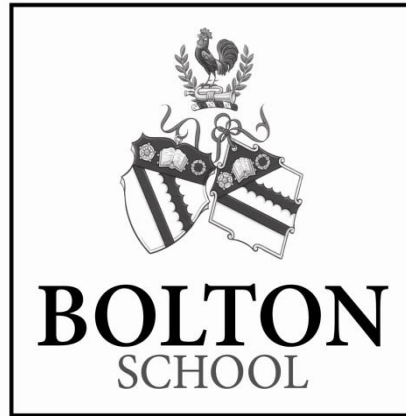


# BOLTON SCHOOL



## EQUALITY AND DIVERSITY

## POLICY AND PROCEDURE

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## 1. Purpose and Principles

This policy outlines the Foundation's approach to equality and diversity at work. Bolton School is committed to eliminating discrimination and to encouraging diversity amongst its workforce. The Foundation is committed to the principle of valuing diversity and recognises the benefits that can be secured through employing a diverse workforce and harnessing the individual talents of staff from differing backgrounds and with different skills. The Foundation is committed to providing fair and equal treatment for all pupils, parents, staff, visitors, customers and suppliers. In addition the Foundation aims to recruit and retain a workforce which is representative of society as a whole and one in which all employees feel respected and able to perform to the best of their ability.

To that end, the purpose of this policy is to assist the Foundation to put this commitment into practice, and to help all staff to understand the difference between the concepts of equality and diversity. Compliance with this policy and guidelines should ensure that employees do not commit unlawful acts of discrimination, and that they embrace the benefits of working in a diverse workforce.

- Equality (or equal opportunities) is about protecting certain groups of staff against unfair treatment based on a particular personal characteristic. This protection is normally based on those groups covered by legislation e.g. gender, race, disability, sexual orientation, age, religion or belief.
- Diversity is about recognising, valuing and using the differences which people have. There is no definitive list of what these differences are but a selection is contained at Appendix 1.

(Striving to ensure that the work environment is free of harassment and bullying, and that everyone is treated with dignity and respect, are important aspects of ensuring equality in employment. Some types of harassment or bullying are classed as unlawful discrimination and the Foundation has a separate policy, Dignity at Work which deals with these issues.)

The Foundation will do everything that is reasonably practicable to ensure equality and fairness for all in the Foundation's employment, and will not discriminate directly, or indirectly, on grounds of sex, gender, gender reassignment, pregnancy and maternity, colour, race, nationality, caste, ethnic or national origins, sexual orientation, religion or belief, age, offending background or because someone is married or is a civil partner. The Foundation will also ensure that it does not treat somebody less favourably on grounds of disability than others without that disability are, or would be treated, unless the less favourable treatment can be justified. The Foundation will ensure that reasonable adjustments are made to overcome barriers caused by disability.

Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability in relation to the requirements of the job. All employees will be helped and encouraged to develop their full potential.

## 2. Scope

### 2.1 Legal Obligations

The Equality Act 2010 came into force on 1 October 2010. The purpose of the Equality Act 2010 was to simplify discrimination legislation and create a more consistent and effective framework, whilst at the same time extending discrimination protection.

The Act defines direct discrimination as less favourable treatment because of a protected characteristic. It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics" in the Equality Act.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful 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, the Foundation has an obligation to think ahead and address any barriers that may impede disabled people from accessing a service, including but not limited to education.

### 2.2 Application

This policy and procedure apply to all full and part time employees of the Foundation, including those employed on fixed term contracts. All employees of the Foundation are expected to commit to maintaining a culture that supports equality of opportunity, and to strive to eliminate discrimination in all aspects of employment. The principles apply equally to all dealings with pupils, parents, customers, suppliers and visitors. This policy and procedure will be regularly reviewed and may be amended from time to time.

## 3. Procedure

### 3.1 Types of Unlawful Discrimination

**Direct discrimination** is where 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, the Foundation 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** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by

indirect sex discrimination) 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** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) 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** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the Foundation is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

**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 Foundation has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

## **3.2 Implementing Equality of Opportunity**

The Foundation will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, retirement, discipline, and selection for redundancy, if this occurs.

### **3.2.1 Recruitment and Selection**

Individuals involved in the recruitment and selection of staff will ensure the Foundation's recruitment and selection policy is adhered to and that:

- Job Descriptions and Person Specifications will be limited to those requirements that are necessary for the effective performance of the role. Candidates for employment or promotion will be assessed objectively against the requirements for the role, 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 this is necessary and can be objectively justified.

- The Foundation will consider any possible indirectly 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 organisation considers it has good reasons, unrelated to any protected characteristic, for doing so. The Foundation will comply with its obligations in relation to statutory requests for contract variations. The Foundation will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- Application Forms will be designed to provide essential information needed to create the best short list for interview. Non essential information will not be provided to the short listing panel. Interviews will be conducted on an objective basis against specific selection criteria which will be consistently applied to all applicants.

### **3.2.2 Opportunities for Promotion, Training and Development**

- The Foundation will not discriminate against a person, when providing employees with training and opportunities for promotion. Employees will be selected for training opportunities and promotion with reference to objective selection criteria.
- All employees will be encouraged to achieve their full potential.
- Appraisals of performance will be conducted and objectives relating to fair and inclusive practices will be included in employees' performance assessments.

### **3.2.3 Meeting Individual Needs**

Where possible:

- The Foundation will allow staff time off to care for children or sick relatives to help them balance their work and home responsibilities
- Training courses and meetings will be planned to allow attendance by staff working non-standard hours
- Disabled staff, pupils and customers will be consulted about any reasonable adjustments which could be made to allow them to better perform their functions
- The Foundation will aim to allow employees to observe prayer times and specific religious holidays, although an individual may be required to use part of his/her annual leave in order to take time off for a religious holiday. Approval may not be given where business requirements dictate otherwise.

### **3.3 Employer's Responsibilities**

- The Foundation will provide Equality & Diversity training for Managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.
- The Foundation will provide training to all existing and new employees, and others engaged to work at the Foundation, to help them understand their rights and responsibilities under the Equality and Diversity Policy, and what they can do to help create a working environment free of bullying and harassment.

### **3.4 Employees' Rights and Responsibilities**

- All employees have the right to equality of opportunity. If employees consider that they may have been unlawfully discriminated against, they may use the Foundation's Grievance Procedure to make a complaint.
- All employees have a duty to assist the Foundation to meet its commitment to provide equality of opportunity and to avoid unlawful discrimination and must therefore familiarise themselves with this policy and procedure. Behaviour, actions or words that transgress the policy will not be tolerated.
- Employees can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
- Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the organisation's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

### **3.5 Monitoring and Review**

- This policy will be monitored periodically by the Foundation to judge its effectiveness, and will be updated in accordance with changes in the law.
- 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 General Data Protection Regulations.

## **Appendix 1**

It is impossible to define all of the characteristics which make people different and are hence covered by this policy. Some are protected by legislation whilst others are not.

Examples of individual differences:

Social Category	Informational	Value
Gender	Previous jobs	Personality
Race	Career length	Politics
Disability	Upbringing	Work style
Religion or Belief	Education	Learning style
Sexual Orientation	Qualifications	
Age	Outside interests	
Marital Status	Trade Union activity	
Caring responsibilities		
Working pattern		
Culture		
Caste		
Ethnicity		
Nationality		
Colour		
Language		
Accent		
Weight		
Height		
Appearance		
Social class		
Health		
Criminal record		