



EQUALITIES AND DIVERSITY POLICY

SCHOOL MISSION STATEMENT

“Guided by Jesus Christ, our teacher, we journey together, learning to dream, believe and achieve”

2010 EQUALITY ACT

BACKGROUND

The 2010 Equality Act introduced a single Public Sector Equality Duty which applies to all public authorities including maintained schools and academies. This Duty replaced three separate equality duties under previous legislation to address discrimination and promote equality in relation to race, disability and gender. The Policy set out here arises from compliance with the Equality Act and is intended to assist Governing Bodies in meeting their full responsibilities for promoting equal opportunities and acting against discrimination, direct or indirect, harassment and victimisation.

INTRODUCTION

As a Catholic community based on the teachings of Christ our mission is to provide an outstanding whole person education through which all are challenged to grow in wisdom, understanding self esteem and closeness to God, respecting the uniqueness of each person as central to that mission and so we fully accept and endorse the responsibilities and duties to promote equality for all.

Within that acceptance we do recognise the continued general exceptions to the Act as laid down for schools with a religious character or a registered religious ethos. Such exceptions centre on:

1. Acts of Worship

The Act contains a general exception to the religion or belief provisions which allows all schools to have acts of worship or other forms of collective religious observance. The daily act of collective worship is not covered by the religion or belief provisions, which means that schools are not acting unlawfully where provision of an equivalent act of worship for other faiths is not undertaken.

The character and content of collective worship in a Voluntary Aided school continues to be determined by the Governing Body and for a VA school with a religious character such will be in accordance with the school's Trust Deed or in accordance with the beliefs of the religion or denomination specified for the school. For Catholic schools this means compliance with the teachings of the Roman Catholic Church.

Schools are also free to celebrate religious festivals particular to their tradition and would not be discriminating against children of other faiths by, for example in a Catholic school, putting on a nativity play.

2. Employment

All of the current characteristics in Catholic schools are covered by the employment provisions of the Act. It provides that for schools with a religious character it will not be unlawful discrimination to do things permitted by the School Standards and Framework Act 1998 and the 2006 Education and Inspections Act. The existing exemptions as they relate to schools with a religious character are therefore retained.

This means for Catholic schools that, in common with other voluntary aided schools with a religious character, they may give preference in connection with the appointment, remuneration or promotion of teachers at the school, to those whose religious beliefs or religious practice is in accordance with the tenets of their denomination, ie the Roman Catholic faith. This extends to the posts of Headteacher, Assistant Headteacher and Head or Co-ordinator of Religious Education which (cross refer the Bishops' Memorandum on Appointment of Teachers to Catholic Schools) must be filled by baptised and practising Catholics¹. Likewise Governing Bodies in Catholic schools may give similar preference to those who give or who are willing to give religious education at the school in accordance with the tenets of the Catholic Church².

Preference can also be given to practising Catholics in non-teaching posts where there is a genuine occupation requirement ³. (See Appendix A)

The conduct of a teacher which is incompatible with the precepts of the Church, or which fails to uphold its tenets, may be taken into consideration in determining whether the teacher's employment should be terminated ⁴. In addition, the Governing Body of a Voluntary Aided school, (like other schools with a religious character) has the power to dismiss a Religious Education teacher, without the consent of the Local Authority, on the grounds that s/he fails to give religious education efficiently and suitably ⁵.

Legal Data:

¹ Section 60, School Standards and Framework Act 1998

² Section 60, School Standards and Framework Act 1998

³Section 37, Education and Inspections Act 2006

⁴ Section 60, School Standards and Framework Act 1998

⁵ Section 58, School Standards and Framework Act 1998

3. Admissions

In Catholic Schools the Governing Body is the Admissions Authority for the school and makes decisions as to admissions arrangements. It is their duty to ensure that such arrangements are compliant with the Admissions Codes and other relevant legislation. Further that:

- admissions criteria are clear, fair, objective and transparent
- arrangements are as simple as possible
- all parents' preferences are treated on an equal basis
- no discrimination is applied on the basis of race, sex (save in single sex schools), disability, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation

However, in a Catholic school priority can be afforded to Baptised Catholic children where the school is oversubscribed and that action is in accordance with the school's published admissions policy. In addition, and for all schools, age is not a protected characteristic in relation to pupils so allowing schools to admit and organise pupils in age groups.

4. Curriculum

The content of the curriculum has never been caught by discrimination law and the Act states that it is specifically excluded. The delivery of the curriculum is however explicitly included.

The DfE guidance highlights the relationship between protection because of sexual orientation and protection of religious freedom. It states that many people's views on sexual orientation/sexual activity are grounded in religious belief. It refers to concerns of schools with a religious character that they may be prevented from teaching in line with their religious ethos. It also refers to teachers having expressed concerns that they may be subject to legal action if they do not voice positive views on same sex relationships, whether or not this view accords with their faith. The guidance also refers to concerns that such schools may teach and act in ways unacceptable to lesbian, gay and bisexual pupils and parents when same sex relationships are discussed because there are no express provisions to prevent this occurring.

The guidance makes clear that, like all schools, schools with a religious character have a responsibility to the welfare of children in their care and to adhere to curriculum guidance, it goes on to say that, provided their beliefs are explained in an appropriate way in an educational context that takes into account existing guidance on the delivery of Sex and Religious Education (SRE) then schools should not be acting unlawfully. Further that it would not be unlawful for a teacher in any school to express personal views on sexual orientation provided that it is done in an appropriate manner and context. The guidance however provides a note of caution about the influential role of a teacher and that their actions and responsibilities extend

beyond the requirements of the equality legislation and that expressing personal views should not extend to allowing unlawful discrimination.

STATEMENT OF COMMITMENT

The Governing Body and the school of St Clare's are committed to a policy of equality and we aim to ensure that no employee, job applicant, pupil or other member of the school community is treated less favourably on grounds of sex, race, age, disability, gender reassignment, pregnancy and maternity, sexual orientation or religious belief save for the general exceptions previously instanced.

Any behaviour, comments or attitudes that undermine or threaten an individual's self esteem on these grounds will not be tolerated. We aim to provide equal access to high quality educational opportunities and to ensure that everyone feels that they are a valued member of the school community. We seek to provide a safe and happy environment where all can flourish and where cultural diversity is celebrated.

We aim to empower our pupils to make informed choices so that they are better prepared for the opportunities, responsibilities and experiences of life within their community. Equality of opportunity cannot be realised without the involvement and commitment of all members of the school community and a common understanding of the pivotal role of equal opportunities in the context of the school's ethos and values, in particular, the recognition that the role of all staff is crucial in the delivery of the objectives of the policy.

All members of the school community are responsible for promoting the school's equal opportunities policy and are obliged to respect and act in accordance with the policy.

AIMS AND OBJECTIVES

The Governing Body and the school aim to:

- carry out their legal duty in complying with the relevant legislation set out in Appendix A
- reinforce the position of the school as a provider of high quality education and as a good employer providing development opportunities
- ensure that equality remains high on the school's strategic agenda
- establish good people management practice and to set out a proactive agenda in which discrimination is recognised as an organisational issue which needs an organisational response
- achieve a staffing composition that as far as possible reflects the composition of the wider community
- ensure all staff work together with a shared sense of purpose to meet the needs of every pupil
- ensure that pupils and staff contribute towards a happy and caring environment by showing respect for, and appreciation of, one another as individuals
- ensure that complaints or evidence of failure to comply with the school's equal opportunities aims and objectives will be dealt with promptly and fully investigated according to the relevant procedure (eg complaints relating to staff may be investigated either under the disciplinary, grievance or anti-harassment procedures as appropriate). All forms of unlawful behaviour itemised in Appendix B by any person within the school's responsibility will be treated seriously as such behaviour is unacceptable.

Equal opportunities implications, including race equality, will be considered and recorded whenever school policies are developed or reviewed in order to provide a comprehensive and consistent process of monitoring and evaluation.

The success of action on Equal Opportunities is closely linked to the provision of relevant training. The Governors of St Clare's will be encouraged to take up all relevant opportunities provided by the school, Diocese and/or Local Authority.

St Clare's will endeavour to:

- enhance and develop the skills, knowledge and abilities of existing employees to realise their full potential, irrespective of background or employment status;
- provide equal access to training and development opportunities for all staff, full and part time, on the basis of their assessed training needs;
- promote greater awareness of equal opportunities and the contribution made by staff, governors, parents/guardians, pupils and the Parish(es);
- equip employees with the skills to provide personal and organisational solutions, eliminate discriminatory practices and to promote anti-discrimination generally

Professional development involves a continuous process of learning involving self-development, encouragement and motivation. The school places great importance on the relationship between team leaders and their teams and will ensure that employees are encouraged and supported to take responsibility for their own learning and development in the context of the school's performance management system.

MONITORING REVIEW AND EVALUATION

1. The Governors of St Clare's recognise their duty to ensure that the Equal Opportunities Policy is regularly monitored and reviewed on an annual basis. Monitoring is an essential aspect of this policy, as it should provide important information by which the school can measure its performance against its aims and objectives. Statistical information can also enable governors and the Head Teacher to detect where potential or actual imbalances exist and to take steps to correct them.
2. Monitoring with respect to employment will be undertaken in the following areas on at least an annual basis by sex, race, disability, grade and subject area:-
 - composition of the school staff
 - recruitment trends
 - take up of training opportunities
 - promotion patterns
 - use of complaints procedure
 - use of grievance, disciplinary, harassment processes, etc
 - use of sanctions
 - take up of family-friendly policies, eg flexible working arrangements.
3. Exit interviews will also provide further helpful information and feedback.

PUBLICATION OF INFORMATION

Following the initial publication in April 2012 of information about compliance with the Public Sector Equality Duty and the setting out of equality objectives the Governing Body of St Clare's recognise that the information has to be updated annually and the agreed objectives reviewed at least once every four years. They will ensure that such evidence identifies what steps have been taken and progress achieved in meeting the equality objectives set out by the school. The main vehicle for setting out the relevant information will be the school website.

APPENDIX A

THE 2010 EQUALITY ACT: SUMMARY

The Act places on Governing Bodies the responsibility to have due regard to three specified matters which are the need to :-

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
3. Foster good relations between persons who share a relevant protected characteristic and those who do not.

The matters referred to at (2) and (3) apply to the 'relevant protected characteristics' which are set out in Section 147(7) of the Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. They do not therefore apply to the protected characteristic of marriage and civil partnership. Subsection (1) however applies to all protected characteristics.

The Act also defines 'due regard' as follows:

- Removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- Taking steps to meet the needs of persons who share a relevant protected characteristic from the needs of persons who do not share it;
- Encouraging persons who share a relevant protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

The Act combines previous strands of legislation and affords the categories of protection identified thus:

- **Sex discrimination**

Under *The Equality Act 2010*, direct sex discrimination is where A treats B less favourably than A treats others, or would treat others, if the reason is gender based. Women are, however, entitled to special treatment in connection with pregnancy, maternity or breast-feeding. Sex discrimination is generally unlawful in schools. The content of the legislation covers recruitment policies, dismissals and redundancies, fringe benefits and other non- contractual matters and requires that women and men should be treated equally.

- **Gender reassignment discrimination**

The Equality Act 2010 identifies gender reassignment as a process and not an event. Discrimination in connection with the provision of education on grounds of past, present or proposed gender reassignment is generally unlawful.

- **Sexual orientation discrimination**

Discrimination in connection with the provision of education on grounds of sexual orientation is generally unlawful under the provisions of The Equality Act 2010.

- **Race discrimination**

Race as defined in The Equality Act 2010 includes colour, nationality and ethnic or national origins. Race is essentially a group characteristic, but one racial group can be part of a larger racial group. Discrimination in connection with provision of education on grounds of race is generally unlawful under the Act. The Act makes it illegal to discriminate in recruitment, promotion, training and transfer, terms and conditions of employment or dismissal on grounds of colour, race, nationality or ethnic or national origins. Where persons of a particular racial group are under-represented, either generally or in a section of the workforce,

the Act enables employers to advertise vacancies in such a way as to encourage applications from persons of that racial group.

The amendments to the Act give schools a statutory general duty to promote race equality and eliminate unlawful racial discrimination. All schools are required to have a written race equality policy in place.

- Religion or belief discrimination

Discrimination on the grounds of faith or lack of it cannot be enacted save for the general exceptions afforded to schools with a recognised religious character.

- Disability discrimination

There is a general requirement in The Equality Act 2010 to make reasonable adjustments for those with disabilities and a more specific requirement to do so in the field of education. Special educational needs are also relevant to this area of discrimination. The Act requires Local Authorities in England and Wales to improve their schools and the ways in which disabled pupils can access pupil information and the school's curriculum. There must be a written accessibility strategy produced after due consultation and that strategy must be implemented within a reasonable time.

Enforcement of The Equality Act 2010 relating to disability in schools is possible through:

- school admission appeals;
- school exclusion appeals;
- application to the First-tier Tribunal

Complaints about discrimination in maintained schools and academies may be made to the Secretary of State, seeking action by use of powers concerning unreasonable exercise of functions. A school Governing Body must publish information in their annual report about arrangements for disabled pupils.

- Employment

The Act, subject to the general exceptions previously identified, supports the implementation of equal opportunities in employment for all staff and encourages measures to ensure, wherever possible, that the staffing of the school reflects the diversity of its community.

Schools are to ensure that other equality issues such as gender, race or disability are free from discrimination when appointing staff, allocating Teaching and Learning Responsibilities or re-evaluating staff structures.

Note. Genuine Occupational Requirements

Discrimination is permitted in cases where a person's sex, race or religion is a genuine occupational requirement for the job. For Catholic schools these are set out under the continued general exceptions to the Act. Examples from the sex discrimination legislation are where a job has to be held by a man and not a woman or vice versa to preserve decency or privacy, such as where the job involved visiting changing rooms while they are in use. Further exemptions relate to single sex sport. In race discrimination law, provision of childcare or similar service promoting a particular racial group's welfare may be more effectively provided by someone of that race. It may then be permissible to specify that race as a genuine occupational requirement.

THE 2010 EQUALITY ACT: UNLAWFUL BEHAVIOUR

There are four ways in which unlawful behaviour may occur:

- **Direct discrimination:** This means treating someone less favourably than others would be treated in the same or similar circumstances on the grounds of race, sex, etc.
- **Indirect discrimination:** This means applying a requirement or condition which cannot be justified to all groups but which has a disproportionately adverse effect on one group because the proportion of that group which can comply is smaller than the proportion of the group(s) which can comply with it.
- **Victimisation:** This occurs when a person is treated less favourably than other persons would be treated because that person has done a for example 'protected act' under the Equal Pay Act, Sex Discrimination Act, Race Relations Act or Employment Equality Regulations, for example, by bringing forward proceedings or giving evidence or information.
- **Harassment:** Harassment can take many forms, from the most obvious abusive remarks to extremely subtle use of power. As with unfair or unlawful discrimination, harassment can be intentional or unintentional. However, the key issue is not simply the intention of the offender but the behaviour on the person receiving it.

In all cases transgressions will be fully and properly acted upon using the appropriate procedure.

Approved by the Governing Body on: 15th June 2015

Signed by: *W. Ryan* W. Ryan, Chair of Governors

Date for Renewal: 15th June 2017