

ST. HELEN'S CATHOLIC INFANT SCHOOL



Equality and Diversity Policy

Written by	Date	Ratified by	Date
Juniper	2021	Governors	2022

To be reviewed	Annually	Every 3 Years
Reviewed on	Reviewed by	Next review date
February 2025	A. McAuliffe	February 2028

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

Contents

- 1. Objective**
- 2. Policy Statement**
- 3. Policy in Practice**
- 4. Responsibilities**
- 5. Monitoring and Reporting**
- 6. Complaints**
- 7. Sharing Health and Absence Information**

Appendix A: Definitions

Appendix B: Equality and Pay

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

1. Objective

The purpose of this policy is to set out the school's commitment to equal opportunities in employment and to avoiding unlawful discrimination and eliminating unconscious bias in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and dismissal, performance and selection for redundancy.

This includes upholding its obligations under the Equality Act 2010 ("the Act") not to discriminate directly or indirectly in any of its activities against employees or applicants for employment on the grounds of the protected characteristics.

- Age;
- Disability;
- Gender re-assignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race (which includes ethnic origin, nationality and ethnic or national origins);
- Religion or belief;
- Sex; and
- Sexual orientation

It further includes fulfilling its Public Sector Equality Duty, in carrying out its functions, to have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations across all characteristics, between people who share a protected characteristic and people who do not share it.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Definitions of terminology are at Appendix A. Further information about protected characteristics can be found at Appendix C.

This Policy complements the general equalities policies and procedures within the school which set out the school's commitments and obligations to the wider school community.

Schools with a religious character

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

As a school with religious character, certain exceptions can be applied in respect of appointments, remuneration, promotion and dismissal related to the religious tenets of the school.

2. Policy Statement

The governing board is committed to:

- Promoting equality of opportunity and community cohesion where the diversity of different backgrounds and circumstances is appreciated and positively valued.
- Promoting the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs.

We expect all staff, volunteers and other workers to share this commitment. It is recognised that this can only be achieved through sound procedures, good inter-agency co-operation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake.

The governing board recognises the value of and seeks to achieve a diverse workforce which includes people from different backgrounds, with different skills and abilities. We are committed to ensuring that recruitment and selection is conducted in a manner that is systematic, efficient, and effective and which promotes equality of opportunity. Selection will be on the basis of merit and ability, assessed against the qualifications, skills and competencies required to do the job. We will uphold obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or belief.

An equality statement will be provided to all applicants for jobs. The school may, where appropriate, apply positive action to encourage applications from particular groups where they are underrepresented in the workplace. In exceptional legitimate circumstances the school may apply a genuine occupational qualification to particular role (see Appendix A).

The school:

- Will take positive steps to create a culture through its governing board, managers and other employees, workers and volunteers, in which everyone can feel confident of being treated with fairness, dignity and respect.
- Aims to create a work environment in which all individuals are able to give their best; where all decisions are based on merit and which is free of harassment, victimisation and bullying.
- Will provide appropriate training and support to employees to secure understanding of, and compliance with, its aim and expectations.

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

- Will ensure that equality issues are considered and regularly reviewed, including assessing implications for people with particular protected characteristics as an integral part of our policy development and decision-making processes.
- Will remove the possibility of any initial unconscious bias, to ensure equality, diversity and inclusion in all aspects of employment, such as recruitment and promotion.

Behaviour or actions by members of staff against the spirit and/or the letter of the law or this policy, including but not limited to acts of discrimination, bullying or victimisation against employees or others in the school community will be considered disciplinary matters and will be dealt with under the school's Discipline and Dismissal Procedure and may, in some cases, lead to dismissal.

3. Policy in practice

The school has in place a range of employment related policies, procedures and practices which support and complement this Equality and Diversity in Employment Policy. These will be operated in a way which is consistent with the objectives of this Policy and Equality and Workload Impact Assessments on policies and procedures support this objective.

For the purposes of this Policy and the Act, the definition of 'employee' is extended to include:

- employees (those with a contract of employment);
- workers and agency workers (those with a contract to do work or provide services);
- self-employed people (where they have to personally perform the work).

The principles of this Policy also apply to Volunteers.

4. Responsibilities

It is recognised that everyone in the school community influences how equality and diversity is achieved and everyone has a responsibility to uphold the law and principles of equality of opportunity. In addition to these general responsibilities, there are other specific responsibilities.

4.1 The governing board has responsibility for:

- Determining, monitoring, reviewing and supporting the implementation of the Equality and Diversity in Employment Policy in consultation with relevant stakeholders.
- Ensuring employment and recruitment policies and practice are non-discriminatory in word and operation.
- Analysing and monitoring policy and practice and initiating appropriate action.
- Ensuring complaints are investigated and dealt with effectively.
- Ensuring appropriate training takes place for governors and employees.

4.2 The headteacher and other managers have responsibility for:

- Ensuring that the Equality and Diversity in Employment Policy is implemented.

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

- Ensuring recruitment, employment and management policies and practices are undertaken in accordance with the Policy.
- Ensuring the Policy is brought to the attention of all employees and that they all receive appropriate training.
- Treating all employees with dignity and respect and recognising and valuing individual skills and contributions.
- Creating an environment in which employees are able to identify and share good practice, celebrate success and encourage positive attitudes towards diversity.
- Dealing appropriately with breaches of this policy.
- Ensuring a member of the senior management team is the nominated lead on equality and diversity issues.

4.3 All employees, volunteers and workers have a responsibility to:

- Act within equalities legislation and to comply with school Policy.
- Treat everyone with dignity and respect and recognising and valuing individual skills and contributions.
- Take part in training and comply with measures introduced to ensure equal opportunities and non-discrimination.
- Report to their line manager, or other appropriate person, any breaches of this policy enacted against him/her or another person by another employee, pupil or another person connected with the business of the school.

Individuals can be held personally liable as well as, or instead of, the school for any act of unlawful discrimination. Individuals who commit serious acts of harassment may be guilty of a criminal offence. Where an act of harassment is alleged, the school will thoroughly investigate the alleged circumstances and provide additional training/support to individuals as considered appropriate.

5. Monitoring and reporting

The school will periodically monitor the application of its policies and procedures and their impact on staff and applicants to assess their effectiveness and revise them as necessary. The school is committed to engaging with relevant stakeholders in the review of policy and practice.

In particular, the school will monitor matters such as recruitment, promotion, training, pay, grievances, disciplinary action, leave of absence, flexible working, management of sickness absence and redundancy by reference to the protected characteristics of their employees.

The school will consider and implement any appropriate action to address any issues that may be identified as a result of the monitoring process.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes. The school will publish such equality data as is required in accordance with the Act (including gender pay gap reporting where applicable) and the Public Sector Equality Duty.

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

All data will be collected, held and processed in accordance with the school's data protection policy/policy on processing special categories of personal data. Any publication of data will preserve anonymity.

6. Complaints

The school will make every effort to protect employees from discrimination and all concerns raised with the school will be handled in a positive and sensitive manner and in accordance with the appropriate policy/procedure.

Employees

Existing employees who feel they have been unfairly discriminated against, harassed, bullied or victimised should raise it in the first instance with their line manager or other manager where their own line manager is the subject of the complaint.

Employees should refer to the grievance procedure for further information. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless their complaint is found to be both untrue and made in bad faith.

Applicants

Individuals who may be concerned that their application for employment has not been dealt with in accordance with this Policy should raise their concerns via the school complaints procedure.

Others

Visitors or other members of the school community who experience or witness discrimination, bullying, harassment or victimisation should report the matter to the headteacher in the first instance or via the school complaints procedure.

7. Sharing health and Absence Information

In accordance with the Act, employers may not request information concerning an individual's sickness and attendance record prior to the selection stage. Once the preferred candidate has been selected, then sickness and attendance records can be obtained from the referee and applicant, as part of the pre-employment checks prior to a firm offer. The applicant must give their explicit consent for this information to be released. The interview panel may not ask general questions about the individual's sickness and attendance record but may ask relevant questions to establish whether the applicant will be able to carry out a function that is intrinsic (e.g. majority of the work involves manual handling) to the work concerned once reasonable adjustments are in place.

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

Appendix A – Definitions

1. Direct Discrimination

- 1.1 Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic.

Direct discrimination could involve a decision not to employ someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions or deny contractual benefits because of a protected characteristic.

Example: Not employing a woman because she is pregnant.

- 1.2 Discrimination by Perception

Discrimination by Perception is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic. Discrimination by perception does not apply, in law to marriage and civil partnership or pregnancy and maternity.

Example: A heterosexual employee is taunted about his sexuality by colleagues who perceive him to be gay.

- 1.3 Discrimination by Association

Discrimination by Association is discrimination against a person because they have an association with someone with a particular protected characteristic. Discrimination by Association applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex.

Example: Not offering a job to the parent of a disabled child because the employer thinks they will need more time off due to the child's disability and there is no evidence to support this.

2. Indirect discrimination

Indirect discrimination is where a provision, criteria, policy or practice in the school is applied to everyone but particularly disadvantages people who share a protected characteristic compared with people who do not. Indirect discrimination can be justified if the school can show it acted reasonably, for example that it is a 'proportionate means of achieving a legitimate aim'.

Indirect discrimination applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability discrimination and gender reassignment. Pregnancy and maternity are covered by indirect sex discrimination.

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

Example: Having a policy not to employ anyone with facial hair in a kitchen for health and safety reasons. This policy may indirectly discriminate against certain religious groups.

3. Positive Action

Positive action describes measures targeted at a particular group that are intended to redress past discrimination or to offset the disadvantages arising from existing attitudes, behaviours and structures. The school may use lawful measures which can include:

- Encouraging applications from people of particular racial groups or gender, who have been under-represented in certain occupations or grades during the previous 12 months.
- Providing facilities to meet any specific educational, training, or welfare needs identified for a specific racial group.
- Measures to provide training and special encouragement for returnees to the school after a period of time discharging domestic or family responsibilities.

Positive action is different from positive discrimination which is illegal. Positive discrimination generally means choosing (or not choosing) someone solely on the grounds of a protected characteristic (e.g. gender or racial group) and not on their abilities.

4. Genuine Occupational Requirements

Employers can exercise the powers available under the Act to appoint a person from a particular group, where there is a genuine occupational requirement.

An example of a genuine occupational requirement may be appointing a female to work in a role providing intimate care for an older female student.

5. Harassment

Harassment can be defined as “improper, offensive and humiliating behaviour, practices or conduct, which may threaten a person’s job security, create an intimidating, unwelcoming and stressful workplace, or cause personal offence or injury.” (ACAS)

Harassment can often be identified by a series of what seem to be trivial incidents. It is the impression of the harassed person, not the intentions or motivations of the harasser, which are important.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception (see 1.2 above) and association (see 1.3 above).

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

6. Victimisation

Victimisation is where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she is suspected of, or has:

- made, or supported, a complaint of discrimination;
- raised a grievance;
- brought proceedings under the Act; or
- done any other thing for the purposes of, or in connection with, the Act.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

7. Unconscious Bias

Unconscious bias occurs when people favour others who look like them and/ or share their values and we should be aware that everyone has an unconscious bias.

Where unconscious bias is against a protected characteristic, it can be unlawfully discriminatory. The school therefore aims to challenge stereotyping and prejudice openly and to mitigate this through:

- being aware of unconscious bias;
- not rushing to make decisions and considering issues fully;
- justifying decisions based on evidence and recording the reasons for decisions, e.g. recruitment, promotion and disciplinary outcomes;
- encouraging staff to work with diverse groups of people and getting to know them as individuals, such as working within different teams, premises, etc wherever possible;
- focusing on positive behaviour of people and not the negative stereotypes; and
- implementing Policies and Procedures which limit the influence of individual characteristics and preferences.

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

Appendix B – Equality and Pay

Equal Pay

The Act provides that men and women should receive equal pay for equal work. This means that in most circumstances a challenge to pay inequality and other contractual terms and conditions still has to be made by comparison with a real person of the opposite sex in the same employment. However, the Act allows a claim of direct pay discrimination to be made, even if no actual comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from the school if they were of a different sex may have a claim, even if there is no-one of the opposite sex doing equal work with the school.

This would be a claim under sex discrimination.

Pay Secrecy

The school will not prevent or restrict its employees from having discussions to establish if they believe pay differences exist that are related to a protected characteristic. The school may, in particular, require its employees to keep pay rates confidential outside the workplace e.g. a competitor organisation.

Gender pay gap reporting

The gender pay gap reporting duty for public-sector employers in England is set out in the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 which came into force on 31 March 2017.

The Regulations include a requirement for public sector employers with 250 or more employees to publish:

- the difference in mean and median pay between male and female employees;
- the difference in mean and median bonus pay between male and female employees and the proportions of male and female employees who were paid bonus pay; and
- the proportions of male and female employees in each quartile of their pay distribution.

At their discretion, employers can also publish a supporting narrative and action plan to explain their gender pay gap. The snapshot date for gathering data each year is 31st March. Employers are required to publish their gender pay gap report within the period of 12 months (beginning with the snapshot date) on the GOV.UK website. Employers should also publish this information on their own website in an easily accessible format and in a prominent place. Once published the information must remain there for at least three years.

The Equality and Human Rights Commission is responsible for enforcing public sector equality duties including failure to comply with gender pay gap reporting duties.

With Jesus alive in our hearts, we celebrate each other and learn together as a family.

*With Jesus alive in our hearts, we celebrate each other and learn
together as a family.*