

# Policy

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# Equality and Diversity Policy

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# Our Purpose

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The work of the school is the spiritual, moral, intellectual, aesthetic and physical development of each pupil. It seeks to put Christ at the centre of every activity, worship, learning and service to others.

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**This policy was adopted by the Governing Body**

Signature:

A handwritten signature in black ink, appearing to read 'R Lavery', written over a horizontal line.

Mr R Lavery, Chair of Governing Body

Date:

5/10/2011

# **Equality and Diversity Policy**

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## **Statement of Intent**

**St. Mary's is committed to preventing discrimination, valuing diversity, promoting equality and dignity at work and achieving equality of opportunity for all staff, governors, volunteers, trainees, job applicants and contractors.**

### **1. Policy Summary and Guiding Principles**

#### **1.1 INTRODUCTION**

- 1.1.1 Celebrating diversity means creating a working environment where everyone's skills, talents and background are recognised, respected and valued, and can be used to their full potential. Diverse teams are more effective in helping us to meet the needs of diverse service-users. Providing equal opportunities means providing equal access to jobs, training, promotion, and development opportunities through fair employment practices and a work environment free from harassment and victimisation. In order to truly value diversity we must also challenge prejudice wherever we see it.
- 1.1.2 All staff employed by the school have a responsibility to uphold the principles of this policy. We expect everybody to promote equality and diversity in the workplace and in the service we deliver. The school will ensure that all employees have a fair and equal chance of developing their abilities and realising their own expectations and those of the School. Governors, staff holding honorary contracts, volunteers, contractors and trainees are all expected to uphold the principles of this policy in their dealings with others in the workplace.
- 1.1.3 All staff employed by St. Mary's and anyone working at the school, should be treated fairly and valued equally. All conditions of service and job requirements should fit with the needs of the service and those who work in it with due regard to the duty to promote equality and value diversity, regardless of age, disability, race, nationality, ethnic or national origin, gender, religion, beliefs, sexual orientation, domestic circumstances, social and employment status, HIV status, gender reassignment, political affiliation or trade union membership or any other personal factors unrelated to the ability to do the job. All decisions relating to employment must be objectively justifiable and compliant with legislation.
- 1.1.4 The Race Relations (Amendment) Act 2000 introduced a requirement that public sector bodies should monitor, analyse, act on and publish information by ethnicity about their workforce and the outcomes of important employment practices such as recruitment, promotion, access to training opportunities, professional development, grievance, disciplinary and redundancies. Schools have a duty to provide Leeds City Council with this information in order that they can publish the results. Non compliance could leave councils, schools and governing bodies open to legal challenge.
- 1.1.5 The Equal Pay Act 1970 makes it unlawful for employers to discriminate between men and women in terms of their pay and conditions where they are doing the

same or similar work; work rated as equivalent; or work of equal value. The 1997 Single Status Agreement requires that all authorities review and implement a new pay and grading structure which is transparent and fair. The school will ensure that their pay policy is equal pay proof and that any newly created posts are properly evaluated to ensure that staff receive a fair and equitable wage for the work they do.

## **1.2 SCOPE**

1.2.1 The policy will apply to all staff employed by the Governing Body of the school.

1.2.2 The policy will also apply to all governors, volunteers, contractors, job applicants, student placements, trainees and people holding honorary contracts with the school.

## **1.3 OBJECTIVES**

**1.3.1 To prevent discrimination and to encourage equality and diversity in all areas of employment.**

The school believes that unfair discrimination on any grounds, either defined by law or not, is unacceptable and will be addressed under the appropriate policies and procedures. This policy will be regularly updated to take account of any changes in the law.

The following areas of employment practice will be specifically targeted:

- Recruitment and selection
- Training and development
- Promotion opportunities
- Working hours or practices
- The application of policies, procedures and benefits
- Relationships with colleagues

Discrimination under current legislation can be on the basis of:

- Disability
- Race
- Gender (including grounds of pregnancy)
- Sexual orientation
- Religion / Belief
- Age
- Membership of a Trade Union
- Victimisation / whistle-blowing
- Contractual arrangements
- HIV/cancer

### **1.3.2 To prevent both direct and indirect discrimination.**

#### **DIRECT DISCRIMINATION**

Direct Discrimination occurs when an individual receives less favourable treatment than another person in similar circumstances. This includes discrimination based on factual information, or the perception or assumptions relating to any of the above categories.

Examples of direct discrimination include:

- Failure to short-list any black applicants even though they meet the relevant criteria.
- Refusing a woman a promotion because you are concerned that she might want to take time off to start a family in the future.
- Unfavourable treatment because a person has homosexual friends or relations or because a person is married to someone of a particular religion.
- Unfavourable treatment of an individual because they are suffering from cancer or are HIV positive.

#### **INDIRECT DISCRIMINATION**

Indirect discrimination occurs when an unjustifiable requirement or condition is applied equally to everybody but has a disproportionately adverse effect on one group, because the proportion of the group which can comply with it is much smaller than for the other group.

Examples of indirect discrimination include:

- Placing height restrictions on a job which does not require height to perform the work.
- Stipulating that people must speak clear fluent English where the job does not require verbal communication.
- Refusal to consider part time working hours.

#### **GENUINE OCCUPATIONAL REQUIREMENT**

Indirect discrimination may on rare occasions be justifiable by law if it relates to a specific requirement of a job where race, sexual orientation, religion, belief or gender is a genuine occupational requirement for the job. For example, an advertisement for the post of Head Teacher at a Catholic school could reasonably state that candidates must be practicing Catholics.

If such a requirement cannot be justified by an organisation, it may be deemed unlawful. An employment tribunal may deem a finding of unlawful discrimination even though an employer has no intention to discriminate

### **1.3.3 To prevent harassment and victimisation**

#### **HARASSMENT**

Discrimination law covers harassment on a variety of grounds including disability, colour, ethnic or national origin, race, religious belief or other similar philosophical

belief, and sexuality. The Equal Treatment Amendment Directive means the Sex Discrimination Act contains a specific prohibition against harassment and sexual harassment. The Employment Equality (Age) Regulations 2006 have outlawed harassment on the grounds of age.

Harassment and bullying comes in many forms including: cyber and electronic forms (e.g. emails, texts, blogs etc), physical contact which is unwanted, unwelcome remarks about a person's dress, appearance, race or marital status, jokes, offensive language, gossip, slander, sectarian songs and letters, posters, graffiti, obscene gestures, flags, bunting and emblems, isolation or non-cooperation and exclusion from social activities, coercion for sexual favours and pressure to participate in political/religious groups. Harassment can also exist as a result of the general prevailing culture, for example one in which it is acceptable to tell discriminatory jokes.

### **VICTIMISATION**

Victimisation is where an employee is singled out for using their workplace complaints procedures or exercising their legal rights. For example, bringing a complaint of discrimination or giving evidence or information on behalf of another employee who has brought proceedings for discrimination

Victimisation may present itself in many ways. It may be that individuals are refused requests for time off, denied promotion or training, ignored by their manager or colleagues, criticised continually for their work, 'messed around' with respect to their work allocation or shift arrangement/days off and so on.

#### **1.3.4 To achieve a workforce that reflects the diversity and composition of the community the school is seeking to serve, and to value that diversity.**

In order to achieve this, the school may take positive action to ensure the inclusion of under-represented groups. This could involve encouragement and/or training to support certain groups by enabling them to compete from an equal starting point. The school must reasonably believe that there is under-representation in that specific area of work. Positive action may be appropriate in all elements of employment and could involve the following examples:

- Actively stating that job applications are welcome from under-represented groups.
- Providing support and training to complete application forms or participate in an interview.
- Providing unpaid training to under-represented groups to enable them to compete from an equal starting point.

**Positive action does not mean positive discrimination.** There must still be equality of opportunity at the point of implementation and all decisions must be objectively justifiable and comply with legislation.

## **1.4 PRINCIPLES**

The principles that the school adheres to in all of the above are:

- A non-discriminatory and fair approach to offering opportunities and making decisions relating to individuals` employment.
- Clear and transparent processes that can be shared with staff and are open to discussion (in line with legislation such as the Data Protection Act and the Freedom of Information Act).
- Continuing commitment to the delivery of training, education and awareness to all staff about the value of diversity.
- Recording and monitoring of equal opportunities within the school.
- Responding to requests for reasonable adjustments to the working environment and working practices in order to support existing diversity within the workforce.
- Encouraging and supporting dignity and respect for all colleagues.
- Dealing promptly and supportively with any concerns or complaints raised about the failure to adhere to these principles.
- Encouraging all staff and governors to challenge beliefs and practices which are contrary to this policy.
- Engaging with the community on equality and diversity issues and ensuring all relevant data is available to the public as part of the annual school profile.

## **1.5 REVIEW**

This Policy will be subject to review in line with changes in employment law and amendment of internal procedures/processes.

## **2. Main Legislative and National Guidance**

- 2.1** Within the framework of this policy, the school will comply with all statutory requirements and codes of practice. Appendix 1 lists relevant legislation and other associated documents.

## **3. Procedures**

### **3.1 MONITORING AND EVALUATION**

Equal opportunities information will be compiled and monitored by the school and Leeds City Council. The monitoring systems will adhere to the Data Protection Act and access to this information can be requested for legitimate means by both union representatives and employees. The systems will be reviewed regularly to ensure they are providing relevant information.

The equal opportunities information which is compiled can be used to provide information to the Board of Governors, Ofsted and other interested parties in accordance with appropriate legislation. There is a statutory duty for Leeds City Council to monitor and report on ethnic diversity in relation to policies, delivery of service and employment information annually. This information is required to be publicly available, for example, via the School Profile and/or the school web site, and it is the school's responsibility to ensure that Leeds City Council is provided with the appropriate data.

The school must therefore provide the following data by ethnic group to Leeds City Council annually:-

- Staff in post
- Applicants for employment, training and promotion
- The number of staff:-
  - Receiving training
  - Benefiting or suffering a detriment as a result of performance assessment procedures
  - Involved in grievance procedures
  - Subject to disciplinary procedures
  - Ending employment with the school

The Leeds City Council Diversity Toolkit and Disability (Reasonable Adjustments) Toolkit provide guidelines for the school with regards to the staffing information necessary to review current management practices and details how they influence the success of different groups of people. If certain groups are being hindered, this will provide information on what action to take in order to reduce the impact of this.

The data is compiled from databases, including SAP, that are updated throughout the year. Further guidance is contained in the Leeds City Council Diversity Toolkit.

### **3.2 RIGHT OF COMPLAINT**

Where an individual feels that any member of the school has not treated them in accordance with this policy, they have the right of complaint through the appropriate procedure:-

- Where an individual employed by the school feels they have been discriminated against by an employee, manager or governor of the school, they should refer to the school's Bullying and Harassment Policy or Grievance Policy.
- Where an individual not employed by the school feels they have been discriminated against by an employee, manager or governor of the school, they should refer to the school's Complaints Procedure.

In both cases, schools should seek advice from Leeds City Council HR.

## **4. Roles and Responsibilities**

### **RESPONSIBILITIES**

Everybody has a responsibility for working together to promote a harmonious environment which eliminates discrimination and harassment. An Equality and Diversity Policy becomes successful and credible when it is 'owned' by the people who can make it happen.

#### **4.1 ROLE OF THE GOVERNING BODY**

- The Governing Body has responsibility for ensuring all the school policies promote and sustain equality and diversity in employment practices and in the provision of the service.
- The Governing Body will ensure there are effective policies in place for managing recruitment and selection, performance management/pay, bullying and harassment and complaints.
- The Governing Body will ensure the existence of Equality Schemes and ensure the implementation of specific and general duties of the School's Equality Schemes, e.g. age, race, gender, disability

#### **4.2 ROLE OF THE HEAD TEACHER**

- To promote equality and diversity throughout the school and ensure that colleagues are aware of their responsibilities and expectations with regard to their conduct. They will recognise the need for continuous professional development on issues of equality and diversity.
- To ensure that all customs and practices within the school adhere to the principles stated within this policy.
- To ensure that links are maintained with Leeds City Council to keep up to date with current legislation and developments with regard to equality and diversity Issues.
- To ensure that this policy is implemented effectively and that any contravention will be dealt with under the school's bullying and harassment policy, grievance policy, complaints policy or disciplinary policy as appropriate.
- To give unbiased and justifiable consideration to requests from staff for employment benefits in line with the school's procedures, e.g. flexible working, annual leave, training etc.
- To be responsible for monitoring and reporting data in line with the Leeds City Council Diversity Toolkit on behalf of the Governing Body.
- To ensure Equality Impact Assessments are carried out with regards to all its policies and programmes in relation to disability, ethnicity and gender in order to ensure development of sound and robust policies which enhance the positive impact of a proposal and remove or minimise any negative or adverse impact on equality.

#### **4.3 ROLE OF LINE MANAGERS**

- To ensure they understand their responsibilities under this Policy and in accordance with equality and diversity legislation (see Appendix 1).
- To be responsible for delivering equality of opportunity to all the staff they manage including access to information, resources, training, support and application of policies and procedures.
- To encourage respect for diversity within their team and provide staff with any support or guidance to help achieve this objective.

#### **4.4 ROLE OF EMPLOYEES**

- Every employee, irrespective of their job or position within the school, has an individual responsibility not to unfairly discriminate and to treat others in a fair and non-judgemental manner and to promote positive attitudes and relationships.
- Individual employees will be held accountable for their actions if they contravene the school's commitment to act as an equal opportunities employer and service provider.

### **5. Equality Impact Assessment**

#### **5.1 EQUALITY IMPACT ASSESSMENT – for this policy**

- 5.1.1 The equality impact assessment of this policy is wholly positive as the policy supports equality and diversity in every aspect.

#### **5.2 EQUALITY IMPACT ASSESSMENT – how to undertake**

The purpose of an Equality Impact Assessment is to improve the service delivered by a school by making sure it does not discriminate in the way that learning and employment are delivered. It is also about, where possible, ensuring that equality and good relations between different groups is promoted.

Education Authorities and Schools have a legal responsibility under the Race Relations (Amendment) Act 2000; the Disability Equality Duty(2006); and the Gender Equality Duty (2007) to assess their policies and functions, and to set out how they will monitor any potential negative impact on equality.

Equality Impact Assessments have been developed as tools for ensuring that equality, social inclusion and community cohesion issues can be considered when drawing up policies or proposals which affect the delivery of services, the carrying out of the school's functions and employment practices.

Equality Impact Assessments systematically assess and record the actual, potential or likely impact of a service, policy or project or a significant change in a service policy or project – on different groups of people. The consequences of

policies and projects on particular groups are analysed and anticipated so that, as far as possible, any negative consequences can be eliminated or minimised and opportunities for ensuring equality can be maximised.

Appendix 2 shows a flowchart illustrating the process for undertaking an Equality Impact Assessment, and also includes the forms for completion when undertaking an equality impact assessment.

## **6. Further Guidance and Information**

- 6.1 Further guidance and information to support organisations to implement this policy is available in a separate document published by the Leeds City Council HR Team.

## Appendix 1

### LEGISLATIVE FRAMEWORK

Within the framework of this policy, the school will comply with all statutory requirements and codes of practice including:

#### Legislation

Equal Pay Act (1970)

Rehabilitation of Offenders Act (1974)

Equal Treatment Directive (76/207/EEC)

Race Relations Acts (1976, 2000)

Disability Discrimination Act (1995, 2005) amended to be called Equality Act 2010

Employment Rights Act (1996)

Data Protection Act (1998)

Freedom of Information Act (2000)

Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (2000)

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (2002)

*Towards Equality and diversity* (outline of Government proposals regarding the implementation of the Race Directive and the Equal Treatment "Framework" Directive)

Employment Act (2002)

Employment Equality (Religion or Belief) Regulations (2003)

Employment Equality (Sexual Orientation) Regulations (2003)

The Civil Partnership Act (2004)

Employment Equality (Age) Regulations (2006)

Employment Act (2008)

#### Codes of Practice

Code of Practice on Race Equality in Employment 2006

Gender Equality Code of Practice 2007

The Duty to Promote Disability Equality Code of Practice 2005

#### Case Law

It should be noted that case law is constantly providing a clearer framework relating to equality and diversity issues within employment and Leeds City Council and schools will need to consider individual scenarios within this changing framework.

#### Relevant Bodies

- The Equality and Human Rights Commission. [On 1 October 2007 the three equality commissions [Commission for Racial Equality (CRE) - Disability Rights Commission (DRC) - Equal opportunities Commission (EOC)] merged into the new Equality and Human Rights Commission]
- ACAS
- REC (Race Equality Council)

Appropriate Leeds City Council Collective Agreements

**Impact Assessment Flowchart  
Initial Screening**

Step 1: Identify the purpose/aim(s) of the policy, process, service or strategy

Step 2: Gather information and data

Step 3: Identify the impact of the policy, process, service or strategy

**Has a significant adverse impact been identified?**

Yes

No

Proceed to full impact assessment

Publish impact assessment summary

**Full impact assessment**

Step 4: Consider further information and data

Step 5: Assess the likely impact

Step 6: Identify adverse impact and consider alternatives

Step 7: Consult on the policy, process, service or strategy

Step 8: Make a decision

Step 9: Monitor

Step 10: Publish the outcomes of the Impact Assessment

**Impact Assessment Form**

**Part 1 – Initial Screening**

1. Named individual responsible for completing the assessment:

2. Policy, process, service or strategy title/ number

3. What is the main purpose or aims of the policy, process, service or strategy?

4. Who will be the beneficiaries of the policy, process, service or strategy?

5. Have you consulted/ explained this policy, process, service or strategy to those it might affect directly or indirectly?

6. Please complete the following table and give reasons/ comments for where:

- a) The policy, process, service or strategy could have a positive impact on any equality group or contributes to promoting equality, equal opportunities and improving relations within equality groups.
- b) The policy, process, service or strategy could have a negative impact on any of the equality groups i.e. disadvantage them in any way. If the impact is high, a full EIA should be completed.

7. How does the policy, process, service or strategy promote equality/benefit equality groups?

8. Is there a negative impact on a particular group? Is the impact intended or legal?

If the negative impact is not intended, discriminatory and/or high in impact complete Part 1 and move on to the full assessment.

9. What actions could be taken to amend policy, process, service or strategy to minimise negative impact?

10. How will the policy, process, service or strategy be implemented including any necessary training?

Full assessment required:

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Date completed:

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Approved by

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Equality Target Group	Positive Impact High or Low	Negative Impact High or Low	Comments
<b>Gender</b>			
<b>Ethnicity (please specify if a particular group is affected)</b>			
<b>Disabled People</b>			
<b>Lesbian, Gay, Bi-sexual, Transsexual</b>			
<b>Age Group e.g. young people 16-24 Older people 50+</b>			
<b>Faith Groups</b>			

## Equality Impact Assessment Form

### Part 2 – Full Assessment

1. Named individual responsible for completing the assessment:

2. Policy, process, service or strategy title/ number

3. In Part 1 – Initial Screening, which equality group or groups were identified as being disadvantaged by the policy, process, service or strategy

<input type="checkbox"/>	Age
<input type="checkbox"/>	Disability
<input type="checkbox"/>	Faith or Religion
<input type="checkbox"/>	Gender / Transgender
<input type="checkbox"/>	Race
<input type="checkbox"/>	Sexual Orientation

4. Summarise the negative impacts for each group

5. What consultation has taken place or will take place with each equality group – internally or externally?

Question 6 to be completed once consultation and/or research has been carried out

6. Who was consulted and/ or what information/data was obtained?

7. What changes will be made to the policy, process, service or strategy as a result of consultation and/or research?

8. Describe how the planned changes will:

- Lessen the negative impact or ensure the negative impact is legal
- Provide an opportunity to promote equality and improve relations

9. Describe the monitoring processes set up to measure the effects of policy, process, service or strategy.

10. When will the policy, process, service or strategy be reviewed?

Date completed:

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