selection process, to ensure that no individual applying for a post at the school is discriminated against
- Monitor the school behaviour and exclusions policy, to ensure that pupils from minority groups are not disadvantaged as a result of the application of these procedures.
- Monitor the use of services to ensure that each and every section of the wider community has equal and fair access to services provided
- Monitor the non-use of services and take action if barriers to access exist. The school should do this through the use of pupil data, parent staff and governor questionnaires and other similar systems.
- Undertake workforce profiling, including the monitoring of school workforce and pupil demographics. Where this indicates under representation of particular groups, advice should be sought from the School Link HR Advisor and action taken where possible to improve the imbalance using the provision for positive action that exists within equality legislation.
- Recognise that the needs of all children and young people, their parents and staff working within the school are the key to successful policy, procedure and practice. At all times the school will seek to ensure true representation of the community by ensuring information is available in alternative formats and languages and that meetings are held in accessible buildings and at suitable times.

9. Equality Planning

The school needs to develop an Equality Action Plan¹ to meet its objectives of fair treatment and equal representation within the workplace and in terms of education and service delivery. The school should integrate the actions arising from The Equality Action Plan into the school planning process so that work is mainstreamed and recognised as an essential element of delivering quality education, services and fair treatment. Development work will be undertaken to include equality actions into the school performance management system, allowing members of staff the opportunity to directly impact upon improvement in Equality

¹ Further guidance will be issued in 2010 regarding the Single Equality Scheme and Equality Action plan in line with further duties imposed upon Public bodies and education providers as a result of the Equality Bill.

and Diversity.

10. Occupational Health, Safety and Welfare

The School has a responsibility to provide a safe working environment for all employees. It is recommended that schools publish and promote policies that support staff wellbeing.

Example of policies which are designed to support staff include:

- Bullying and Harassment guidance
- Capability Procedure
- Redundancy Policy & Procedure
- Leave of Absence Policy
- Sickness Absence Policy
- Cover Policy
- Health and Safety Policy
- Grievance Procedure
- Group Dispute Policy & Procedure
- Dismissal Procedure
- Whistleblowing Policy
- Criminal Records Bureau (CRB) Policy & Procedure (Incorporating Guidance on ISA Regulations)

11. Complaints

The School should encourage all stakeholders to make suggestions to improve its education provision and services. Where dissatisfaction exists service users should be encouraged to raise their complaint through the School's Complaints Procedure. This will allow any trends and equality/diversity issues to be identified.

12. Equality Duties

12.1 Gender

12.1.1 Gender Equality Duty

The Gender Equality duty, in line with the Sex Discrimination Act 1975, is a legal requirement for public bodies and education providers to have due regard to the general duty to:

- Eliminate unlawful sex discrimination
- Eliminate harassment on the grounds of sex
- Promote equality of opportunity between women and men
- Eliminate discrimination and harassment towards current and potential transgender staff and service users. (see section 12.1.2 Gender Identity)

The School should publish and promote any relevant policies, action plans/equality

scheme's in order to demonstrate its adherence to the Gender Equality duty.²

12.1.2 Gender Identity

The Gender Recognition Act 2004 provides transsexual people with the opportunity to obtain legal recognition in their acquired gender. For example, a male-to-female (M2F) transsexual will be legally recognised as a woman in English Law.

The term transsexual is usually used to describe a person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery). This group of people is currently offered legal protection by UK law sex discrimination law, and so is covered by the provisions of the gender equality duty

Transsexual men and women are expressly included in the Sex Discrimination Act 1975 (as amended by the Sex Discrimination (Gender Reassignment) Regulations 1999) where they suffer discrimination because they have undergone, or are about to undergo gender reassignment.

Gender reassignment is defined for the purposes of the Sex Discrimination Act as a 'process which is taken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of such a process'. The provisions cover employment-related and some vocational training matters.

The School should recognise that prejudiced attitudes and actions that result in discrimination, harassment and violence towards transsexual, transgender, gender dysphoria, cross dressing and transvestite people still exist.

The school should be conscious of the commonly held misconceptions relating to the Transgender community, and ensure that all individuals are treated with the same level of dignity and respect.

12.1.3 Equal Pay

Men and women should have equality of opportunity within employment and therefore receive equal pay for the same work or work of equal value. The Local Authority has a job evaluation scheme for support staff that will grade jobs by assessing the skills and experience required to undertake the duties satisfactorily. The system will then correctly place the job within the structure and apply an appropriate pay and grading system.

12.2 Race Equality Duty

The Racial Equality duty, in line with the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), is a legal requirement for public bodies and education providers to have due regard to the general duty to:

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good relations between people of different racial groups

The School should publish and promote any relevant policies, action plans/equality

² Guidance regarding the implementation of a Gender Equality Scheme was issued by the HR Advisory Service in April 2007. (Model Gender Equality Policy)

scheme's in order to demonstrate its adherence to the Race Equality duty.³

The School should be aware of the racism and the stereotypical attitudes that many minority ethnic people face. The School should be committed to challenging racism and ensuring equal access to education, services and employment regardless of race or ethnic origin.

The school should also encourage community engagement activities and develop open communication in an attempt to improve understanding of cultural differences and be more able to meet the needs of black and ethnic minority communities.

The school should make staff, children, parents and governors aware of any relevant procedures explaining how racial harassment or discrimination will be dealt with.

The School should also be committed to eliminating institutional racism as defined in Sir William Macpherson's report of 1999 into the investigation into the death of Stephen Lawrence. He defined institutional racism as 'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.'

12.3 Disability Equality Duty

The Disability Equality duty, in line with the Disability Discrimination Act 1995 (as amended in 2005), is a legal requirement for public bodies and education providers to have due regard to the general duty to:

- Promote equality of opportunity for disabled people
- Eliminate unlawful discrimination
- Eliminate disability-related harassment
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to meet disabled peoples needs, even if this requires more favourable treatment

The School should publish and promote any relevant policies, action plans/equality scheme's in order to demonstrate its adherence to the Disability Equality duty.⁴

The School should strive to eliminate discrimination and harassment against disabled people and make sure that they have equal access to education, services and employment opportunities. The School should furthermore be committed to making reasonable adjustments to allow individuals an equal chance of accessing the education, services or employment opportunities that the school offers.

The School should operate within the framework of the Disability Discrimination Act, but also recognises that some individuals are still currently unprotected by the legislation and may face disadvantage and/or segregation as a result of their inability to access education,

³ Guidance regarding the implementation of a Race Equality Scheme was issued by Governor Services in May 2002. (Racial Equality Matters – A Framework for Schools)

⁴ Guidance regarding the implementation of a Disability Equality Scheme was issued by the HR Advisory Service. (Disability Equality Duty in the Workplace)

services or employment opportunities. Therefore, the School should seek to support all employees with health conditions or resulting disabilities whether covered by the Act or not.

12.4 Religion and Belief

The Employment Equality (Religion or Belief) Regulations 2003 makes it unlawful to discriminate in employment and training on the grounds of religion or philosophical belief or lack of such.

The community in which we live and work includes people of many different religions and beliefs as well as people who do not practice any religion or hold such beliefs. To ensure that we are working within legislation we will work with ACAS Guidelines.

The Equality Bill is expected to bring additional legal duties on public bodies and education providers in respect of Religion and Belief. It is recommended that schools publish and promote any relevant policies, action plans/equality scheme's in order to demonstrate their commitment to Religion and Belief Equality in preparation of expected additional requirements in line with the Equality Bill.

12.5 Sexual Orientation

The Employment Equality (Sexual Orientation) Regulations 2003 make it unlawful to discriminate in employment and training on the grounds of sexual orientation. It covers people whether they are gay, lesbian, bisexual, heterosexual or transgender.

The Gender Recognition Act 2004 provides transsexual people with the opportunity to obtain legal recognition in their acquired gender. For example, a male-to-female transsexual will be legally recognised as a woman in English Law.

The School should recognise that prejudiced attitudes and actions that result in discrimination, harassment and violence towards lesbians, gay men and bisexual people still exist. The School should also recognise that transgender people face similar attitudes and discriminating behaviour. (See section 12.1.2 Gender Identity)

The School should strive to challenge and eradicate this type of behaviour by working with partnership organisations to help understand the attitudes and actions that need to be addressed and provide training and guidance to employees.

The Equality Bill is expected to bring additional legal duties on public bodies and education providers in respect of Age. It is recommended that schools publish and promote any relevant policies, action plans/equality scheme's in order to demonstrate their commitment to Sexual Orientation Equality in preparation of expected additional requirements in line with the Equality Bill.

12.6 Age

The Employment Equality (Age) Regulations 2006 make it unlawful for employers to discriminate against individuals on the grounds of age. The law covers age discrimination in most aspects of employment, such as recruitment and selection, being considered for training or promotion as well as redundancy and dismissal processes.

The School should seek to challenge and eliminate discrimination based on age, specifically

through adopting this Equality & Diversity policy throughout its recruitment, retention and training processes.

The Equality Bill is expected to bring additional legal duties on public bodies and education providers in respect of Age. It is recommended that schools publish and promote any relevant policies, action plans/equality scheme's in order to demonstrate their commitment to Age Equality in preparation of expected additional requirements in line with the Equality Bill.

Conclusion

The above guidance document should be considered when developing an Equality & Diversity policy within your school. You may prefer to use a format which is closer to your school's current policies, however you will need to demonstrate that you understand, accept and adhere to the specific equality duties detailed within it.

In development of the above guidance the HR Advisory service has consulted with critical partners within the Local Authority, namely Governor Services, relevant School Advisors and the Community Cohesion Policy Officer.

Until the Single Equality Scheme is developed in line with the forthcoming Equality Bill it is recommended that schools continue to work within their existing Disability, Race and Gender Equality duties in order to ensure they meet their legislative obligations. The HR Advisory Policy Team will issue further guidance to schools in the 2009/10 academic year.

Appendix :

In conjunction with this Policy please refer to the School's Racial, Anti Bullying and Access and Disability Policies for further guidance.