

# Diversity Policy

## The Equality Act 2006

**New legislation** The Equality Act 2006, currently going through Parliament, will bring in legislation encouraging and supporting the development of a society in which:

- people's ability to achieve their potential is not limited by prejudice or discrimination
- there is respect for and protection of each individual's human rights
- there is respect for the dignity and worth of each individual
- each individual has an equal opportunity to participate in society
- there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights

### **Introduction:**

The Hammond Primary School aims to encourage, value and manage diversity and provide equality for all. We also recognise the importance of supporting a staff group that is representative of the communities from which it is drawn.

This policy seeks to ensure equality for all with specific reference to:

- gender (including sex, marital status, gender re-assignment)
- race (including ethnic origin, colour, nationality and national origin)
- disability
- sexual orientation
- religion or belief
- age

The school will ensure a working environment in which all staff are able to give of their best, which is free from harassment and bullying and in which all decisions will be based on merit. (See Respect At Work Policy Document)

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## **Age:**

### **The Employment Equality (Age) Regulations 2006**

The regulations make it unlawful to discriminate, treat unfairly or harass workers, employees, job applicants and trainees because of their age, or the age they appear to be.

The regulations currently allow for a national default retirement age of 65.

The Governing Body and the Senior Leadership Team of the school are committed to implementing the Employment Equality (Age) Regulations which will include the following principles:

**Who is covered?** Employees, contract workers, agency temps, casual workers, work-experience volunteers, freelancers who are providing their services personally (e.g. peripatetic teachers) and non-elected office holders (e.g. governors).

The school is also responsible for the behaviour of its staff towards an individual working for someone else but on school premises (e.g. a photocopier repair engineer).

**What is covered?** Covering the whole life of the employment relationship, the regulations make it unlawful on grounds of age to:

- decide not to employ someone
- dismiss them or make them redundant
- refuse to provide them with training
- deny them promotion
- give them adverse terms and conditions
- withhold fair and accurate references (written or verbal)
- retire an employee before the default retirement age of 65 without an objective justification.

**Exemptions** Treating people differently because of their age is only permitted following *objective justification* or in *exceptional circumstances*.

Both direct and indirect discrimination can be objectively justified if it is a *proportionate* means of achieving a *legitimate* aim. That is, economic, health, safety, welfare, or training requirements of the job may be factors that contribute to a legitimate aim, but the discrimination must be outweighed by the need to achieve the aim. It will be necessary (and probably difficult) to prove the objective justification in each case.

Employing NQTs because they are cheaper, or because they balance the age profile of the school, or because they could introduce new ideas would NOT be objectively justifiable. However, welcoming applications from NQTs when advertising for new staff is permitted, but schools should always appoint the best person for the job.

There are also *exceptions* to or *exemptions* from the age regulations, and schools can discriminate on grounds of age if:

- existing law requires it (statutory authority)
- there is a genuine need for a person to have a characteristic related to a certain age (genuine occupational requirement)

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Other exemptions relate to length of service benefits, the National Minimum Wage, enhanced redundancy payments, life assurance and occupational pensions.

**Public Sector Duty** At present (2007) schools do not have a duty to demonstrate actions which minimise age discrimination or promote age equality, or produce an Age Equality Scheme. It is likely that this will become compulsory by 2008/9.

**Recruitment** You can refuse to hire a candidate who is over age 65 without having to justify it. You can also refuse to consider applicants who are within six months of their 65th birthday.

**Retirement** Currently the regulations set a default retirement age of 65. This means you can retire employees or set retirement ages at or above 65. Retirements or retirement ages below the default age will need to satisfy the test of objective justification. Staff have the right to request to continue working beyond their retirement date and schools have a duty to consider such requests. The requests should be considered on their individual merits but schools are under no obligation to agree to them.

**Redundancy** All staff, including those over 65, are entitled to statutory redundancy pay

**Unfair Dismissal** Although there is now no upper age limit for the right to claim unfair dismissal, that right may be limited if the claimant is over 65 and the school says that the reason for dismissal is retirement.

**Statutory Sick Pay** Staff still working after age 65 are entitled to SSP for up to 28 weeks, as with other (SSP) workers.

**Positive action** These are measures designed to help people of different ages compete on equal terms in the employment market. Positive action measures are allowed in two areas: for access to training and education facilities, and to encourage people to take up employment opportunities. For example, schools might run specialised computer training courses for those over 60 because they may have had less exposure to such training in the past.

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## **Disability**

### **The Disability Discrimination Act 1995 (DDA), amended in 2003 & 2005**

The Act makes it unlawful for a school to treat a disabled job applicant, or an employee, less favourably simply because of their disability, i.e. worse than someone without that disability when all surrounding circumstances, including the abilities of the disabled person, are the same.

Schools also have a duty under the DDA to make reasonable adjustments to prevent a disabled employee from being placed at a substantial disadvantage by any physical feature of the premises, or by any provision, criteria or practice of the school.

The Governing Body and the Senior Leadership Team of the school are committed to implementing the Employment Equality (Age) Regulations which will include the following principles:

**Who is covered?** The DDA defines a person as having a disability if he or she has a physical or mental impairment which has an effect on his or her ability to carry out normal day-to-day activities. That effect must be:

- substantial (more than minor or trivial)
- adverse
- long-term (it has lasted, or is likely to last, for at least a year or for the rest of the life of the person affected)

The DDA also covers people who have cancer, MS, HIV/AIDS, who have had heart surgery, are on kidney dialysis, people with diabetes, stammer, dyslexia, mental health service users, people with severe disfigurements and learning disabilities or difficulties – provided their condition results in a disability which meets the DDA definition. Also covered are those who have previously had a disability (e.g. a mental health problem).

*Note:* 50% of the people covered do not have obvious impairments and may not consider themselves disabled. Schools must do everything reasonable to find out if a person is covered – for example, by asking everyone if they require any particular adjustment to support them through the selection process or for their work.

Protection is extended not only to disabled people themselves, but also to those who are perceived to be disabled, are associated with disabled people or suffer less favourable treatment because they refuse to carry out instructions that would amount to discrimination.

The school is also responsible for the behaviour of its staff towards an individual working for someone else but on school premises (e.g. a photocopier repair engineer).

**What is covered?** Covering the whole life of the employment relationship, the DDA makes it unlawful on grounds of disability to:

- decide not to employ someone
- dismiss them or make them redundant
- refuse to provide them with training

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- deny them promotion
- give them adverse terms and conditions
- withhold fair and accurate references (written or verbal)

**Exemptions** The DDA states that disability-related discrimination can only be justified if the reason for the less favourable treatment is both material to the circumstances of the case and substantial.

- *material* means that there must be a strong link between the reason given for the treatment and the circumstances of the case.
- *substantial* means that the reason must carry real weight. The reason must be more than minor or trivial.

Discriminatory treatment will never be capable of objective justification unless the school has first made all reasonable adjustments possible to assist and support the staff member (or job applicant). All decisions would have to be based on a reasonable and fair assessment of the relevant circumstances and available information.

**Public Sector Duty** Schools have a statutory duty to eliminate unlawful discrimination on grounds of disability and to promote equality of opportunity and good disability relations in the delivery of their functions.

Schools are required to make a 'reasonable adjustment' to working conditions or the adjustments workplace to overcome the practical effects of a disability – and failure to make those adjustments can never be justified.

Reasonable adjustments may include:

- altering the person's working hours
- allowing absences during working hours for medical treatment
- giving additional training or changing instructions or reference manuals
- special equipment, modifying existing equipment or making adjustments to premises
- providing additional supervision and/or support

*Note:* Many disabled people do not need any adjustments, and some may not be feasible. It is important to consult the disabled person and get advice as necessary (e.g. Access to Work). All solutions will be individual and should be the result of a joint process that aims to find the most satisfactory outcome all round, based on respect not favours.

SENDA The Special Education Needs and Disability Act 2001 amended the DDA to make it unlawful to discriminate against disabled people in the provision of education. It placed an anticipatory duty on educational establishments to provide accessible education for learners with disabilities

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## **Gender:**

### **The Sex Discrimination Act 1975 (SDA), amended in 2003 and in April 2007**

The Act makes it unlawful to discriminate, treat unfairly or harass workers, employees, job applicants and trainees because of their gender. Other employment legislation which may apply:

- Equal Pay Act 1970
- Employment Equality (Sex Discrimination) Regulations 2005
- The Carers Equal Opportunities Act 2005
- Work & Families Act 2006

The Governing Body and the Senior Leadership Team of the school are committed to implementing the Employment Equality (Age) Regulations which will include the following principles:

**Who is covered?** In employment and vocational training, it is unlawful to discriminate against someone on the grounds of being:

- male or female
- married or a civil partner
- gender reassigned

The SDA covers employees, contract workers, agency temps, casual workers, work experience volunteers, freelancers who are providing their services personally (e.g. peripatetic teachers) and non-elected office holders (e.g. governors). Schools are also responsible for the behaviour of their staff towards an individual working for someone else but on school premises (e.g. a photocopier engineer).

**What is covered?** Covering the whole life of the employment relationship, the SDA makes it unlawful on grounds of gender to:

- decide not to employ someone
- dismiss them or make them redundant
- refuse to provide them with training
- deny them promotion
- give them adverse terms and conditions
- withhold fair and accurate references (written or verbal)

**Exemptions** *Genuine Occupational Requirements (GORs)*: Being a woman or a man can be a GOR for a job and it would therefore be lawful to discriminate in those instances. Possible GORs include:

- authenticity or physiology (e.g. actor, model, but not physical strength or stamina)
- preservation of decency/privacy (jobs involving physical contact, states of undress or use of sanitary facilities)
- live-in jobs where the premises are not equipped with separate

sleeping/sanitary facilities for the sexes

- establishments which by their nature require certain jobs to be carried out by a member of one sex or the other (e.g. hospital, prison, refuge)
- the job holder provides personal services in welfare or education

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**Public Sector Duty** Schools are covered (from April 2007) by the Public Sector Duty to eliminate unlawful discrimination on grounds of gender and to promote equality of opportunity and good gender relations in the delivery of their functions.

**Work & Families** This new legislation includes:

Act (from April 2007) • Statutory Maternity Pay timescale increase from 26 to 39 weeks (2007) • Maternity leave transferable to fathers

- The right to request flexible working extended to employees caring for elderly or disabled relatives

*Note:* Any dismissal in connection with pregnancy, childbirth, or a staff member wanting to take maternity leave is automatically unfair (Work & Families Act). Discrimination on grounds of pregnancy or maternity leave is also prohibited (Employment Equality [Sex Discrimination] Regulations).  
Equal pay The Equal Pay Act 1970 requires equality of treatment in pay and contractual terms challenges between women and men doing 'like work', work rated as equivalent, or work of equal value. A member of staff considering an equal pay claim may serve an 'equal pay questionnaire' on the school and it is advisable that schools provide a carefully worded and detailed response to all the questions as their responses are admissible in evidence at tribunal. (Time limit: eight weeks.)

**Positive action** These are measures designed to help women or men to compete on equal terms in the employment market. For example, an employer can run a single-sex training course to equip women with skills for specific work in which they are significantly under-represented. Selection for jobs must, however, always be on merit. Positive discrimination, e.g. choosing the woman candidate solely because you don't have enough female staff, is illegal.

**Transgender** Transgender status or gender reassignment (covered by the amended SDA 1975) means the process by which an individual changes their gender (male to female or female to male) under medical supervision.

Protection against discriminatory treatment in employment is available as soon as it is known that a worker intends to go through the process of sex change. Outside the employment context, the Gender Recognition Act 2004 ensured that transsexual people who have registered with the Gender Recognition Panel can be recognised, marry, and receive a new birth certificate – all using their acquired gender.

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## **Race:**

### **The Race Relations Act 1976 (RRA) amended in 2000**

The Act makes it unlawful to discriminate, treat unfairly or harass workers,

employees, job applicants and trainees because of their race. Everyone is protected equally, whatever their race or racial origin.

The Governing Body and the Senior Leadership Team of the school are committed to implementing the Employment Equality (Age) Regulations which will include the following principles:

**Who is covered?** The term *race* includes: colour, ethnic origin, nationality, national origin, citizenship as well as race.

It has been established that, for the purposes of the RRA 1976, Sikhs, Jews and Gypsies (i.e. genuine Romany people) are covered, as they are groups of separate ethnic origins. Sikhs and Jewish people are also protected under the Employment Equality (Religion or Belief) Regulations 2003. In contrast, Muslims are not, in law, deemed to be a group with separate ethnic origins and are not, therefore, covered by the RRA (although Muslims are of course protected by the Religion and Belief Regulations). The RRA covers employees, contract workers, agency temps, casual workers, workexperience volunteers, freelancers who are providing their services personally (e.g. peripatetic teachers) and non-elected office holders (e.g. governors). Schools are also responsible for the behaviour of their staff towards an individual working for someone else but on school premises (e.g. a photocopier engineer).

**What is covered?** Covering the whole life of the employment relationship, the RRA makes it unlawful on grounds of race to:

- decide not to employ someone
- dismiss them or make them redundant
- refuse to provide them with training
- deny them promotion
- give them adverse terms and conditions
- withhold fair and accurate references (written or verbal)

**Exemptions** *Genuine Occupational Requirements (GORs)*: It would be lawful for an employer to discriminate on racial grounds when being from a particular race or of an ethnic or national origin is a GOR. The conditions in which this exemption can apply are limited to the following situations:

- to achieve authenticity in a dramatic performance or similar entertainment, or in modelling or photographic or artistic work
- to achieve authenticity in bars or restaurants
- to provide personal services to people from a particular racial group, defined by colour or nationality, in connection with their welfare, which only a person of the same colour or nationality can do most effectively (e.g. African-Caribbean learning mentor).

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**National security** An act of discrimination on racial grounds in fields such as employment, education, by public authorities, in the provision of goods, facilities or services may be permitted if it is done to safeguard national security, and it can be objectively justified.

**Public Sector Duty** Schools are covered by the Public Sector Duty to eliminate unlawful discrimination on grounds of race, and to promote equality

of opportunity and good race relations in the delivery of their functions.

**Terminology** Hertfordshire uses the term BME (Black and Minority Ethnic) as being the most appropriate term to use when referring to people from racial or ethnic groups other than the white majority ethnic group, although it is important to note that there is rising usage of the term BAME (Black, Asian and Minority Ethnic).

**Positive action** These are measures designed to help people of different racial groups compete on equal terms in the employment market. For example, a school can run a training course aimed at people from BME groups to equip them with skills for specific work in which they are significantly under-represented. Selection for jobs must, however, always be on merit.

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## **Religion and Belief:**

### **The Employment Equality (Religion and Belief) Regulations 2003**

The regulations make it unlawful to discriminate, treat unfairly or harass workers on grounds of the worker's actual or perceived religion, religious belief or similar philosophical belief.

The Governing Body and the Senior Leadership Team of the school are committed to implementing the Employment Equality (Age) Regulations which will include the following guidelines and principles:

**Who is covered?** The definition of religion and belief is wide enough to cover fringe or cult religions and a range of other philosophical beliefs. According to DTI guidelines, a religion involves collective worship, a profound belief affecting one's way of life or view of the world, and a clear system encompassing those beliefs.

*Note:* Jewish people and Sikhs also have protection from discrimination under the Race Relations Act.

The regulations cover employees, contract workers, agency temps, casual workers, work-experience volunteers, freelancers who are providing their services personally (e.g. peripatetic teachers) and non-elected office holders (e.g. governors).

Schools are also responsible for the behaviour of their staff towards an individual working for someone else but on school premises (e.g. a photocopier engineer).

**What is covered?** Covering the whole life of the employment relationship the regulations make it unlawful on grounds of religion or belief to:

- decide not to employ someone
- dismiss them or make them redundant
- refuse to provide them with training
- deny them promotion
- give them adverse terms and conditions
- withhold fair and accurate references (written or verbal)

**Exemptions** *Genuine Occupational Requirements (GORs)*: There are two grounds for exemptions from the application of the regulations. These are

known as general or specific GORs.

The *general* GOR is where being of a particular religion or belief can be shown to be a *genuine and determining* occupational requirement for the post in question. An example of a general GOR would be the restriction of recruitment into the job of Headteacher of a Methodist school to applicants who uphold the religious principles of the Methodism. It must be noted that this has, as yet, been untested in law. The job of cleaner in the church would not fall within the GOR as there is no logical need for the cleaner to uphold a particular faith in order to be able to perform cleaning duties effectively.

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The *specific* GOR relates to organisations that have an ethos based on a particular religion or belief, such as churches or schools. In this case, the GOR based on religion or belief may be applied to any post so long as it can be shown to be a *genuine* requirement.

In other words, in this case, being of a particular religion or belief need not be a decisive requirement for the job, although it must still be a genuine requirement that is broadly relevant to the organisation.

For example: under this religious ethos GOR a Catholic school may be able to justify requiring all its teachers to be Catholic on the grounds that teaching principles of the Catholic faith to pupils is part of every teacher's responsibility (again untested in law). Even this GOR, however, would be unlikely to justify insisting that the school cleaners must be Catholic.

In both GORs, the employer must be able to demonstrate that it is proportionate to apply the religion or belief requirement in the particular case.

**Public Sector Duty** Schools are not yet covered by the Public Sector Duty to eliminate unlawful discrimination on grounds of religion and belief and to promote equality of opportunity and good relations in the delivery of their functions. It is likely that it will become compulsory by 2010.

**Facilities**, The law does not expressly require schools to provide staff with time off or special facilities arrangements and for religious purposes, and schools are not obliged to accept unreasonable disruption to its time off for religious activities on account of staff members' religious needs. A member of staff, however, whose observance religious beliefs involve practices associated with not working on a particular day of the week or on specified dates during the year is protected in law against any *unjustified* refusal to allow time off on such days or dates.

Schools should review all their policies and procedures to ensure that none of their provisions could place staff of a particular religion or belief at a disadvantage and that any specific needs are accommodated where possible. This should include arrangements for time off for religious holidays, quiet rooms, or modes of dress/ornamentation that are linked to religious belief, as well as policies covering anti-harassment (which should be drawn to the attention of all staff). If a decision is taken to disallow a request, then schools must be sure of the objective justification for that decision.

**Perceptions Protection** is available for those who are treated unfavourably

on account of a perception that they are of a particular religion or hold certain beliefs, whether or not that perception is accurate. For example, harassment of a member of staff based on an (incorrect) assumption that they were Muslim could give rise to a legitimate claim for unlawful discrimination. Furthermore, if a staff member is treated unfavourably in any way because they associate with someone of a particular religion (e.g. being taunted or teased because their partner is Catholic), or because they refuse to carry out an instruction to discriminate against, say, Muslims, that will constitute unlawful treatment.

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## **Sexual Orientation:**

### **The Employment Equality (Sexual Orientation) Regulations 2003**

The regulations make it unlawful to discriminate, treat unfairly or harass workers employees, job applicants and trainees on the grounds that they are, or are perceived to be, gay, lesbian, bisexual or heterosexual.

The Governing Body and the Senior Leadership Team of the school are committed to implementing the Employment Equality (Age) Regulations which will include the following guidelines and principles:

**Who is covered?** Employees, contract workers, agency temps, casual workers, work-experience volunteers, freelancers who are providing their services personally (e.g. peripatetic teachers) and non-elected office holders (e.g. governors).

Schools are also responsible for the behaviour of their staff towards an individual working for someone else but on school premises (e.g. a photocopier engineer).

The regulations do not protect people on account of involvement in sexual practices, preferences or fetishes such as (for example) sado-masochism. Equally, an orientation towards children would not entitle a paedophile to protection under the regulations.

*Note:* People who have changed their sex (transgender people) are not covered by these regulations. They are protected by the Sex Discrimination Act 1975 as amended in 2003.

**What is covered?** Covering the whole life of the employment relationship, the regulations make it unlawful on grounds of sexual orientation to:

- decide not to employ someone
- dismiss them or make them redundant
- refuse to provide them with training
- deny them promotion
- give them adverse terms & conditions
- withhold fair and accurate references (written or verbal)

**Exemptions** *Genuine Occupational Requirements (GORs):* There are two grounds for exemptions from the application of the regulations. These are known as general or specific GORs.

The *general* GOR is when sexual orientation can be shown to be a genuine and determining occupational requirement for the post in question, and the employer can show that it is proportionate to apply the requirement in the

particular case. This is parallel to the Religion and Belief Regulations. A possible example of a general GOR could be a job whose main function is to provide counselling to young people who are gay or lesbian.

The *specific* GOR exemption in relation to sexual orientation is available where the employment is 'for the purposes of an organised religion'.

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However, it can only be relied on if it is being applied either to comply with the doctrines of the particular religion or to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.

The range of jobs that can be said to be 'for the purposes of an organised religion' is very narrow and is likely to include only such jobs as ministers of religion involving work for a church, synagogue or mosque where the religion in question disapproves of homosexuality or where many of the religion's followers find it unacceptable. This GOR will not therefore apply to all jobs in an organisation that has an ethos based on a particular religion. For example, it could be argued that the job of English teacher in a religious school is not 'for the purposes of an organised religion' but rather the job exists for the purpose of teaching English and that, therefore, the teacher's sexual orientation is irrelevant.

**Public Sector Duty** Although there is not, at the time of publication, any duty for schools to demonstrate actions which minimise discrimination on grounds of sexual orientation or promote equality in this area, it is likely that it will become compulsory by 2010. Practical issues In many cases, a school may not know the sexual orientation of their staff members, and arguably there is no reason why they should know, since the regulations do not place an obligation on individuals to disclose their sexual orientation, even in a court or tribunal hearing. Evidence suggests, however, that gay and lesbian staff members are particularly likely to be the victims of stereotyping, prejudice and harassment in the workplace. Many will conceal their sexual orientation for fear of unfavourable treatment by colleagues, pupils or by the school generally.

Staff are covered by the regulations even when the unfair treatment is based on assumptions of a person's sexual orientation.

It is important to ensure that relevant policies and procedures specifically and clearly identify sexual orientation as a ground entitling staff to equality of treatment and freedom from all forms of harassment, and that schools take pains to create and maintain an environment where inappropriate behaviour based on assumptions of sexual orientation is actively discouraged.

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## **Recruitment and Selection:**

The laws prohibiting discrimination on grounds of age, disability, gender, race, religion/belief and sexual orientation expressly outlaw discrimination in the process of recruitment and selection.

Specifically, schools must not discriminate:

- in the arrangements made for deciding who should be offered employment

- in the terms on which the employment is offered
- in refusing or deliberately not offering employment

The word 'arrangements' in this context applies to all aspects of the recruitment process, including job adverts, short-listing procedures, interviews and the decision-making process. Good practice in recruitment and selection suggests that schools should regularly review their recruitment procedures and guidelines, application and monitoring forms, and scoring systems – making sure that they are up-to-date with legislation and good practice guidelines and include reference to the principles of the school's equality policy, and that any staff involved in the process are trained appropriately. The Governing Body and the Senior Leadership Team of the school are committed to implementing the Employment Equality (Age) Regulations which will include the following guidelines and principles:

**Advertising** Adverts should be based on the information contained in the job description and the person specification. The objective is to design an advert that will be cost-effective as well as non-discriminatory in its use of language and attractive to the widest field of applicants who are able and willing to do the job. Vacancies should be advertised in media which are likely to reach prospective applicants in all sections of the community.

The Resources Committee of the Governing Body is responsible for ensuring that advertisements for vacant posts:

- declare commitment to equality by stating you are an equal opportunities employer
- state it in the advert if you encourage flexible working arrangements
- provide a contact number for candidates to discuss the post informally
- indicate that further particulars are available in large print, tape, or other formats
- think carefully about the language used to avoid showing preferences or use of stereotypes
- include a statement welcoming applications from specific equality groups and do not:
  - highlight attributes and qualifications – there is a danger of unfair discrimination
  - mention age, disability, gender or race, or imply a preference by use of expressions such as *recent graduates* unless objectively justified

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**The Resources Committee of the Governing Body** is also committed to undergoing training to ensure that appropriate good practice is observed. To make effective decisions that can be justified, the following procedures will be adopted:

- having more than one person on the panel, to reduce the risk of prejudice or bias
- adopting a simple scoring system to show how far each applicant has presented evidence that they can meet the post's requirements and invite the highest scorers to interview
- counting only evidence which is directly relevant to the job. Changing your

criteria to enable you to include someone else at this stage may be unlawful. Where a job applicant has pointed out that they have a disability, the person responsible for arranging interviews should ask the person to indicate what (if any) arrangements might be helpful for them in relation to the interview. Schools should be flexible in their approach. Arrangements could, for example, involve moving the location of the interview to somewhere with easier access, rescheduling the timing of the interview, or organising a sign language interpreter.

- making sure arrangements are made appropriately for all, especially those with disabilities
- providing an opportunity for all candidates to visit the school prior to the interview
- considering the membership of interview panels. If possible, there should be a demographic cross-section on all appointing panels
- making sure all essential criteria are clear and specific
- making sure that the same topics and issues are covered with each of the applicants (although it is not necessary to ask exactly the same questions of all candidates)
- asking for evidence about an applicant's experience outside the workplace, provided that it relates to the job
- focusing questions on tasks and standards and be flexible about how people meet that criteria: it is not necessary to compromise on the standards required for the job
- comparing the candidate's answers objectively against the selection criteria for that job, with all applications for a post being processed in the same way.

**The Resources Committee of the Governing Body will also ensure interviewers do not:**

- ask questions about birthplace, nationality, race, colour, religion or sex
- stray into an applicant's personal circumstances (e.g. marital status, sexual orientation)
- ask about pregnancy, number of children and their ages or childcare arrangements, marital status, maiden name or prior married name
- question the ability of someone because they have a strong accent or their first language is not English
- ask questions related to age (asking length of experience, however, is a valid question)

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- ask applicants questions regarding the existence, nature, severity, or origin of their disability, impairment or medical condition, if any, although you can ask about their ability to perform all tasks related to the job description

**Good practice in monitoring:**

When requesting personal information from candidates the interviewing panel will make a clear distinction between the information needed for monitoring and that required for the recruitment process. It is important to communicate to job applicants that any personal information will be used solely to assist the school in reviewing and improving its equality practices.

A clause will be placed in application forms stating that you wish to process certain information about the job applicant and requesting the candidate's signature to indicate their consent to the information being gathered and processed under the Data Protection Act 1998.

Monitoring forms should be separated from the application forms by someone not involved in short-listing, interviewing or the decision-making process.

Details of candidates and of selection decisions – including the rationale for selection or rejection – will be kept for six months after an appointment has been made. The school is be prepared to supply reasonable written feedback to unsuccessful candidates on request during that period.

The school is responsible for what an employment agency does. If an employment agency, is used the school is responsible for ensuring the agency acts appropriately and in accordance with your equality policy. The Governing Body may share liability for any discriminatory practices they undertake when working on a contract for our school.

### **Additional Responsibilities:**

Access to opportunities for training and development is expressly covered in the equalities legislation. Our school aims not only to avoid any potential unlawful discrimination, but to also strive to provide fairness and equality of treatment for all staff in relation to opportunities for development.

Good practice includes making sure that diversity is mainstreamed through all training and development programmes, whether in the arrangements made or in the training content itself. This could involve, for example, ensuring that training is scheduled at times that do not exclude people with religious or caring responsibilities; or designing content and case studies that show awareness of the range of the differences found within any staff group (cultural, family, religious, etc.).

### **Action Planning for the future:**

The Senior Leadership Team will arrange awareness-raising programmes about equality and diversity, and skills training to help all staff work together better in a diverse environment.

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The Leading Teaching Assistant will include equality and diversity issues in induction programmes so that all new staff know about the school's values and policies.

The CPD Leader will ensure that equality and diversity concepts and practices are built into INSET and other training programmes to increase awareness of the need to handle different views, perceptions and ideas in positive ways.

Train school leaders and managers about equality and diversity, aiming to help them understand the issues and act as role models when putting into practice the school's policies and procedures.

Consider designing training for people from groups that are under-represented in a particular job or level to redress any imbalance.

Make sure that staff on maternity leave are not excluded from any training opportunities.

Ensure that disabled staff are given the same training and development opportunities as others, and that arrangements for training and training methods do not place any disabled staff member at a disadvantage.

*Note:* Both the Part-Time Workers Regulations 2000 and the Fixed-Term Employees Regulations 2002 provide that schools should not exclude parttimers or fixed-term employees respectively from opportunities for training on account of their particular status.

## **Induction**

Starting a new job is stressful for most people. They may initially feel out of place, uncomfortable and under pressure to make a positive impression on a whole range of people whom they do not know. A new employee who belongs to a minority group (a disabled person or someone from a BME group) may feel particularly 'out of place' when thrown into a completely new environment, as they may, over and above these ordinary stresses, have to cope with the worry of being perceived as 'different'. It is therefore very important that all new staff, but especially those from minority groups, are made to feel welcome and valued, and are made aware of what is expected of them during the first few weeks of their employment.

Our Induction Leader will nominate a mentor for each new staff member for the first few weeks of their employment. Preferably an experienced staff member from a different department or part of the school, they would be able to provide advice, guidance and support on a range of issues.

Our Induction procedures and policy will be updated for the new school year 2007 /8 and submitted to the School Improvement Committee for consideration, debate and recommendations for adoption. The School Improvement Committee will the report on the policy to the Full Governing Body at its next meeting seeking official approval by the Governing Body. The Policy will be reviewed and amended where necessary on an annual basis in the Summer Term by the School Improvement Committee of the Governing Body.

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The Policy will build on existing school practice and include:

- induction so that new staff are offered a range of different introductory sessions with different people in different teams within the school

- introduce the new staff member to the school policies, including the equality policy, and any support groups or arrangements available

- make sure induction includes information about formal and informal processes that exist

- make sure the new staff member is clear about their tasks and the standards expected

- ensure that managers responsible for induction training are properly trained themselves

The school has a responsibility to train and update all staff on the school Equality Policy contents on a regular basis. This helps to reduce the

likelihood of discrimination, harassment and victimisation taking place and may help to limit liability if a complaint is made.

It is the responsibility of all staff to understand:

- the fundamental principles of UK discrimination legislation, and the concepts of direct and indirect discrimination, harassment and victimisation
- the importance of adopting a positive attitude to equality and diversity
- school policies and procedures on equality and discrimination and their underlying values
- how to challenge inappropriate behaviour and deal with difficult situations

It is the responsibility of senior staff, managers, governors and any other people in positions of authority to understand how the various laws impact on their actions. They also need training in recognising and dealing with bullying and harassment.

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## **Disciplinary and Grievance Procedures**

Disciplinary and grievance procedures provide a clear and transparent framework to deal with difficulties which may arise as part of their working relationship from either the school's or the staff member's perspective.

They are necessary to ensure that everybody is treated in the same way in similar circumstances, to ensure issues are dealt with fairly and reasonably and that they comply with current legislation.

The school's grievance procedures provide individuals with a course of action should they have a complaint which they are unable to resolve through regular communication with their line manager, as well as providing points of contact and timescales to resolve issues of concern.

Any grievance relating to discrimination or harassment will be treated seriously and promptly. Grievances will be dealt with through the school's normal grievance procedure. Harassment will be dealt with following HCC guidance.

Staff who believe that they have been discriminated against are encouraged to pursue the matter by first raising a complaint in accordance with the grievance procedure.

The schools will seek to protect staff from any form of victimisation as a result of their raising a grievance alleging discrimination.

The Senior Leadership Team and the Governing Body of the Hammond Primary School will ensure any breach in the school's Equality and Diversity in the Workplace Policy will be treated as a disciplinary offence and will be dealt with through your disciplinary procedures.

The school's disciplinary procedures:

- provide for matters to be dealt with quickly
- ensure that individuals are made fully aware of the details of their disciplinary offence
- state the type of disciplinary action and who can take it
- provide for a full investigation which gives individuals an opportunity to state their case
- allow individuals to be accompanied by a staff representative or a colleague

- not permit dismissal for a first offence (except for gross misconduct)
- ensure an explanation is given for disciplinary action
- specify an appeals procedure

Since 2004 it has been a legal requirement for all employers to follow minimum disciplinary, dismissal and grievance procedures if they are contemplating dismissing an employee or applying sanctions such as demotion, loss of seniority or loss of pay.

These statutory procedures amount to a minimum standard that must be followed by all schools and all staff.

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### **The main features of the procedures are:**

Three-step statutory disciplinary, dismissal and grievance procedures which must be followed in most cases

Failure to follow the statutory procedures by the employer prior to dismissal will render that dismissal automatically unfair

Employers will pay a potential increase in compensation of between 10-50% if the procedures are not followed by the employer

An employee may be prevented from presenting some types of claim in the employment tribunal if they have not followed the grievance procedure first

The minimum 'three-step' procedure involves a statement setting out in writing the grounds for action or grievance, a meeting between the parties, and the right to appeal.

### **The new provisions apply to all schools, no matter how many employees they have.**

Following any disciplinary action, whether in the form of a warning or dismissal, the member of staff must be allowed the right of appeal. If the size of the school allows it, the appeal should be dealt with by someone who was not involved in either the investigation or the disciplinary proceedings.

Schools should keep confidential records of all meetings held in connection with any allegations, as well as the process used to address and resolve the complaints, and the outcome. In so doing, it will be important to adhere to the relevant provisions of the Data Protection Act 1988.

Monitoring and analysing the school's grievance and discipline statistics for any overrepresentation of particular groups will help identify any areas of school policy or practice that may be having a disproportionate effect on particular groups of staff. It is particularly useful to monitor race, disability and gender as these statistics may be required for the fulfilment of a statutory duty.

### **Hertfordshire guidelines**

The Council have produced guidelines for schools and in them suggest consulting the relevant Trade Union for specific advice. Hertfordshire also have a policy on whistleblowing which the Hammond Primary School has adopted.

Every individual member of staff has the right to be treated fairly and with dignity and respect.

The current general definition of harassment - as applied to age, disability,

gender, sexual orientation, religion or belief, and race or ethnic and national origin is: *unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.*

It is not the intention of the perpetrator which defines whether a particular type of conduct is harassment but the effect it has on the recipient.

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Some examples of harassment:

- any physical contact which is unwanted
- coercion, isolation or 'freezing-out'
- display of offensive material, e.g. 'pin-ups'
- offensive jokes/graffiti
- unwelcome remarks about a person's dress, appearance, race or marital status
- shouting at staff
- personal insults
- persistent performance management criticism (verbal, written or email)
- setting impossible deadlines/workloads

Bullying is just as unacceptable as any other form of harassment. And while it is not possible to make a direct complaint to an employment tribunal about bullying generally, staff might be able to bring complaints under the laws covering discrimination and harassment as described above and in the Legislation section.

The Senior Leadership Team and the Governing Body is committed to preventing unacceptable behaviour against their staff at work. Our Respect At Work Policy makes clear that all staff have the right to be treated with dignity and respect at work.

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## **Performance Management:**

*All schools are required to have a performance management policy so that everyone in the school understands their responsibilities, rights, and how the performance management cycle works. For performance management to be successful it has to be an integral part of a school's culture and seen to be fair and open – DfES 2000.*

Both teaching and non-teaching staff have a right to performance management .

Performance management is about:

- raising standards – schools providing the best possible education for their pupils through the work of an effective and efficient staff team
- continuous professional development – promoting professional growth and supporting career development to help individual staff achieve their full potential
- involvement – teachers being engaged in school planning, supporting each other and controlling the development of their work
- manageability – performance management is an integral and essential part

of how schools operate

- equity – ensuring policies and processes are open and fair, while respecting confidentiality for individuals
- equality – ensuring that all staff are not discriminated against and are treated fairly and respectfully

Schools are reminded that *fairness and consistency of judgement are essential in any performance management system. The school needs to ensure that all its staff have equality of opportunity to achieve their full potential and are not discriminated against when agreeing objectives and assessing performance. Each school needs to ensure that staff are not discriminated against because of age, disability, gender, nationality, race, religion, sexual orientation, nor are treated unfairly because they are part-time or are union representatives* – DfES 2003.

The Governing Body and the Senior Leadership Team of the Hammond Primary School believe that staff are more likely to be motivated, enthusiastic, problem-solving and willing to go the extra mile in their work if they:

- know clearly what is expected of them
- are involved in establishing these expectations
- can obtain the appropriate support as necessary
- obtain feedback about their performance

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The school also values high quality workplace behaviour. We believe staff will be more committed to high standards of behaviour if the school:

- has a value system based on respect and dignity for all, which is set out in a policy document (e.g. the equality policy) and widely communicated
- clearly describes the desirable behaviours
- makes clear that everyone has a personal responsibility to uphold the standards

- has a leadership team that 'walks the talk'
- introduces mechanisms to deal with all forms of harassment, bullying and intimidating behaviour, making clear that such behaviour will not be tolerated and setting out the consequences of breaking the school's equality policy

.The Hammond Primary School recognises that all members of staff have a right to supervision on a regular basis. It is an opportunity to discuss work, raise any problems or issues, plan for the short and long term, and to carry out any necessary coaching. In general, supervision is linked to the contents of the staff member's professional development but may include other day-today issues as necessary.

As with the more formal review meetings, care will be taken not to allow personal opinions, stereotypes and prejudices to influence the type, extent or result of the support and performance management given to staff through the supervision process.

### **Responsibilities:**

The CPR Leader in the school regularly reviews the school's training strategies and individual training programmes to make sure it is up to date and that it does not exclude anyone.

The Senior Leadership Team are responsible for the annual review of the school's Performance Management Policy and assessing the effectiveness of the policy.

The School Improvement Committee of the Governing Body are responsible an annual review, discussion and debate of the Performance Management Policy and presenting a written report to the Full Governing Body at the next Full Governing Body meeting. This review should be undertaken annually during the Summer Term.

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## **Promotion**

The duty to ensure equality of treatment in promotion is similar in principle to the duty not to discriminate during the process of recruitment and selection. Specifically, the legislation provides that schools as employers must not discriminate in the access afforded to opportunities for promotion. This wording covers a wide range of situations involving the availability of opportunities for promotion as well as the school's decisions as to whom to promote. For example, a staff member who was only allocated unchallenging tasks could argue that this practice restricted or prevented them from gaining access to opportunities for promotion. If the allocation of unchallenging tasks could be linked to discrimination on grounds of sex, race etc. then a case for unlawful discrimination in opportunities for promotion could be made.

When selecting for promotion the Senior Leadership Team and the Resources Committee of the Governing Body will follow the same principles as for recruitment.

Vacancies that occur at higher levels must be open to existing staff as well as outside candidates

All your staff, including those who work part-time or on fixed-term contracts, have equal access to any promotion opportunities and that no one is excluded

Acting-up opportunities and secondments to slightly senior positions are available to all teaching and non-teaching staff. Cherry-picking favoured staff for those opportunities can be seen to be discriminatory

Staff movements to higher grades should be by application. Each application will be assessed against the job needs and a full selection process will be held to make final decisions.

A comprehensive job specification, detailing what the job involves, and a person specification explaining what qualities the successful candidate will have will be drawn up prior to application and selection.

The Senior leadership Team and the Resources Committee of the Governing Body will ensure there is equal access to promotion opportunities which means that they will be advertised and accessible to all staff. There may be situations where some specialised posts are only suitable for people with particular skills.

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## **Responsibilities:**

### **Governors**

**Policy** • provide leadership and drive for the development and regular review of the school's development equality and other policies

**Policy** • provide leadership and ensure the accountability of the headteacher and senior staff for implementation the communication and implementation of school policies

- highlight good practice and promote it throughout the school and wider community

**Behaviour** • provide appropriate role models for all managers and staff

- congratulate examples of good practice from the school and among managers and individual staff

**Public Sector** • ensure that the school carries out the letter and the spirit of the statutory duties (and

Duties ensuring the provision of 'returns' to the LA)

### **Headteachers and senior staff**

**Policy** • initiate and oversee the development and regular review of equality policies and development procedures

- consult staff and stakeholders in the development and review of the policies

**Policy** • ensure the effective communication of the policies to all staff and stakeholders

**implementation** • ensure that managers and staff are trained as necessary to carry out the policies

- oversee the effective implementation of the policies

- hold line managers accountable for effective policy implementation

**Behaviour** • provide appropriate role models for all managers and staff

- highlight good practice from departments, managers and individual staff

- provide mechanisms for the sharing of good practice

**Public Sector Duties** • ensure that the school carries out its statutory duties effectively

- ensure that the specific 'returns' are provided to the LA

### **Line Managers**

**Policy** • respond to consultation requests by creating opportunities for staff to share their development comments, suggestions and feedback, ensuring that staff voices are heard

**Policy** • implement the school's equality policy, holding staff accountable for their behaviour and implementation providing support and guidance as necessary

- be accountable for the behaviour of the staff team and individual members of staff

- use informal and formal procedures as necessary to deal with 'difficult' situations

**Behaviour** • behave in accordance with the school's policies, leading by example

- respond appropriately to the behaviour of the staff team as a whole and individuals (praising/challenging as necessary)

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**Public Sector Duties** • contribute to the implementation of the school's equality schemes

**All staff: teaching and non-teaching**

**Policy development** • contribute to consultations and reviews

**Policy** • maintain awareness of the school's current equality policy and procedures

**implementation** • implement the policy as it applies to staff

**Behaviour** • behave with respect and fairness to all colleagues, carrying out the letter and spirit of the school's equality policy

**Public Sector Duties** • contribute to the implementation of the school's equality schemes

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## **Next Steps: Action Planning**

### **Implementation Distribution Training Monitoring**

### **Harassment**

### **and**

### **Bullying**

### **Strategy**

### **Review**

### **Personnel**

### **Procedures**

### **Policy**

### **Review**

Distribute to gobs for discussion at July 2<sup>nd</sup> meeting with a view to adoption of policy for introduction to school in September 2007  
Gobs to review comments and staff amendments of policy docs at first full governing body meeting in September in order to ensure policy document reflects views of whole school community and therefore ensures ownership  
SLT to distribute copies of approved policy to all staff following adoption at Gobs Meeting on July 2<sup>nd</sup>.

Request for  
comments,  
amendments etc by  
July 20<sup>th</sup>.

CPD Leader to  
initiate training  
strategy in  
Autumn 2007 for  
school staff  
Governor Training  
Leader to arrange  
attendance for  
ALL gobs via HCC  
Governance in:

- Diversity
- Race Equality
- Performance

Management  
Personnel

Management  
School

Improvement  
Committee to  
closely monitor the  
implementation of  
the policy on a  
termly basis. Gobs  
to conduct  
interviews with  
staff, liaise with  
Resources

Committee to  
review all  
personnel  
procedures and  
report to full  
Governing Body in  
writing for the first  
full Governors  
Meeting of each  
term

SLT to implement  
Respect at Work  
Policy September  
2007.

Policy to monitored  
by SIC of gobs  
Resources  
Committee to  
schedule a  
complete review of  
personnel policies  
and procedures in  
conjunction with  
training schedule.

Reviews of

discipline and  
grievance  
policies with  
staff

Updating  
Performance  
Management  
Policy for all  
staff and  
conducting  
Head Teachers  
PM

Updating  
interview and  
selection  
policies in line  
with training  
Formal policy  
review to be  
conducted by  
SIC to coincide  
with anniversary  
of publication of  
policy doc.

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