SCHOOL EQUALITY AND DIVERSITY POLICY

Introduction
Equality means:
- giving all sections of the community equal access to employment and to the services we provide
- recognising that different sections of the community require specific measures to make sure they receive equality
- recognising how and why some groups are underrepresented and knowing what to do about it
- taking positive action to assist individuals where this is appropriate

Equality policies cannot exist in isolation. Equality should apply to every aspect of employment, including:
- recruitment and selection
- pay policy
- grievance procedures
- disciplinary procedures
- harassment procedures
- staff development and training
- school improvement/development plan
- performance management

Statement of Intent
The Management Team of Kirby Moor School is committed to equality for all in the appointment, development, training and promotion of staff, and in all dealings with pupils and parents of the school. The Management Team recognise the value of a diverse and inclusive workforce. This policy includes the employment of staff in the school. The Management Team and managers of the school will operate at all times within the requirements of anti-discrimination legislation and will promote equality positively in its staffing decisions. All decisions including advertising of vacancies, shortlisting, selection, induction, appraisal, training, development, promotion, terms and conditions of employment, dismissal and pay will be based on an objective and fair assessment of need.

The only personal characteristics to be taken into account will be those which are necessary for the requirements and proper performance of the work involved. There will be no generalised concepts or assumptions about the characteristics of particular groups. All staff will have a right, through the agreed procedures, to challenge any decision or action which they believe to be in breach of these principles. Any member of staff who knowingly contravenes the policy may face disciplinary action.
Aims and Values
Our school ethos states: Kirby Moor School is a welcoming school where everyone is valued highly and where tolerance, honesty, co-operation and mutual respect for others are fostered. We are committed to the development of the whole person within a supportive, secure and creative environment. Broad, balanced and appropriate curriculum provides equal opportunity for all pupils to maximise their potential regardless of age, sex, race, colour, religion or disability. We endeavour to promote positive relationships with parents, directors and members of the wider community. At School we aim to promote equality and tackle any form of discrimination and actively promote harmonious relations in all areas of school life. We seek to remove any barriers to access, participation, progression, attainment and achievement. We take seriously our contribution towards community cohesion.

We aim to:

- provide a secure environment in which all our children can flourish and achieve all five outcomes of ‘Every Child Matters’ (be healthy, stay safe, enjoy and achieve, make a positive contribution, and enjoy economic well-being);
- provide a learning environment where all individuals see themselves reflected and feel a sense of belonging;
- prepare children for life in a diverse society in which children are able to see their place in the local, regional, national and international community;
- include and value the contribution of all families to our understanding of equality and diversity;
- provide positive non-stereotyping information about different groups of people regardless of gender, ethnicity, disability, sexual orientation, religion and age;
- plan systematically to improve our understanding and promotion of diversity;
- actively challenge discrimination and disadvantage;
- make inclusion a thread which runs through all our activities.

To achieve these aims we will:

- involve stakeholders in the development, review, evaluation, and impact assessment of all relevant improvement plans, policies and procedures;
- publish and share our policies and impact assessments with the whole community;
- collect and analyse data to ensure all groups are progressing well and no group is subject to disadvantage;
- use all available information to set suitable learning challenges for all, respond to pupils’ diverse needs and overcome any potential barriers to learning;
- ensure that the wider school curriculum makes explicit and implicit provision to promote and celebrate diversity;
- have high expectations of behaviour which demonstrates respect to others.

Statutory requirements
The Management Team is bound by law not to discriminate on certain grounds. The Equality Act 2010 has brought together all the current discrimination laws into one and sets out the “protected characteristics” that qualify for protection from discrimination as:

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

Leadership Management and Governance
Kirby Moor School is committed to:
- being proactive in promoting good relationships and equality of opportunity across all aspects of school life and the wider community;
- encouraging, supporting and enabling all pupils and staff to reach their potential and make a positive contribution;
- working in partnership with families, the local authorities (LA) and the wider community to establish, promote and disseminate inclusive practice and tackle discrimination ensuring that our Equality and Diversity Policy is followed.

Responsibilities
It is the Management Team’s responsibility to:
- ensure that the school complies with equality legislation;
- meet requirements to publish equality schemes;
- ensure that the school’s policy and its procedures and strategies are carried out and monitored with appropriate impact assessments informing future plans;
- scrutinize the recording and reporting procedures at least annually;
- follow the LA’s admissions policy, which is fair and equitable in its treatment of all groups;
- monitor attendance and take appropriate action where necessary;
- have equal opportunities in staff recruitment and professional development and membership of the Management Team;
- provide information in appropriate, accessible formats;
- be involved in dealing with serious breaches of the policy;
- be pro-active in recruiting high-quality applicants from under-represented groups.

It is the head teacher’s responsibility to:
- implement the policy and its strategies and procedures;
- ensure that all staff receive appropriate and relevant continuous professional development;
- actively challenge and take appropriate action in any cases of discriminatory practice;
- deal with any reported incidents of harassment or bullying in line with LA guidance;
- ensure that all visitors and contractors are aware of, and comply with, the school’s equality and diversity policy;
- produce a report on progress for Directors annually.
It is the responsibility of all staff to:

- be vigilant in all areas of the school for any type of harassment and bullying;
- deal effectively with all incidents from overt name-calling to the more subtle forms of victimisation caused by perceived differences;
- identify and challenge bias and stereotyping within the curriculum and in the school’s culture;
- promote equality and good relations and not discriminate on grounds of race, gender, religion, age and sexual orientation;
- promote an inclusive curriculum and whole school ethos which reflects our diverse society;
- keep up to date with equality legislation, development and issues by attending relevant training and accessing information from appropriate sources.

Breaches of the Policy

All breaches of the policy will be rigorously followed up using the appropriate procedures and reported to the Governing Body and LA as required. The management team will consider any acts of discrimination/victimisation/harassment/bullying related to a person’s age, disability, gender reassignment, race, religion or belief, sex or sexual orientation or harassment on any other grounds, as totally unacceptable and outside the ethos and culture of the school. Any such act by a member of staff against any adult or child will be treated as a disciplinary offence, and action taken accordingly.”

Those who feel they may wish to make a complaint can do so by speaking to the Head teacher, the Head of Student Support or if they feel that the complaint could not be heard by one of those two people could speak directly with Anthony Middleton (Director). See Staff Handbook for further information

Policy planning and development

In the planning and development stage of policy-making, we ensured we have consulted and taken into account stakeholder views.

All improvement plans will be designed with an element of impact assessment built in to monitor the success of each activity.

There will be a systematic review of the impact of all policies and procedures on equality and diversity to address any areas of inequality. E.g. achievement and attainment will be analysed to ensure progress for all, especially in relation to any identified disadvantaged groups; attendance and exclusion data will be reviewed to ensure no over-representation of any one group.)

Our target-setting processes ensure appropriate, challenging targets are set in relation to identifiable groups as well as individual pupils / cohorts.

Monitoring and Quality Assurance

Each pupil’s progress is monitored and tracked. The resulting data is analysed in respect of gender, race, ability or additional needs, looked-after status.

In addition to monitoring to rule out any potential disadvantage, quality assurance procedures ensure the school meets its duty to positively promote
diversity. (Eg. lesson observations record evidence of differentiation and texts are reviewed to ensure appropriateness and inclusivity.)

The data collected is used to inform further school planning, target-setting and decision-making.

Additional information
The legal and local framework for this policy is:
- Equality Act 2010
- Race Relations Act 1976 (as amended in 2000)
- Disability Discrimination Act 1995 (as amended in 2005)
- Children Act 2004
- Equality Act 2006
- Education and Inspections Act 2006
- Duty to Promote Community Cohesion, Education and Inspections Act 2006

Age
It is unlawful to discriminate against an individual because of their age.

Disability
It is unlawful to discriminate against an individual for reasons relating to their physical or mental disability. Under the Equality Act, a person is considered to have a disability if the impairment has a substantial and long-term effect on the person’s ability to carry out normal day-to-day activities (without specifying what those activities might be). The Act also puts a responsibility on schools to make reasonable adjustments to recruitment processes, working conditions or the workplace, where that would help to accommodate a particular person who has a disability. (Head teacher and Directors will seek advice on whether particular cases are covered by the Act).

Gender reassignment
A person will be protected if they are “proposing to undergo, undergoing or have undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex”. The Equality Act does not require the process to be undertaken under medical supervision so it will cover, for example, someone who is born physically male but who decides to live permanently as a woman.

Marriage and civil partnership
The Equality Act protects employees who are married or in a civil partnership against discrimination.

Pregnancy and maternity
A woman is protected against discrimination on the grounds of her pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. The Equality Act states that discrimination will occur if a woman is treated “unfavourably” in relation to her pregnancy or maternity leave.
Race
It is unlawful to discriminate against an individual because of their colour, race, nationality, ethnic or national origins

Religion or belief
It is unlawful to discriminate against an individual because of their actual or perceived religion or philosophical beliefs. This includes discrimination on the grounds of what an employee does not believe in as well as what he or she does believe in.

Sex
Both men and women are protected under the Act from discrimination related to their gender.

Sexual orientation
The Equality Act protects bisexual, gay, heterosexual and lesbian people. It is unlawful to discriminate against an individual on the grounds of their actual or perceived sexual orientation, or the actual or perceived sexual orientation of those with whom they associate.

iii. Types of discrimination
The Equality Act 2010 defines discrimination as:

Direct Discrimination (including associative and perceived discrimination) – treating a person less favourably because of a protected characteristic, the perception that they have a protected characteristic, or because of a person’s association with someone who has a protected characteristic. The Equality Act expanded direct discrimination to cover treatment on the grounds of perceived status, for example, where someone is treated less favourably because they are perceived to hold a certain religious belief, even if that perception is wrong. It has also been expanded to cover discrimination which results from a person’s association with someone having a protected characteristic for example, a child with a disability.

Indirect Discrimination – unjustifiable application of a provision, criterion or practice, even though it is applied to everyone, if it is one with which a smaller proportion of a particular group can comply, e.g. literary standards, height, or one which places persons of a particular sex, sexual orientation, race, religion or belief, or age at a disadvantage, when compared to others. The Equality Act also extends indirect discrimination to cover both disability and gender reassignment. Indirect discrimination is unlawful whether it is intentional or not. Indirect discrimination will not be unlawful if the school can objectively show that there is a legitimate aim (e.g. a real business need) and that the practice is proportionate to the aim (i.e. necessary and there is no alternative means available).

The Equality Act also establishes harassment or victimisation related to any of the protected characteristics with the exception of pregnancy and maternity and marriage and civil partnership as forms of direct discrimination and therefore as unlawful acts.

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The Act extends the definition to include harassment based on association or perception. For example, it will cover harassment based on a person’s association with their disabled child, or harassment based on a perception that a person holds a religious belief. The employer (the Management Team, where applicable, acting on behalf of the County Council) can be held responsible in law for the discriminatory acts of staff within the school. Schools are also responsible for the behaviour of school staff towards those individuals employed by other organisations, but who are undertaking work on or are present on school premises. This makes it essential for the Management Team to develop suitable policies to demonstrate its opposition to such actions.

Victimisation is also unlawful. This is when an individual is subjected to a detriment because they have made a complaint about discrimination or harassment, or have given evidence relating to such a complaint. If the individual is victimised, or if the school does not take reasonable steps to prevent it, the school will be liable and may be ordered to pay compensation. Similarly, the person who victimises another person, may also be ordered to pay compensation. There is no upper limit on the amount of compensation that may be awarded. Again, school policies need to demonstrate opposition to any such action within the school.

Kirby Moor School is aware of and will act against Combined Discrimination
Combined discrimination can occur where a person suffers unfavourable treatment because of a combination of two protected characteristics, for example race and sex. Discrimination, harassment or victimisation legislation extends to periods beyond the end of a working relationship, and covers issues such as the provision of references either written or oral.

Other aspects of discrimination
The Equality Act makes it unlawful for schools to discriminate directly or indirectly when dealing with requests for time off for religious and belief observance. However, the law does not confer an automatic right for employees to have time off, or to be provided with facilities to undertake religious observance. Neither does the law afford employees additional leave entitlements for religious observance. Schools need to refer to the Leave for Miscellaneous Purposes section in this Manual for guidance on time off for religious observance.

Disability discrimination is covered by the Equality Act, relating to both employment and service provision. Many of the concepts are similar and parallel to those contained in other discrimination legislation. Direct discrimination against disabled people is unlawful. Employers are required to make reasonable adjustments to working conditions, the working environment, or terms and conditions of employment to help overcome practical difficulties created by a particular disability. Employers may be able to justify less favourable treatment of people with a disability in specified circumstances, such as lack of suitability combined with the impossibility of making a reasonable adjustment.
NB. It is impossible for schools to meet their responsibilities to make reasonable adjustments unless proper investigations are made into the impact of any disability on the recruitment or employment of a person who has that disability. Failure to make proper investigations about reasonable adjustments, including for interview and selection processes, is likely to be viewed as unlawful discrimination.

Unequal treatment based on trade union membership or non-membership is also unlawful. The policy needs to acknowledge these areas of statutory control, and to confirm the Management Team’s commitment to enforce the statutory requirements in the school.

**Occupational Requirement**
In very limited circumstances it will be lawful for an employer to treat individuals differently if it is an occupational requirement that the post holder must be a member of one particular group. An occupational requirement cannot be claimed unless some or all of the duties of a post can reasonably or practically be undertaken only by a person of a particular group. The requirement must be central to the post and not merely one of several important factors. When deciding if this applies it is necessary to consider the duties of the post, the context (including the ethos of the school) in which they are carried out, and whether such a requirement is proportionate in the particular case. Schools must not assume that they can apply an occupational requirement to any specific post and advice must be sought from Education Personnel Services. In this case, advice must be sought before the beginning of the recruitment, training or promotion process, particularly as in the event of an Employment Tribunal, the burden of proof that such a requirement applies, falls on the school.

**Positive action**
This is action designed to encourage or facilitate the employment or training of minority or disadvantaged groups. It is not lawful to discriminate in favour of those groups defined, but it is lawful to take action which enables members of those groups to compete on an equal basis. Examples of positive action are:

- encouraging applications from specific minority groups which are underrepresented in the school
- encouraging people with disabilities to apply for posts
- advertisements which encourage applications from minority groups
- flexible working – promoting the use of job shares, flexible working hours etc.
- language/literacy training for minority groups
- supporting training measures for under-represented groups
- assistance with applications for candidates with language problems
- provision of childcare facilities or support with the costs of childcare facilities for staff
- career breaks for women or men to assist with family commitments
- positive commitments to interviewing disabled people
- giving people of a particular age access to vocational training
- encouraging people of a particular age to take up employment opportunities
encouraging staff to become representatives of trade unions/associations

Schools should consider the inclusion of positive action strategies in their school policies. Consult Education Personnel Services for further guidance. Clauses in the Equality Act on positive action in relation to recruitment and promotion will be invoked in April 2011, extending the circumstances for positive action. Further guidance will be provided in due course.

Harassment, bullying and grievance procedures
Harassment is unwanted conduct relating to a protected characteristic that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It can take many forms including physical contact, undermining, threatening, marginalising or ignoring someone. It can be a series of offensive remarks or a single incident.

It is important for schools to be aware that employees are able to complain of behaviour that they find offensive even if it is not directed at them. The complainant need not possess the relevant characteristics themselves. Employees are also protected from harassment because of perception and association.

Equalities monitoring
An Equality policy can be shown to be effective only if its implementation is properly monitored. Given the scope of a policy, this will mean monitoring both the existing staffing of the school and all applications from outside the school. Monitoring is to keep records of existing staff and new applicants which can be analysed to provide data to assess whether the policy is working in practice. Other than racial monitoring, which is a statutory requirement for public sector organisations, there is currently no legal requirement to keep information on the composition of staff groups. However, such monitoring is encouraged by the EHRC guidance and will be essential in defending Employment Tribunal and other legal claims.

It is recommended that schools monitor their use of discipline and grievance procedures, staff turnover figures and feedback from exit interviews as a means of identifying any issue of discrimination, harassment or victimisation, and to ensure that staff turnover does not reflect a disproportionate number of individuals from minority groups. Further advice is available from Education Personnel Services. Where monitoring does take place, schools are reminded that such information is ‘sensitive data’ under the terms of the Data Protection Act 1998 and must be managed accordingly.

The Equalities Monitoring Form is an example of a monitoring form which can be used for this purpose. However, its purpose must be explained clearly to staff and applicants. The form can be issued to existing staff with a brief letter of explanation, an example of which is given at Equalities Sample Letters.

In the case of outside applicants, an explanatory letter is also essential (see Equalities Sample Letters). This needs to explain the process which will be followed when the form is received. If the form is retained with the application form, this creates the potential for discriminatory selection decisions based on the information it contains. Therefore the monitoring form should be separated from the application.
form. The most effective way to do this is to provide an envelope in which the monitoring form can be sealed and not opened until the selection decision has been made.

Applicants for posts should be invited to indicate whether they have any special requirements to enable them to submit an application, attend an interview or carry out the duties of that post. Responses to this type of question and appropriate actions taken by the school to accommodate people with disabilities should also be monitored as part of this process.

Examples of equalities monitoring gives a scenario of monitoring which can be carried out using this data and which will show, over a period, whether the policy is being effective. Another way to monitor the effectiveness of an Equality policy is to undertake exit interviews and to include the question of whether individuals feel that they have been harassed, bullied or discriminated against in the workplace. Schools may feel a substantial effort is required to monitor a policy. However, data monitoring is essential, not only in reviewing the effectiveness of the policy, but also in defending the school against allegations of discriminatory practice.

**Non-employment aspects of equality**
This guidance relates to discrimination and equality in employment. Schools should also have a policy relating to curriculum issues and treatment of children. This could be incorporated in an overall policy or produced separately but following the same principles as outlined in this guidance.

**Training activities**
Training on equality is important for the following reasons:
- The requirement to comply with legal obligations rests with both employer and employee
- Training raises awareness of good practice. This enables staff and Directors to recognise situations and practice which need to be improved to prevent discrimination occurring
- Training demonstrates a commitment to the values of equality
- The training of Directors, particularly those with involvement in personnel issues, is an essential part of an Equality policy. A commitment to such training should be incorporated in the policy document.

**General Statement**
The Equality policy is reviewed annually and where applicable, updated by the Management Team. The policy is then given to all staff through normal management mechanisms and managers/supervisors should ensure that it is known and understood by all staff. The policy can also be made available to potential applicants for vacant positions in the school.