

Equal Opportunities in Employment Policy

Policy Statement

St. Nicholas CE VA Primary School promotes positive attitudes to the equality of opportunity in all aspects of employment and seeks to eliminate unfair and unlawful discrimination in the workplace.

**Reviewed: March 2017
Next Review: March 2018**

1 Introduction and Aim

- 1.1 St. Nicholas CE VA Primary School recognises and values the importance of equality of opportunity in employment and seeks to eliminate unfair and unlawful discrimination in the workplace.
- 1.2 This Policy and Procedure has been developed in accordance with advice and guidance from The Equality and Human Rights Commission, ACAS and takes account of all aspects of Anti-Discrimination Legislation, as detailed in the Glossary (Appendix 1).
- 1.3 The aim of the policy is to communicate the school's commitment to equal opportunities in employment and to encourage and promote positive attitudes to equality of opportunity throughout the school.
- 1.4 If an employee is aggrieved about an issue of equality of opportunity and / or unfair and unlawful discrimination, they should first discuss the matter informally with the Headteacher. In the event that informal discussions do not resolve the matter the employee can seek redress via the school's grievance procedure.
- 1.5 This policy is recommended to all schools for adoption. Please be aware that the Local Authority is not able to accept liability for any actions, claims, costs or expenses arising out of a decision not to follow this recommended policy or procedure, where it is found that the Governing Body has been negligent or acted in an unfair or discriminatory manner in exercising its employment powers.

2 Scope

- 2.1 This policy applies to all employees of St. Nicholas CE VA Primary School. It also applies to job applicants and potential applicants; contract workers, agency or supply staff, trainees or student teachers and volunteers.
- 2.2 Where required, reasonable adjustments and appropriate support will be provided to those people in 2.1 above in order to ensure equal treatment in accordance with the Policy and Procedure.
- 2.3 All areas of the employment relationship are covered by the policy, including recruitment and selection, promotion, training, discipline and grievance, redundancy selection and all matters of day to day employment.
- 2.4 This policy complements all other employment policies and practices in operation within St. Nicholas CE VA Primary School.
- 2.5 With regard to job applicants, employees and workers with a criminal background, decisions relating to their employment will be handled in accordance with the

school's policy for the Employment of Ex-Offenders and the school's Criminal Records Checking Policy.

3 Responsibilities

- 3.1 The Headteacher and Governing Body are committed to practical implementation of the provisions of this policy through timely communication, and the demonstration of good practice through embedding the principles of the policy in all aspects of the employment relationship.
- 3.2 All employees will adhere to, and apply the principles of the policy in all aspects of their day to day work. Failure to do so may lead to action being taken under the relevant disciplinary procedure.

4 What is equality of opportunity in employment?

- 4.1 Equality of opportunity in employment is about aiming to ensure that individuals are recruited, promoted, listened to and treated on the basis of their merits and abilities regardless of their age, gender, race, religion or belief, disability and / or sexual orientation.
- 4.2 When properly applied, the principles of equal opportunities results in the elimination of unfair and unlawful discrimination in employment.

5 What constitutes unfair and unlawful discrimination? (Refer to the Glossary – Appendix 1 for more details)

- 5.1 The school is committed to eliminating unfair and unlawful discrimination and all employees will be made aware that treating a person less favourably than others because of their age, gender, marital status, race / ethnicity, religion or belief, disability, sexuality, membership or non membership or a trade union may constitute **direct discrimination** and is unlawful.
- 5.2 If a condition or requirement of a job, learning and development opportunity or promotion has the effect of excluding, penalising or treating any of the disadvantaged groups highlighted above differently without an objective justification, this may constitute **indirect discrimination** and is unlawful.
- 5.3 If an applicant or employee is victimised or harassed because of their age, gender, marital status, race / ethnicity, religion or belief, disability, sexuality, criminal background (except in cases of child protection offences), membership or non membership or a trade union, this may also constitute discrimination and is as such unlawful.

6 How the equal opportunities policy applies in employment in <SCHOOL NAME>

6.1 Recruitment and selection

- Whilst recognising the need to safeguard and promote the welfare of children and young people in its recruitment practice, the school will ensure that good practice and equality of opportunity are integral to the recruitment and selection processes. Recruitment and selection in <school name> shall be approached in a fair, consistent, equitable, transparent and effective manner, with due regard for Equal Opportunities legislation.
- In conjunction with the school's recruitment and selection policy, the school will seek to ensure that all documentation, including job descriptions and person

specifications relating to recruitment and selection will avoid unfair and unlawful discrimination. In liaison with the Local Authority, the school will provide application forms in alternative formats where required.

- All vacancies will be open to all applicants unless there is a genuine occupational requirement for the post.
- All short-listing and selection decisions will be determined solely on the basis of objective and job related criteria.
- Interviews will always be carried out by a panel, preferably with a gender balance, in order to avoid any risk of bias.
- All employees of the school will be made fully aware of the school's commitment to equal opportunities in employment.

6.2 Access to professional development and promotion

- The school is committed to the principle that opportunities for professional development and promotion should be available equally to all employees.
- Any decisions regarding access to professional development and promotion are solely based on merit and ability and will be fair, open and consistent.

6.3 Rehabilitation, retraining and redeployment

- The school will endeavour to accommodate changes in working patterns and or practices, and will rehabilitate, retrain and redeploy employees who become disabled or whose condition requires a change in work practices, in so far as is reasonably practicable.
- The school's Management of Attendance Policy identifies the school's positive commitment to making reasonable adjustments in the workplace.

6.4 Selection for redundancy

- In the event that the school has to consider redundancies to meet changing future staffing needs, decisions will be based solely on objective selection criteria.
- No one will be selected for redundancy simply due to their age, gender, marital status, race / ethnicity, religion or belief, disability, sexuality, membership or non membership or a trade union.
- The school's Redundancy Procedure outlines the commitment to determine fair and objective selection criteria in determining potential redundancies.

6.5 Discipline and grievance

- In handling matters of discipline and grievance, decisions will be based solely on the facts of each case and outcomes will be determined in a fair, open and consistent manner.

7 Monitoring and targets

7.1 Although there is no statutory obligation for applicants and employees to give such information, the Headteacher should aim to ensure applicant's and employee's ethnicity is obtained and recorded.

7.2 This record will be reviewed by the Headteacher and the Chair of Governors

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and will be made available in accordance with DCSF reporting, to assess the levels of diversity within the workplace.

- 7.3 Schools are also reminded of the need to regularly monitor and compare pay levels for all employees in order to ensure there has been no discrimination on the grounds of gender, ethnicity or disability.

Appendix I Equal Opportunities Policy – Glossary of Terms

Anti discrimination legislation - Legislation designed to prevent unlawful discrimination in employment as follows:

- Equal Pay Act (1970)
- Sex Discrimination Act (1975)
- Race Relations Act (1976)
- Disability Discrimination Act (1995)
- Human Rights Act (1998)
- SEN and Disability Act (2001)
- Race Relations (Amendment) Act 2000
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Employment Equality (Religion and Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Civil Partnership Act (2004)
- Gender Recognition Act (2004)
- Disability Discrimination Act (2005)
- Employment Equality (Age) Regulations (2006)
- Equality Act (2006)
- Racial and Religious Hatred Act (2006)

DDA – Disability discrimination act which provides certain rights for disabled people, in employment.

Direct discrimination – Occurs when someone is treated less favourably because of their sex, race, disability, sexual orientation, religion or belief.

Disability – A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

Diversity – The differences in values, attitudes, cultural perspectives, beliefs, ethnic background, sexual orientation, ability or disability, skills, knowledge, age and life experiences of each individual in any group of people.

Ethnicity – An individual's identification with a group sharing any, or all of the following – nationality, lifestyle, belief, religion, customs or language.

Equal opportunities – The development of practices that promote fair and equal chances for all to develop their potential and the removal of barriers to unlawful discrimination and disadvantage, experienced by certain groups.

Equality – Based on the legal obligation to comply with anti discrimination legislation, equality protects people from being discriminated against on the grounds of sex, race, disability, sexual orientation, religion or belief.

Impairment – The loss or limitation of physical, mental or sensory function on a long term or permanent basis.

Indirect discrimination – the use of an apparently non-discriminatory provision, criterion or practice which puts people from a particular group at a particular disadvantage compared with others, eg to decline a request for part time working without a good business reason would be discriminatory against women as more women than men work part time.

Prejudice – A preconceived judgement or opinion often based on limited information, about a person or group of people.

Reasonable adjustments – A legal term, introduced under the DDA 1995, giving employers a legal duty to make reasonable adjustments where arrangements or physical premises place a disabled person at a substantial disadvantage in comparison to persons who are not disabled. Reasonableness relates to the practicability and effectiveness of the adjustments being made and also financial considerations.

Sexual orientation – Noun referring to being lesbian, gay, bisexual or straight. It is often referred to as sexuality. (This term is not used for transgendered – see below).

Stereotype – A popularly held belief or generalisation held about a group of people, based on misleading assumptions or prejudices, creating an exaggerated view of that group.

Transgendered – Refers to people who identify with the opposite gender from the one they were assigned with at birth. It includes transsexuals and cross dressers.

Visually impaired – refers to people with little or no sight