

**East Crompton St James' C.E. (VA) Primary School**



**Equal Opportunities**

**POLICY**

**October 2015**

## **Equal Opportunities**

### Principles

The equal opportunities policy aims to:-

- Provide equality for all
- Promote an inclusive culture
- Respect and value differences of everyone
- Prevent discrimination, harassment and victimisation
- Promote and foster good relations across the workforce

We need to be aware of our behaviour and the impact it has. This also involves thinking about employment policies and the impact they have on people from protected groups.

### The Law

This Policy is produced to abide by the Equality Act 2010, which makes it unlawful to discriminate directly or indirectly, in recruitment or employment because of a protected characteristic. The protected characteristics are:-

- Age
- Disability
- Gender
- Gender Re-Assignment
- Race
- Religion or Belief
- Sexual orientation
- Pregnancy and Maternity
- Marriage and Civil Partnership

The Equality Act 2010 places the public sector under a statutory Equality Duty to eliminate Discrimination, Harassment and Victimisation, Advance Equality of Opportunity between people from different groups and foster good relations between people of different groups.

## Equal Opportunities Policy – Types of Unlawful Discrimination

### **What is Unlawful Discrimination?**

The Equality Act 2010 defines the different types of Discrimination that are unlawful:-

**Direct Discrimination** is when someone is treated less favourably than another person because of a protected characteristic. Direct Discrimination is not justifiable.

Example: - Excluding a member of staff from an event on account of their disability

**Occupational Requirement** – in limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and be a proportionate means of achieving a legitimate aim. Decisions are made on a case by case basis.

Example:- An actor being required for a specific part. The advertisement would have to specify exact traits needed for the role which may be seen as discriminating against actors without these traits.

**Indirect Discrimination** is when you have a condition, rule, criterion, policy or practice that applies to everyone, but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Example: A manager continually holding team meetings on a Monday, which is a day that a part-time member of the team does not work.

**Associative Discrimination** is when an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Example: Not promoting someone as they care for someone with a disability

**Perceptive Discrimination** is where an individual is directly discriminated against or harassed based on a perception by others that they have a particular protected characteristic.

Example: An employee harassing a colleague as they believe they have AIDS when in fact they do not. The employee has made assumptions and discriminated against a colleague based on perception.

**Discrimination arising from Disability** is where an individual has been treated unfavourably because of something connected with their Disability.

Example: Disciplining a staff member for repeatedly making spelling mistakes when this is due to Dyslexia. This is unlawful when the employer knows the employee has a Disability.

**Harassment** is unwanted conduct related to one of the protected characteristics that has the purpose or effect of violating a person's dignity or creating an intimidating,

hostile, degrading, humiliating or offensive environment for that individual. It does not matter whether or not this effect was intended by the person responsible for the conduct. Employees can complain about behaviour that they find offensive even if it is not directed at them and the complainant does not need to possess any of the protected characteristics themselves.

**Victimisation** is when an employee is treated badly and subjected to detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint and raised a grievance under the Equality Act 2010, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Example: If a disabled member of staff raises a grievance that the line manager is not complying with the duty to make reasonable adjustments and is then systematically excluded from all meetings. Such behaviour could amount to victimisation.

**Reasonable Adjustments** – The Equality Act also makes it unlawful to fail to make reasonable adjustments, as a result of a disability, to overcome barriers in employment or to using services. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical feature makes it impossible or unreasonably difficult for disabled people to make use of services. In addition, employers and employees have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Example: Ensuring documents are available in alternative formats.

## **Aims**

This policy aims to promote equality across all areas of school life including:

- curriculum
- teaching and learning
- progress, attainment and assessment
- admissions
- attendance, behaviour, discipline and exclusions
- pupils' personal development and pastoral care
- staff recruitment and professional development
- membership of the governing body
- partnerships with parents and communities

## **Responsibilities**

The Governing Body:

1. is committed to this policy statement and will continue to ensure that all members of the school community uphold these principles of equality of opportunity and fairness;
2. welcomes and will consider all applications for staff and pupils to join the school, whatever the background or disability of the applicant;
3. will ensure that guidelines and rules are in force to deliver this policy so that no child is discriminated against whilst in school or on school activities;
4. will ensure that the school buildings and grounds provide easy access to people with disabilities at least in accordance with legal requirements;
5. will ensure that regulations on school uniform and dress code will be applied equally to both sexes. If this code is in conflict with a religious custom, the Governors will consider representations sensitively with respect for the cultural traditions and the impact any derogation would have on the school generally;
6. will monitor the effectiveness of this policy and ensure that minority groups are not unfairly treated in the implementation of the school's behaviour and exclusions policy.

The Executive Headteacher:

1. is committed to this policy statement and will be accountable for its implementation in the school;
2. will ensure that all staff are aware of this policy and that it is applied rigorously;
3. will ensure that all appointments and selection panels give due regard to this policy so that no-one is discriminated against as regards employment or training and development opportunities;
4. will promote the principle of equal opportunity when developing the curriculum;
5. will ensure that Assemblies and other displays around the school reflect the ethnic origins and range of abilities and activities of pupils. They should positively promote respect for other people and other beliefs;
6. will ensure that staff receive appropriate training and support to enable them to fulfil their responsibilities under this policy.

All Staff:

1. are committed to this policy statement and will assist in its implementation;
2. will, while recognising differences, ensure that all pupils are treated fairly, equally and with respect;
3. will not, when selecting classroom material, provide material which is racist or sexist in content. They will have due regard to the sensitivities of all pupils and

endeavour to provide material which gives positive messages reflecting the diversity of the wider population;

4. will undertake training as appropriate to ensure that they keep abreast of latest legislation and research.

5. Class teachers will use this policy as a guide when designing schemes of work both in the choice of topics to study and in how to approach sensitive issues.

6. Class teachers, in their support of classroom assistants and volunteers will encourage them to intervene in a positive way and report any incident of discrimination.

Pupils and Parents:

- are expected to behave towards each other and towards staff in a way that matches this policy and is conducive to harmonious relationships within the school community including the playground and immediate school environment.
- should be made aware through example and the school environment that discrimination will not be tolerated. Pupils should also be made aware that, if necessary, action will be taken under the behaviour policy if they do not respond to guidance from staff.

### **Breaches of this Policy**

Pupils will be dealt with in accordance with the school behaviour policy. The Head of School will inform parents in all cases if their child knowingly discriminates against a member of the school community, e.g. by knowingly making racist comments or displaying any form of racial prejudice. All such incidents will be recorded.

Staff will be dealt with by the Executive Headteacher. Depending on the severity of the breach the LA's disciplinary procedures may be initiated.

Parents, visitors and contractors will be asked to leave the premises and further action may be taken if deemed necessary.

Written October 2015.