

# Royds

#LIVE  
LOVE  
LEARN



## Equality and Diversity Policy

### ASPIRATION



#### **Aspiration: Dream Big**

*If your dreams don't scare you, they aren't big enough!*

### RESILIENCE



#### **Resilience: Be Determined**

*Resilience is a skill, not an ability. It can be learnt.*

### RESPECT



#### **Respect: Communicate with Kindness**

*Manners cost nothing but mean everything.*

### INITIATIVE



#### **Initiative: Solve Problems**

*Every problem is a gift – without problems we would not grow.*

### REFLECTIVE



#### **Reflective: Never Stop Learning**

*Never stop learning because life never stops teaching.*

**Approved on 22<sup>nd</sup> May 2018**

## 1. Introduction

Royds School has adopted the Equalities Review 2007 definition of an equal society which strengthens our approach to equality and diversity. The definition is:

*“An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish. An equal society recognises different people’s different needs, situations and goals and removes the barriers that limit what people can do and can be”*

This policy covers the provisions of the Equality Act which became law in October 2010. As an employer, our obligations remain largely the same. The Act harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency to make the workplace a fair environment and to comply with the law. This means the school has a duty to consider and complete the Equality Impact Assessment, Appendix 1.

The school aims to promote equality of opportunity for all in line with the Public Sector Equality Duty, in line with Equality Act 2014 (Section 149) by:

- complying with legal obligations.
- all existing and potential stakeholders are treated with dignity and respect.
- partnership and contract arrangements promoting equality of opportunity.
- working with and between communities to help develop and strengthen relationships.
- fostering a workforce that is reflective of all sections of society.
- ensuring that both existing staff and students, as well as those who seek to apply to work or study, are treated fairly and that individuals are judged solely on merit and by reference to their skills, abilities, qualifications, aptitude and potential.
- ensuring that all contractors and service providers operating on behalf of the school are aware of this policy and expected to adhere to it.

## 2. Protected Characteristics

The school is committed to providing an environment free from discrimination, bullying, harassment and victimisation where all members of its community are treated with respect and dignity. The school aims to create a culture of diversity within its community, providing a dynamic working and learning environment, where all members are valued for their contribution.

The school’s aim is to ensure that these commitments, reinforced by our values of respect, resilience and responsibility, are embedded in our day to day working practices with the school community.

The school is committed to providing equality of opportunity for all irrespective of:

- Age
- Disability
- Race or racial group including colour, nationality and ethnic origin or national origins
- Religion or belief
- Sex
- Marriage and Civil Partnership
- Gender reassignment
- Pregnancy and maternity
- Sexual orientation
- Caring responsibilities

- Social class, or
- Trade union activity.

The term “protected characteristics” is used as a convenient way to refer to the personal characteristics to which the law applies.

### **2.1 Age**

A person’s age is also a protected characteristic in relation to employment and the Act extends this (except for children) to the provision of goods and services. Age as a protected characteristic does not apply to students in schools. The school is therefore free to admit and organise students in age groups and to treat pupils in ways appropriate to their age and stage of development without risk of legal challenge, even in the case of students over the age of 18.

### **2.2 Disability**

The Equality Act defines disability as when a person has a

*‘physical or mental impairment which has a substantial and long term adverse effect on that person’s ability to carry out normal day to day activities.’*

Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

The law on disability discrimination is different from the rest of the Equality Act in a number of ways and so the implications for how the school supports students with disabilities are different. The key difference is that it works in only one direction meaning that the law protects disabled people but not people who are not disabled. This means that the school is allowed to treat disabled students more favourably than non-disabled students. There are certain circumstances where the school is required to do so by making reasonable adjustments to put them on a more level footing with students without disabilities. The definition of what constitutes discrimination is more complex and should be read in conjunction with the school policies for Special Education Needs support and medical conditions.

The school has a duty to make reasonable adjustments for disabled people. The duty is summarised as follows:

- Where something a school does places a disabled student at a disadvantage compared to other students then the school must take reasonable steps to try and avoid that disadvantage.
- The school is expected to provide an auxiliary aid or service for a disabled student when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the student faces in comparison to non-disabled student.

The school is not subject to the requirement of reasonable adjustment duty concerned with making alterations to physical features because this is already considered as part of planning duties.

### **2.3 Gender Reassignment**

The Equality Act affords protection to both students and staff due to gender reassignment. Gender reassignment is defined as:

*“anyone who is undergoing, has undergone or is proposing to undergo a process (or part of a process) of reassigning their sex by changing physiological or other attributes”*

This means that students and staff are protected from the point they begin to take steps to live in the opposite gender. The school safeguarding team and pastoral staff will work closely with students undergoing gender reassignment to ensure their needs are met.

Students undergoing gender reassignment will be allowed to attend the single sex class that accords with the gender role in which they identify.

#### **2.4 Race or Ethnicity**

The definition of race includes colour, nationality and ethnic or national origins. The Equality Act stipulates that segregated treatment is “separate but equal” cannot be sustained where race is concerned. School can take positive action to deal with particular disadvantages affecting students of one racial or ethnic group, where this can be shown to be a proportionate way of dealing with such issues.

#### **2.5 Religion or Belief**

The Equality Act defines “religion” as being any religion, and “belief” as any religious or philosophical belief. A lack of religion or a lack of belief are also protected characteristics. It does not include political beliefs. It is never permissible to discriminate against another person because of religious beliefs.

#### **2.6 Gender**

The school ensures that students of one sex are not singled out for different and less favourable treatment from that given to other students. This is manifested in the curriculum design and extracurricular opportunities afforded to students.

It is not unlawful to have some single-sex classes in a mixed school, provided that this does not give children in such classes an unfair advantage or disadvantage when compared to children of the other sex in other classes. For example, it would be lawful to teach sex education to single-sex classes, as long as the classes were provided to both boys and girls,

Although the Equality Act forbids discrimination in access to benefits, facilities and services; the Act does contain an exception which permits single-sex sports. It applies to participation in any sport or game, or other activity of a competitive nature, where the physical strength, stamina or physique of the average woman (or girl) would put her at a disadvantage in competition with the average man (or boy). Comparable sporting opportunities are available for both genders.

Protection from discrimination because of pregnancy and maternity, including for students, is covered in the Equality Act. This means it is unlawful to treat a woman less favourably because she becomes pregnant or has recently had a baby, or because she is breastfeeding.

#### **2.7 Sexual Orientation, Marriage and Civil Partnership**

The school has a duty to ensure that all gay, lesbian or bi-sexual students, or the children of gay, lesbian or bi-sexual parents, are not singled out for different and less favourable treatment from that given to other students.

The school has a legal requirement to teach about the 'nature of marriage' when delivering sex education. Teaching about marriage will be done in a sensitive, reasonable, respectful and balanced way. Teachers are subject to professional requirements, the school curriculum, school policies, and anti-discrimination duties towards colleagues and students.

No teacher, is under a duty to support, promote or endorse marriage of same sex couples. Teaching should be based on facts and should enable students to develop an understanding of how the law applies to different relationships.

### 3. Discrimination

The Equality Act makes it unlawful for the responsible body of a school to discriminate against, harass or victimise a student or potential student:

- in relation to admissions.
- in the way it provides education for students.
- in the way it provides students access to any benefit, facility or service.
- by excluding a student or subjecting them to any other detriment.

It is also unlawful to discriminate because of a characteristic which a person thinks another person has, even if they are mistaken.

The school recognises the following types of discrimination may be encountered:

#### 3.1 Direct Discrimination

Direct discrimination occurs when an individual receives less favourable treatment than another person in similar circumstances. This includes discrimination based on factual information or the perception or assumptions relating to any of the above categories.

Examples of direct discrimination include:

- if a school were to refuse to let a student be on the student executive because she is a lesbian.
- failure to short-list any BME applicants even though they meet the relevant criteria.
- refusing a woman a promotion because of concerns that she might want to take time off to start a family in the future.
- choosing not to give a female teacher a pay rise because she is pregnant.
- unfavourable treatment of an individual because they are suffering from cancer or are HIV positive.

#### 3.2 Indirect Discrimination

Indirect discrimination occurs when there is a practice, policy or rule which applies to everyone in the same way, places a group who share a characteristic at a particular disadvantage.

Examples of indirect discrimination include:

- holding a parents' evening on a Friday evening which could make it difficult for observant Jewish parents to attend.
- stipulating that people must speak clear fluent English where the job does not require verbal communication.

- refusal to consider part time working hours.

### **3.3 Harassment**

Harassment is defined in the Equality Act as

*“unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”*

This covers unpleasant and bullying behaviour but extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

### **3.4 Victimisation**

Victimisation occurs when a person is treated less favourably than they otherwise would have been because of something they have done, “a protected act”, in connection with the Equality Act. A protected act might involve:

- making an allegation of discrimination or bringing a case under the Act.
- supporting another person’s complaint by giving evidence or information.

Even if the person’s actions are incorrect or misconceived, they are protected against retaliation unless they were acting in bad faith.

As well as it being unlawful to victimise a person who does a protected act, students will not be victimised because of something done by their parent or a sibling in relation to the Act.

### **3.5 Discrimination by Association**

Associative discrimination occurs when someone discriminates against someone because they associate with another person who possesses a protected characteristic.

Examples of discrimination by association may include:

- unfavourable treatment because a person has homosexual friends or relations or because a person is married to someone of a particular religion.
- refusal to admit a student because their parents are gay men or lesbians. It would be race discrimination to treat a white student less favourably because she has a black boyfriend.

### **3.6 Genuine Occupational Requirements**

Indirect discrimination may on rare occasions be justifiable by law if it relates to a specific requirement of a job where race, sexual orientation, religion, belief or gender is a genuine occupational requirement for the job.

If such a requirement cannot be justified by an organisation it may be deemed unlawful. An employment tribunal may deem a finding of unlawful discrimination even though an employer has no intention to discriminate.

## **4. Application of the Policy**

This policy applies to all aspects of school life however it is especially relevant to the following activities:

#### **4.1 Admissions**

The school does not tolerate discrimination within its Admissions Policy. Students with SEN and disabilities are given priority for admissions however beyond this the admissions criteria are applied fairly to all prospective students, regardless of their characteristics.

#### **4.2 Recruitment and Selection**

- Recruitment advertising encourages applications from all sectors of the community reflecting the school's commitment to equality and diversity.
- Recruitment advertising appears in mediums appropriate to the audience capable of producing the best candidates.
- Job descriptions, person specifications and recruitment advertisements are written on the basis of the essential and justifiable requirements of the position.
- Shortlisting, appointment and rejection decisions will be transparent and justifiable and will be supported by written comments.

#### **4.3 Staff Development**

- All staff have equal access to induction, personal and career development opportunities and facilities.

#### **4.4 Appraisal**

- Probation and appraisal procedures are clear and transparent and will be applied fairly across all staff.
- Pay decisions are in line with the Pay Policy and decisions made will be applied fairly across all Teaching staff including those on maternity leave.

#### **4.5 Disciplinary and Grievance**

- Disciplinary and grievance procedures are applied fairly and transparently for all staff.
- Allegations of discrimination, harassment or inappropriate behaviour are dealt with under the appropriate disciplinary procedures for staff.

#### **4.6 Bullying and Behaviour**

Discriminatory behaviour, harassment or bullying is not tolerated by any person in the school regardless of whether they are students, staff or visitors. All discriminatory behaviour is challenged and addressed using the appropriate policy.

#### **4.7 Uniforms**

Some religions and beliefs require their adherents to conform to a particular dress code, or to otherwise outwardly manifest their belief. This could include wearing or carrying specific religious artefacts, not cutting their hair, dressing modestly, or covering their head. Students have the right to manifest a religion or belief, but not necessarily at all times, places or in a particular manner.

Where the school has good reason for restricting an individual's freedoms, for example, the promotion of cohesion and good order in the school, or genuine health and safety or security considerations, the restriction of an individual's rights to manifest their religion or belief may be justified.

The school will balance the rights of individual students against the best interests of the school community as a whole. Nevertheless, it should be possible for most religious requirements to be met within the Uniform Policy and the school will act reasonably through consultation and dialogue in accommodating these.

## 5. Curriculum and Welfare

The content of the school curriculum is excluded from the provisions of the Equality Act the way in which a school provides education i.e. the delivery of the curriculum, is explicitly included. The school recognises that this is an important opportunity to promote tolerance, equality, diversity and British Values. Issues will be taught in a way which does not subject individual students to discrimination.

There is a general exception, which applies to all schools, to the religion or belief provisions which allows all schools to have acts of worship or other forms of collective religious observance. This means the daily act of collective worship, which for maintained schools (i.e. Royds) is mandatory and should be of a broadly Christian nature.

The school is free to celebrate religious festivals and could not be claimed to be discriminating against students of other faiths by holding events to celebrate religious festivals of any faith.

## 6. Implementation

The policy will apply to all staff employed by the Governing Body of the school. The policy will also apply to all Governors, volunteers, contractors, job applicants, student teacher placements, trainees and people holding honorary contracts with the school.

All provisions in this policy also apply to students, as appropriate, in that the school promotes diversity and does not tolerate any form of discrimination.

In the implementation of this policy the school will aim to:

- develop and promote a culture of equality and diversity throughout the school.
- develop and promote a culture of dignity, courtesy and respect.
- support all staff and students, including provision of relevant support relating to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- work to prevent all forms of unlawful discrimination.
- deal with all forms of discrimination consistently and effectively.
- ensure that the Equality and Diversity policy influences and informs the culture of the school including the employment policies adopted and implemented by the school.

## 7. Sexual Violence and Harassment

Sexual violence and sexual harassment are not acceptable, will never be tolerated and are not an inevitable part of growing up or workplace culture.

Sexual harassment is defined by the Department for Education as 'unwanted conduct of a sexual nature' that can occur online and offline. Peer to peer sexual harassment is likely to violate a student's dignity, make them feel intimidated, degraded or humiliated and/or create a hostile, offensive or sexualised environment.

Whilst not intended to be an exhaustive list, sexual harassment can include:

- sexual comments, such as: telling sexual stories, making lewd comments, making sexual remarks about clothes and appearance and calling someone sexualised names.
- sexual "jokes" or taunting.

- physical behaviour, such as: deliberately brushing against someone, interfering with someone's clothes and displaying pictures, photos or drawings of a sexual nature.
- online sexual harassment. This may be standalone, or part of a wider pattern of sexual harassment and/or sexual violence.

The school has a duty of care to create a culture which safeguards and promotes the welfare of students and staff. This means that any reported incidents of unacceptable behaviour will be dealt with robustly with under the appropriate Equality, Behaviour, Bullying, Child Protection or Grievance Policies and complemented by pastoral and safeguarding support structures.

The school has an effective preventative education programme approach that prepares students for life in modern Britain. The school has a clear set of values (respect, resilience and responsibility) which are upheld and demonstrated throughout all aspects of school life. Incidents will not be tolerated and will be met with a firm response however it is understood that wider societal factors can drive this type of behaviour. To address this, the incident response is complemented by a PSHE and sex and relationships education (SRE) programme which teaches appropriate behaviour and foster a culture of healthy and respectful relationships which includes issues such as:

- healthy and respectful relationships.
- what respectful behaviour looks like.
- Consent.
- gender roles, stereotyping and equality.
- body confidence and self-esteem.
- prejudiced behaviour.
- that sexual violence and sexual harassment is always wrong.
- addressing cultures of sexual harassment.

Provisions within the Equality Act allow organisations to take positive action, where it can be shown that it is proportionate, to deal with particular disadvantages affecting one group. Should the need arise, the school will take positive action to support female students if there was evidence they were being disproportionately subjected to sexual violence or sexual harassment.

## 8. Role and Responsibilities

Everyone has a right to be treated fairly and with dignity and respect. Everyone has a responsibility for working together to promote a harmonious environment which eliminates discrimination and harassment.

### 8.1 Role of the Governing Body

- The Governing Body has responsibility for ensuring all the school policies promote and sustain equality and diversity in employment practices and the in the provision of the service.
- The Governing Body will ensure there are effective policies in place for managing recruitment and selection, appraisal, bullying and harassment and grievances and complaints.

### 8.2 Role of the Headteacher

- To promote equality and diversity throughout the school and ensure that colleagues are aware of their responsibilities and expectations with regard to their conduct.
- Recognise the need for continuous professional development on issues of equality and diversity.

- To ensure that all customs and practices within the school adhere to the principles stated within this policy.
- To ensure that appropriate links with external agencies are maintained to keep up to date with current legislation and developments with regard to equality and diversity issues.
- To ensure that this policy is implemented effectively and that any contravention will be dealt with under the schools Grievance and Bullying and Harassment Policy, Behaviour Policy, Disciplinary Policy or Complaints Policy as appropriate.
- Ensure staff know how to report discrimination, bullying and harassment and ensuring that reporting incident do not result in victimisation.
- Effectively manage and deal promptly with investigating issues relating to potential discrimination including complaints against employees.

### **8.3 Role of Line Managers**

- Set a good example by treating all members of the school with dignity and respect.
- Address unacceptable behaviour and ensuring that all staff act in accordance with the equality and diversity policy providing necessary support and direction.
- Deal with complaints fairly, thoroughly, quickly and confidentially.
- Ensure that due consideration is given to equality and diversity within their sphere of influence.

### **8.4 Role of Employee and Students**

- Every person, irrespective of their job or position within the school, has an individual responsibility to treat others in a fair and non-judgemental manner and to promote positive attitudes and relationships.
- Not harass, abuse, intimidate others and victimise anyone as a result of them having complained about, reported or provided evidence of discrimination
- Individuals will be held accountable for their actions if they contravene the school's commitment to act as an equal opportunities organisation. Any employee found guilty of unlawful discrimination or harassment will be subject to disciplinary action, including where appropriate, dismissal for gross misconduct.

## **9. Complaints**

Any cases of harassment, discrimination, bullying or victimisation will be taken very seriously by the school. Staff who make a complaint of discrimination have the right to do so without fear of victimisation and the school will make every effort to ensure victimisation does not occur and that complaints are dealt with promptly and fairly.

Where an individual feels that they have been treated unfairly in accordance with this policy, they have the right of complaint through the appropriate procedures:

- Where an individual employed by the school feels they have been discriminated against by an employee, manager or governor of the school, they should refer to the school's Grievance and Bullying and Harassment Policy
- Where an individual is not employed by the school feels that they have been discriminated against by an employee, manager or governor of the school, they should refer to the School's Complaint Policy.

**Appendix 1: Equality Impact Assessment**



**Equality, Diversity, Cohesion and Integration Screening**

<b>School:</b>		<b>Lead Person:</b>	
<b>Chair of Committee:</b>		<b>Contact Number:</b>	

<b>1. Title</b>

<b>2. Please provide a brief description of what you are screening</b>

<b>3. Relevance to equality, diversity, cohesion and integration</b>	
<b>Questions</b>	<b>Yes / No</b>
Is there an existing or likely differential impact for the different equality characteristics?	
Have there been or likely to be any public concerns about the policy or proposal?	
Could the proposal affect how services are organised, provided, located and by whom?	
Could the proposal affect our workforce or employment practices?	
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>▪ Eliminating unlawful discrimination, victimisation and harassment</li> <li>▪ Advancing equality of opportunity</li> </ul> Fostering good relations	

#### 4. Considering the impact on equality, diversity, cohesion and integration

How have you considered equality, diversity, cohesion and integration?

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#### Key Findings

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#### Actions

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#### 5. Governance, ownership and approval

Name	Job Title	Date

#### 6. Publishing

Date Screening Completed:	
Date Agreed at Governors:	



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