

# Equality and Diversity Policy for School Staff



Approved by: The Duston Education Trust

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## Terms of Reference

- 1.1. For all employees, governors and volunteers employed or appointed by the Governing Body of The Duston School.

## Introduction

- 2.1. The School/Trust/Governing Body is committed to promoting equality of opportunity for all employees and job applicants. We aim to create a supportive and inclusive working environment in which all individuals are able to make the best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.
- 2.2. The Governing Body/Trust/employer will take allegations of discrimination seriously and address them promptly and confidentially, where possible.
- 2.3. This policy covers all individuals working at all levels and grades, including senior managers, employees, trainees, part-time and fixed-term employees, volunteers, casual workers, agency staff and governors (collectively referred to as employees in this policy). All employees have a duty to act in accordance with this policy and treat colleagues with dignity at all times, as well as a duty not to discriminate against or harass other employees, regardless of their status. Details of this are in the Bullying and Harassment Policy.
- 2.4. All employees are personally responsible for ensuring that they adhere to the policy and promote our aims and objectives with regard to equal opportunities.
- 1.1. The language we use matters, our aim is to be accessible and inclusive and have therefore used widely used and accepted terminology, however it is recognised that different communities and individuals have preferences on how they identify or describe themselves. We think it is important to respect a person's preference and expect all employees to do the same. Feedback on language and accessibility is gratefully received and should be directed to the Principal.
- 2.6. This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation. Elements of this procedure may be varied as appropriate in any case.

## Scope and Purpose of the Policy

- 3.1 This policy applies to all aspects of our relationship with employees and to relations between employees at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.
- 3.2. We will take appropriate steps to create an environment which is inclusive and respectful, where individual differences are recognised and valued, and free of bullying, harassment, victimisation and discrimination.

- 1.2. We believe that an equitable, diverse and inclusive culture benefits not only our School/Trust but supports wellbeing and enables individuals to work more productively and innovatively because they feel safe to be themselves and feel that they belong.

### **Protected Characteristics**

- 4.1 Discrimination is being treated unfairly for one of the following reasons:
  - Age
  - Disability
  - Being married or in a civil partnership
  - Pregnancy or maternity
  - Race (including colour, nationality, ethnic or national origin)
  - Religion or belief
  - Sex
  - Sexual orientation
  - Gender reassignment (inclusive of non-binary and gender-fluid individuals)
- 4.2 These are called protected characteristics in the Equality Act 2010. Discrimination based on any of these protected characteristics is against the law.

### **How can you be Discriminated Against?**

- 5.1. Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- 5.2. Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.
- 5.3 Indirect discrimination is where there is 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, a requirement to work full time adversely affects women because they generally have greater childcare commitments than men. Such a requirement will be discriminatory unless it is objectively justified.
- 5.4 Discrimination by perception is when a person is discriminated against because they are thought to have a particular protected characteristic when in fact they do not. If you discriminate against people because you think they are transsexual or gay, for example, then they will be protected even if they do not have these protected characteristics.

- 5.5 Discrimination by association means that a person is treated less favourably because they are linked or associated with a protected characteristic. The person does not have the protected characteristic, but they are treated less favourably than others because of a protected characteristic of a friend, spouse, partner, parent, or another person with whom they are associated
- 5.6 There are two specific types of discrimination that apply only to disability: discrimination arising from disability and failing to make reasonable adjustments.
- 5.7. Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Sexual harassment is conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment, and less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct. Harassment is dealt with further in our Anti-Bullying and Harassment Policy.
- 5.8 Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.
- 1.3. We recognise that areas of difference can translate to challenges, barriers and biases that may not be faced by others. The more areas of difference a person brings, the more this can be compounded, this is called "intersectionality". We aim to tackle and eliminate these challenges through the commitments outlined in this policy and continuously nurturing an inclusive culture.

#### Employee Training, Promotion and Conditions of Service

- 6.1 All managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice. All new starters must attend appropriate training as part of their induction and all current employees must attend regular update training on at least an annual basis. SLT have overall responsibility for equal opportunities training.
- 6.2 Employee training needs will be identified through regular appraisals. All employees will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit. Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.
- 1.21.

## Practices, Procedures and Conditions of Service

- 1.4. Our employment practices and procedures are reviewed when necessary to ensure fairness and equity, and also updated in line with changes in the law.
- 1.5. Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all employees who should have access to them and that there are no unlawful obstacles to accessing them.

## Discipline and Termination of Employment

- 8.1. We will ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.
- 8.2 We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

## Disability Discrimination

- 9.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate. We understand that some people may find it hard to discuss their disability and that disability can be invisible, we expect everyone to uphold the values of treating people with dignity, trust and respect in creating a safe environment where people feel able to speak up about their experiences.
- 9.2 If you experience difficulties at work because of your disability, you should speak to your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser/s about possible adjustments. We will consider the matter carefully and try to accommodate your needs. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.
- 9.3 We will monitor the physical features of our premises to consider whether they place disabled workers and job applicants at a substantial disadvantage compared to other employees. Where reasonable, we will take steps to improve access for disabled employees.

## Fixed-term Employees, Casual and Agency Workers

- 10.1 We monitor our use of fixed-term employees, casual and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

## Part-time Work

- 11.1 We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

## Breaches of this Policy

- 12.1 If you believe that you may have been discriminated against you are encouraged to raise the matter through our grievance procedure. If you believe that you may have been subject to harassment or bullying, you are encouraged to raise the matter through our Bullying and Harassment Policy.
- 12.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Employees who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our disciplinary procedure.
- 12.3 Any employee who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.
- 1.6. Sexual harassment may amount to both a conduct matter and a criminal matter, such as sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997, which is not limited to circumstances where harassment relates to a protected characteristic, is a criminal offence. In these circumstances the School/Trust will need to consider its obligations to report the matter.

## Who is Responsible for this Policy?

- 13.1 The Governing Body has ultimate responsibility for the effective implementation of this policy and the Senior Manager with responsibility for equalities issues has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law.
- 13.2 All employees are personally responsible for ensuring that they adhere to the policy and promote our aims and objectives with regard to equal opportunities. In certain circumstances, the Governing Body could be held to be vicariously liable for the actions of their employees. Employees should be aware that they may be personally liable if they are found to have discriminated against another person whilst in School or on School-related business.
- 13.3 Employees are invited to comment on this policy and suggest ways in which it might be improved by contacting the Principal.

