

EQUAL OPPORTUNITIES AND DIVERSITY POLICY

De Aston is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment

Scope and Purpose of this Policy

The School is committed to promoting and achieving equality of opportunity for all students, parents, staff, Governors, visitors and job applicants.

The School aims to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

The School does not discriminate against staff on the basis of their gender, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age (the protected characteristics).

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, parents, visitors, suppliers and former staff members.

All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not discriminate against or harass other members of staff, regardless of their status. Your attention is drawn to our separate Anti-Harassment and Bullying Policy. Any staff member who may breach this policy may be disciplined in accordance with the school disciplinary procedure.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the School who are required to familiarise themselves and comply with its contents. The School reserves the right to amend its content at any time.

This Policy applies to the School's employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to job applicants and to individuals, such as agency staff and consultants and volunteers who are not employees, who work at the School (collectively referred to as 'Staff' in this policy).

All staff must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote the School's aims and objectives with regard to equal opportunities. Staff will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice.

Any questions about the content or application of this policy should be referred to the Assistant Headteacher (Staffing) in the first instance.

This policy applies to all aspects of the School's relationship with staff and to relations between staff members 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.

Where possible the School will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.

Forms of Discrimination

Discrimination by or against a member of staff is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

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.

There are two other forms of direct discrimination:

- **Associative discrimination.** This may occur when someone is treated unfavourably on the basis of another person's protected characteristic. For example, a candidate who has been told she is getting a job is suddenly deselected after revealing she has a severely disabled child with complicated care arrangements. The withdrawal of the job offer could amount to discrimination because of her association with a disabled person (disability being a protected characteristic).
- **Perceived discrimination.** This may occur when someone is treated unfavourably because others believe they have a protected characteristic, even though in reality they don't have it, it is perceptive discrimination. A possible example of this is an employee who is rejected for promotion to a supermarket buying team that sources wines, because he has an Arabic name. The employer has assumed that he is a Muslim and won't want to deal with alcohol. This could be considered discrimination by perception, whether or not the employee is a Muslim.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.

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. Harassment is dealt with further in the School's Anti-Harassment and Bullying Policy.

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.

Where any staff member of the school has been found to have committed an act of unjustifiable discrimination, harassment or victimisation, this may be regarded as potential gross misconduct which may result in the school taking action under its disciplinary procedures.

Recruitment and Selection

The School aims to ensure that no job applicant suffers unjustified discrimination because of any of the protected characteristics above. The School's recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.

Job advertisements will avoid using wording that may discourage particular groups from applying. A short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

Where possible the School will take steps to ensure that its vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in the School.

Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which the School may use, for example:

- Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments);
- Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment;
- Positive action to recruit disabled persons;
- Equal opportunities monitoring (which will not form part of the decision-making process).

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or

gender reassignment without first considering whether such matters are relevant and may lawfully be taken into account.

The School is required by law to ensure that all members of staff are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective members of staff, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. A list of acceptable documents is available from the Headteacher's PA.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in the School, the School will monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information will be removed from applications before shortlisting and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us to take appropriate steps to avoid discrimination and improve equality and diversity.

Recruitment of ex-offenders

The School is an organisation that uses the Disclosure and Barring Service (DBS) to assess candidates' suitability for positions of trust working in an environment with children and young people. The School complies fully with the DBS Code of Practice and undertakes to treat all candidates fairly.

The School undertakes not to discriminate unlawfully against any candidate who is required to provide information (a check) through this process. Having a criminal record will not necessarily prevent a candidate from working with the School. Whether or not it does will depend on the nature of the position and the circumstances and background of the offences.

The School's policy on the recruitment of ex-offenders will be made available to all candidates at the outset of the recruitment process. The School will ensure that it makes any candidate, who is subject to check, aware of the DBS Code of Practice and will provide a copy of the Code on request.

As a check is part of the School's recruitment process, the School encourages all candidates called to interview to provide details of any criminal record at any early stage of the application process. The School requests that this information is sent under separate confidential cover to a designated person with the School who may vary from case to case, depending on the nature of the post being recruited. The School guarantees that only those who need to see it as part of the recruitment process will see this information.

Unless the nature of the position is such that the School may ask questions about an individual's entire criminal record, the School will only ask about "unspent" convictions, as defined in the Rehabilitation of Offenders Act 1974.

The School will ensure that it discusses with the candidate the relevance of any offence to the job in question. A candidate's failure to reveal information directly relevant to the job could result in withdrawal of an offer of employment.

Staff training, promotions and conditions of service

Staff training needs will be identified through informal and formal staff appraisals.

All Staff will be given appropriate access to training to enable them to progress within the School and all promotion decisions will be on the basis of merit.

The composition and movement of Staff at different levels will be reviewed from time to time to ensure equality of opportunity at all levels of the organisation.

Where appropriate, the School will take steps to identify and remove unnecessary or unjustifiable barriers and provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or underrepresented groups.

The School's conditions of service, benefits and facilities will be reviewed from time to time to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

Termination of employment

The School will ensure that redundancy criteria and procedures are fair and objective and are not directly, or indirectly, discriminatory.

The School will also ensure that disciplinary procedures and penalties applied are without discrimination, and are carried out fairly and uniformly for all staff, whether they result in disciplinary warnings, dismissal or other disciplinary action.

Disability Discrimination

If a member of staff is disabled, or becomes disabled, in the course of his or her employment with the School, he or she is encouraged to tell us about his or her condition. This is to enable us to support the member of staff as much as possible.

If a member of staff experiences difficulties at work because of his or her disability, he or she may wish to contact their Line Manager/Head of Department to discuss any reasonable adjustments to his or her working conditions or duties which he or she considers to be reasonable and necessary or which would assist in the performance of his or her duties.

The Line Manager/Head of Department may wish to consult with the member of staff and his or her medical adviser(s) about possible adjustments. Careful consideration will be given to any such proposals and they will be accommodated where reasonable, practicable and proportionate in all the circumstances of the case. Nevertheless, there may be circumstances where it would not be reasonable for the School to accommodate a particular adjustment and in such circumstances it will ensure that it provides the member of staff with its reasons and try to find an alternative solution where possible.

The School will monitor the physical features of its premises to consider whether they place disabled staff, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonably practicable and proportionate, the School will take steps to improve access for disabled staff and service users.

Fixed-Term Employees and Agency/Temporary Workers

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

Part-Time Workers

The School will 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. It will also ensure that requests to alter working hours are dealt with appropriately under the School's Flexible Working Policy.

Complaints of Discrimination, Victimisation and Harassment on the Protected Characteristics

The School will treat seriously, and will, where appropriate, take action concerning, all complaints of discrimination, harassment or victimisation on any of the protected characteristics made by any of its staff, students or other third parties.

Any member of staff who considers that they may have been unlawfully discriminated against, victimised or harassed within the meaning of this policy should discuss the matter in the first instance with their Line Manager/Head of Department or, if inappropriate under the circumstances of the case, with the Headteacher. In some cases it may be possible to resolve the matter informally and reach a satisfactory resolution.

If a member of staff wishes to make a formal complaint then he or she should follow the School's Grievance Policy and Procedure.

If an employee is accused of unlawful discrimination, victimisation or harassment, the School will investigate the matter fully. In the course of the investigation the employee will be given the opportunity to respond to the allegation and provide an explanation for his or her actions.

If the School concludes that the claim is false or malicious then the complainant may be subject to disciplinary action.

If on the other hand the School concludes that the employee's action amounts to unlawful discrimination, victimisation or harassment, he or she may be subject to disciplinary action under the School's Disciplinary Policy and Procedure, up to, and including, summary dismissal for gross misconduct.