

KILGRASTON SCHOOL

STAFF EQUALITY POLICY

1. Purpose and Scope

This document sets out clearly the School's approach to equality in relation to employment and applies to all employees and board members. Individuals who are contracted to carry out work (such as agency staff or other contract or voluntary workers) will also be expected to behave in line with the equality principles expressed in this policy. The School is committed to providing and promoting equal treatment and equal opportunities throughout all aspects of employment.

It is the School's aim to provide a workplace which is free from discrimination, victimisation or harassment and where everyone is treated with dignity and respect. The principles of non-discrimination and equality of opportunity apply to the way in which all staff treat visitors, pupils, parents, suppliers and former staff members.

All staff are obliged to act in accordance with this policy and treat members of staff, pupils, parents and visitors with dignity and respect at all times and not to discriminate against or harass other members of staff, pupils, parents or visitors regardless of their status.

If an employee is in any doubt as to their responsibilities or the standards of conduct expected they should speak to their Head of Department or Line Manager.

This document itself does not form part of an employee's contract of employment and it may be amended at any time.

This Policy and Procedure is not intended to create rights beyond the School's statutory obligations.

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| <p>Note: The law in this area is complex so please see the Table at the end of this document in Appendix 1 which explains some terminology in simple terms and provide some examples.</p> |
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2. Summary of Principles and Approach

The School does not discriminate against, victimise or harass staff (or job applicants), pupils or parents on the basis of:

- sex;
- gender reassignment;
- race (including colour, nationality, ethnic or national origin);
- disability;
- age;
- sexual orientation;
- religion or belief;
- pregnancy or maternity;
- or
- marital civil partnership status (the "protected characteristics").

The School will take all reasonable steps to minimise the risk of third-party harassment.

3. Roles and Responsibilities

Promoting and maintaining equal opportunities is the responsibility of everyone, although it is recognised that management have additional responsibilities to ensure that the policy is carried out.

3.1 The Employee

The employee should assist the School 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 School for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence or be individually liable in civil proceedings.

The employee should:

- remain familiar with this document and take responsibility to maintain their awareness of equality issues within the School;
- support and comply with the spirit as well as the terms of this Policy and with appropriate specific measures to promote equal treatment at the School;
- ensure that they do not behave in a manner that discriminates unlawfully against or victimises another person or persons;
- ensure that they do not harass, intimidate or act in an offensive manner to any other individual on the basis of sex, race, colour, ethnic or national origin, marital status, gender re-assignment, disability, sexual orientation, religion, or religious or similar belief or age;
- ensure that they do not attempt to instruct, persuade or pressurise any other person to act in breach of the spirit or letter of this policy;
- and
- challenge discrimination or inappropriate behaviour and report any discriminatory acts or practices that come to their attention as soon as they become aware of them.

3.2 Role of the Line Manager or Head of Department

The Line Manager or Head of Department should:

- personally, follow the requirements of 3.1.
- act as a role model to promote equality;
- help to raise awareness of equality issues among their staff;
- and
- investigate and act upon any evidence of behaviour or attitude that is contrary to the spirit or letter of this policy;

3.3 Role of the Senior Leadership Team

The SLT will:

- formulate, monitor, evaluate and review the Equality Policy to ensure consistency of application;
- communicate the policy;
- provide advice and guidance to Line Managers and staff;
- support Managers in investigating issues relating to potential discrimination, harassment or victimisation;
- monitor employment policies and practices; and
- liaise with external agencies for specific advice, as appropriate.

4. Guidance on Prohibited Conduct

The Equality Act 2010 came into force on 1st October 2010 and introduced new definitions of discrimination, victimisation, and harassment. All forms of unlawful discrimination by or against an employee are prohibited unless there is a specific exemption. The types of discrimination, victimisation and harassment are detailed below in order that employees can become familiar with the type of conduct that is unacceptable.

4.1 Direct Discrimination is where a person is treated less favourably than another because of a protected characteristic.

Associative Discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

Perceptive Discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

4.2 Indirect Discrimination is where a provision, criterion or practice is applied where people who share a relevant protected characteristic are placed at a disadvantage when compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

4.3 Harassment refers to unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) where such conduct has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

4.4 Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so.

However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

4.5 Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

4.6 Discrimination arising from a disability

Discrimination arising from a disability occurs when a disabled person is treated unfavourably not because of the disability itself but because of something connected with that disability.

Even if the prohibited conduct described here occurs outside School premises or working hours, it may still be covered by this Policy and Procedure: for example, if the circumstances in which it occurs have a sufficient connection with work (social functions connected with the School) or communications on social networking media these may still fall within the jurisdiction of this Policy. Employees are therefore advised to take note of this. They should remember that their association with the School continues even when outside of the workplace and behave accordingly.

5. Exemptions/Exceptions

5.1 Occupational Requirements

Sometimes it might be justifiable for the School to require that someone has or does not have a particular protected characteristic in a job advertisement and selection process. This is called an 'Occupational Requirement'. It is only relevant as a defence for direct discrimination (not associative or by perception) and not indirect discrimination, harassment, or victimisation.

However, it is not a case of preference. To qualify as an exemption, it must be crucial to the post **and** relate to the nature of the job **and** be 'a proportionate means of achieving a legitimate aim'.

ACAS says 'if there is any reasonable and less discriminatory way of achieving the same aim it is unlikely that the employer could claim an occupational requirement'.

5.2 Objective Justification

There are some situations where discrimination can be justified as a 'proportionate means of achieving a legitimate aim'.

Age is the only form of direct discrimination that can be justified on this basis.

Indirect discrimination can be justified for all the protected characteristics if the School shows that

- there is good business reason
and
- what has happened is 'proportionate, appropriate and necessary'

The School will always consider if there is a less discriminatory way of achieving the same aim.

6. Positive Action

The Equality Act allows the School to help those it believes are at a disadvantage because of their protected characteristic and if they are unrepresented in the School. If it chooses to take positive action efforts will be made to not discriminate against others.

7. Recruitment/Promotion

In the course of the recruitment of staff, the School will ensure that decisions are based on merit and are free from discriminatory practices. Where the School is aware of the need to do so and it is practical it will make necessary adjustments to the arrangements for selection for work so as to comply with equal opportunities.

All new recruits at the School will be informed about this document and efforts will be made to ensure all members of staff are aware of and have ready access to this document.

All access to benefits, training, or promotion will be based on merit or for other appropriate operational reasons.

8. Breaches of this Policy

If an employee believes that they have been suffered a detriment as a result of their protected characteristic they are encouraged to raise the matter through the School's Grievance Procedure.

Allegations regarding potential breaches of this policy will be treated sensitively and investigated in accordance with the relevant procedure. Confidentiality will be preserved unless doing so would impede any necessary investigation.

The School will take any complaint seriously and will seek to resolve any grievance that it upholds. Staff will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is untrue or made in bad faith. False allegations which are found to have been made in bad faith will, however, be dealt with under the School's Disciplinary Procedure.

Any member of staff who is found to have committed an act of discrimination, victimisation or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The School takes a strict approach to serious breaches of this policy.

7. Monitoring and Reporting

The SLT have overall responsibility for this policy and they will review it regularly.

| Date | Action | Responsibility |
|-------------|--------------------------|----------------|
| August 14 | Annual Review and update | CAL |
| August 17 | Annual review and update | Bursar |
| November 17 | Update | DMacG |
| October 18 | Annual review | BF |
| Nov 19 | Annual Review | DMacG |
| Sept 20 | Annual Review | D MacG |

Appendix 1 – Table of Terminology and Examples

| Phrase | Explanation | Example |
|-------------------------------|---|--|
| Protected Characteristic | The nine groups protected by the Equality Act. We all have some protected characteristics – our age, gender, race etc. | Someone is a Jehovah’s witness and has protection under the Equality Act not to be treated badly because they are a Jehovah’s witness. The protected characteristic of Religion or Belief is what applies. |
| Prohibited Conduct | The behaviour that is not allowed under the Equality Act. | Making jokes about someone’s age – whether old or young that they could find offensive. This would be an example of harassment on the grounds of age. |
| Direct Discrimination | Treating someone differently/worse than someone else because of who they are/because of one of the 9 protected characteristics. | Not employing someone because they are pregnant. |
| Discrimination by Association | Treating someone badly because they are associated with someone with a protected characteristic. | Not promoting someone whose child is disabled, for that reason (e.g. because of your belief that they may require more time off). |
| Discrimination by Perception | Treating someone badly because you think they have a certain protected characteristic. | Someone is not given a job because on their application form, their name sounds as if they belong to a particular race (they don’t but this isn’t known at the time the decision is made). |
| Indirect Discrimination | There is a rule for everyone and it seems fair, but some groups of people (with a protected characteristic) are put at a disadvantage more than others because of it. | A driving license is mandatory, but this puts people with a disability (such as epilepsy) at a disadvantage compared with people who are not disabled. |
| Harassment | Behaving in a way that will offend or upset someone based on a protected characteristic. | Giving someone a nickname of ‘Holy Joe’ because someone said they go to church. |
| Victimisation | Treating someone badly because they tried to use the | Someone makes a claim against the School under the |

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| | protection of the Equality Act or to help someone who did | Equality Act and are ostracised by their manager as a result. |
| Failure to Make Reasonable Adjustments | Not making reasonable changes to a disabled person's job or their environment that could help them overcome their disadvantage. | A person with severe IBS has a long way to walk to a toilet – a new one can be cheaply installed close to their office where there is already plumbing, but the employer refuses. |
| Occupational Requirement | A protected characteristic you must have to do a particular job. | A School has a heavy concentration of pupils from China who are struggling to settle into the culture/with the language etc and they wish to employ a Chinese person with strong English to work in a tutoring/pastoral role with these children. |
| Objective Justification | Having good reason to explain why you've done something or are going to do something that has discriminated or will discriminate | The School offers voluntary redundancy to lower employee numbers and offers a higher pay-out to older workers. This could be justified on the basis it takes longer for older workers to find new jobs. |
| Positive Action | Giving preference to under-represented groups – those with certain protected characteristics | Guaranteeing an interview to applicants with disabilities |