

# DERBYSHIRE LEA

## EQUAL OPPORTUNITIES POLICY

**[NAME OF] SCHOOL**

# 1. Equal Opportunities Policy

The Governing Body's policy is to provide education fairly to all pupils within the school and to give equal treatment to its employees, pupils and members of the community regardless of their age, disability, HIV status, marital status, ethnicity, religion, sex, sexual orientation, or national origin.

The Governing Body promotes the elimination of discrimination and complies with the Sex Discrimination Act 1975 (as amended), Employment Equality (Age) regulations 2006, Race Relations Act 1976 (as amended), Human Rights Act 1998, Asylum and Immigration Act 1996, Disability Discrimination Act 1995, Employment Equality Regulation (Sexual Orientation) 2003 and Employment Equality Regulation (Religion or Belief) 2003 together with relevant Codes of Practice and European Directives.

## 1.1 The Governing Body's Commitment

The Governing Body is committed to the principles of the Equality Standard for the school.

All Governors, employees and those acting on behalf of the Governing Body or school are responsible for implementing the policy and have a continuing duty to challenge all forms of discrimination.

### The Governing Body will:

- Give advice and training to ensure that Governors and employees understand the implications of the policy and legislation and their responsibilities.
- Promote itself as an employer people are proud to work for and seek to achieve a balanced workforce which reflects the local labour market.
- Promote and support education and training to increase awareness and eliminate discrimination.
- Ensure that services and resources are appropriate to the pupils and members of the community it serves.
- Promote and support the principles of equal pay.

## 1.2 Monitoring and Evaluation

- The Headteacher will report to the Governing Body annually providing information on employees within the school according to age, disability, gender, grade and ethnicity.
- The Governing Body will review the impact of the policy on a regular basis.
- The policy will be regularly reviewed to ensure that it reflects changes in legislation, directives and codes of practice.

## 1.3 Direct/Indirect Discrimination

The Governing Body recognises that there are different types of discrimination and will work with pupils and employees of the school to ensure that all are eradicated.

### **The Governing Body will:**

- Ensure no individual is discriminated against because of their age, disability, HIV status, marital status, ethnicity, religion, sex, sexual orientation or national origin. The only exception to this being if a genuine occupational requirement can be shown to apply.
- Ensure that no group within society is disadvantaged by a criterion, provision or practice, unless it can be objectively justified.
- Ensure that appropriate awareness training is provided in existing training courses to employees and where necessary make additional provision for such.

## 1.4 Genuine Occupational Requirement

In law there may be instances when being of particular ethnic group, religion, sex or sexual orientation will be a specific requirement of a post and can be justified. This is known as a genuine occupational requirement or qualification. However, Derbyshire LEA believes that there will be very few, if any, circumstances where this requirement will arise for educational appointments. If this circumstance arises the Governing Body will seek advice from its personnel service provider before proceeding with the advertising and filling of the post.

## 1.5 Effect on Other Policies and Procedures

The Governing Body will ensure that, where relevant, the school's policies and procedures will take into account fully the Sex Discrimination Act 1975 (as amended), Race Relations Act 1976 (as amended), Human Rights Act 1998, Asylum and Immigration Act 1996, Disability Discrimination Act 1995, Employment Equality Regulation (Sexual Orientation) 2003 and Employment Equality (Religion or Belief) 2003. These will include:

- Recruitment and Selection.
- Training/Staff Development.
- Absence Control/Ill-Health Capability.
- Redundancy.
- Professional Competence of Teachers.

The Governing Body is aware that the above list is by no means exhaustive and that the Sex Discrimination Act 1975 (as amended), Employment Equality (Age) regulations 2006, Race Relations Act 1976 (as amended), Human Rights Act 1998, Asylum and Immigration Act 1995, Disability Discrimination Act 1995, Employment Equality Regulation (Sexual Orientation) 2003 and Employment Equality (Religion or Belief) 2003 may have a direct impact on other personnel policies and procedures adopted by the Governing Body.

## 1.6 Changes to employees' circumstances

The Governing Body encourages, and would like to emphasise the need for, employees to inform the Headteacher and Governors of any material change in their circumstances which could affect their working conditions and the application of this policy. The Governing Body also encourages employees to seek advice from their union before doing so.

## 1.7 Complaints and Resolution of Disputes

If the school receives a complaint relating to any aspect of this Policy which cannot be resolved informally the complaint will be dealt through the school's Complaints Procedure.

**All employees of the Governing Body have a contractual obligation to comply with this policy and the school's Equal Opportunities Policy statements set out in Section 2.**

## **2. Equal Opportunities Policy Statements**

**The Governing Body is committed to the following policy statements:**

### **2.1 Disability**

The Governing Body is committed to eliminating unlawful discrimination and promoting equality of opportunity in the field of employment. It will, therefore, fulfil its legal obligations in accordance with the Disability Discrimination Act 1995 and any related or subsequent legislation including seeking to identify and remove all unjustified direct and indirect discrimination.

The Governing Body will not discriminate against candidates applying for vacancies within the school. Special consideration will, therefore, be given to the following:-

- Application forms.
- Interview arrangements.
- Terms and conditions of employment.
- Staff development opportunities.
- All other policies and procedures adopted by the Governing Body.

The Governing Body will seek to avoid direct and indirect discrimination by:-

- Not making assumptions about a person's disability.
- Promoting equal opportunities.
- Seeking professional advice on whether an impairment is covered by the Disability Discrimination Act 1995 and carrying out workplace risk assessments where appropriate.

The Governing Body, wherever possible and practicable, will agree to make reasonable adjustments which will assist a person with a disability including:-

- Adjustments to premises.
- Reallocation of a disabled person's duties.
- Consideration of suitable alternative employment.
- Consideration of more flexible working, including altering the person's working hours.
- Allowing time off for rehabilitation, assessment or treatment
- Training.
- Acquiring or modifying equipment.
- Modifying instructions or reference manuals.
- Modifying procedures in recruitment and selection for testing or assessment.

The LEA's guidance on 'The Disability Discrimination Act 1995' in the Personnel Handbook will inform the Governing Body's consideration of any reasonable adjustments that may be required.

## **2.2 Race Equality**

The school recognises that people from ethnic minority groups face discrimination.

The school recognises its general duty to promote race equality as set out in the Race Relations Act 1976 (as amended), as follows:

- To eliminate unlawful discrimination
- To promote equality of opportunity
- To promote good relations between individuals of different racial groups.

### **The Governing Body will:**

- Give full and fair consideration to all applicants, regardless of their ethnic origin, based solely on their ability to do the job and give equal opportunity for training, career development and promotion for employees.
- Ensure that information provided by the school is accessible and, where necessary, targeted at ethnic minority or other identified groups.
- Ensure that the school considers, and where appropriate implements, recommendations from the LEA as a result of their consultations with the Racial Equality Council, other minority community groups and trade unions on the implementation of this policy.
- Continue to respond to the recommendations arising from the Stephen Lawrence Inquiry.

## **2.3 Religion or Belief**

The Governing Body is opposed to all forms of religion or belief based discrimination. It recognises that decisions and practices relating to employment and vocational training should not be based on an individual's religious beliefs or lack of them.

The school's policy is to protect the right of individuals, regardless of their religion or belief, and will work for the eradication of all forms of discrimination on these grounds through training, awareness raising and implementation of anti-harassment procedures.

**The Governing Body will:**

- Respect an individual's right to follow and practice a particular religion, religious or similar philosophical belief and respect those individuals who do not do so.
- Encourage a culture within the school which allows individuals to be open about their religious beliefs or otherwise.

## **2.4 Sex Equality**

The Governing Body is opposed to all forms of sex based discrimination and will respect the right to dignity of all women and men.

It will continue to strive to achieve equality of opportunity, while attempting to recognise and address historical and gender-specific discrimination.

**The Governing Body will:**

- Recognise family and caring responsibilities through the continued development of family friendly and carer support policies and provisions. Examples of these include reference to the LEA's 'Authorised Leave of Absence Policy' and 'Contracts of Employment', with particular reference to job sharing, in the Personnel Handbook.
- Recognise that career patterns are often disrupted because of caring responsibilities and provide appropriate training and career development opportunities.
- Challenge sexist attitudes and practices both within the school and external organisations with which the school may deal.
- Give full and fair consideration to applications for employment from individuals, based solely on their ability to do the job and give equal opportunity to training, career development and promotion for employees regardless of gender.
- Develop specific initiatives, where required, to address gender imbalances within the school.

- Ensure that information, publicity and advertising over which the school has control or influence is non-sexist and uses positive images and language.

## **2.5 Sexuality**

The Governing Body recognises its general duty to protect people at work and in vocational training from discrimination on grounds of sexual orientation in accordance with the Employment Equality (Sexual Orientation) Regulation 2003.

The Governing Body is opposed to all forms of discrimination against lesbian women, gay men, transsexual, bisexual or heterosexual men and women. It recognises that decisions and practices relating to employment should not be based on the assumption that everyone is, or should be, heterosexual.

The school's policy is to protect the rights of individuals, regardless of their sexuality, and will work for the eradication of all forms of discrimination on these grounds through training, awareness raising and implementation of anti-harassment procedures.

### **The Governing Body will:**

- Respect an individual's right to define their sexual identity.
- Protect the dignity of women and men at work.
- Work towards enabling employees to feel safe in being open about their sexual identity.

## **2.6 Age Equality**

Ageism is discrimination based on preconceived ideas of an individual's capabilities at certain stages in their lives and is often targeted at younger and older people. The school is opposed to discrimination on the grounds of age.

### **The Governing Body will:**

- Ensure that age is not a barrier to recruitment, selection, promotion, training or personal development.



- Ensure that age will not be considered adversely where redundancy and retirement may apply.
- Seek to eliminate age discrimination through education and training.

## **2.7 Harassment**

The Governing Body recognises that harassment, discrimination, victimisation or bullying of any nature is unacceptable. A culture will be promoted within the school where employees and pupils can bring a complaint without fear of ridicule or reprisal.

It is also recognised that harassment or victimisation may occur when an individual has or intends to make a complaint, or give evidence about discrimination or harassment. Specific procedures are in place to enable an individual to pursue a complaint and for appropriate action to be taken.

The aim is to prevent harassment occurring and to enable individuals to confront unacceptable action or behaviour.

Employees have an obligation to promote an atmosphere free from harassment and to challenge instances of harassment.

### **The Governing Body will:**

- Ensure that employees are aware of harassment procedures.
- Ensure that complaints are dealt with in a sensitive manner.
- Provide support for any individual within the school who is experiencing harassment, victimisation or discrimination.
- Monitor complaints.

The LEA's guidance 'Dealing with Complaints of Harassment' in the Personnel Handbook will inform the Governing Body's consideration of this aspect of Equal Opportunities.