

St Mark's CE Primary School

Ramslye Road
Tunbridge Wells
TN4 8LN



EQUAL OPPORTUNITIES POLICY

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Equal Opportunities – St Mark’s CEP School POLICY STATEMENT

1. INTRODUCTION

- 1.1 The Education Service in Kent has a major and unique role as a service provider, committed to the educational, social, personal, spiritual and cultural development of young people and adults across the County. The Governing Body and School has a commitment to both the equality of opportunity in employment for its staff and in the provision of its services..
- 1.2 We, recognise that in our society, groups and individuals have been, and continue to be, discriminated against in many ways and that the School is a part of that society. By adopting the following policy, the School aims to ensure that all job applicants and employees receive equal treatment and are not disadvantaged by unnecessary conditions or requirements.
- 1.3 Good equal opportunity practice is about achieving the best professional standards for all. Equal Opportunity also makes good business sense in terms of improved morale, lower sick absence, less stress and greater commitment. The case is also driven by the legal responsibilities. When we get equal opportunity wrong it can cost the School and individuals dear. A simple definition of Equal Opportunity is:
 - It is about giving all staff a fair and unbiased way to reach their potential.
 - It is about ensuring equal access to employment and services.
- 1.4 The specific areas covered by this policy and legislation are:
 - Sex, Ethnicity, Disability, Religion and Belief, Sexual orientation, and marital status.

2. PRINCIPLES

- 2.1 We are committed to changing attitudes and opinions; changing the behaviour of people towards each other, improving access to learning opportunities and levels of achievement for all groups and individuals.
- 2.2 We are committed to the development of an ethos and values which:

- (a) raise the self-esteem of people in an environment conducive to the realisation of true potential;
- (b) recognises the interdependence between the quality of service and equality; and
- (c) acknowledges the dignity and mutual respect of individuals.

3. RESPONSIBILITIES

3.1 The responsibilities of all employees are:

- (a) to put equal opportunities into practice, .
- (b) to treat colleagues and customers with respect and not to behave in a way that could be offensive to others.

The responsibilities of management are also:

- (c) To ensure that all members of staff for whom they are responsible have knowledge of and understand the EO policy.
- (d) To take appropriate corrective action, when managers and supervisors become aware of incidents which contravene this policy.

4. MONITORING

- 4.1 We will monitor the impact of our policies and practices to identify whether or not they are successful in promoting equality of opportunity.

- 4.2 We will monitor the following areas:

Job applications for external selection;
Job applications for promotions;
Training application rates;
Training received;
Staff who are the subject of grievance;
Staff involved in disciplinary proceedings and decisions made;
Harassment and discrimination complaints;
Staff who leave

The information will be reported to the LEA on request.

DETAILED GUIDANCE

(All Governors, Headteachers and staff to read and put into practice as appropriate)

5. RACE ISSUES

- 5.1 Race relations is characterised by racial disadvantage, discrimination and high levels of racial prejudice and tension. The education service has an important role to play in challenging racism and promoting social justice and equality.
- 5.2 Under the Race Relations Act 1976 as amended by the Race Relations (2000) Act there is a general duty on every local authority and school to make appropriate arrangements with a view to:-
- a) **eliminate unlawful racist discrimination, and**
 - b) **to promote equality of opportunity and good relations between persons of different racial groups.**
- 5.3 The School is expected to provide their LEA ethnic monitoring data on their staff in their regular returns, so that the authority can meet the specific employment duty.

Note Any racial incident must be recorded and the procedure on Clusterweb should be followed

6. DISCRIMINATION

- 6.1 Discrimination involves treating an individual less favourably than another based on negative assumptions about a particular group of people. Discrimination on the basis of race, sex, marital status, disability, religious belief and sexual orientation. is unlawful (and this will also apply to age in 2006).
- 6.2 **Direct discrimination** refers to the treatment of an individual less favourably than another on the basis of sex, marital status, race, religion or belief, sexual orientation or disability and is nearly always intentional.
- 6.3 **Indirect discrimination** refers to when a requirement or condition is applied equally to everyone but many fewer people of a particular group are able to comply with it. Indirect discrimination is unlawful when it cannot be justified. ,.

Notably, the Disability Discrimination Act does not make a distinction between direct and indirect discrimination.

7. AVOIDING DISCRIMINATION AND HARASSMENT IN THE WORKPLACE – See ‘Fairness at Work’ Policy

- 7.1 We need to provide all employees with a working environment free of harassment and intimidation. Harassment in relation to an individual’s race, sex, disability, sexuality, age or religion or belief and oppressive behaviour is unacceptable. Any imposed conduct which is unwanted, unreciprocated or offensive to the person on the receiving end - whether physical, verbal or non-verbal - can be regarded as harassment.

Note **Harassment does not depend on the intention of the offender but rather the impact of that behaviour on others. There are no acceptable levels.**

- 7.2 If an individual is being harassed, they should make it clear to the offender that their behaviour is unacceptable and unwelcome. If satisfaction cannot be achieved informally, the harassment and workplace bullying procedure may be appropriate - **see the “Fairness at Work” section of the Personnel Manual for Schools.** . If they need to, they should talk to someone they can trust (eg Union representative, Headteacher or Governors).
- 7.3 The Headteacher, Governing Body and supervising staff are responsible for taking appropriate action to eliminate harassment and intimidation of which they are aware. Failure to do so will be considered a failure to fulfil all the responsibilities of the position. However, where it is appropriate, a person of a particular gender may be designated to deal with cases of sexual harassment.

Note **The attention given to a complaint of discrimination or harassment may be considered by an Employment Tribunal as an indication of whether the legal duty is discharged..**

- 7.4 Thorough records of how a grievance/harassment has been handled must be kept for two years. Making a decision in respect of any such grievance is rarely straight forward. Employment Tribunals are increasingly paying closer attention to the rationale behind decisions and the factors that lead decision takers to reach their conclusions.

- Note** **The record should include details of:**
- **the nature of the harassment or discrimination;**
 - **what the aggrieved party wanted to achieve;**
 - **what evidence or other factors were taken into**
- account;**
- **what management action has been taken;**
 - **how was the grievance resolved;**
 - **reasons why if not resolved to the satisfaction of the**
 aggrieved

8. VICTIMISATION

- 8.1 This involves penalising someone who has made allegations or brought a claim about harassment or discrimination, through unwarranted disciplinary procedures, threats, less favourable treatment or any other means. It is unlawful.

9. DRESS CODES AND DISCRIMINATION

- 9.1 Whether a dress code policy which is designed to enhance “professionalism” and mirror “conventional” differences between the sexes can be reconciled with the underlying rationale of the Sex Discrimination Act 1975 is open to challenge.
- 9.2 It would be unlawful if a dress code had a disproportionate adverse effect on a particular racial group. For example, to refuse employment to a male turbaned Sikh or a trouser-wearing Muslim woman because they could not comply with a dress code.

10. AGE DISCRIMINATION

- 10.1 There is growing awareness that age discrimination is widespread. . Discrimination by age in the selection of successful candidates for a job should be as unacceptable and anti-social as discrimination by sex or race. Nevertheless, it is good practice that employment between the ages of 65 – 70 should be reviewed on an annual basis. Continued employment after the 75th birthday will cease because the KCC insurance policy will not cover employees over the age of 75.

11. RECRUITMENT AND SELECTION

- 11.1 It is particularly important that school Governing Bodies who are recruiting staff do so in accordance with the “ **Recruitment & Selection**” **section of the Personnel Manual for Schools**. A guide on the practical implications of recruiting staff in terms of equality is included in that section. In particular it is important to

ensure that all stages of the selection process are fair and non-discriminatory.

11.2 Positive Action

Positive action is not to be confused with positive discrimination, which is unlawful.. Positive action enables an employer to encourage individuals to undertake work previously performed exclusively or mainly by members of the opposite sex or a particular racial group – **see “Recruitment & Selection” section of the Personnel Manual for Schools**

11.3. Genuine Occupational Qualification

Selection on racial or gender grounds is allowed in certain jobs where there is a genuine occupational qualification – **see “Recruitment & Selection” section of the Personnel Manual for Schools..**

11.4 Fairness for all staff

Selection Panels must be aware of any tendencies to stereotype individuals or groups as unsuitable for particular roles. For example it must not be assumed that candidates with family responsibilities would be less committed.

Note **Measures must be taken to avoid stereotyping to ensure fair appointment and promotion procedures with clear criteria against which candidates are selected.**

12. **REDUNDANCY**

It is important that school Governing Bodies who need to reduce staffing levels do so in accordance with the **“Redundancy and Redeployment in Schools” section of the Personnel Manual for Schools..** In particular it is important to ensure that the selection criteria are fair and non-discriminatory.

13. **RETURNING FROM MATERNITY LEAVE**

13.1 A woman has a statutory right to return to the job, or a similar one, that she was originally employed to do and on the same or no less favourable terms and conditions.

13.2 However, some women, who originally worked full-time may not be able to reconcile the demands of a full-time job with their

childcare responsibilities. They may therefore want to change their working pattern to some degree, by working shorter hours, job sharing, working the same number of hours but at different times or working on a flexi-time basis.

- 13.3 Whilst there is no “right” for a woman to return from a full-time contract to a part-time one, if an employer refuses to accommodate an employee’s request to alter her working patterns on return from maternity leave, this may amount to indirect sex discrimination.

Note **When considering requests to vary working hours advice from your Personnel Provider should be sought.**

14. PATERNITY LEAVE

14.1 Support Staff

Upto 10 days leave is available for new fathers or partners on KCC conditions of service. This leave is paid at the lower of either the statutory rate or 90% of average weekly earnings. The Headteacher does however, have discretion to grant paternity leave at full pay under KCC’s compassionate leave arrangements.

14.2 Teachers

Upto 10 days leave is available for new fathers or partners . This is paid at the lower of either the statutory rate or 90% of average weekly earnings.

- 14.3 Maternity support leave is an entitlement for NJC staff. They are entitled to 5 days paid leave of absence. This applies to new fathers, or the person nominated by the expectant mother as their main carer.

15. FAMILY FRIENDLY

15.1 Flexible Working

An employee does not have the right to flexible working but a refusal can amount to sex discrimination unless the decision can be fully justified and all options for part-time and job-share arrangements etc have been carefully considered.

Parent with child/children under the age of 6, or parents with disabled child/children under the age of 18 do have the right to

apply to work flexibly and their employer has a statutory duty to consider such applications seriously

15.2 Dependent Care

An employee has the right to a reasonable period of time off work to deal with an emergency involving a dependant.

16. TRAINING AND DEVELOPMENT

16.1 All employees should be given support and advice in identifying their training and development needs. Where appropriate this should be linked in with the appraisal process. A system of regular reviewing of progress will be helpful. All employees should be able to seek opportunities for career and professional development without prejudice.

16.2 It is recognised that Governors and staff may have training needs which arise from the establishment of an equal opportunities policy and procedures. Training may be needed to enable them to discharge their responsibility in designing job descriptions, candidate specifications, advertisements and undertaking the selection processes, including interviewing. It is advisable that no-one should be involved in the recruitment and selection process, unless they have had such training..

16.3 Training for minority groups is important. Women should be well represented on courses and arrangements for in-service training should extend the use of school-based work in school time.

17. LIABILITY

To avoid liability for the actions of employees the employer must be able to demonstrate that its employment policies and practices are known and applied fairly and effectively. It will be necessary to ensure that EO policies have been adopted, that information and training on equal opportunities has been made available to all staff and that there are effective procedures for dealing with grievances and allegations of harassment.

18. GRIEVANCE/HARASSMENT PROCEDURES.

18.1 If they need to, employees may raise complaints relating to equal opportunity issues and harassment through the school's Grievance Procedure and/or the Harassment/Bullying Procedure – **see St Mark's School's "Fairness at Work" policy.**

19. DISCIPLINE

- 19.1 All employees are expected to perform their duties in accordance with and in furtherance of good equal opportunity practice. Wilful breaches of policy may result in disciplinary action.
- 19.2 Full details of the discipline procedures are given at **Section 17 of the Personnel Manual for Schools**. For discipline cases involving equal opportunities issues, Personnel Advice should be sought at an early stage.
- 19.3 Particular care should be taken to ensure that any employee who has taken action in good faith either under the grievance procedure, the Sex Discrimination Act, Equal Pay Act, the Race Relations Act, the Disability Discrimination Act, Equality Regulations on Religion or Belief and Sexual Orientation does not receive less favourable treatment than other employees.

20. MONITORING EQUALITY OF OPPORTUNITIES

- 20.1 At the heart of any strategic approach to equal opportunities must be sensible monitoring by both the school and LEA. Statutory legislation now requires monitoring in the following areas:

- recruitment
- workforce makeup
- requests for training and training received
- promotions
- grievances and disciplines
- leavers

This need not be bureaucratic as these staff statistics need monitoring only yearly to provide milestones from which to measure progress.

- Note**
1. **A summary monitoring form for the recruitment element can be found in the “Recruitment & Selection” section of the Personnel Manual for Schools.**
 2. **Summary forms for the Annual return to the LEA can be found in the Workforce Data Toolkit.**

21. INFORMATION

- 21.1 The Headteacher should ensure a copy of the Equal Opportunities Policy Statement is to be made available to every governor and employee engaged in the school, including all new staff on appointment

- 2.2 Further advice and information on Equal Opportunities issues is available from your Personnel Provider.