

# Holy Family Catholic High School & 6<sup>th</sup> Form Centre



## Equality and Diversity Policy

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## EQUALITY AND DIVERSITY POLICY CONTENTS

1	Introduction	3
2	Policy Statement	3
3	Responsibilities	3
4	How we will implement this Policy	4
5	Policy Review	4
6	Breaches and dealing with Complaints of Discrimination	4
7	Relevant Equality Policies, Schemes and Procedures	5
8	Language	5
9	The Staff	5
10	Advertising and Information	6
	Appendix 1 - Forms of Discrimination (Equality Act 2010)	8

If you require this document in an alternative format, please contact the school.

## 1. Introduction

- 1.1 This policy sets out the commitment of Holy Family High School Governors to promote equality of opportunity and work to eliminate any unlawful or unfair discrimination and harassment in the school. It applies to all aspects of staff and student activity within Holy Family High School.
- 1.2 Holy Family High School recognises the real educational and business benefits of having a diverse community of staff and students who value one another and the different contributions they can make to achieving the school's commitment to be open and accessible.
- 1.3 We are committed to providing equality for all irrespective of:
  - age
  - disability
  - race, colour, nationality, ethnic or national origin
  - sex
  - gender reassignment
  - religion or belief
  - sexual orientation
  - marriage and civil partnership
  - pregnancy and maternity

Under the Equality Act (2010) these are known as 'protected characteristics'.

- 1.4 We will work to ensure that all of our students, employees and visitors, as well as those who apply or seek to apply to work with us, are treated fairly and are not subjected to discrimination by the Holy Family High School on any of these grounds.
- 1.5 To support our equality and diversity policy aims and values, and to implement our legal commitments, Holy Family High School has a range of equality and diversity policies, as set out in Section 7, which complements and form part of this overall policy.
- 1.6 As part of the application of this policy, the School may collect, process and store personal data and special categories of data in accordance with our Data Protection Policy. We will comply with the requirements of Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018) in relation to how we collect, hold and share personal data.

## 2. Policy statement

- 2.1 We will:
  - Value diversity and promote equality of opportunity for all
  - Promote respect and encourage good relations within and between groups
  - Aim to meet the different needs of different groups, as appropriate, whilst

- promoting shared values
- Promote an inclusive and harmonious place of work and study where there is mutual respect and where harassment and bullying, intimidation or violence is not tolerated
- Prevent unlawful discrimination and victimisation (see Appendix 1)
- Comply with our legal obligations
- Take seriously and address any breaches of this policy

- 2.2 This policy complies with the requirements of the Equality Act 2010. Under the general public sector equality duty of the Equality Act 2010, our School must have due regard to the need to:
- a) eliminate discrimination, harassment and victimisation;
  - b) advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - c) foster good relations between people who share a protected characteristic and those who do not.

The duty covers the protected characteristics of race, disability, sex, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment. The first part of the duty – the duty to eliminate discrimination, harassment and victimisation also applies to the protected characteristic of marriage and civil partnership.

### 3. Responsibilities

- 3.1 Governors, through the Headteacher have ultimate responsibility for ensuring that this policy is fully implemented.
- 3.2 All staff and students of Holy Family High School, those carrying out work or delivering services on behalf of the School and our partners, are required to comply with this policy and with the associated policies. Everyone is required to promote a culture free from illegal discrimination and all forms of harassment and bullying. In addition, failure to adhere to these responsibilities under the law may lead to civil actions or criminal proceedings.

Any incidents of discrimination, harassment or bullying will be investigated and may be grounds for exclusion or dismissal.

- 3.3 All employees must be aware of this policy and have a duty to act in accordance with the policy and not to discriminate against or harass other people, including employees, former employees and job applicants, treating them with dignity at all times. This also applies on work-related trips or events including social events. They should also apply this to how they treat members of the public in the provision of services and should support the school in meeting its commitment to provide equal opportunities for all and promoting diversity in the workplace.

### 4. How we will Implement this Policy

- 4.1 The Senior Leadership Team will ensure that:
- Staff and students are aware of the equality and diversity policies

and the procedures for making a complaint.

- The implementation of all equality policies and schemes is monitored and progress reported.
- Appropriate training is provided to staff if required.
- They lead through example in terms of their own conduct and behaviour.
- Equality is taken into consideration, where appropriate, in policies, strategies and procedures to ensure that they promote equality and do not unlawfully discriminate.
- Procedures are in place for the fair appointment, promotion and development of staff, and the fair selection, teaching and assessment of students, free from unjustifiable discrimination.
- Compliance with the equality policies is part of the job descriptions of all staff.
- We seek commitments from our suppliers that they are taking steps to promote equality and eliminate discrimination.

4.2 Everyone is expected to:

- Support and implement the equality and diversity policies and ensure that their behaviour and/or actions do not amount to discrimination or harassment in any way.

## **5. Policy Review**

5.1 We will keep this policy under review and will regularly assess the progress we are making toward achieving our equality commitments, including reporting on progress to the Governing Body. We will take action when we identify areas where inequality or discrimination may be considered to exist.

## **6. Breaches and dealing with Complaints of Discrimination**

- 6.1 If a student, member of staff or visitor believes that they have suffered any form of discrimination, harassment or victimisation the school takes this very seriously. All complaints will be dealt with in accordance with the agreed procedures. Anyone who makes a complaint of discrimination will not be victimised and we will make every effort to ensure victimisation does not occur and that any complaints are dealt with promptly.
- 6.2 Students are encouraged to speak to their Progress Leader in the first instance or they can raise concerns with the designated safeguarding lead.
- 6.3 Staff are encouraged to speak to their line manager in the first instance or they can raise the matter by using the Grievance Procedure.
- 6.4 Parents and Members of the public can raise this through the Complaints Policy.
- 6.5 Allegations regarding potential breaches of this policy will be treated in confidence and investigated as set out above. Employees or pupils who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Staff Disciplinary Procedure or pupil procedures.

- 6.6 Any member of staff who is found to have committed an act of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

## **7. Relevant Equality Policies, Schemes and Procedures**

- 7.1 The Equality and Diversity Policy is part of a framework of policies that support our approach.
- 7.2 The Dignity at Work policy is for staff and sets out a specific procedure for seeking support or making a complaint in relation to harassment or bullying (This policy is available in the Staff Handbook).
- 7.3 The Recruitment and Selection policy directly relates to staff and applicants for employment.
- 7.4 It is important that students, staff or visitors who are victims or witnesses of apparent racism report it, whether the alleged incidents occur on or off site, to help us make the school a safe place. To support this process, we have:
- Racist and Incident Reporting Procedures

## **8. Language**

- 8.1 Prejudice and discrimination may arise and be reinforced by our use of language, which may not be neutral and value-free. Words and phrases can be associated with apparently negative attitudes and may unwittingly give offence to people including members of groups that are subject to prejudice, harassment or discrimination.
- 8.2 Everyone is expected to seek to ensure that their written, spoken and electronically transmitted or published material does not contain language that may knowingly cause offence to others. Rather than be prescriptive about use of language, staff and students are asked to exercise good judgement and be aware of common, inappropriate or offensive references in relation to the protected characteristics.

## **9. The Staff**

### **9.1 Recruitment**

All appropriately qualified applicants will be given equal consideration during the recruitment process and will not be discriminated against on any grounds referred to in paragraph 1.3 of this policy statement. A confidential recruitment monitoring form will be sent with all application forms. Information gathered on this form will not be used in the selection process and will be kept separate from the application form. However, the information will be used for monitoring purposes to ensure that the policy is operating effectively, to identify groups that may be underrepresented or disadvantaged in our school and to ensure we are meeting our legal obligations.

We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on

appearance, name or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original specified documents before employment starts to satisfy current immigration legislation.

## 9.2 Selection and Promotion

Selection criteria for all posts will be clearly defined and reflected in the Job Description and Person Specification, and will relate to the requirements of the job. Shortlisting and interviewing processes will be thorough. They will be carried out objectively and without illegal discrimination. The appointment panel, where possible, will include staff appropriately trained in recruitment and selection and be aware of relevant employment legislation. Holy Family High School welcomes applications from suitably qualified disabled people and will make reasonable adjustments to the selection process, and to the workplace and working arrangements to accommodate successful disabled candidates.

Applicants will not be asked about health or disability before a job offer is made, other than where it is necessary to;

- establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- establish if any reasonable adjustments need to be made to enable an applicant to have a fair interview or assessment.
- carry out equal opportunities monitoring (which will not form part of the decision-making process) – see 9.1.

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters which may suggest an intention to discriminate on grounds of a protected characteristic.

## 9.3 Working Conditions

The School will take account of the requirements of individual members of staff and, wherever reasonably practicable, will support staff needs, in line with the relevant legislation. The School will also make reasonable adjustments to an individual's working environment, to enable a disabled employee to carry out their job.

## 9.4 Pay and conditions of service

Pay decisions will be based on an employee's performance (where relevant), as detailed in our Pay policy. Pay decisions will be fair, transparent and non-discriminatory.

Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all employees who should have access to them and that there are no unlawful obstacles to accessing them.

## 9.5 Staff Development

The school will not discriminate on any grounds referred to in paragraph 1.3

of this policy statement, in the provision of training and development to assist staff, (including part-time or full time, permanent or fixed term), to perform their jobs more effectively. Employees training needs will be identified through the appraisal process.

## **10. Advertising and Information**

- 10.1 School publications and advertisements for staff and student recruitment will state the school's commitment to Equality and Diversity. Language and images used in all publications, written and electronic material will not be discriminatory.
- 10.2 Information regarding staff vacancies will be circulated throughout the school and in most cases, posts will be advertised externally and/or internally, unless there are justifiable reasons to do otherwise which have been agreed by the Headteacher and HR Manager (for example there is a temporary, urgent need to fill a role).
- 10.3 All employees will be provided with a copy of the Workforce Privacy Notice which sets out how we collect, hold and share personal data of individuals during their employment.



## Appendix 1 - Forms of Discrimination (Equality Act 2010)

The legal definitions vary, but broadly speaking discrimination can occur either directly or indirectly:

Direct Discrimination occurs when a person is treated less favourably than others would be treated in the same circumstances on the grounds of having a protected characteristic, as referred to in paragraph 1 of this document. 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. It will only be exceptional circumstances that this will apply in our School.

Indirect Discrimination occurs when applying a provision, criterion or practice (PCP) which puts someone from a group outlined in paragraph 1 at a particular disadvantage.

Indirect discrimination may only be justified in exceptional circumstances if it can be shown that the action was reasonable in managing the business or organisation, i.e. that it is a proportionate means of achieving a legitimate aim.

A legitimate aim might be any lawful decision made in running the business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate in this context means being fair and reasonable, including showing that less discriminatory alternatives to any decision made have been considered. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be objectively justified.

Discrimination by Association is direct discrimination against someone because they associate with another person who possesses a protected characteristic, as referred to in paragraph 1 of this document. For example, disability discrimination against someone who is a carer of a disabled person.

Discrimination by perception is direct discrimination against an individual because of a belief that they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic, for example, discrimination against someone because they are thought to be gay but are not.

Harassment is defined as being unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Harassment applies to all protected characteristics, as referred to in paragraph 1 of this document, except for pregnancy and maternity and marriage and civil partnership. Pregnancy and maternity harassment would amount to harassment related to sex, and harassment related to civil partnership would amount to harassment related to sexual orientation.

Employees are able to complain of behaviour that they find offensive, even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association and from harassment by third parties.

Victimisation takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Equality Act (2010) or helped someone else to do so. This includes making a complaint, taking legal action, providing evidence related to proceedings or alleging that discrimination has taken place. There is no legal requirement to compare treatment of a complainant with that of a person who has not made or supported a complaint.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.