



Staff Equality Policy

Our Equality policy should accord with the Equality Act June 2010.

Introduction

The governing body of the James Brindley School are committed to providing equal opportunities in employment for all staff, ensuring that the school takes all possible steps to avoid unlawful discrimination as it relates to both employment practices and the wider school community.

This policy is intended to provide guidance for placing this commitment into practice. Compliance with this policy will also ensure that employees do not unwittingly commit unlawful acts of discrimination.

This will ensure that the working environment within the James Brindley School is free from discrimination, harassment and bullying and that everyone is treated with dignity and respect.

Aims

The James Brindley School aims to respect value and understand the individual needs of all its staff, promoting positive attitudes that reflect an increasingly diverse community. Through an ethos of support and respect the school is committed to ensuring that everyone is both aware of and able to commit to, the underlying principles contained within this Equality Policy.

The Law

The governing body is bound by law not to discriminate on certain grounds. The Equality Act 2010 brought together all the discrimination laws into one and sets out the **“protected characteristics”** that qualify for protection from discrimination as

- Age,
- Disability,
- Sex,
- Gender reassignment
- Pregnancy & Maternity
- Race (which includes colour, nationality and ethnic or national origins)
- Sexual orientation
- Religion or belief
- Marriage and Civil Partnership.

The School expects all of its employees to act in a non-discriminating manner and be mindful to avoid actions that would be deemed as harassment in the services it provides to pupils, the public and the wider community.

It is unlawful for the school to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, as service providers, the school has an obligation to think ahead and address any barriers that may impede disabled people from accessing the services that the school provides.

This would be taken in line with local authority planning restrictions and building regulations.

Types of unlawful discrimination

Direct discrimination

This is when a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination

This is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment

This is where there is unwanted conduct related to one of the protected characteristics that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination

This is where an individual is directly discriminated against or harassed for having an association with another individual who has a protected characteristic.

Perceptive discrimination

This is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic.

Third-party harassment

This occurs where an employee or student is harassed and the harassment is related to a protected characteristic, by third parties such as pupils, parents, suppliers or members of the public.

The harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);

The school must be aware that the previous harassment has taken place; and the school must have failed to take reasonable steps to prevent harassment from happening again.

(NB The part of the Equality Act 2010, referring to Third Party Harassment is due to be repealed from 1st October, no longer requiring the 'three-strikes' rule, however, the school will still be liable under law for any indirect discrimination from external sources).

Victimisation

This occurs where an employee is subjected to a detriment, such as being denied an opportunity because they made or supported a complaint or raised a grievance under *The Equality Act 2010*, or because they are suspected of doing so. However, an employee can face a potential disciplinary process if it is found that they acted maliciously by either making or supporting an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the school has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Equal opportunities in employment

The governing body of The James Brindley School will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Job Descriptions and Person Specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The governing body will consider any possible indirect discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the governing body considers it has good reasons, unrelated to any protected characteristic, for doing so.

The governing body will comply with its obligations in relation to statutory requests for contract variations and will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The school will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with *The Data Protection Act 1998*

Dignity at work

The governing body has adopted separate policies that covers issues of bullying and harassment on any grounds and how complaints of this type will be dealt with. These policies are available to all staff upon request.

Suppliers and other people not employed by the school

The school will not discriminate unlawfully against suppliers or contractors using, or seeking to use, facilities or services provided by the school.

Employees will be expected to report any bullying or harassment which they experience from colleagues or the wider community (parents, suppliers, visitors or others) to their line manager who will take appropriate action, in line with the Anti- Harassment Policy and Grievance procedures.

James Brindley School expects all suppliers, contractors and sub-contractors working on behalf of the Academy to adhere to all of its policies and procedures as a condition of service .

Training

The governing body will ensure that appropriate training is provided on equal opportunities to line managers and other staff likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The governing body will also provide training to all existing and new employees and others engaged to work at the school to help them understand their rights and responsibilities and what they can do to help create a working environment free of bullying and harassment. The governing body will ensure that additional training is provided for managers to enable them to deal more effectively with complaints of bullying and harassment.

Employee Responsibilities

Every employee is required to assist the governing body and the whole school to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees should be aware that they can be held personally liable as well as, or instead of the governing body for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence

Acts of discrimination, harassment, bullying or victimisation against employees, pupils, parents or carers and their families are disciplinary offences and will be dealt with under the schools disciplinary policy and procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If any member of staff considers that they have experienced unlawful discrimination, they may use the school's grievance procedure to make a complaint. If their complaint involves bullying or harassment, there is a separate Anti-Harassment Policy. Employees are advised that if there are multiple areas of grievance then they will be offered the choice of dealing with each aspect under the appropriate policy or having all matters raised dealt with under the single Grievance procedure.

The governing body will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is found to have been both untrue and maliciously intended.

Monitoring and Review

This Policy will be monitored periodically, jointly by the Principal and the governing body to judge its effectiveness and will be updated in accordance with any changes in the law.