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Marlborough St Mary's CE Primary School



**MARLBOROUGH
ST MARY'S
PRIMARY SCHOOL**

Equality & Diversity Policy

Together we believe, learn and achieve

Marlborough St Mary's Primary School

Equality & Diversity Policy

Introduction

Our **Vision** is of an inclusive, happy and successful school at the heart of the local community. Together, our families and staff help our children to become confident, independent learners that care for themselves, each other and the environment around them. Be brilliant, be bold, be kind and ... **'Together we will believe, learn and achieve'**

Our **Vision** draws inspiration from the story of Jesus and the Fishermen which is found in the New Testament Luke 5:1-11 Matthew 4:18 –22

Theological underpinning: The disciples believed in Jesus and left everything to go with him and learn to follow his path. Together they achieved great things, as the message of the good news of the Kingdom of God is still told over 2000 years later.

Christian Values: **Respect, Friendship, Courage, Perseverance, Fairness and Love.**

Legal framework

We welcome our duties under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations in relation to disability, ethnicity, sex (gender), religion/belief, sexual orientation, gender identity and in relation to employment; pregnancy/maternity, age, and marriage/civil partnership.

We recognise and act on all opportunities to promote community cohesion.

We recognise that these duties and intentions reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.

The Equality Act identified nine characteristics which are protected under the act from direct and indirect discrimination, harassment and victimisation in services and public functions, premises, work, education etc; The 'protected characteristics' which qualify for protection from discrimination under the act include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

General equality duty

It is a legal requirement under the Equality Act that all schools and academies are required in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are often referred to as the **three aims** of the general equality duty.

The Equality Act explains that the second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

1. Remove or minimise disadvantages
2. Take steps to meet different needs
3. Encourage participation where it is disproportionately low.

The Equality Act clarifies that meeting different needs includes (among other things) taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It explains that compliance with the general equality duty may involve treating some people more favourably than others.

Guiding principles

In fulfilling the legal obligations and our intentions cited above, we are guided by the following principles:

Principle 1: All Staff, learners, volunteers, visitors and their families are of equal value.

We know all staff, volunteers, visitors and potential staff, learners and potential learners, and their parents and carers, are of equal value:

- whether or not they are disabled
- whatever their ethnicity, culture, national origin or national status
- whatever their sex (gender)
- whatever their gender identity
- whatever their religious or non-religious affiliation or faith background
- whatever their sexual orientation
- whatever their age
- whatever their pregnancy or maternity status
- whatever their marriage or civil partnership status

Principle 2: We recognise and respect difference.

Treating people equally (Principle 1 above) does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate but must take account of differences of life-experience, outlook and background, and in the kinds of prejudice that people may face, in relation to:

- Disability, so that reasonable adjustments are made to benefit staff, volunteers, visitors or learner's and their family's needs.
- Ethnicity, so that different cultural backgrounds and experiences of prejudice are recognised and children are educated in order to celebrate and understand their own and other children's cultures.
- Sex (gender), so that the different needs and experiences of all people are recognised.
- Religion, belief or faith background
- Sexual orientation
- Gender identity
- Age
- Pregnancy and maternity
- Marriage and Civil partnership

Principle 3: We foster positive attitudes and relationships, and a shared sense of cohesion and belonging.

Our policies, procedures and activities should promote:

- Positive attitudes towards disabled people, good relations between disabled and non-disabled people, and an absence of harassment of disabled people.
- Positive interaction, good relations and dialogue between groups and communities different from each other in terms of ethnicity, culture, religious affiliation, national origin or national status, and an absence of prejudice-related bullying and incidents.
- Educate children on how to be an ally to people who are experiencing discrimination.

- Promote mutual respect and good relations between boys and girls, and women and men and an absence of sexual, homophobic, and gender identity-based harassment

Principle 4: We observe good equalities practice in staff recruitment, retention and development.

We ensure that policies and procedures should benefit all employees and potential employees, for example in recruitment and promotion, and in continuing professional development:

- whether or not they are disabled
- whatever their ethnicity, culture, national origin or national status
- whatever their sex (gender)
- whatever their gender identity
- whatever their religious or non-religious affiliation or faith background
- whatever their sexual orientation
- Whatever their age
- Whatever their pregnancy or maternity status
- Whatever their marriage or civil partnership status

Principle 5: We aim to reduce and remove inequalities and barriers that already exist

In addition to avoiding or minimising possible negative impacts of our policies, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist in relation to the nine protected characteristics.

We will utilise opportunities to improve our curriculum and environment, where relevant, and continually evaluate and adapt our planning to promote acceptance and understanding of all people.

Principle 6: We consult and involve widely

We engage with a range of groups and individuals to ensure that those who are affected by a policy or activity are consulted and involved in the design of new policies, and in the review of existing ones. As appropriate, we consult and involve groups and individuals in relation to:

- disability
- religion/belief
- sexual orientation
- sex (gender)
- gender identity
- ethnicity

We will do this by utilising outside agencies to support our development of education resources for children and staff and to support best employment practice.

Principle 7: Society as a whole should benefit

All of our policies and educational activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion, and greater participation in public life of all groups and individuals in relation to:

- disability
- religion/belief
- sexual orientation
- sex (gender)
- gender identity
- ethnicity
- age

Principle 8: We base our practices on sound evidence and information

We maintain quantitative and qualitative information about our progress towards greater equality based on data collected from enrolment, assessment and events.

Principle 9: Objectives

We formulate and publish **at least every four years**, specific and measurable objectives, based on the evidence we have collected and published (principle 8) and the engagement in which we have been involved (principle 7), in relation to:

- disability
- religion/belief
- sexual orientation
- sex (gender)
- gender identity
- ethnicity

The objectives which we identify take into account national and local priorities and issues, as appropriate.

We recognise that the actions resulting from a policy statement such as this are what make a difference.

We revisit our equality objective annually within the framework of the overall school improvement plan and processes of self-evaluation and report annually on progress to Governors.

The curriculum

We keep each curriculum subject or area under review in order to ensure that teaching and learning reflect the relevant principles set out in paragraph 4 above.

We have a diverse range of visitors in to talk to the children and educate them on the different lived experiences of others. E.g. Show Racism the Red Card, a charity who host educational lessons for children and staff on inequality and racism and how to be an ally to minority groups.

We have diversified our library and reading choices to include more authors of different ethnicities as well as ensuring there are diverse representations of book characters so that all children can see themselves represented in their school. This includes books about sexual orientation, gender identity, disability, race, religion and gender.

Ethos and organisation

We ensure the relevant guiding principles listed above apply to the full range of our policies and practices, including those that are concerned with:

- pupils' progress, attainment and achievement
- pupils' personal development, welfare and well-being
- teaching styles and strategies
- admissions and attendance
- staff recruitment, retention and professional development
- staff employment policies and procedures
- care, guidance and support
- behaviour, discipline and exclusions
- working in partnership with parents, carers and guardians
- working with the wider community

Addressing prejudice and prejudice-related bullying

The school is opposed to all forms of prejudice which stand in the way of fulfilling the legal duties referred to in paragraphs 1–3:

- prejudice around disability and special educational needs

- prejudice around racism and xenophobia, including that directed towards religious groups and communities, for example anti-Semitism and Islamophobia, and those that are directed against Travellers, migrants, refugees and people seeking asylum
- prejudice reflecting sexism and homophobia
- prejudice against gender identity

There is guidance in the behaviour and anti-bullying policies on how prejudice-related incidents should be identified, assessed, recorded and dealt with.

We record and report incidents of racism involving pupils within school on CPOMS (our electronic Safeguarding and Behaviour Monitoring System) to keep a detailed log. We also keep a log of all other prejudice-related incidents and seek the support of the Local Authority in addressing these incidents, and in providing support and suggesting resources to raise awareness and combat prejudice. With these incidents logged, we are able to pinpoint where there are prejudices and misconceptions and help to prevent this by adding and adapting our curriculum to meet our learners' needs and build their understanding of all people.

Racism and other prejudice-related incidents involving staff, parents, volunteers and/or visitors will be managed either through the home school communication agreement or the staff disciplinary procedure and where appropriate, low-level concerns or DOFA (Designated Officer for Allegations) referrals completed.

Religious observance

We respect the religious beliefs and practice of all staff, pupils and parents, volunteers and visitors and comply with reasonable requests relating to religious observance and practice.

Staff Equality and Diversity employment rights

This applies to all employees and prospective employees. The school is also committed to equality in relation to all workers, contractors, sub-contractors, consultants, agency workers, employees on secondment from other organisation, governors and volunteers and these groups are expected to adhere to the principles set out in this policy and procedure whilst undertaking work or tasks for the school.

The Equality Act 2010 also extends protection against unlawful discrimination to ex-employees. The school will be mindful of this in relation to matters concerning ex-employees including the provision of an employment reference.

This policy applies at all times, including prior to employment, during the recruitment process, and throughout employment at the school

Equality & Diversity Statement

Marlborough St Mary's believes in equality of opportunity throughout employment (including pay, training & development, recruitment and retention) and commits to developing policies, practices and procedures that promote equality and diversity and anti-discriminatory practices.

Employees of the school should understand and accept that there is a diverse workforce and that everyone has the right to be treated with dignity and respect and afforded equality of access to opportunities that are available within the working environment. By valuing diversity this means the school recognise and embrace that everyone has unique identities which will help to ensure that the school can provide the best services possible. These can include, but are not limited to race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity, marriage or civil partnership or gender reassignment.

No employee will receive less favourable treatment or be disadvantaged by policies, procedures, conditions or requirements which cannot be shown to be justifiable. Recruitment processes will ensure that individuals are short listed, selected and promoted solely on the basis of their relevant merits and abilities.

- The school justification of positive action includes offering an interview to disabled people who meet the minimum criteria for the job and consider them on their abilities. Please refer to our Disability Support Policy

Recruitment (including promotion)

The school's recruitment policy and procedure together provide the headteacher, governors and any other employees undertaking recruitment with a fair and equitable process for recruiting to vacancies at the school. The school will follow the policy and procedure to ensure that appointments are based on:

- candidates' ability to do the job (based on skills, experience and knowledge)
- equality of opportunity
- current legislation

For those who apply for a post with the school as a prospective or existing employee, the recruitment policy and procedure contain the following measures to assist with equality:

- Reasonable adjustments to ensure that barriers can be removed for candidates with protected characteristics who might otherwise be placed at a substantial disadvantage. This could be at any stage from application to attending the interview or considering adjustments for the post itself;

Induction

New starters at the school will be directed to a copy of this policy

Terms and Conditions of work

All employees at the school have a range of terms and conditions which should be applied fairly and equitably to you. These are set out in their statement of particulars and include pay, grade, hours of work, holiday entitlement other leave, sickness entitlement, notice periods, allowances etc.

Staff development and training

We ensure that all staff, including support and administrative staff receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

Access to training and development will be related to the needs of the job, the available resources and by an assessment of the employee's needs. The line manager will identify employee training needs in consultation with the employee. An employee is also able to make requests for training either through supervision, appraisal or informally.

Where appropriate, if the employee has a disability or another protected characteristic the line manager will consider reasonable training and development adjustments. Where an employee has declared that they have a disability at any time during their employment the line manager should ensure that there is a mechanism in place to discuss, at any time, but at least once a year (with periodic reviews), what can be done to make sure that employees develop and use their abilities. This includes addressing any barriers to training and development and progression where reasonable and possible. This discussion can take place as part of employee's annual performance appraisal.

Positive action may be considered in relation to training on a case by case basis to address disadvantage or under-representation or to meet the particular needs of those who share a protected characteristic. See "guide to recruitment - Equality Act 2010 update"

Staffing policies and procedures

Written policies and procedures exist to ensure that there is a fair and equitable process for managing all key HR issues such as disciplinary, grievance, work performance, absences and circumstances which involve an employee leaving the school. Key school employment policies and procedures which have been adopted and are the model ones recommended by Wiltshire Council have also been equality impact assessed which includes an assessment of the outcome and impact to reduce the potential for discrimination and highlight good practice.

The Headteacher should ensure that where they (or their delegated colleague or governor) are taking action via a formal procedure that:

- The employee is given the opportunity to be accompanied by a trade union representative or work colleague at any formal meetings (as appropriate to the policy).
- they give consideration to the potential impact of protected characteristics in relation to operation of the policy and on final decisions, including making reasonable adjustments.

In relation to the sickness absence management policy and procedure for an employee who has a disability the Headteacher will need to take this in to account in terms of assessing the impact of the disability on overall absence levels and whether a [reasonable adjustment](#) would help with attendance. Advice from the Education HR advisory team should also be sought in these circumstances.

Disability provisions are also available under the absence management policy and procedure in relation to [time off to attend appointments relating to the employee's disability](#).

Policies which provide flexibility

The school have a number of policies and procedures aimed at providing an employee with the opportunity to request flexibility at work which can also assist with improving access to the workplace. These are:

- Flexible retirement
- Flexible working
- Career break scheme
- Ordinary Parental leave

For applications for flexibility the headteacher will take into account circumstances where an employee makes an application in connection with someone associated with the employee, who has a protected characteristic e.g. requesting reduced hours to care for a disabled parent or partner.

Equal pay

The Equality Act 2010 states that men and women doing equal work, rated as equivalent or work of equal value are entitled to equal pay (unless there is a material factor which is not gender related that means that they should be paid differently). Employers may wish to carry out a pay audit to ensure that men and women are getting equal pay.

The government requires all schools/academies with over 250 employees to carry out gender pay gap analysis and publish their gender pay gap information annually.

In 2007, the council undertook a pay reform process which included support staff posts at this school, to ensure a robust system of job evaluation, ensuring all jobs are assessed objectively and paid fairly in relation to other jobs across the council and schools.

Acceptable/unacceptable behaviour at work

The school expects all employees to be familiar with and comply with the responsibilities and behaviours for employees identified under:

- This Equality & Diversity policy and procedure (and directly linked procedures)
- The dignity at work policy and procedure
- The school's code of conduct for teaching and support staff

Unacceptable behaviour towards anyone including those with a protected characteristic includes some of the following examples:(this list is not exhaustive)

- using offensive language
- offensive jokes or inappropriate language
- creating or contributing to a hostile working environment
- bullying and harassment in any form
- excluding or isolating a colleague(s)
- inappropriate use of internet or electronic communication including social networking.
- discrimination against a member of staff or the public on any grounds of sex, race, disability, age, religion or belief, sexual orientation, pregnancy and maternity; gender reassignment or marriage or civil partnership
- behaviour or body language which demonstrates prejudice or ignorance

Unacceptable behaviour extends to all the types of discrimination outlined in this policy including:

- discrimination by association where someone is associated with someone with a protected characteristic (e.g. a child, parent or partner)
- discrimination by perception where someone is perceived to have a protected characteristic but does not actually possess it.

- Harassment is also extended to protect those who witness harassment of others and find it offensive.
- Victimisation (as set out in Appendix A)

Further information on the Public Sector Equality Duty is available on the Equality and Human Rights Commission website.

Breaches to staff equality and diversity employment rights

If an employee feels that they have been discriminated against or treated unfairly they should raise this under the dignity at work policy with the headteacher or the chair of governors if the matter concerns the headteacher. Redress over inappropriate behaviour or language can be sought through this policy which could include mediation. In relation to more serious contraventions the policy includes provisions for the matter to be treated in line with the disciplinary policy and procedure. .

Prospective employees should raise concerns either with the headteacher or the person responsible for recruitment to the post for which they have applied for.

Where a prospective employee or actual employee, feel that they have been the subject of harassment by a third party (i.e. someone who is not directly employed by the school e.g. a member of the public, this should be reported to the headteacher/ principal who will take reasonably practicable steps to deal with the matter.

Please see Appendix A on types of discrimination and what they mean

Advice and guidance

If an employee requires help in understanding this policy they should contact the headteacher or trade union representative if they are a member.

If, due to the nature of the query, it is not appropriate to contact the headteacher employees should contact the chair of governors.

The Headteacher / Chair of Governors should contact their Education HR advisor for support and guidance regarding this policy.

For further advice

There are a number of related policies and procedures that you should be aware of including:

- Disability support in the workplace policy and procedure
- Dignity at work policy and procedure
- Recruitment policy and procedure
- Code of Conduct
- Whistleblowing policy and procedure
- Grievance policy and procedure
- Sickness absence management policy and procedure
- Staff Disciplinary policy and procedure
- Capability policy and procedure
- Transgender guidance - transitioning at work

Please see Appendix B for Frequently Asked Questions

Related Publications

The Equality Act 2010 – Departmental advice for school leaders, school staff and governing bodies in maintained schools and academies. (This document can be found at <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>.)

ACAS guide The Equality Act – What's new for employers?

The essential guide to the public sector equality duty, published by the Equality and Human Rights Commission

Roles and responsibilities

Governing Body: The governing body is responsible for ensuring that the school complies with legislation, and that this policy and its related procedures and action plans are implemented.

Headteacher: The headteacher is responsible for implementing the policy; for promoting the school ethos, developing and implementing a curriculum, behaviour, anti-bullying and complaints policies that follows the guiding principles outlined in this policy, for publishing an Equality Information and Objective to cover a four year period which is reviewed for progress annually, for ensuring that all staff are managed fairly and consistently in line with these guiding principles, ensuring all staff are aware of their responsibilities and are given appropriate induction, training and support; and for taking appropriate, consistent and fair action in any cases of unlawful discrimination. In regard to staff employment rights this will include:

- To ensure that recruitment and selection is carried out in accordance with the current policy and guidance and to ensure that prospective employees are also treated fairly and consistently in line with the principles outlined within this policy.
- To ensure that employees receive an appropriate and fully accessible induction including information about policies, practices and procedures when they start a new post and that they continue to be informed and updated about changes to these.
- To apply all other employment related policies and procedures and terms and conditions of employment fairly and consistently.
- To ensure that supervision, appraisal and learning development plans for employees take full account of the school's commitment to equality and diversity as set out in this policy and procedure.
- To ensure that equality and diversity is fully integrated into any training and development that is commissioned and delivered for employees.
- Where an employee declares that they have a disability, to ensure that there is a mechanism in place to discuss, at any time, but at least once a year, with a disabled employee what can be done to make sure that they can develop and use their abilities. This includes addressing any barriers to training and development and progression where reasonable and possible. This can be through the appraisal process or at a separate meeting.
- When an employee declares their disability to ensure that reasonable adjustments are implemented to remove barriers for disabled staff (and employees with protected characteristics) which potentially put employees at a disadvantage to ensure that they can perform effectively and have equal access to progression in the school.
- To make every effort when employees become disabled to enable them to stay in employment including redeployment where appropriate.
- To give careful consideration to requests for flexible working arrangements including parental leave which enables staff to combine work and other responsibilities and to seek to agree these unless there are operational, financial or other legitimate reasons for not doing so under the relevant policy and procedures.
- To challenge discrimination and unfair treatment in the workplace and ensure that it is dealt with appropriately and where necessary under the dignity at work/disciplinary policy and procedure.
- To ensure that contractors, sub-contractors, consultants, agency workers, volunteers, governors and seconded employees from other organisations are also managed fairly and consistently in line with the principles outlined within this policy. To provide support to any employee who is the subject of unlawful or unacceptable discrimination in the course of his/her employment.
- To take appropriate action in relation to complaints and concerns raised by employees and prospective employees about third party harassment.
- To be mindful and take action to avoid all forms of discrimination as set out in this policy and procedure and to ensure that equal rights and opportunities are provided to all.
- In relation to workforce monitoring, collect and use enough workforce data and monitoring information to effectively meet the general equality duty. Which includes publishing the workforce monitoring information where they have over 150 employees.

Equality & Diversity Lead: A senior member of staff has day-to-day responsibility for co-ordinating implementation of the educational/community aspects of this policy.

School Business Manager: Has day-to-day responsibility for co-ordination of the implementation of the staff/visitors' aspects of this policy.

All Staff: All staff are expected to treat colleagues, governors, pupils, volunteers, visitors, and members of the public with dignity and respect, in accordance with the principles set out in this policy and procedure, the dignity at work policy, and the code of conduct policy and specifically:

- to embrace a culture which provides supportive and positive working relationships and behaviour which underpins the school's vision, values and belief.
- to be mindful of and take action to avoid becoming involved in any form of discrimination.
- not to aid or collude in circumstances where colleagues, governors, pupils, volunteers, visitors and members of the public are treated in a manner which contravenes the policy and to report any such instances.
- to make colleagues aware if their conduct or behaviour is inappropriate and to report this to the headteacher.
- provide support to someone who is subject to such conduct or behaviour
- to promote good community and workplace relations to foster and encourage an atmosphere of tolerance and support so that there is no place for behaviours which would negatively impact upon the community or school.
- promote an inclusive and collaborative ethos in their classroom
- deal with any prejudice-related incidents that may occur within the classroom and seek advice from the Equality & Diversity lead/DSL team.
- plan and deliver curricula and lessons that reflect the relevant core principles above
- support pupils in their class for whom English is an additional language
- keep up to date with equalities legislation relevant to their work.
- Adhere to and respect any parental requests for non-gendered language and pronoun use.

Information and resources

We ensure that the content of this policy is known to all staff and governors and, as appropriate, to all prospective employees, pupils and their parents and carers.

All staff and governors have access to a selection of resources which discuss and explain concepts of equality, diversity and community cohesion in appropriate detail. These resources include: policies, action plans and yearly meetings to discuss progress of the actions as well as data and statistics from summative assessments.

Breaches of the policy

Breaches of this policy will be dealt with in the same ways that breaches of other school policies are dealt with, as determined by the headteacher and governing body.

Monitoring and evaluation

We collect, study and use quantitative and qualitative data relating to the implementation of this policy, and make adjustments as appropriate.

In particular we collect, analyse and use data in relation to achievement, broken down as appropriate according to disabilities and special educational needs; ethnicity, culture, language, religious affiliation, national origin and national status; and gender.

Workforce monitoring

All schools and academies are expected to: -

- collect and use enough workforce data and monitoring information to effectively meet the general equality duty.
- publish some information about the impact of their employment functions on people with the different protected characteristics in order to demonstrate compliance with the general equality duty. Please see <https://www.equalityhumanrights.com/guidance/public-sector-equality-duty/public-sector-equality-duty-guidance-schools/publishing> for further information.

- in relation to workforce monitoring, collect and use enough workforce data and monitoring information to effectively meet the general equality duty. Which includes publishing the workforce monitoring information where they have over 150 employees.

Diversity monitoring is not just the collection of statistical information, but an annual process of analysis and evaluation which informs policy developments and process changes. The monitoring and evaluation cycle should:

- Highlight possible inequalities
- Investigate their causes
- Remove, mitigate or justify any discrimination or disadvantage
- Develop appropriate positive action initiatives
- Evaluate the effectiveness of any changes

The headteacher will produce an annual report on workforce equality and diversity information for the governors. This provides the opportunity for consideration of information in the context of the school's workforce planning and potential positive action in appropriate areas.

Features of this policy:

The policy contains the following features.

- The term ethnicity is used in preference to race or racial group, on the grounds that it better reflects the intentions and concerns of race relations legislation
- There are references where appropriate to religious affiliation and identity
- There are references where appropriate to sexual identity and to challenging homophobia
- The promotion of community cohesion is integrated into the policy, particularly but not only in the third of the **nine principles**.
- The phrasing at certain points reflects the specific duties required by the Equality Act 2010, in particular the duties to:
 - **engage with interested groups and individuals (principle 6)**
 - **publish equality information (principle 8)**
 - **formulate and publish equality objectives (principle 9)**

Please also refer to the Marlborough St Mary's Equality information and Objective.

Policy produced by Wiltshire LA Ethnic Minority Achievement Service and adapted by the EAD lead plus additions from Wiltshire LA HR Equality & Diversity policy 2021.

Appendix A

Types of discrimination and what do they mean

The Equality Act has harmonised and strengthened discrimination legislation, the main aspects are defined below, but for further detail and clarification is available from the Equality and Human Rights Commission.

- **Direct discrimination** - Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.
Example: If an employer recruits a man rather than a woman because s/he assumes that women do not have the strength to do the job, this would be direct sex discrimination.
- **Indirect discrimination** - Indirect discrimination can occur when you have a provision, criterion or practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic and you cannot objectively justify that practice. To justify imposing an apparently neutral policy that disadvantages those with a shared protected characteristic, it must be shown that applying the policy across the board is a proportionate means of achieving a legitimate aim.
Example: A manager holds all of his team meetings from 2.00 – 4.00 pm making it very difficult for many part time staff to attend. The majority of part time staff are women and therefore this practice is likely to be indirect sex discrimination as it is unlikely to be objectively justifiable. The manager may have a legitimate aim of holding team meetings at a time when most staff can attend but there are likely to be other ways of achieving that aim in a way that does not disproportionately disadvantage working mothers.
- **Discrimination by association** - This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
Example: An employer refuses to appoint an employee because she is married to a Muslim, this would be direct religious or belief-related discrimination because of her association with her husband
- **Perception discrimination** - This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
- Example: Where an employer fails to shortlist an applicant on the basis that because of an Irish sounding name they must be Irish, even when they are not actually Irish.
- **Harassment** - Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.
- Third party harassment was repealed under the Equality Act but a school / academy may still be potentially liable for harassment of their employees by people (third parties) who are not employees of the school / academy, such as customers or clients. The school / academy should take action where they are aware that harassment has taken place, and take reasonable steps to prevent it from happening again.
- Example: An employee is subject to homophobic banter and name calling on the basis that he went to a public school. Even though his colleagues are aware that he is not gay, and he is aware that they know he is not gay this constitutes sexual orientation harassment and is unlawful under the Equality Act.
- **Victimisation** - Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
Example: A non-disabled employee gives evidence on behalf of a disabled colleague at a disciplinary hearing against a manager and is subsequently relocated to a different team with no promotion prospect and less responsibility because of their action at the hearing. This would constitute victimisation under the act which is unlawful.

Appendix B

Frequently asked questions

There is regular ‘work banter’ which often includes mild swearing and derogatory language which I find offensive even though it is not directed at me, can anything be done about this?

Yes, language or behaviour which one person finds acceptable may not be acceptable to another and if you are finding language or behaviour offensive you should raise this with your line manager. The relevant colleagues will be informed that the language used is unacceptable to work colleagues and therefore it should not be used. If the informal approach does not succeed formal action can be taken in accordance with the disciplinary policy and procedure. Additional support maybe required at the informal stage to raise awareness in the form of training or coaching in appropriate cases.

What is expected from me in helping to provide a positive working environment and culture?

Employees are expected to comply with the requirements of the dignity at work policy and procedure, and code of conduct policy and procedure to co-operate and support managers in addressing and taking appropriate action to improve areas of concern.

If I witness offensive behaviour or language against another employee but this employee does not report it, am I expected to do anything?

Yes, employees should speak to the person who has been the target of the abuse and advise them to report it to their line manager under the dignity at work policy. If they don't want to take the matter any further employees should report the incident to the headteacher / principal for them to follow up on. Alternatively, if an employee is personally offended by the incident they have witnessed and it relates to a protected characteristic, they are able to raise the matter under the dignity at work policy and procedure themselves, even though they do not possess the characteristic them self.

Do I have to disclose my disability status?

No, there is no legal requirement upon employees to disclose any protected characteristic but it does assist the school in understanding its workforce. By having this information, the school can monitor the effectiveness of policies, procedures and identify where further support or positive action needs to be addressed. Employees will not be at any disadvantage for disclosing this information and in fact there are further rights and support available for disabled staff and any staff who have other protected characteristics.