

Statutory

Broomfield School



Equality Policy

(Source: this policy is taken from the NAHT 017 Equality Model Policy for Schools, 03/10/2011 and NAHT's Edge documents, '*An essential guide on public sector equality duty and British values*' (Nov. 2019).)

Adopted by the Full Governing Body Meeting of 17th March 2021.

To be reviewed March 2024.

Introduction to the policy.

Please see below an exposition of the Public Sector Equality Duty from the National Association of Head Teachers (NAHT), *An essential guide on public sector equality duty and British values* (November 2019).

The Public Sector Equality Duty (PSED) is applicable to all maintained ... secondary schools in England ...

To fulfil the PSED requirements, schools must have due regard to do the following:

- *Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010*
- *Advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *Foster good relations between people who share a protected characteristic and those who do not.*

The PSED applies to all nine areas of discrimination listed in the Equality Act 2010 (known as protected characteristics), which means employers need to consider the following:

- *Age*
- *Disability*
- *Gender reassignment*
- *Pregnancy and maternity*
- *Race*
- *Religion or belief*
- *Sex*
- *Sexual orientation*
- *Marriage and civil partnership*

Note: For marriage and civil partnership, the PSED only requires employers to have due regard to the need to eliminate unlawful discrimination.

The purpose of the duty is to ensure public bodies consider the needs of all individuals in their day-to-day work - in shaping policy, in delivering services and in relation to their employees. But for schools, this also means fulfilling the duty in relation to pupils. The equality duty should support good education and improve pupils' outcomes by identifying priorities (such as underperformance, poor progression and bullying) and by using the collated evidence to focus on issues and appropriate actions to improve the experience of different pupil groups.

It's important to note that compliance with the duty requires taking a conscious approach and attitude to the issue of equality; general regard is not enough. A school should, therefore, consciously think through the requirements of the duty as an integral element of decision making.

Although there is no legal requirement, it is best practice to ensure the outcome and the process of any such deliberations are appropriately documented to demonstrate transparency and evidence compliance with the PSED.

The PSED requires all public organisations, including schools, to comply with two specific duties:

- 1. Publish information to demonstrate how they are complying with the PSED*
- 2. Prepare and publish equality objectives.*

Schools had to publish their initial information and the first set of objectives by 6 April 2012. Schools are required to update this published information at least annually and publish objectives at least once every four years.

Schools are free to determine how best to comply with this element of PSED. Compliance will look different for schools of different sizes and with different levels of resources. So, in respect to publishing information and setting equality objectives, the requirements of the duty are unlikely to be the same for a small primary school as they are for a large secondary school. The specific duties should not be a burden on schools.

It's best practice to ensure any equality policy adopted by the school clearly references the PSED, demonstrating how the school will ensure compliance and how its approach to promoting equality reflects the duty.

Central to any approach to equalities must be the aim to reduce and ultimately eradicate discrimination in any of its manifestations. Since November 2014, schools have been mandated to promote British values that were set out by the government in its 'prevent' strategy (2011); the purpose of which was to improve safeguarding practices and strengthen the barriers to extremism.

The government has stated that "fundamental British values" should be taught to school children, which it describes as "democracy; the rule of law; individual liberty; and mutual respect and tolerance of those with different faiths and beliefs, and for those without faith".

The Department for Education (DfE) requires you to utilise the SMSC (spiritual, moral, social and cultural) lessons to carry out this work. It's worth noting, however, that Ofsted will assess British values across the whole curriculum, school ethos, climate and the school's leadership. While teaching British values may seem like a tall order, citizenship and PSHE (Personal, Social and Health Education) underpin much of SMSC. And PSHE can provide an effective space for exploring sensitive or controversial issues as well as equipping pupils with the know-how to understand and handle difficult situations.

Our commitment

The Governing Body is committed to fulfilling the Public Sector Equality Duty (PSED) requirements that schools must have due regard to do the following:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and those who do not.

This commitment is to ensure that the School considers the needs of all individuals in its day-to-day work - in shaping policy, in delivering services and in relation to its employees. This commitment also means fulfilling its duty in relation to pupils by supporting good education and

improving pupils' outcomes by identifying priorities (such as underperformance, poor progression and bullying) and by using the collated evidence to focus on issues and appropriate actions to improve the experience of different pupil groups.

The Governing Body is therefore committed to providing equal opportunities in employment for all staff, ensuring that we take all possible steps to avoid unlawful discrimination as it relates to our employment practice and the wider school community.

This policy is intended to assist us in putting this commitment to the PSED into practice. Compliance with this policy should also ensure that employees and pupils do not unwittingly commit unlawful acts of discrimination.

Striving to ensure that the work environment is free from harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. (See the School's adopted dispute resolution policy and procedures and other relevant policies and documents, as appropriate.)

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as 'protected characteristics'.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

We expect all our staff to act in a non-discriminating manner and be mindful to avoid actions that will be deemed as harassment in the services we provide to the public and our wider community. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, as service providers, we have an obligation to think ahead and address any barriers that may impede disabled people from accessing the services we provide.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. 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 a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that 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.

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 - according to guidance from the Government and ACAS - 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).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

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. There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under The Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

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.

Equal opportunities in employment

The governing body will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The Governing Body will consider any possible indirect discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the governing body considers it has good reasons, unrelated to any protected characteristic, for doing so. The Governing Body will comply with its obligations in relation to statutory requests for contract variations and will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The school will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Dignity at work

The Governing Body has adopted a separate policy that covers issues of bullying and harassment on any ground and how complaints of this type will be dealt with.

The Governing Body has adopted separate policies for pupils that cover issues of bullying and child protection and potential extremism.

Customers, suppliers and other people not employed by the school

The school will not discriminate unlawfully against customers using, or seeking to use, goods, facilities or services provided by the School.

Employees should report any bullying or harassment which they experience from the wider community (parents, suppliers, visitors or others) to their manager who will take appropriate action.

Training and education

The Governing Body will ensure that appropriate training is provided on equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The Governing Body will also provide training to all existing and new employees and others engaged to work at the school to help them understand their rights and responsibilities under the policy including dignity at work and what they can do to help create a working environment free of bullying and harassment. The Governing Body will ensure that additional training is provided for managers to enable them to deal more effectively with complaints of bullying and harassment.

The Governing Body will ensure that appropriate guidance and education is provided to pupils in respect of its duties under the PSED, including

- supporting fundamental British Values, SMSC and RSE,
- providing a good education and
- improve pupils' outcomes by identifying priorities (such as underperformance, poor progression and bullying) and by using the collated evidence to focus on issues and appropriate actions to improve the experience of different pupil groups.

Your responsibilities

Every employee is required to assist the Governing Body and the whole School to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees should be aware that they can be held personally liable as well as, or instead of, the Governing Body for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or parents and their families are disciplinary offences and will be dealt with under the school's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If any member of staff considers that they have experienced unlawful discrimination, they may use the school's grievance procedure to make a complaint. If their complaint involves bullying or harassment, the grievance procedure is modified as set out in the policy covering dignity at work.

The Governing Body will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the Governing Body's adopted grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

Monitoring and review and information to be published

This policy will be monitored periodically, jointly by the Head Teacher and the Governing Body, to judge its effectiveness and will be updated in accordance with changes in the law. A particular focus will be given during the monitoring of the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion) and the number of people with disabilities within these groups, and the policy will be reviewed in accordance with the results shown by the monitoring. If changes are required, the School will implement them.

The Governing Body will ensure that the School complies with two specific duties of the PSEDs:

1. publish information to demonstrate how they are complying with the PSED (annually) – *See the School SIP and Equalities Checklist.*
2. prepare and publish equality objectives (at least every four years). *See the School SIP and Equalities Checklist.*

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with The Data Protection Act 1998.

End of policy