

# *Holy Family Catholic Primary School*



## **Equality and Diversity Policy**

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### Aims

Our aim is to provide education for all, acknowledging that the society within which we live is enriched by diversity.

We will strive to ensure that the culture and ethos of the school reflects and celebrates the diversity of ALL members of the school and wider community.

We will seek to ensure that everyone is equally valued and treats one another with respect and fairness. Pupils and other members of the school community will be provided with the opportunity to experience, understand and celebrate diversity.

We will proactively seek to review and restructure the cultures, policies and practices in school, so they can be welcoming and responsive to the full diversity of people locally, nationally and globally.

### Principles

In working towards the realisation of our aims, we will be guided by the following principles:

- All learners are valued equally.
- We see all learners and potential learners as of equal value regardless of impairment, ethnicity, colour, creed, nationality, culture, religious affiliation, national origin or status or their gender.
- Welcoming and celebrating diversity.
- Treating people equally does not necessarily mean treating them all the same. Our policies, procedures and activities must not discriminate, but are differentiated, as appropriate, to take account of differences of life-experience, outlook and background, and in the kinds of barriers and disadvantage which people may face, in relation to impairment, medical needs, ethnicity, colour, creed, nationality, culture, religious affiliation, national origin or status or their gender.

### Statutory Requirements

Holy Family Catholic Primary School's Governing Body is bound by law not to discriminate on certain grounds. The Equality Act 2010 has brought together all the current discrimination laws into one and sets out the 'protected characteristics' that qualify for protection from discrimination as:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership

- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

There are some exemptions from this legislation in situations where the essential nature of a job calls for a man, woman, or a person from a particular religion or racial group. The Governing Body will not normally seek to use exemptions from the above Acts.

Holy Family Catholic Primary School's Governing Body will give sympathetic consideration to requests for time off or for religious observance from staff who are active members of particular religions or beliefs, although such time off will be unpaid and will be considered only subject to the operational requirements of the school.

The Governing Body will wherever possible make reasonable adjustments to recruitment processes, working conditions or the working environment, including terms and conditions of employment, to help overcome practical difficulties created by applicants or members of staff who have a disability.

Holy Family Catholic Primary School's Governing Body acknowledges these areas of regulation and confirms its commitment to enforce these statutory requirements in the school. The over-riding premise that will be adhered to in matters of equality, by all governors and staff in the school, is that everyone has the right to be treated with dignity and respect whatever their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

## Specific Issues

- **Age**  
Holy Family Catholic Primary School's Governing Body is opposed to any direct or indirect discrimination based on age.
- **Disability**  
Holy Family Catholic Primary School's Governing Body is opposed to any discrimination against people with disabilities based on assumptions of their ability or otherwise to carry out the duties of a post in the school.  
Where a candidate who has a disability is appointed to a post in the school, reasonable provision will be made for adjustments to the working conditions or environment where this is practicable.
- **Gender Reassignment**  
Holy Family Catholic Primary School's Governing Body is opposed to any discrimination as a result of a person proposing to undergo, undergoing or having undergone a process (or part of a process) for the purpose of reassigning the person's sex.
- **Marital Status or Civil Partnership**  
Holy Family Catholic Primary School's Governing Body is opposed to any discrimination against employees who are married or in a civil partnership.

- **Pregnancy or Maternity**  
 Holy Family Catholic Primary School's Governing Body is opposed to any discrimination against a woman because of her pregnancy and/or maternity leave.
- **Race**  
 Holy Family Catholic Primary School's Governing Body is opposed to any direct or indirect discrimination based on race, colour, ethnic or national origin. There may be situations in the school which require special consideration and where an occupational requirement may apply to justify the employment of someone of one particular race or ethnic origin. However, these situations will be unusual and exceptional, and will be discussed with the staff in advance.
- **Religion or Belief**  
 Holy Family Catholic Primary School's Governing Body is opposed to any direct or indirect discrimination based on religion or belief.
- **Sex**  
 Holy Family Catholic Primary School's Governing Body is opposed to any direct or indirect discrimination based on gender. There may be situations in the school which require special consideration and where a genuine and determining occupational requirement may apply to justify the employment of someone of a particular sex. However, these situations will be unusual and exceptional, and will be discussed with the staff in advance.
- **Sexual Orientation**  
 Holy Family Catholic Primary School's Governing Body is opposed to any direct or indirect discrimination based on perceived or actual sexual orientation.
- **Harassment or Bullying**  
 Holy Family Catholic Primary School's Governing Body is opposed to any unwanted conduct relating to a protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Holy Family Catholic Primary School's Governing Body is further opposed to any act of victimisation, harassment or bullying against any member of staff either by an employee or third party based on assumptions about their status in the above categories or any other grounds. Such action will be investigated in accordance with the school's procedure and may lead to formal disciplinary action.
- **Non-statutory Aspects**  
 Although there is no statutory requirement not to discriminate against other groups, or characteristics of staff, Holy Family Catholic Primary School's Governing Body wishes to state that it will not in any way discriminate against members of staff or applicants for posts on the grounds of their political affiliation.

## **Arrangements**

Fostering positive attitudes and relationships

Our policies, procedures and activities are intended to promote a shared sense of cohesion and belonging through the demonstration of:-

- Positive attitudes;
- An absence of harassment;
- Positive interaction;
- Good relations and dialogue between groups and communities different from each other;
- Global citizenship;
- An absence of prejudice-related bullying and harassment and mutual respect.

### **The school as an employer**

Policies and procedures should benefit all employees and potential employees, for example in recruitment, promotion, and in continuing professional development. Proactively reviewing what we do in order to reduce and remove inequalities and barriers.

In addition to avoiding or minimising possible negative impacts, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist.

### **Creating Opportunity**

We recognise the needs of individuals along with our commitment to enabling them to achieve their full potential. In doing this we will challenge dependency, and actively promote independence and emotional resilience in our students, and raise aspirations for all.

### **Consulting widely**

People affected by a policy or activity should be consulted and involved in the design of new policies, and in the review of existing ones.

### **Society as a whole should benefit**

We intend that our policies and activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion, and greater participation in public life.

### **Safeguarding**

Everyone in school has responsibility for the welfare of pupils. We proactively ensure that arrangements are in place to safeguard and promote the welfare of children. This includes protecting children from any forms of bullying, harassment or any other maltreatment based on equalities issues.

## **Objectives and Actions**

We will keep each curriculum area and all aspects of learning under review in order to ensure that teaching and learning reflect our principles as previously stated.

We use quantitative and qualitative data relating to the implementation of both this and other policies and take action as appropriate. In particular we collect, analyse and use data in relation to

achievement, broken down as appropriate according to impairment and special educational needs, ethnicity and gender.

Prejudice-related incidents will be identified as such when anyone involved with the incident feels that it is motivated by prejudice. All such incidents are referred to the Headteacher, whose role is to assess, record and deal with all incidents. We take seriously our obligation to report regularly to the local authority about the numbers, types and seriousness of prejudice-related incidents at our school and how they were dealt with.

We respect the diversity of all staff, pupils and parents, and comply with reasonable requests relating to a full range of equalities issues.

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

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

We ensure that the core principles listed above apply to the full range of our policies and practices in school.

## **Roles and Responsibilities**

The Governing Body is responsible for ensuring that the school complies with legislation, and that this policy and its related procedures and strategies are implemented. The Chair of Governors maintains a watching brief regarding the implementation of this policy and will undertake appropriate training in order to lead the Governing Body in fulfilling its role.

The Headteacher is responsible for implementing the policy; for ensuring that all staff are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination.

All staff are expected to:

- Promote an inclusive and collaborative ethos in their classroom and school.
- Deal appropriately with any prejudice-related incidents that may occur.
- Identify and challenge bias and stereotyping in the curriculum.
- Support the diversity of pupils in their class based on individual need.
- Keep up-to-date with equalities legislation relevant to their work.

## **Monitoring and Evaluation**

The Headteacher will report to Governors three times per year, reviewing progress on this policy and regarding any incidents involving discrimination or harassment.

## APPENDIX 1 – THE EQUALITY ACT 2010

The Equality Act 2010 has brought together and replaced the major pieces of Equal Opportunities legislation as well as bringing together around 100 other instruments within **a single Act**. It covers the same groups that were protected by previous equalities- based legislation and refers to these as ‘Protected Characteristics’.

The nine ‘Protected Characteristics’ as set out in the Equality Act 2010 are:

1. Age
2. Disability
3. Gender Reassignment
4. Marriage and Civil Partnership
5. Pregnancy and Maternity
6. Race
7. Religion or Belief
8. Sex
9. Sexual Orientation

The Equality Act 2010 defines different types of discrimination.

<b>Direct Discrimination</b>	This occurs when a person is treated less favourably because of a protected characteristic they have.
<b>Indirect Discrimination</b>	This occurs when a condition, rule, policy or practice that an organisation has in place disadvantages people who share a protected characteristic – even if the condition, rule, policy or practice is applied to everyone.
<b>Discrimination Arising from Disability</b>	This occurs when the disabled person is treated unfavourably because of something connected with their disability and the unfavourable treatment cannot be justified.
<b>Associative Discrimination</b>	This occurs when a person is treated less favourably than another person because they associate with another person who possesses a protected characteristic.
<b>Victimisation</b>	This occurs when someone is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act.
<b>Perceptive Discrimination</b>	This occurs when a person is treated less favourably than another person because others think they possess a protected characteristic – even if the person does not actually possess that characteristic.
<b>Harassment</b>	This is unwanted conduct related to a 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.
<b>Third Party Harassment</b>	This is when an employee faces unwanted conduct related to a 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 by people who are not employees of the organisation.

## THE EQUALITY ACT 2010 – PROTECTED CHARACTERISTICS

### Age

The Equality Act protects people of all ages.

Special exceptions apply for people close to retirement age, and in this situation an employer would not have to show that the age limit they are using is objectively justified – an organisation can decide not to employ someone because of their age if within 6 months of applying for the job, they will be 65 or older, or will be over their organisation's normal retirement age if that is higher than 65.

Age is the only protected characteristic that allows the justification of direct discrimination. The Equality Act continues to allow employers to have a default retirement age of 65.

### Sex

Both men and women are protected under the Act

### Sexual Orientation

The Act protects bisexual, gay, heterosexual and lesbian people.

### Marriage and Civil Partnership

The Act protects people who are married or in a civil partnership.

Single people are not protected.

### Race

'Race' includes colour, nationality, and ethnic or national origins. A racial group can be made up of two or more different racial groups, for example, Black Britons.

'Ethnicity' is where a group has a long shared history and cultural tradition, come from a common geographical area, descend from a small number of ancestors, have a common language or literature and a common religion.



## **Disability**

The Equality Act protects anyone who has, or has had, a disability; for example, if a person has had a mental health condition in the past that met the Act's definition of disability and is harassed because of this, it would be unlawful.

The Act defines disability as a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

'Impairment' covers, for example, long-term medical conditions such as asthma and diabetes, and fluctuating or progressive conditions such as rheumatoid arthritis or motor neurone disease. A mental impairment includes mental health conditions such as bipolar disorder or depression, learning difficulties such as dyslexia and learning disabilities such as autism and Down's Syndrome. Some people, including those with cancer, multiple sclerosis and HIV/AIDS, are automatically protected by the Act. People with severe disfigurement will be protected without needing to show that it has a substantial adverse effect on day-to-day activities.

There is a legal requirement to make reasonable changes to the way things are done; this could include changing a policy, making changes to the built environment, such as making changes to the structure of the building to improve access, and providing auxiliary aids and services, such as providing information in an accessible format, an induction loop for customers with hearing aids, special computer software or providing additional support for employees or customers using a service.

Where a service is delivered from a building that cannot be made accessible through reasonable adjustments, it may be a reasonable adjustment to provide the service at a different venue, including a home visit.

## **Gender Reassignment**

The Act provides protection for transsexual people.

A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

The Act does not require the person to be under medical supervision to be protected – so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

Transgender people such as cross dressers, who are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex, are not protected by the Act.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone a gender reassignment than they would be treated if they were absent because they were ill or injured. Medical procedures for gender reassignment such as hormone treatment, should not be treated as a 'lifestyle' choice.

## **Pregnancy and Maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity leave during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

It is unlawful to take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

It is unlawful to discriminate against a woman because she is breastfeeding. Women to whom an organisation is providing goods, facilities and services should be able to breastfeed should they so wish.

## **Religion or Belief**

Religion includes any religion. It also includes a lack of religion, in other words people are protected if they do not follow a certain religion or have no religion at all.

A religion must have a clear structure and belief system.

Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

Denominations or sects within a religion can be considered a protected religion or religious belief.

Political beliefs would not be protected.

Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

## Positive Action

For all groups of people with characteristics protected under the Equality Act to benefit equally from employment and services provided by organisations, some groups may need more help or encouragement than others. This is because some groups are disadvantaged or under-represented, or have different needs from the population as a whole due to past or present discrimination or exclusion or particular experiences.

The Equality Act allows employers and service providers to take action that may involve treating one group more favourably where this is a **proportionate way** to help members of that group overcome a disadvantage or participate more fully, or in order to meet needs they have that are different from the population as a whole. This is called 'positive action'.

Positive action can be taken when three conditions are met:

1. The organisation must reasonably think that a group of people who share a protected characteristic:
  - suffer a disadvantage linked to that characteristic
  - have a disproportionately low level of participation in this type of employment, service or activity, or
  - need different things from this employment or service from other groups.

'Reasonably think' means that the disadvantage, low level of participation or different needs can be seen (detailed statistical or other evidence of this does not need to be shown).

2. The action taken is intended to:
  - meet the group's different needs
  - enable or encourage the group to overcome or minimise that disadvantage, or
  - enable or encourage the group to participate in that activity.
3. The action taken is a **proportionate way** to increase participation, meet different needs or overcome disadvantage. This means that the action is appropriate to that aim and that other action would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

Positive action is always voluntary – not compulsory.

## **Pre-employment Health-related Checks**

The Equality Act limits the circumstances when employers can ask health-related questions before offering an individual a job. Up to this point, employers can only ask health-related questions to help them to:

- decide whether any reasonable adjustments need to be made for the person to the selection process
- decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- monitor diversity among people making applications for jobs
- take positive action to assist disabled people
- ensure that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

Once a person has passed the interview and has been offered a job (whether this is an unconditional or conditional job offer) the employer is permitted to ask appropriate health-related questions.

## **Equal Pay**

This is designed to prevent discrimination between men and women in respect of their terms and conditions of employment, including pay. In most circumstances a challenge to pay inequality and other contractual terms and conditions has to be made by comparison with a real person of the opposite sex in the same employment. However, the Equality Act allows a claim of direct pay discrimination to be made, even if no real person comparator can be found.

## **Pay Secrecy**

The Act makes it unlawful for an employer to prevent or restrict employees from having a discussion to establish if differences in pay exist that are related to protected characteristics. It also makes terms of the contract of employment that require pay secrecy unenforceable because of these discussions.

An employer can require their employees to keep pay rates confidential from some people outside the workplace, for example a competitor organisation.

## **Occupational Requirements**

If an employer can show that a particular protected characteristic is central to a particular job, they can insist that only someone who has that particular protected characteristic is suitable for the job. This would be an 'occupational requirement'. For example, a woman's refuge may want to say that it should be able to employ only women as counsellors. Its client base is only women who are experiencing domestic violence committed by men. This would probably be a genuine occupational requirement.

## Obeying Another Law

An employer can take into account a protected characteristic where not doing this would mean they broke another law. For example, a driving school must reject a 19 year old who applies for a job as a driving instructor because to offer them a job – even if they are the best candidate – would involve breaking the law because a driving instructor must be aged at least 21.

## Exceptions

There are exceptions that only apply to some employers:

A religion or belief organisation, may be able to say that a job requires a person doing the job to hold a particular religion or belief if, having regard to the nature or context of the job, this is an occupational requirement and it is objectively justified. For example, a Humanist organisation which promotes Humanist philosophy and principles would probably be able to apply an occupational requirement for its chief executive to be a Humanist.

An organised religion (or, when not an organised religion but a job for the purpose of an organised religion) may be able to say that a job or role requires a person to have or not have a particular Protected Characteristic or to behave in a particular way. If:

- a job or role exists for the purposes of an organised religion, such as being a Minister or otherwise promoting or representing the religion, and
- because of the nature or context of the employment, it is necessary to avoid conflict with the strongly held religious convictions of a significant number of the religion's followers or to conform to the doctrines of the religion by applying a requirement to the job or role.

Employment may be refused to a person because:

- they are male or female,
- they are a transsexual person,
- they are married or in a civil partnership, including taking into account who they are married to or in a civil partnership with (such as someone who marries a divorced person whose former spouse is still alive),
- they manifest a particular sexual orientation, for example, a gay or lesbian or bisexual person who is in a relationship with a same-sex partner.

The requirement must be crucial to the job or role, and not merely one of several important factors. The job or role must be closely related to the purposes of the religion, and the application of the requirement must be proportionate.

- An employment service provider may be able to say that a person must have a particular Protected Characteristic to do vocational training, if the training leads to work for which having that characteristic is an occupational requirement.
- An educational establishment like a school or college, may be able to say that someone has to be of a particular religion or belief, or must be a woman.
- Recruiting to the civil, diplomatic, armed or security and intelligence services and some other public bodies, can specify what nationality a person has to be.
- Recruiting for service in the armed forces, may be able to exclude women and transsexual people if this is a proportionate way to ensure the combat effectiveness of the armed forces. In addition, age and disability are, in effect, not Protected Characteristics in relation to service in the armed forces. Disability can also be a reason to refuse someone from work experience in the armed forces.

## THE PUBLIC SECTOR EQUALITY DUTY

The Equality Act 2010 has replaced the three previous separate Duties (covering Race, Disability and Gender) with a single Public Sector Equality Duty. This single Equality Duty encompasses the following 7 protected characteristics:

1. Age
2. Disability
3. Gender Reassignment
4. Race
5. Religion and Belief
6. Sex
7. Sexual Orientation

The Public Sector Equality Duty states that a school must, in the exercise of its functions, have a due regard to the need to:

1. **Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;**
2. **Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; this means:-**
  - Removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
  - Taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
  - Encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3. **Foster good relations between persons who share a protected characteristic and persons who do not share it; this means:-**
  - Tackling prejudice.
  - Promoting understanding.

## **European Equal Treatment Directive 1976**

This provides that there will be no discrimination whatsoever on grounds of sex, either directly or indirectly, by reference in particular to marital or family status. Similar provisions exclude discrimination on grounds of sex in the conditions for access to all jobs or posts, whatever the sector or branch of activity and to training. The principle of equal treatment with regard to working conditions, including dismissal, has the effect of guaranteeing men and women 'the same conditions without discrimination on the grounds of sex'. The Directive can be directly relied upon by employees within the Public Sector regardless of whether or not its provisions have been incorporated into UK law.

## **Human Rights Act 1998**

This incorporates the European Convention of Human Rights into UK law and applies to public authorities such as the council. As a result the positive rights and freedoms guaranteed under the European Convention have become directly enforceable in the UK courts and tribunals. Cases should be brought within one year. From 2<sup>nd</sup> October 2000 courts and tribunals have to interpret discrimination law in accordance with the European Convention on Human Rights. Areas of UK law where there is not already a remedy for discrimination (e.g. on grounds of sexual orientation) are likely areas for challenging under the Human Rights Act.