



**The Oakwood Academy  
Schools Trust**

# Equality in Employment

September 2018

**IMPORTANT**

THE ACADEMY TRUST WILL NOT TOLERATE ANY FORM OF ABUSE, RADICALISATION OR  
EXTREMISM TOWARDS CHILDREN OR YOUNG PEOPLE

## Contents

	Page Nos.
Equality in Employment Policy Statement	<b>3</b>
Scope	<b>3</b>
Responsibilities	<b>3</b>
General definitions of equal opportunities and diversity	<b>4</b>
Equality Legislation	<b>4</b>
Performance Management	<b>9</b>
Disability	<b>9</b>
Medical Conditions	<b>11</b>
Age	<b>11</b>
Work/Life balance	<b>11</b>
Sexual Orientation	<b>11</b>
Religion and Belief	<b>12</b>
Equality and Pay	<b>12</b>
Guidance on responding to incidences of Discrimination	<b>13</b>
Concerns	<b>13</b>
Whistleblowing	<b>14</b>
Useful Information and Sources of help	<b>14</b>
Monitoring and Evaluation	<b>14</b>
<a href="#">Appendix 1 - Relevant Legislative Acts and Orders</a>	<b>15</b>

# EQUALITY IN EMPLOYMENT POLICY STATEMENT

The academy is committed to equality of opportunity and to positive action to promote this.

The academy believes that an Equality in Employment policy helps to ensure that there is no unjustified discrimination in the recruitment, retention, training and development of staff on the basis of gender, gender identity, gender expression, marital or partnership status, sexual orientation, religion and belief, race, work pattern, age, disability, HIV/aids status, socio-economic background, irrelevant spent convictions, trade union activity or membership, on the basis of having or not having dependants, home-life responsibilities or any other irrelevant grounds. The academy as an employer of choice also believes that an Equality in Employment policy benefits employees and potential employees, partners, pupils and parents and helps achieve Dignity at Work as well as contributing to providing the best possible services to all stakeholders.

## SCOPE

All employees (including potential employees), contractors, volunteers, agency workers and Governors are bound by the Equal Opportunities Policy, have a responsibility to adhere to it and will receive training or guidance to assist them. This Policy supports the Council's overall Equality strategy.

Nothing in the Equality in Employment Policy is intended to interfere with the legitimate freedom of artistic or intellectual expression, investigation or discussion. It is understood that there can often be a fine line between what is acceptable and unacceptable and each case will be considered on its merit.

## RESPONSIBILITIES

Overall responsibility for the implementation of the Policy rests with the Headteacher or nominated representative and Governing Body.

### Human Resources (HR)

HR will ensure that a copy of the Equality in Employment Policy is made accessible to all staff. Through communication of this policy, the academy will ensure that staff are supported and aware of the forms which unjustified discrimination can take, to guard against them and to avoid any action that might influence others to discriminate.

### All Staff (including potential employees), contractors, volunteers and agency workers

Each individual member of staff is responsible for familiarising themselves with the Equality in Employment Policy and for translating the Policy into practice.

All staff, whether on full-time, part-time, casual or temporary contracts, regardless of length of service are responsible for playing their full part in adhering to the Policy. This means becoming familiar with its terms, carrying them out and critically examining attitudes to ensure that discrimination is not allowed to affect judgment. The law and the existence of Equality in Employment Policy cannot by themselves prevent unjustified discrimination.

If a member of staff unjustifiably discriminates against another person, or induces others to do so, they will be subject to disciplinary action.

### **Headteachers**

Responsibility for ensuring the implementation of the Policy and for dealing with matters arising from it lies with the Headteacher in the first instance. As part of fulfilling this responsibility, the Headteacher must take care to deal effectively with complaints of discrimination, harassment, bullying and victimisation. They must not make assumptions that complaints are a result of over-sensitivity and must take them seriously and deal with them empathetically.

### **The Governing Body**

Must:

- a) promote equality by not discriminating unlawfully against any person;
- b) treat others with respect; and
- c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Academy Trust.

## **GENERAL DEFINITIONS OF EQUAL OPPORTUNITIES AND DIVERSITY**

Equal Opportunities is about treating people fairly and without bias and about creating conditions in the workplace that encourage and value diversity.

Equality means equal treatment irrespective of any of the factors listed above. The concept of Diversity encompasses acceptance and respect. It means understanding that each individual is unique, recognising and valuing individual differences. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

The academy recognises that people are different in a range of visible and non-visible ways, including (but by no means exclusively) those listed above. These differences can result in varying experiences, values, and ways of thinking, behaving, communicating and working. There are sound business reasons, as well as the more widely appreciated social and moral reasons, for understanding, valuing and managing these differences.

## EQUALITY LEGISLATION

The Trust's Equality in Employment Policy is based on UK and European legislation and legal standards governing equal opportunities. It aims to abide by and promote this legislation by following the spirit and the letter of it. [Relevant Acts and Orders are identified in Appendix 1.](#)

It is crucial that all staff understand the thrust of any anti-discrimination legislation applicable and that they operate within such legislation.

The Equalities Act introduced in October 2010 sets out the 'protected characteristics' that qualify for protection under the Act. The Act maintains protection from discrimination on the basis of:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnerships
- Pregnancy and Maternity
- Race
- Religion or belief
- Sex; and
- Sexual orientation.

Under the provision of the Equalities Act it remains unlawful to discriminate either directly or indirectly on the grounds of sex, marital status, race, sexual orientation, religion & belief and gender identity. For the purpose of the Act (and indeed throughout this document) race is understood to include colour, nationality, ethnic or national origins.

The Equality Act 2010 also upholds the (Age) Regulations which state that it will be unlawful to discriminate against workers, employees, job seekers and trainees because of their age.

*In addition the Equality Act has made some changes to the definition of whether a person has a disability (section 6 of the act) in that a person will no longer have to show that their physical or mental impairment has an adverse impact on a defined list of capacities, as was in the case under the Disability Discrimination Act 1995.*

*Also under gender reassignment, the Act has removed the requirement that the relevant gender reassignment process must be medically supervised in order for the person to qualify for protection. Instead, the person will be protected if they are "proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the persons sex by changing physiological or other attributes of sex (section 7 of the Act). For example, a person born physically female who decides to spend the rest of her life as a man, and does so. As*

*the person passes successfully as a man, he decides not to seek any medical treatment. This person would qualify for protection under the Act.*

Discrimination is a barrier to equal opportunities and unjustified discrimination on all the grounds identified within this Policy, whether covered by law or not, is unacceptable within the school.

Relevant legislation aims to address the barriers posed by discrimination and stipulates that it is unlawful to discriminate either directly or indirectly on the grounds of disability, gender including transgender, marital status, sexual orientation, religion or belief, or race. There must therefore be no discrimination on these grounds in the treatment of people within the school or in the course of its work, except on the basis of *genuine occupational requirements (GOR)* as allowed for and defined within the relevant legislation. [GORs are dealt with separately on page 8 of this policy]

### **Direct and Indirect Discrimination**

UK legislation recognises that people can be discriminated against directly and indirectly. It is widely acknowledged that overt, direct discrimination is being eradicated within the UK but that subtle, indirect forms of discrimination continue.

Below are definitions of both forms of discrimination as they relate to the regime adopted by the Equalities Act 2010, which staff should of course guard against.

#### **Definition of direct discrimination**

A person (A) discriminates against another person (B) if, because of a protected characteristic, they treat the individual less favorably than they would treat others.

If the protected characteristic is **age**, A does not discriminate against B if A can show A's treatment of B to be proportionate means of achieving a legitimate aim.

If the protected characteristic is **disability**, and B is not a disabled person, A does not discriminate against B only because A treats or would treat disabled persons more favourably than A treats B.

If the protected characteristic is **marriage and civil partnership**, this section applies to a contravention when the treatment is because a member of staff is married or in a civil partnership.

If the protected characteristic is **race**, less favourable treatment includes segregating the said members of staff from others. An example would be refusing to shortlist a black person for a job, based on their race rather than the published objective selection criteria.

If the protected characteristic is **sex** then an example would be;

(a) Less favourable treatment of a woman includes less favourable treatment of her because she is breast-feeding;

(b) In a case where the employee is a man, **no account** is to be taken of special treatment afforded to a woman in connection with pregnancy or childbirth.

Direct discrimination has been expanded to cover grounds of **perceived status**, for example where someone is treated less favourably because they are perceived to hold a certain religious belief, even if that perception is wrong. It has also been expanded to cover a **person's association with someone** having a protected characteristic the exception under this element of the definition is on the basis of marital or civil partnerships, where only the direct individual can raise a claim of direct discrimination.

Note that it is **never** possible to justify direct discrimination on the grounds of sex or race.

### **Combined discrimination: dual characteristics**

The Equality Act has also introduced combined (dual) discrimination regulations whereby a person discriminates against another person if, because of a combination of two relevant protected characteristics, person (A) treats person (B) less favourably than they treat or would treat a person who does not share either of those characteristics.

Combined discrimination only applies to direct discrimination, combining no more than two of the following protected characteristics, (age, disability, gender reassignment, and race, religion of belief, sex, and sexual orientation). The proposal will not apply to discrimination on the grounds of pregnancy and maternity and civil partnerships and marriage.

In order for an individual to bring a claim for discrimination they would need to show that the treatment they have received is direct discrimination because of each of the characteristics (taken separately) in the combination

### **Definition of indirect discrimination**

A person who discriminates against another if they apply to an individual a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of the said individual.

If an individual applies a provision, criterion or practice (PCP) to persons with whom an individual does not share the characteristic;

If the application puts, or would put, persons with whom an individual shares the characteristic at a particular disadvantage when compared with persons with whom the said individual does not share it;

If by applying the provision, criterion or practice it puts, or would put, an individual at a disadvantage, and;

It cannot be shown by the individual to be a proportionate means of achieving a legitimate aim.

An example would be setting a condition that all women must wear skirts. While this condition applies equally to all women it will have a discriminatory effect on Muslim women given that there is a religious requirement for women to have their legs covered. In addition there is no business case for this condition that can be justified.

Other examples of indirect discrimination might be where full-time working, or possession of a particular qualification, is set as criteria for a job and these cannot be justified in terms of its duties.

Note: Changes for indirect discrimination has now been extended to cover both disability and gender reassignment.

### **Motives And Stereotypes**

**The law does not distinguish between intentional and unintentional discrimination.** This point is very important and many people do not realise this. Discrimination takes a number of forms, many of which are subtle and may be overlooked if active steps are not taken to promote the value of diversity. A failure to address the issue may result in able individuals being denied jobs, being overlooked for promotion, earning less, being discouraged from taking up training opportunities, being treated differently on the basis of stereotyped assumptions, or experiencing discomfort or even harassment as a result of the attitudes and / or actions of colleagues.

Discrimination does not only occur as a result of a conscious decision to discriminate. There are subtle and unconscious varieties of discrimination that may not be easily perceived. This may result from general assumptions or perceived stereotypes about the capabilities, characteristics and interests of a particular group and from applying requirements, conditions or criteria without considering whether they advantage or disadvantage particular groups. Stereotypes have the potential to lead to discrimination and so should be carefully examined and if necessary challenged. Stereotypical and discriminatory language and terminology should be avoided and staff should be aware that such comments could cause offence.

The following list identifies some examples of how stereotypes can manifest:

#### **Race**

- preconceptions about the ability of ethnic minority staff to supervise and how acceptable they will be to the general public may be allowed to affect recruitment, or promotion to supervisory positions;

#### **Gender**

- assumptions may be made about women being more emotional and therefore not as well suited to work that requires a cool, calm, collected persona;
- pre conceptions concerning career hopes of men and women and different career structures or the imposition of age limits can prevent or make it difficult for women to resume their careers.

#### **Disability**

- perception that people with disabilities have less to offer;
- assumption that all colleagues with a disability will need to take time off for medical treatment.

### **Age**

- assumption that older staff and those who have worked in the organisation for a long time are not adaptable;
- assumption that younger (or younger-looking) workers have not got the necessary experience or expertise.

### **Sexual orientation**

- assumption that everyone is or wants to be heterosexual.

### **Religion**

- assumption that in Islam women have no rights;

### **Work-Life Balance**

- perception that childcare responsibilities will affect availability and commitment to the job;
- assumption that people who work part time are not serious about their work.

### **Victimisation**

Victimisation under the provisions of the act show a person to be victimised if they are subjected to a detriment because they have done or it is believed they have done or may do a 'protected act'

A protected act means:

- bringing proceedings under the Act
- giving evidence or information in connection with proceedings under the Act
- doing any other thing for the purposes of or in connection with the Act
- making an allegation that another person has contravened the Act.

Giving false evidence or information or making false allegations, are not protected acts, if they are given or made in bad faith.

Example: ostracising a colleague who has brought a claim of discrimination, or excluding that colleague from work-related social functions or other opportunities. Headteachers/Governors involved in recruitment and selection, and in all cases the chair of the interview panel, must have read and understood this Policy.

All academy advertisements must use the agreed equal opportunity statements. Where appropriate, consideration may be given to advertising in publications of special interest to minority groups, along with the wider press. For guidance in this area please contact Human Resources.

### **Genuine Occupational Requirements**

Previous legislation on race, religion or belief, age and sexual orientation sets out a "genuine occupational requirement" (GOR) defence. This allowed employers in limited circumstances to

specify that because of the intrinsic nature of a particular job, only people with a particular characteristic are eligible.

For sex, gender reassignment and nationality, there is currently no GOR defence but instead there are specific "genuine occupational qualifications (GOQ) relating for example to the need to maintain dramatic integrity or the need to preserve decency or privacy, and these serve a similar purpose.

The Equalities Act harmonises the law by introducing an "occupational requirement" (OR) defence across all of the protected characteristics, which includes disability in this defence for the first time. In order for the OR to be justifiable it must be shown to be "a proportionate means of achieving a legitimate aim". The new OR will only apply to direct and indirect discrimination and will not be a defence in claims of harassment and victimisation.

Being from a particular racial group is only a genuine occupational requirement or qualification in the following circumstances:

- To achieve authenticity - e.g. actors or models from a particular racial group can be sought to achieve authenticity.
- To create a particular mood or ambience - e.g. in a Chinese restaurant it would be appropriate to seek a Chinese waiter, to create the right atmosphere, but inappropriate to seek a Chinese cook who would not be seen by customers and therefore could be of any racial group.
- To provide personal services - e.g. a welfare rights advisor to African-Caribbean's can be sought from the African-Caribbean community, as someone from the same racial group would be most able to provide the necessary services.

Similarly, being from a particular sex is only a genuine occupational qualification in the following cases:

- for reasons of physiology or authenticity in dramatic performance or other entertainment;
- to preserve privacy and decency;
- if the work is in a private home and would lead to physical or social contact with or knowledge of intimate details of someone living there;
- if the work requires living in single sex accommodation;
- if the work is in a single sex establishment;
- if the work requires the promotion of personal welfare or educational services

Further advice may be sought from the Trust.

## PERFORMANCE MANAGEMENT

Performance Management in general is a key factor in achieving equality. It is essential that judgments are merit and behaviour based, not personality based.

Ineffective management of performance can lead to a number of problems when giving and receiving of feedback. Criticism or negative feedback occurs because either a mistake has been made or an individual is not performing to a required standard. The academy has a positive attitude towards this, by encouraging Headteachers, Line Managers and staff to acknowledge the problem areas and work together to support and rectify them.

## DISABILITY

A disability is defined as a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities. 'Substantial' means more than minor or trivial. 'Impairment' covers, for example, long-term medical conditions such as asthma, diabetes, and fluctuating or progressive conditions such as rheumatoid arthritis or motor neurone disease. A mental impairment includes mental health conditions, learning difficulties, and learning disabilities. Some people, including those with cancer, multiple sclerosis and HIV/AIDS, are automatically protected as disabled people by the Act. People with severe disfigurement will be protected as disabled without needing to show that it has a substantial adverse effect on day-to-day activities.

Following the introduction of the Equalities Act 2010, to qualify for protection from discrimination, a disabled person no longer has to show that their impairment affects a particular 'capacity' such as mobility or speech, hearing or eyesight.

**Direct discrimination** occurs where, because of disability, a person receives worse treatment than someone who does not have a disability. This provision is also intended to stop people being denied a service, or receiving a worse service, because of prejudice. (Previously direct discrimination was only unlawful when it occurs in relation to work).

**Discrimination arising from disability**, this occurs when a disabled person is treated unfavourably because of something connected with their disability and the unfavourable treatment cannot be justified.

**Indirect disability discrimination**, this happens when there is a rule, a policy or even a practice that applies to everyone but which particularly disadvantages people with a particular disability compared to people who do not have that disability, and it cannot be shown to be justified as being intended to meet a legitimate objective in a fair, balanced and reasonable way.

**Disability Harassment** is unwanted behaviour related to disability that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. **Example:** an individual attends a day centre for adults with learning difficulties. Some of the staff make fun of them by mimicking them. They could bring a claim of harassment related to disability.

## **HIV and AIDS**

As an employer, the school recognises its special role in promoting good practice and challenging the discrimination faced by people living with HIV/AIDS.

The school will not discriminate against any potential or current employees on the basis of their HIV status. Any issues regarding employment that affect any employees affected by HIV/AIDS will follow existing academy policies and procedures on employment issues. The academy is committed to protecting staff from harassment.

The school recognises that anti-HIV treatments may have considerable and debilitating side effects. Consideration will be given to both the effects of the HIV virus itself and the impact of anti-HIV treatments when considering issues around absence from work due to ill health. Medical fitness for work will not be decided on the basis of a diagnosis but will be determined through consideration by the Occupational Health Service.

Confidentiality of any diagnosis will be respected at all times by the Occupational Health Unit, and permission must be obtained from the employee before any third party is informed. Any breach of confidentiality will be treated as a disciplinary matter in line with existing Human Resource policies.

Support for employees living with HIV/AIDS is available outside the school structure through the Occupational Health Service and Employee Assistance Programme. In addition, information on HIV/AIDS related organisations providing advice and assistance is available. The school will make every reasonable effort to enable employees living with HIV/AIDS to continue in their current post.

## **Reasonable Adjustments**

There is a legal requirement to make reasonable changes to the way in which things are done (such as changing policy), to the built environment (such as making changes to the structure of a building to improve access) where arrangements are made by or on behalf of the employer whereby any physical features of the premises place the disabled person at a substantial disadvantage, it is the employer's duty to take such steps as reasonable to make adjustments. This applies to terms, conditions, promotions, transfers, training, or any other benefit that may be awarded.

Failure to make reasonable adjustments may amount to discrimination and therefore be unlawful. To justify failing to make the adjustments, the reason must be material to the circumstances of the particular case and substantial. The employment tribunal will carry out a balancing exercise between the interests of the disabled person and those of the employer. Justification will include a judgment on how hard the employer has tried to discover what adjustments may be required and were possible.

Organisations such as Access to Work, Work Step or Jobcentre Plus, can offer advice and in some cases financial support, when adjustments are required.

## **MEDICAL CONDITIONS**

If a member of staff discloses a medical condition, Headteachers and / or colleagues should guarantee confidentiality and pass on this information to others only at the specific request of the individual concerned who may consider it in their interest if others are informed, or on a 'need to know' basis.

## **AGE**

Businesses are increasingly coming to recognise the value of employing a diverse age range. The business case for an age-diverse workforce recognises the waste of skills, talent and experience caused by the exclusion of older workers from recruitment and training, and the need to reflect the changing demographic situation.

Both young and older workers may find themselves vulnerable to age discrimination in the workplace. Younger employees may find themselves patronised by or treated with less respect than employees who are older and therefore perceived as having more experience. Other employees may resent being managed by a young person, for example, or clients may tend to take a young person less seriously than they would someone who they felt more appropriately 'looked the part.' Similarly, older workers may find themselves passed over for training or development opportunities, perceived as just working out their time before retirement with no real effort to grow or develop. Both young and older workers may find they face obstacles to recruitment as a result of their age, and both may also feel vulnerable in terms of redundancy decisions and being passed over for promotion.

## **WORK LIFE BALANCE**

Over the course of their careers, employees undergo changes in their personal lives that may cause shifts in the work/life balance. Changing family patterns, lone-parent status and long distance commuting have implications for the schools policies on this issue. Increasing numbers of workers are choosing to combine paid work with periods of education and training, to alternate between periods of full and part-time employment, and to take time out for family commitments or travel.

The school has a number of options to help staff achieve a balance between their work and private life. These include term time only working, part-time working, job-sharing, special leave and career breaks. Special leave can be authorised by Head Teachers on specific grounds for specific periods, for example, compassionate leave to cover the illness or death of a close member of the family.

The Maternity Handbook details maternity, parental, paternity and adoption leave and time off for dependants.

## **SEXUAL ORIENTATION**

There is no place in the school for discrimination or harassment on the grounds of sexual orientation, whether perceived or actual. Every member of staff has a responsibility to ensure that all colleagues can, **if they choose**, be open about their sexual orientation. Equally, all colleagues have the right to expect that their private life will be respected, that colleagues will avoid making assumptions on the basis of sexual orientation and that negative messages, intrusive questions or gay, lesbian and bisexual stereotypes will not be reinforced at work.

Homophobic attitudes or behaviour or deliberately 'outing' a colleague is considered harassment will be considered as a disciplinary matter.

### Transgender Worker Rights - (STILL NEED TO REVIEW)

It is unlawful to discriminate against a person for the purpose of employment (recruitment, promotion; access to benefits; selection for redundancy; vocational training; etc) on the ground that the person intends to undergo gender reassignment; or is undergoing gender reassignment; or has at some stage in the past undergone gender reassignment.

Discrimination is defined in the terms of a comparative treatment of a transgender person and the treatment of other persons for whom no gender reassignment grounds exist.

It is also inappropriate to divulge a person's transgender status without the persons consent and that any such divulgence will be treated as a disciplinary matter.

Further information can be obtained on request from the Trust.

## **RELIGION AND BELIEF**

The academy values and respects the religious diversity of its staff, will make every endeavour to improve understanding between cultures and ensure that the needs and preferences of individuals are honoured.

Headteachers are encouraged to deal sympathetically with staff asking for time off for religious reasons. Where employees have particular cultural and religious needs which may conflict with existing work requirements, careful consideration will be given to establish whether it is reasonably practical to vary or adapt these requirements to enable such needs to be met. Where employees request accumulation of annual leave or unpaid leave to visit relatives overseas, sympathetic consideration will be given. Sympathetic consideration will also be given

to requests for unpaid leave for other Holy Days of Obligation, such as Eid, Rosh Hashana, Yom Kippur, Diwali and Guru Nanak. Leave should not be refused without justification.

It is important to recognise that people belong to different religious groups and think about the impact on followers of different religions of work-related policies and practice including language, dress codes, timing of meetings, refreshments provided at work, etc. Take the complexity of naming systems as an example: it is good practice to ask people how they would like to be addressed, how to spell their name and how to pronounce it. It is not appropriate to ask on a form for a Christian name or to assume the name a person writes first is a forename.

## **EQUALITY AND PAY**

Equal pay between men and women, free of gender bias, is a fundamental principle of European Community law and is supported by UK legislation.

Given the principle of equal opportunity in employment, we believe that staff should receive equal pay for the same or broadly similar work, for work that rates as equivalent and for work of equal value. A pay and reward system that is transparent, based on objective criteria and free from gender or other unjustified bias will be developed within the academy.

## **GUIDANCE ON RESPONDING TO INCIDENCES OF DISCRIMINATION**

If you witness any acts or behaviour, which you think are discriminatory, do not ignore them. Everybody has a responsibility to try to prevent behaviour, which is likely to result in upset or distress. You should remember that the inaction of a witness, particularly one in a more senior role, could be construed as silent agreement or support for the discriminatory act.

Harassment is a form of direct discrimination. It includes a range of behaviour which whether intentional or not, makes a person feel uneasy, humiliated, intimidated or uncomfortable or causes offence or threatens or appears to threaten job security.

Bullying like harassment tends to be an overt activity that is often unknown until after the event. To address this there is the need for an environment where bullying and harassment is not permitted to thrive because people feel comfortable about coming forward to report incidences early on. This is likely to be achieved if managers in particular, behave in ways that eliminate fear and encourage openness

If someone makes a statement against an individual because of his or her group membership or generalises about members of groups:

### **Do**

- respond immediately saying such abuse is harmful and will not be tolerated.
- value the feelings of others by listening with sensitivity.
- provide support for the victim and take aside those involved to discuss the incident.

- where relevant, apply appropriate consequences to the offender.
- examine the context for subtle support of such offences.

### **Don't**

- ignore the incident or let it pass unchallenged.
- allow nervousness or awkwardness to prevent a response.
- react with anger or a retaliatory comment aimed at the offender.
- impose consequences until you are clear of everyone's version of events.
- focus entirely on the offender at the expense of the victim.
- embarrass either party publicly.
- assume the incident is isolated from the context in which it occurred.

Stereotypes can be reinforced by the use of discriminatory language and terminology. A point to highlight is that language is often strongly viewed as reflecting what one believes. For this reason, staff should be careful to avoid offence, hurt and alienation by the use of inappropriate language and develop an awareness and avoidance of offensive terms and phrases.

## **CONCERNS**

Any member of staff who feels that they have not been treated in accordance with the Equality in Employment Policy has the right to raise this. This should be done informally in the first instance if possible, through the line management structure, or, if this is not appropriate, by consulting Human Resources. If necessary, this can be formally dealt with under the Grievance Procedure.

## **WHISTLEBLOWING**

The Whistleblowing Policy and Procedure aim to protect the school by providing a framework that encourages and enables staff to raise concerns about serious malpractice. These concerns may be about financial malpractice, breaches of the law, serious misconduct by another person and breaches of policies in health and safety, or equal opportunities. Built into the policy is an assurance that there will be no risk to the person's position if actions are based on good faith.

## USFUL INFORMATION AND SOURCES OF HELP

### Useful websites

ACAS - [www.acas.org.uk](http://www.acas.org.uk)

Department of trade & industry: <http://www.dti.gov.uk/employment/discrimination/index.html>

Equality and Diversity Forum <http://www.edf.org.uk/>

Equality and Human Rights Commission: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Government Equalities Office: [www.equalities.gov.uk](http://www.equalities.gov.uk)

## MONITORING AND EVALUATION

It is only by monitoring and evaluating that the school is able to assess the effectiveness of its policies. Without monitoring there is no way of knowing whether there are systemic discrepancies built into its processes.

The school will monitor the main HR functions, including disciplinary proceedings, grievances and training and development by gender, ethnic origin, religion and belief, sexual orientation and disability and members of staff are asked to provide personal information in support of this. Information is treated in the strictest confidence, does not breach the Data Protection Act 1998 and is **only** used to monitor the effectiveness of its Policies. Where relevant in law, the disclosure of such personal and private information is on a voluntary basis.

To achieve this, the school must screen its policies, procedures and practices, which may result in their revision.

## APPENDIX 1 : RELEVANT LEGISLATIVE ACTS AND ORDERS

- The Equal Pay Act 1970 as amended (REPEALED)
- Rehabilitation of Offenders Act 1974
- The Health and Safety at Work Act 1974
- Sex Discrimination Act 1975 (REPEALED)
- Disability Living Allowance and Disability Working Allowance 1991
- Article 119 of the Treaty of Rome, The Equal Treatment Directive (76/207) 1976
- Race Relations Act 1976 (REPEALED)
- Workplace, Health, Safety and Welfare Regulations 1992
- Trade Union Reform and Employment Rights Act 1993
- The Criminal Justice and Public Order Act 1994
- Disability Discrimination Act 1995 (DDA) (REPEALED)
- The Asylum and Immigration Act 1996
- Employment Rights Act 1996
- The Protection from Harassment Act 1997
- The Human Rights Act 1998
- Data Protection Act 1998
- The Employment Relations Act 1999
- Race Relations (Amendment) Act 2000
- The Employment Equality (Sexual Orientation) Regulations 2003 (REPEALED)
- The Employment Equality (Religion and Belief) Regulations 2003 (REPEALED)
- Gender Recognition Act 2004
- Disability Rights Commission Act 2000
- Maternity and Parental Leave  
Employment Act 2002
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Employment Equality (Age) Regulations 2006 (REPEALED)

**This list is not exhaustive and may change dependant on new legislative**