

# Equality and Diversity Policy For College Staff

(Based on EPM Model Policy)

Presented to:

Governors: Personnel committee

|  | Date                       |
|--|----------------------------|
| EPM model policy adapted                                 | 12 <sup>th</sup> July 2013 |
| Governors Personnel Meeting                              |                            |
| Consultation with trade unions and staff representatives |                            |
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| Date approved |  |
| Date reviewed |  |

## **1 Policy**

- 1.1 The Governing Body of Sir Harry Smith Community College is committed to promoting equality of opportunity for all staff and job applicants. We aim to create a supportive and inclusive working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.
- 1.2 We do not discriminate against staff on the basis of age; race; sex; disability; sexual orientation; gender reassignment; marriage and civil partnership; pregnancy and maternity; religion, faith or belief. (Equality Act 2010 protected characteristics). The principles of non-discrimination and equality of opportunity also apply to the way in which staff and Governors treat visitors, volunteers, contractors and former staff members.
- 1.3 All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status. Your attention is drawn to our separate Bullying and Harassment policy.
- 1.4 This policy has been agreed following consultation with the trade unions and staff representatives
- 1.5 Our Statement under Public Sector Equality Duty is attached as Appendix A
- 1.6 This policy does not form part of any employee's contract of employment and may be amended at any time.

## **2 Who is covered by the policy?**

- 2.1 This policy covers all individuals working at all levels and grades, including senior managers, employees, trainees, part-time and fixed-term employees, volunteers, casual workers, agency staff and governors collectively referred to as staff in this policy.

## **3 Who is responsible for this policy?**

- 3.1 The Governing Body has ultimate responsibility for the effective implementation of this policy and the Senior Manager with responsibility for equalities issues has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. The Personnel Committee is responsible for monitoring the implementation of this policy and reporting on the progress made in achieving targets set by the Governing Body. Day-to-day operational responsibility, including regular review of this policy, has been delegated to Deputy Head teacher – Dawn White.

- 3.2 All managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice. Deputy Head teacher-Dawn White has overall responsibility for equal opportunities training. All members of staff are personally responsible for ensuring that they adhere to the policy and promote our aims and objectives with regard to equal opportunities. In certain circumstances the Governing Body could be held to be vicariously liable for actions of their staff. Staff should be aware that they may be personally liable if they are found to have discriminated against another person whilst in School or on School-related business.
- 3.3 If you are involved in management or recruitment, or if you have any questions about the content or application of this policy, you should contact Deputy Head teacher Dawn White to request training or further information.

#### **4. Scope and purpose of the policy**

- 4.1 This policy applies to all aspects of our relationship with staff and to relations between staff members at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.
- 4.2 We will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities. Please see the following for specific information on our approach to these issues, Eg Safeguarding and Child Protection policy, Corporate statement on Equal Opportunities and policy statement on the recruitment of ex-offenders.

#### **5. Forms of discrimination**

- 5.1 Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- 5.2 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

- 5.3 Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.
- 5.4 Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-harassment and Bullying Policy.
- 5.5 Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment, or supported someone else's complaint.

## **6. Staff training and promotion and conditions of service**

- 6.1 Staff training needs will be identified through regular staff appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit. Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.
- 6.2 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

## **7. Discipline and Termination of Employment**

- 7.1 We will ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.
- 7.2 We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

## **8. Disability discrimination**

- 8.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

- 8.2 If you experience difficulties at work because of your disability, you should speak to your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser(s) about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.
- 8.3 We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff.

## **9. Fixed-term employees, Casual and Agency Workers]**

- 9.1 We monitor our use of fixed-term employees, casual and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

## **10. Part-time work**

- 10.1 We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately.

## **11. Breaches of this policy**

- 11.1 If you believe that you may have been discriminated against you are encouraged to raise the matter through our Grievance Procedure. If you believe that you may have been subject to harassment or bullying you are encouraged to raise the matter through our Harassment and Bullying Policy.
- 11.2 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.
- 11.3 Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

**12. Monitoring and review of the policy**

- 12.1 This policy is reviewed annually by the Personnel Committee.
- 12.2 We will continue to review the effectiveness of this policy to ensure it is achieving its objectives.
- 12.3 Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting Deputy Head teacher Dawn White.

# Appendix A - EQUALITY DUTY STATEMENT

## INTRODUCTION

1.1 This document describes how the Governing Body of Sir Harry Smith Community College intends to fulfil its responsibilities under the Public Sector Equality Duty with regards to its workforce. **The Equality Objectives will be part of the College Improvement Plan and information will be published on the Equalities page on the College website.**

1.2 We will have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.
- 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 share it.

1.3 We will collect and use equality information to help us to:

### Identify key issues

- Understand the impact of our policies, practices and decisions on people with different protected characteristics, and thereby plan them more effectively.
- Assess whether we are discriminating unlawfully when carrying out any of our functions.
- Identify what the key equality issues are for our organisation.

### Assess performance

- Benchmark our performance and processes against those of similar organisations, nationally or locally.

### Take action

- Consider taking steps to meet the needs of staff who share relevant protected characteristics.
- Identify if there are any actions we can take to avoid discrimination and harassment, advance equality of opportunity or foster good relations.
- Make informed decisions about policies and practices which are based on evidence about the impact of our activities on equality.
- Develop equality objectives to meet the specific duties.
- Have due regard to the aims of the general equality duty by ensuring that staff have appropriate information for decision making.

1.4 We will work towards developing an equality profile of staff to help us to understand key equality issues in our workforce, including any evidence of pay gaps or 'occupational segregation' ie staff with certain protected characteristics, or at certain grades. In addition, we note that it is likely to be useful to collect and consider information, appropriately disaggregated, about:

- Recruitment and promotion.
- Numbers of part-time and full-time staff.
- Pay and remuneration.
- Training.

- Return to work of women on maternity leave.
- Return to work of disabled employees following sick leave relating to their disability.
- Appraisals.
- Grievances (including about harassment).
- Disciplinary action (including harassment).
- Dismissals and other reasons for leaving.

## **2.0 PUBLICATION OF EQUALITY INFORMATION**

2.1 We will publish relevant, proportionate information which is broad enough to give a full picture of performance across our school. We will demonstrate how we have used this information to have due regard to all 3 aims of the duty, for all relevant protected characteristics. Our information will usually fall into 2 main categories:

- 2.1.1 Information to identify equality issues. Examples of this include equality monitoring information about employees, information about the effect of our activities on people with different protected characteristics or any engagement we may have carried out.
- 2.1.2 Information about steps taken to have due regard to the aims of the general equality duty. For example, any records we have about how we had due regard in making certain decisions, information that was considered in that decision-making (including engagement), consideration of steps to mitigate adverse impacts, or details of policies to address equality concerns.

2.2 We note that the Equalities and Human Rights Commission would normally expect to see the following information:

- The race, disability, gender and age distribution of our workforce at different grades, and whether they are full or part-time.
- An indication of the likely representation on sexual orientation and religion and belief, provided that no-one can be identified as a result.
- An indication of any issues with transsexual staff, based on engagement with transsexual staff or equality organisations.
- Gender pay gap information.
- Information about occupational segregation.
- Grievance and dismissal information for people with relevant protected characteristics.
- Complaints about discrimination and other prohibited conduct from staff.
- Details and feedback of engagement with staff and trade unions.
- Quantitative and qualitative research with employees, e.g. staff surveys.
- Records of how we have had due regard to the aims of the duty in decision making

with regard to our employment, including any assessments of impacts on equality and any evidence used.

- Details of policies and programmes that have been put into place to address equality concerns raised by staff and trade unions.