

The Community College Whitstable

Equality Scheme

Reviewed and ratified at Governors Strategy Meeting on 6th March 2013

Mrs H Sullivan-Tighe
Headteacher

Date

Mr P Cooke
Chairman of Governors

Date

Date of next review – Date 2016

This edition: Date March 2013

The policy will then be reviewed annually in line with the cycle on the Management Plan but will be amended if new legislation/procedures etc. make this necessary.

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Section 1 - Introduction

This Schools Equality Scheme (SES) is a combined scheme to meet the Race, Disability, and Gender Equality Duties, as well as the requirements of the law for Religion and Belief and Sexual Orientation. Our School Equality Scheme also includes how we will meet requirements under the Employment Equality (Religion and Belief) Regulations 2003; Employment Equality (Sexual Orientation) Regulations 2003 and Employment Equality (Age) Regulations 2006. There is also a need to address bullying and discriminatory incidents, as these issues are prevalent in race, disability, gender, and homophobic incidents.

In the implementation of this Scheme we have moved from a focus on an individual response to an approach that builds on race, disability and gender considerations from the start and at every level of the school, at strategic, policy, management and classroom level. We need to be able to demonstrate what we have done and what we plan to do to improve opportunities and outcomes for pupils, staff, parents and other users of the school. This scheme will be monitored and delivered through the governors' role, School Improvement and Self Evaluation process.

We will ensure that every pupil irrespective of race, disability, gender, religion and belief or sexual orientation is able to achieve high standards and that strategies are in place to tackle under-achievement. We will ensure that every pupil has access to the necessary support required to enable them to achieve their highest potential. We will ensure that the school's procedures for disciplining pupils and managing behaviour are fair, effective and equitable.

Our intention is to ensure that the adults working or volunteering in the school include as much as possible a balanced gender mix, appropriate representation of diverse ethnic groups and disabled people. We believe that this will provide good role models for pupils from all backgrounds.

We will involve pupils, staff, parents, carers, governors and all other stakeholders in the development of our Scheme. They need to be involved from the very start and their involvement will inform the preparation, development, publication, review and reporting of the Scheme. The aim is to ensure that we meet the needs of people from different ethnic backgrounds, boys and girls, and children and adults with disabilities.

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED). It applies to public bodies, including maintained schools and academies.

PSED extends schools' equality duties from April 2011

The PSED, sometimes referred to as the 'general duty', extends schools' equality duties to all protected characteristics:

- Race
- Disability
- Sex
- Age
- Religion or belief
- Sexual orientation

- Pregnancy and maternity
- Gender reassignment

The duty came into effect in April 2011 and has three main elements. In carrying out their functions, public bodies are required to have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations across all characteristics, and between people who share a protected characteristic and people who do not share it

For schools, age will be a relevant characteristic in consideration of their duties only in their role as an employer, and not in relation to pupils.

PSED replaces previous equality duties

All public bodies were previously bound by three separate sets of duties: to promote disability, race and gender equality.

The PSED has replaced those three duties.

Section 2 - School profile and values

School context:

The Community College Whitstable is in Whitstable located in East Kent. The area is home to members of Whitstable's ethnic minority communities. As can be seen below (at 25.10.11), comparatively few young people from minority ethnic communities attend our school.

Language Code	Description	Number of Pupils
BNG	Bengali	1
CHIC	Chinese (Cantonese)	1
EFI	Efik-Ibibio	1
ENG	English	923
PAT	Pashto/Pakhto	4
POL	Polish	2
SPA	Spanish	1
TGLG	Tagalog	1
THA	Thai	2
TUR	Turkish	1
VIE	Vietnamese	1

Our pupil/student population is as follows (at 25.10.11):

NC Year Group	Number of pupils
14	0
13	67
12	88
11	189
10	219
9	149
8	98
7	128
6	0
5	0
4	0

3	0
2	0
1	0
R	0
N2	0
N1	0
NC Year Group Not Applicable	0
Total	938

The Community College Whitstable is committed to tackling race, disability, gender, gender identity, sexual orientation, religious belief and age discrimination. We are also committed to positively promoting race, disability and gender equality by creating good relationships in the school with all groups by race, culture, gender, disability, sexual orientation, religious belief and age. Our vision as a school is to promote equality of opportunity for all.

Section 3 - The Race Duty and Community Cohesion

The Community College Whitstable recognises and welcomes its responsibilities under the Race Relations (Amendment) Act 2000 (RRA). Since the 31st May 2002 we have had in place a written statement of our Race Equality Policy, and we have implemented the arrangements for developing a Race Equality Policy to meet the General Duty.

The purpose of our Race Equality Policy is to help us to:

- Prevent racial discrimination, and to promote equality of opportunity and good relations between members of different racial, cultural and religious groups.
- Expand access across all communities and in all areas of school activity.
- Eliminate unlawful racial harassment.
- Ensure the policy is also part of planning arrangements that the school already makes, and our actions and objectives are met through our Race Equality Action Plan (REAP).

We have developed our (REAP) for putting our REP into practice, and it is part of the School Development Plan. The REAP has clearly defined roles and explains what the school will do if the policy is not followed.

Our Race Equality Policy will form part of the School Equality Scheme 2009 - 2012, and a review will commence from April 2010 to meet the requirements of the scheme.

We will report on progress annually and the review of our race equality policy will be brought in line with the review for the School Equality Scheme.

Community Cohesion

From September 2007 we understand our duty to Promote Community Cohesion as part of the response to the duties contained in the Race Relations (Amendment) Act 2000. Our school already considers this to be a fundamental part of our role.

We understand that Community Cohesion is the process that should happen in all communities to ensure that different groups and individual people get on well together. It should also allow for new residents and existing residents to adapt to one another.

Please refer to the school's Community Cohesion Policy.

Section 4 - The Disability Equality Duties

We welcome the requirements of the Disability Equality Duty and this section sets out our commitment to meeting the Duty. Our Scheme shows how we promote disability equality across all areas of the school, to disabled pupils, staff, parents, carers and other school users.

When carrying out our functions, we will have due regard to the need to:

- Promote equality of opportunity between disabled people and other people.
- Eliminate discrimination that is unlawful under the Disability Discrimination Act (1995).
- Eliminate disability related harassment.
- Promote positive attitudes towards disabled people.
- Encourage participation of disabled people in College and public life.
- Take steps to meet disabled people's needs, even if this requires more favourable treatment.
- To make reasonable adjustments to make sure that a disabled person has the same access to everything that is involved in getting and doing a job as a non-disabled person, as far as is reasonable.
- Have a Disability Equality Scheme.

We plan to increase access to education for disabled pupils by:

- Increasing the extent to which disabled pupils can participate in the school curriculum.
- Improving the environment of the school to increase the extent to which disabled pupils can take advantage of education and associated services.
- Improving the delivery of information to disabled pupils.

Accessibility Plan

ACCESSIBILITY AUDIT ACTION PLAN				
Item	PHYSICAL ENVIRONMENT	Action	Deadline	Lead Officer
	Accessible car parking	2 Designated/marked parking for disabled at both ends of front car park.	Completed	
		To designate disabled parking bay at COVE car park.	Completed	
	Dropped kerbs to entrances	In front car park. LD entrance. COVE entrance.	Completed	
	Doors external	Reception doors electronic. Other external doors are width for disabled users.	Completed	
	Doors internal	Adjustable closures.	Completed	

		Some classroom doors are not required width for disabled users.	Completed		
	Staircases	Handrails both sides, different colour as are stair nosings. Stone staircase – due for refurb	Completed Completed		
	Accessible toilets	Unisex toilet – Main reception. Disabled toilets – Sci/Tech x 1. COVE x 2. Sports Centre x 2 plus ambulant toilets x 2 plus superloos x 2. Superloos Whole College	Completed Completed Completed		
	Lifts/Platforms for disabled access	Creative, Global, Logic & Restaurant	Completed Completed		
	Induction Loops	Performance Hall	Installed		
	Reception Facilities Proximity, signage, colour, lighting, clear vision. CCTV.	Counter lowered to include space under. Medical room adjacent. Seating available. Electronic entrance doors. In place.	Completed		
	Light switches, power outlets, emergency alarm buttons	Red ring pull alarms in disabled toilets. Light pull cords in disabled toilets. Light switches operated by Site team morning/evening. Light Motion detectors to be installed in all new build.	Completed Completed		
	Adapted wash basins	Height and taps disabled user friendly.	Completed		
	Access available to all facilities e.g. classrooms (including technology/PE classrooms), halls, sports centre, restaurant, social areas.	All areas accessible other than Staff areas.	Completed		
	Can wheelchair users move around the school without experiencing barriers caused by doorways, steps, stairs, kerbs, exterior surfaces, paving, gates, etc. Pathways safe.	All areas accessible.	Completed		
	Emergency and evacuation systems, alarms both visual and auditory set up for all pupils including those with SEN and disability.	All auditory alarms tested, visual alarms TBC in Tech. COVE. Music.	Completed Under assessment by KCC	KCC Mr T Witlock	

	Non visual guides e.g. tactile buttons, flooring.	TBC with BSF contractors.	Discuss at next BSF mtg		
	Could signage be considered confusing or disorientating e.g. to students with visual impairment, autism, epilepsy.	Emergency signs all compliant.	Completed	Completed	
	Room acoustics - able to reduce background noises for hearing impaired students.	FF Science/Tech	Oct 09 Completed		
	Furniture and equipment selected appropriately.	Especially for Sci/Tech. Food. COVE.	Completed		
	Are Events and activities accessible	Communication and access signs in place. Visitors informed of lift access.	Completed		
Item	IMPROVING THE DELIVERY OF WRITTEN INFORMATION				
	Availability of written material in alternative formats e.g. simple language, large print, audio tape, braille	The school to be able to provide written information in different formats when required for individual purposes. Obtain SENCo/LA guidance.			
	Make available school brochures, newsletters and other information for parents in alternative formats	Review all current school publications and promote the availability in different formats for those that require it. New school website to offer accessibility advice to the visually impaired and to include HTML code appropriate for the use of speech synthesis software (inclusion of 'alt-text' for example)	Completed	None	
	Review documentation with a view of ensuring accessibility for students with visual/hearing impairment	Obtain guidance from SENCo/LA on alternative formats and use of IT software to produce customized materials. Staff training on Hearing Impaired – resources made available to all staff. (completed in CPD 7 2008-9 and resources available on Teacher Toolkit)	Completed Ongoing	None CPD Co-ordinator	
	Raise the awareness of adults working at and for the school	Arrange training courses.	Ongoing	CPD Coordinator	

	on the importance of good communication systems				
	Ensure staff are familiar with technology and practices developed to assist with disabilities.	Arrange training courses.	Ongoing	CPD Coordinator	
Item	IMPROVING THE CURRICULUM ACCESS				
	Training for teachers on differentiating the curriculum	Undertake audit of staff training requirements. (completed CPD8 2008-9) Review the specific needs of pupils who are disabled, in terms of basic daily living skills, relationships and future aspirations. (ECM survey to be completed Oct 2009 will allow identification of group in relation to all 5 outcomes)	Completed Oct 09	None BSF	
	Out of school activities (internal/external) planned to ensure the participation of the whole range of students	Review all out of school hours activities i.e. internal/external to ensure compliance. Include in specific policies.	Ongoing	Offsite Activities Administrator/Extended Schools Organiser	
	Classrooms are optimally organized to promote the participation and independence of all students	Review and implement a preferred layout of furniture and equipment to support the learning process in classrooms.	Ongoing	CLs	
	Training for Govs, staff, pupils, parents on awareness raising of disability issues	Discuss perception issues with staff to determine the current status of the school.			
	Ensure teachers/TAs have the necessary training to teach and support disabled students.	Staff training for on Hearing Impaired – resources made available to all staff. (completed in CPD 7 2008-9 and resources available on Teacher Toolkit)	Completed	None	
	Do lessons involve work to be Completed by individuals, pairs, groups and the whole class.	Evidenced in Medium Term Plans which are reviewed regularly.	Completed	None	
	Are all pupils encouraged to take part in music, drama and physical activities.	All students participate in Performing Arts and PE in KS3. All students participate in PE in KS4.	Completed	None	
	Provide access to computer technology appropriate for students with disabilities.	Use of mobile technology to be investigated at Family Forum (Dec 09)	Dec 09	None	
	Provide alternative ways of giving access to experience or understanding for disabled students who cannot engage in	AEN department to audit PE and Performing arts in relation to accessibility of the curriculum to disabled	Dec 09	None	

	particular activities e.g. PE	students.		
	Are school visits made accessible to all pupils irrespective of attainment or impairment?	No discrimination on these grounds takes place. Each trip assessed by the Trips Coordinator.	Completed	None
	Do staff recognize and allow for the additional time required by some disabled students to use equipment in practical work.	SENCO publishes specific information on LDD students (IEPs, AEN register, personal emails) informing of specific LDD issues.	Completed	None

Section 5 - The Gender Equality Duties

We welcome the requirements of the Gender Equality Duty and this section sets out our commitment to meeting the duty. We will give due regard to the need to:

- Eliminate unlawful discrimination and harassment on the grounds of sex, including domestic violence, sexual violence, bullying and exploitation.
- Promote equality of opportunity between women and men in all of our functions.

Section 6 - Religion and Belief

Our school recognises the need to consider the actions outlined by the Equality Act 2006 (Religion & Belief) which requires us to assess the impacts of our policies, functions and procedures have on promoting equality for people based on their religion, belief and non-belief.

Section 7 - Sexual Orientation

Our school recognises the need to protect students from unlawful discrimination and harassment on grounds of sexual orientation as required by the Equality Act (Sexual Orientation) Regulations 2007. We are committed to taking a pro-active approach to preventing all forms of homophobia within the school and will assess the impacts of our policies, functions and procedures on promoting sexual orientation equality as part of the Equality Impact Assessment process.

Section 8 - Anti-bullying and Discriminatory Policy Framework

Our School states clearly that all forms of bullying and discrimination are unacceptable and will not be tolerated. We have set out the measures that our school will take to address bullying and discriminatory incidents in our Anti-Bullying Policy.

Section 9 - Employment Practices

In our School we ensure that we observe the principles of equal opportunities in how we employ, develop and treat our staff. We use the Equality in Employment Policy prepared by Schools' Personnel Service, KCC. This is in Appendix 1.

Section 10 - Equality Impact Assessments

We are reviewing key policies, functions or procedures that have been assessed as relevant to meeting the duties set out under race, gender, disability and religion or belief legislation. In line with best practice we will also assess the impact of our key policies, functions and procedures on promoting sexual orientation equality.

The main system by which we will assess the impact of our current policies, functions or procedures will be through carrying out Equality Impact Assessments.

Section 11 - Consultation and Information

Consultation takes place through parent/pupil questionnaire and at key events in the school calendar, including Family Forums.

Section 12 - Equality Scheme Objectives

This section sets out the objectives we have identified in order to eliminate discrimination and harassment and promotion of equality in relation to gender, race, disability, religion or belief and sexual orientation.

Section 13 - Roles and responsibilities

The Governing body accepts their responsibility to promote equality and eliminate discrimination and harassment, as outlined in the scheme.

Section 14 - Contracting and Procurement

For your school set out:

- How you will include any race, gender or disability equality requirements within the contracts for services procured by the school.
- How you will monitor contractors' commitment to implementing equal opportunities standards within employment and service delivery.

Section 15 - Reporting and reviewing the scheme

In line with the requirements of the Scheme we will produce an annual report on progress and review and revise the Schools Equality Scheme every three years.

Section 16 - Publication

The School's Equality Scheme is published on the school web site, available in printed form in the School staff room and at the main reception as a separate document and is available on request.

PERSONNEL MANUAL FOR SCHOOLS

UNDER LOCAL MANAGEMENT

SECTION 9

EQUALITY IN EMPLOYMENT

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EQUALITY IN EMPLOYMENT

MODEL EO POLICY STATEMENT

1. INTRODUCTION

- 1.1 The Education Service in Kent has a major and unique role as a service provider, committed to the educational, social, personal, spiritual and cultural development of young people and adults across the County. The Governing Body and School has a commitment to both the equality of opportunity in employment for its staff and in the provision of its services..
- 1.2 We, recognise that in our society, groups and individuals have been, and continue to be, discriminated against in many ways and that the School is a part of that society. By adopting the following policy, the School aims to ensure that all job applicants and employees receive equal treatment and are not disadvantaged by unnecessary conditions or requirements.
- 1.3 Good equal opportunity practice is about achieving the best professional standards for all. Equal Opportunity also makes good business sense in terms of improved morale, lower sick absence, less stress and greater commitment. The case is also driven by the legal responsibilities. When we get equal opportunity wrong it can cost the School and individuals dear. A simple definition of Equal Opportunity is:
- It is about giving all staff a fair and unbiased way to reach their potential.
 - It is about ensuring equal access to employment and services.
- 1.4 The specific areas covered by this policy and legislation are:
- Sex, Ethnicity, Disability, Religion and Belief, Sexual orientation, and marital status.

Note For the purposes of this policy, the school will also include Age, although this will not be covered by legislation until 2006.

2. PRINCIPLES

- 2.1 We are committed to changing attitudes and opinions; changing the behaviour of people towards each other, improving access to learning opportunities and levels of achievement for all groups and individuals.
- 2.2 We are committed to the development of an ethos and values which:
- (a) raise the self-esteem of people in an environment conducive to the realisation of true potential;
 - (b) recognises the interdependence between the quality of service and

equality; and

- (c) acknowledges the dignity and mutual respect of individuals.

3. RESPONSIBILITIES

3.1 The responsibilities of all employees are:

- (a) to put equal opportunities into practice, .
- (b) to treat colleagues and customers with respect and not to behave in a way that could be offensive to others.

The responsibilities of management are also:

- (c) To ensure that all members of staff for whom they are responsible have knowledge of and understand the EO policy.
- (d) To take appropriate corrective action, when managers and supervisors become aware of incidents which contravene this policy.

4. MONITORING

4.1 We will monitor the impact of our policies and practices to identify whether or not they are successful in promoting equality of opportunity.

4.2 We will monitor the following areas:

Job applications for external selection;

Job applications for promotions;

Training application rates;

Training received;

Staff who are the subject of grievance;

Staff involved in disciplinary proceedings and decisions made;

Harassment and discrimination complaints;

Staff who leave

The information will be reported to the LEA on request.

Note **Governing bodies are recommended to discuss the model EO Policy Statement, paragraphs 1-4 above, and adopt this model policy as a template or framework for their own policy. They need to be aware of it's**

implications for the institutions they govern, their contribution to it's implementation and their own development needs - an evaluation checklist that schools may wish to use to develop a policy is attached at Appendix 2. A basic principle of the policy is that it must be effective in terms of outcome and not merely intent.

DETAILED GUIDANCE

(All Governors, Headteachers and staff to read and put into practice as appropriate)

5. RACE ISSUES

- 5.1 Race relations is characterised by racial disadvantage, discrimination and high levels of racial prejudice and tension. The education service has an important role to play in challenging racism and promoting social justice and equality.
- 5.2 Under the Race Relations Act 1976 as amended by the Race Relations (2000) Act there is a general duty on every local authority and school to make appropriate arrangements with a view to:-
- a) **eliminate unlawful racist discrimination, and**
 - b) **to promote equality of opportunity and good relations between persons of different racial groups.**
- 5.3 The School is expected to provide their LEA ethnic monitoring data on their staff in their regular returns, so that the authority can meet the specific employment duty.

Note **Any racial incident must be recorded and the procedure on Clusterweb should be followed (see Appendix 4).**

6. DISCRIMINATION

- 6.1 Discrimination involves treating an individual less favourably than another based on negative assumptions about a particular group of people. Discrimination on the basis of race, sex, marital status, disability, religious belief and sexual orientation. is unlawful (and this will also apply to age in 2006).
- 6.2 **Direct discrimination** refers to the treatment of an individual less favourably than another on the basis of sex, marital status, race, religion or belief, sexual orientation or disability and is nearly always intentional.
- 6.3 **Indirect discrimination** refers to when a requirement or condition is applied equally to everyone but many fewer people of a particular group are able to

comply with it. Indirect discrimination is unlawful when it cannot be justified. .

Notably, the Disability Discrimination Act does not make a distinction between direct and indirect discrimination.

7. AVOIDING DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

- 7.1 We need to provide all employees with a working environment free of harassment and intimidation. Harassment in relation to an individual's race, sex, disability, sexuality, age or religion or belief and oppressive behaviour is unacceptable. Any imposed conduct which is unwanted, unreciprocated or offensive to the person on the receiving end - whether physical, verbal or non-verbal - can be regarded as harassment.

Note **Harassment does not depend on the intention of the offender but rather the impact of that behaviour on others. There are no acceptable levels.**

- 7.2 If an individual is being harassed, they should make it clear to the offender that their behaviour is unacceptable and unwelcome. If satisfaction cannot be achieved informally, the harassment and workplace bullying procedure may be appropriate - **see the "Fairness at Work" section of the Personnel Manual for Schools.** . If they need to, they should talk to someone they can trust (eg Union representative, Headteacher or Governors).

- 7.3 The Headteacher, Governing Body and supervising staff are responsible for taking appropriate action to eliminate harassment and intimidation of which they are aware. Failure to do so will be considered a failure to fulfil all the responsibilities of the position. However, where it is appropriate, a person of a particular gender may be designated to deal with cases of sexual harassment.

Note **The attention given to a complaint of discrimination or harassment may be considered by an Employment Tribunal as an indication of whether the legal duty is discharged..**

- 7.4 Thorough records of how a grievance/harassment has been handled must be kept for two years. Making a decision in respect of any such grievance is rarely straight forward. Employment Tribunals are increasingly paying closer attention to the rationale behind decisions and the factors that lead decision takers to reach their conclusions.

Note **The record should include details of:**

- **the nature of the harassment or discrimination;**
- **what the aggrieved party wanted to achieve;**
- **what evidence or other factors were taken into account;**
- **what management action has been taken;**
- **how was the grievance resolved;**

- reasons why if not resolved to the satisfaction of the aggrieved.

8. VICTIMISATION

- 8.1 This involves penalising someone who has made allegations or brought a claim about harassment or discrimination, through unwarranted disciplinary procedures, threats, less favourable treatment or any other means. It is unlawful.

Note **Complaints of victimisation should receive thorough investigation at a senior level.**

9. DRESS CODES AND DISCRIMINATION

- 9.1 Whether a dress code policy which is designed to enhance “professionalism” and mirror “conventional” differences between the sexes can be reconciled with the underlying rationale of the Sex Discrimination Act 1975 is open to challenge.
- 9.2 It would be unlawful if a dress code had a disproportionate adverse effect on a particular racial group. For example, to refuse employment to a male turbaned Sikh or a trouser-wearing Muslim woman because they could not comply with a dress code.

10. AGE DISCRIMINATION

- 10.1 There is growing awareness that age discrimination is widespread. . Discrimination by age in the selection of successful candidates for a job should be as unacceptable and anti-social as discrimination by sex or race. Nevertheless, it is good practice that employment between the ages of 65 – 70 should be reviewed on an annual basis. Continued employment after the 75th birthday will cease because the KCC insurance policy will not cover employees over the age of 75.

11. RECRUITMENT AND SELECTION

- 11.1 It is particularly important that school Governing Bodies who are recruiting staff do so in accordance with the “ **Recruitment & Selection**” section of the **Personnel Manual for Schools**. A guide on the practical implications of recruiting staff in terms of equality is included in that section. In particular it is important to ensure that all stages of the selection process are fair and non-discriminatory.
- 11.2 Positive Action

Positive action is not to be confused with positive discrimination, which is unlawful.. Positive action enables an employer to encourage individuals to undertake work previously performed exclusively or mainly by members of the opposite sex or a particular racial group – see **“Recruitment & Selection” section of the Personnel Manual for Schools**

11.3. Genuine Occupational Qualification

Selection on racial or gender grounds is allowed in certain jobs where there is a genuine occupational qualification – see **“Recruitment & Selection” section of the Personnel Manual for Schools..**

11.4 Fairness for all staff

Selection Panels must be aware of any tendencies to stereotype individuals or groups as unsuitable for particular roles. For example it must not be assumed that candidates with family responsibilities would be less committed.

Note **Measures must be taken to avoid stereotyping to ensure fair appointment and promotion procedures with clear criteria against which candidates are selected.**

12. **REDUNDANCY**

It is important that school Governing Bodies who need to reduce staffing levels do so in accordance with the **“Redundancy and Redeployment in Schools” section of the Personnel Manual for Schools..** In particular it is important to ensure that the selection criteria are fair and non-discriminatory.

13. **RETURNING FROM MATERNITY LEAVE**

13.1 A woman has a statutory right to return to the job, or a similar one, that she was originally employed to do and on the same or no less favourable terms and conditions.

13.2 However, some women, who originally worked full-time may not be able to reconcile the demands of a full-time job with their childcare responsibilities. They may therefore want to change their working pattern to some degree, by working shorter hours, job sharing, working the same number of hours but at different times or working on a flexi-time basis.

13.3 Whilst there is no “right” for a woman to return from a full-time contract to a

part-time one, if an employer refuses to accommodate an employee's request to alter her working patterns on return from maternity leave, this may amount to indirect sex discrimination.

Note **When considering requests to vary working hours advice from your Personnel Provider should be sought.**

14. PATERNITY LEAVE

14.1 Support Staff

Upto 10 days leave is available for new fathers or partners on KCC conditions of service. This leave is paid at the lower of either the statutory rate or 90% of average weekly earnings.

Headteachers do however, have discretion to grant paternity leave at full pay under KCC's compassionate leave arrangements.

14.2 Teachers

Upto 10 days leave is available for new fathers or partners . This is paid at the lower of either the statutory rate or 90% of average weekly earnings.

14.3 Maternity support leave is an entitlement for NJC staff. They are entitled to 5 days paid leave of absence. This applies to new fathers, or the person nominated by the expectant mother as their main carer.

15. FAMILY FRIENDLY

15.1 Flexible Working

An employee does not have the right to flexible working but a refusal can amount to sex discrimination unless the decision can be fully justified and all options for part-time and job-share arrangements etc have been carefully considered.

Parent with child/children under the age of 6, or parents with disabled child/children under the age of 18 do have the right to apply to work flexibly and their employer has a statutory duty to consider such applications seriously

15.2 Dependent Care

An employee has the right to a reasonable period of time off work to deal with an emergency involving a dependant.

16. TRAINING AND DEVELOPMENT

16.1 All employees should be given support and advice in identifying their training and development needs. Where appropriate this should be linked in with the appraisal process. A system of regular reviewing of progress will be helpful.

All employees should be able to seek opportunities for career and professional development without prejudice.

- 16.2 It is recognised that Governors and staff may have training needs which arise from the establishment of an equal opportunities policy and procedures. Training may be needed to enable them to discharge their responsibility in designing job descriptions, candidate specifications, advertisements and undertaking the selection processes, including interviewing. It is advisable that no-one should be involved in the recruitment and selection process, unless they have had such training.
- 16.3 Training for minority groups is important. Women should be well represented on courses and arrangements for in-service training should extend the use of school-based work in school time.

Note **EO training and awareness raising should be ongoing and is appropriate for inset.**

17. LIABILITY

To avoid liability for the actions of employees the employer must be able to demonstrate that its employment policies and practices are known and applied fairly and effectively. It will be necessary to ensure that EO policies have been adopted, that information and training on equal opportunities has been made available to all staff and that there are effective procedures for dealing with grievances and allegations of harassment.

Note **The LEA, the Headteacher, Governing Body and individual employee can be liable for prosecution under Equal Opportunities Legislation.**

18. GRIEVANCE/HARASSMENT PROCEDURES.

- 18.1 If they need to, employees may raise complaints relating to equal opportunity issues and harassment through the school's Grievance Procedure and/or the Harassment/Bullying Procedure - see "**Fairness at Work**" section of the **Personnel Manual for Schools**.

19. DISCIPLINE

- 19.1 All employees are expected to perform their duties in accordance with and in furtherance of good equal opportunity practice. Wilful breaches of policy may result in disciplinary action.
- 19.2 Full details of the discipline procedures are given at **Section 17 of the Personnel Manual for Schools**. For discipline cases involving equal opportunities issues, Personnel Advice should be sought at an early stage.
- 19.3 Particular care should be taken to ensure that any employee who has taken action in good faith either under the grievance procedure, the Sex Discrimination Act, Equal Pay Act, the Race Relations Act, the Disability

Discrimination Act, Equality Regulations on Religion or Belief and Sexual Orientation does not receive less favourable treatment than other employees.

Note

Care should be taken that members of one sex, or a particular ethnic minority group are not disciplined or dismissed for performance or behaviour which is overlooked or condoned in the other sex or another racial group.

20. MONITORING EQUALITY OF OPPORTUNITIES

20.1 At the heart of any strategic approach to equal opportunities must be sensible monitoring by both the school and LEA. Statutory legislation now requires monitoring in the following areas:

- recruitment
- workforce makeup
- requests for training and training received
- promotions
- grievances and disciplines
- leavers

This need not be bureaucratic as these staff statistics need monitoring only yearly to provide milestones from which to measure progress.

- Note**
1. **A summary monitoring form for the recruitment element can be found in the “Recruitment & Selection” section of the Personnel Manual for Schools.**
 2. **Summary forms for the Annual return to the LEA can be found in the Workforce Data Toolkit.**

21. INFORMATION

- 21.1 Headteachers should ensure a copy of the Equal Opportunities Policy Statement is to be made available to every governor and employee engaged in the school, including all new staff on appointment
- 2.2 Further advice and information on Equal Opportunities issues is available from your Personnel Provider.

1. EO LEGISLATION

1.1 The LEA's concern with equality has its starting point in the moral and good business case for equality of opportunity but this is backed up by the legal responsibilities laid down by both Parliament and the European Community:

1.2 Judicial Structure

Complaints are dealt with by Employment tribunals (ET's), with appeals to the Employment Appeals Tribunal (EAT), the House of Lords and the European Court of Justice (ECJ).

1.3 There is no upper limit on the amount of compensation that can be awarded by employment tribunals in discrimination cases.

2. THE SEX DISCRIMINATION ACT 1975 AND 1986

The SDA make it unlawful in the employment field to discriminate directly or indirectly on grounds of sex or marital status. Individuals have a right to bring proceedings before an industrial tribunal. The SDA created the Equal Opportunities Commission and established a Code of Practice..

3. THE RACE RELATIONS ACT 1976, as amended RRA (2000).

The RRA makes it unlawful for the LEA or any school governing body to discriminate directly or indirectly on grounds of race, colour, nationality, ethnic or national origins. The RRA created the Commission for Racial Equality and established a Code of Practice. The LEA and school governing bodies have a duty to work towards the elimination of discrimination and must promote equality. See Appendix 4.

4. THE EQUAL PAY ACT 1970 (amended 1983)

The EPA aims to remove discrimination between men and women on pay and other conditions of employment. European Community Equal Pay Directive 75/117 is broader than the UK statute and in some circumstances claims can be made directly under European law. The Act provides that a man or woman working for the same employer should receive the same pay and be subject to the same contractual terms if:-

- they are doing similar work;
- where a job evaluation scheme has rated the man and women's work as equivalent

5. THE REHABILITATION OF OFFENDERS ACT 1974 (amended 1986)

The Act gives people with criminal convictions a right not to disclose their criminal record after a period of rehabilitation. There are some exceptions and this includes school based staff who will be expected to declare their convictions even if spent. The Department maintains a list (called List 99) of people not allowed to work anywhere with children.

6. THE CRIMINAL JUSTICE ACT (1994)

This makes intentional harassment a criminal offence.

7. THE DISABILITY DISCRIMINATION ACT (1995)

This makes it unlawful to discriminate on grounds of disability - See Appendix 4.

The Act makes it unlawful for an employer with 20 or more employees to treat disabled people less favourably than other people because of their disability without 'good reason'. Employers are required to make reasonable adjustments to working conditions or the workplace where that would help to overcome the practical effects of an individual's disability. Disabled people will have the right of redress through industrial tribunals.

8. EMPLOYMENT EQUALITY (RELIGION OR BELIEF) REGULATIONS (2003)

These regulations prohibit discrimination on the grounds of religion or belief in the employment field.

9. EMPLOYMENT EQUALITY (SEXUAL ORIENTATION) REGULATIONS (2003)

These regulations prohibit discrimination on the grounds of sexual orientation in the employment field.

EQUAL OPPORTUNITIES - SCHOOL EVALUATION

1. Communication

Do you have an effective equal Opportunities policy?

Issue policy statement to all employees.

Governors and Managers training on the application of equal opportunities.

Adopt KCC policy and detailed guidance as set out in the Personnel Manual for Schools.

How is your commitment to equal opportunities demonstrated?

Discuss at Governing Body meetings and Management meets.

Assign responsibility for implementation to a nominated Manager.

Are all employees kept informed of developments with equal opportunity policy?

Include updates in communications (eg team briefings, newsletter/staff meetings)

Scan all publications to give positive impression and avoid bias in language and imagery.

Have Governors and staff been trained in the application of the equal opportunities policies?

In addition to specific training/raising awareness key in to other training (eg induction, appraisal, interviews, management development)

2. Recruitment and Selection Procedures

Have Governors/Managers involved in recruitment been trained in non-discriminating selection?

Obtain guidance notes for Governors on best practice in recruitment from your Personnel provider

Can you demonstrate appointments based on experience, knowledge and ability?

Keep records and use a person specification and job description routinely.
Your Personnel provider can advise on drawing up documentation which avoid bias.

Do you recruit from all sections of the population?

Advertisements and recruitment literature should avoid bias, and limit bias.

Do you encourage under-represented groups?

Targeting of advertisements.
Recruitment Agencies provide advice on options.

Is there open competition?

Advertise all vacancies and promoted posts.

3. Training and Career Development

Is there open selection of all training and career development opportunities?

All suitably qualified employees should be encouraged to attend training and apply for promotion within a clearly stated

development plan.

Are you helping under-represented groups to qualify for progression?

4. Pay and Conditions of Employment

Have you reviewed your pay policy and does it fit the equal opportunities policy?

Common areas of inadvertent discrimination include treatment of part-time and temporary employees, appraisal and PRP, job evaluation, and pay discretion.

5. Dealing with Discrimination

Note: Internal harassment is also a criminal offence.

(a) Sex

Are employees aware of different forms of sex discrimination (direct/indirect and sexual harassment).

Define in equal opportunities policy and disciplinary procedures as a rule which could result in disciplinary action.

How is sexual harassment covered.

Develop harassment procedure.

(b) Race

Do employees from ethnic minorities receive equal treatment.

Overseas qualifications accepted for DFES are considered fully acceptable.

Special consideration for leave/holiday entitlement to allow ethnic minority employees to visit countries of origin/relatives.

Observance of religious holidays.
Develop Harassment procedure

(c) Disability

Have you reviewed your working arrangements to take account of special needs?

Parking spaces - location.

Evacuation - assistance for disabled employees.

Employees who become disabled are considered for redeployment.

(d) Age

Have you reviewed the use of age and age-related criteria in employment practices?

But - observe the normal retirement age is 65 years for men and women.

(e) Religion or Belief

Do employees of different religions

Observance of religious holidays

or belief receive equal treatment?

(f) Sexual Orientation

Do all employees receive equal Treatment

Consider your terms & conditions and whether there are any restrictions

6. Encouraging Equal Opportunities

Have you considered introducing policies to help under-represented groups?

Consider flexible working practices, ie job-share, flexitime.

7. Monitoring and Reviewing

Do you operate employee monitoring?

Use personnel information on sex, status, race, disability, age Do you have targets?
Note quotas are illegal

How do you monitor/review your performance?

Appointments, training provision, promotions, discipline/grievance cases and redundancies are analysed and compared against staff list.

Do you discuss the implementation with employees and their representatives?

Joint consultation over all aspects is essential, ie at staff meetings and union consultation meetings. Encourage feedback on the issues and the plan.

EQUALITY OF OPPORTUNITY EMPLOYING PEOPLE WITH DISABILITIES

1. POLICY

It is Kent County Council's policy to develop and sustain positive measures to encourage the recruitment of staff with disabilities – see **Recruitment and Selection section of the Personnel Manual for Schools** and where appropriate the retention of staff who may become disabled

2. LEGAL FRAMEWORK

The Disability Discrimination Act 1995 impacts on the LEA and every school, particularly on the duty to make reasonable adjustments (See paragraph 5). By following the principles of "Two Ticks" (see Annex A) and adopting the good practice highlighted in this guidance, schools can be confident that they are implementing KCC policy and complying with relevant legislation.

3. TYPES OF DISABILITY

The definition of "disability" covers physical, sensory or mental **impairment** that is **substantial** and have a **long-term** adverse effect on a person's ability to carry out (that means the disability must last or be expected to last for 12 months or more). This is obviously a wider definition than registered disabled.

There is a common misapprehension that disabled people are confined to wheelchairs and that buildings need to be adapted with ramps, and doorways widened. In fact only 4% of people with disabilities are in wheelchairs. The large majority have few, if any, mobility problems. The onset of most disabilities occurs during people's working lives - only 17% of disabled people are born with their impairment.

Disabilities can be either physical or mental, apparent or invisible. However in no way is it fair, or legal, to impose a blanket restriction against employing applicants with disabilities. Some types of disabilities obviously will have an overriding impact on whether a person with a disability is suitable for a particular job. For example, one would not employ a blind person on driving duties. However, there are many jobs that people with disabilities can perform entirely satisfactorily which to the recruiter may, at first sight, seem impossible.

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4. PREFERENTIAL DUTIES FOR EXISTING EMPLOYEES

As well as the legislation there are strong moral and business arguments in favour of having a positive policy for the retention of staff who become disabled. However each case will be dealt with on its merits. Where an employee would prefer not to take medical retirement after becoming disabled then every effort will be made to maintain the position they held when they became disabled, or every effort will be made to find them a “real” job, appropriate to their experience; where necessary training will be given. In these cases the vacancy to be filled may not necessarily be advertised. However there will be an assessment at six months and annual review of performance and if appropriate medical retirement will remain an option.

5. REASONABLE ADJUSTMENTS FOR EXISTING EMPLOYEES

In order to comply with the new duty to make reasonable adjustments to working arrangements or physical features of premises where these cause disadvantage to a disabled person, the following steps might be taken:

- (a) physical adjustments to premises;
- (b) allocating some of the disabled person’s duties to another person;
- (c) transferring the disabled person to fill another vacancy;
- (d) alter working hours;
- (e) assign to a different place of work/building;
- (f) allow leave during working hours for rehabilitation, assessment or treatment;
- (g) give or arrange training;
- (h) acquire or modify equipment;
- (i) modify instructions or reference manuals;
- (j) modify procedures for testing or assessment;
- (k) provide a reader or interpreter;
- (l) provide supervision.

The employer is not obliged to make the best adjustment possible nor to provide

items/equipment that an individual could reasonably be expected to have already for personal use.

6. PROVISION OF ACCESS TO BUILDINGS

Buildings in which the public are to be admitted and/or staff are to be employed should incorporate the standard facilities for people with disabilities relating to parking, means of access and sanitary accommodation. The facilities in the British Standard Code of Practice 5810. "Code of Practice for access for the disabled to buildings" should be introduced so far as is practicable and reasonable when major adaptation or refurbishment schemes are undertaken.

7. ACCESS TO WORK FUNDING

The Disability Employment Advisers (DEAs) are based at local job centres and provide an employment advisory service for employers and people with disabilities. They may help towards the cost of equipment and adaptations to premises, both for the specific employment of a new recruit and for current staff who become disabled. A school will not get funding for access for students.

Amongst other things, Access to Work can help pay for:-

- Adaptations to equipment, or new equipment.
- Alternations to premises or working environments.
- Travel expenses.

8. THE TEACHER ASSOCIATIONS AND UNISON/GMB SUPPORT

This policy has the full support of the Teacher Associations and UNISON and GMB who acknowledge their role in encouraging the employment/retention of people with disabilities and creating the right environment among their members to integrate people with disabilities into the school's working arrangements.

KENT COUNTY COUNCIL'S TWO TICK COMMITMENT FOR PEOPLE WITH DISABILITIES

Kent County Council aims to be a fair employer. KCC has been approved to use the 'two ticks' symbol, which represents positive policies on Recruitment and Retention. This covers all job applicants (from within KCC or outside) who have a disability and KCC staff seeking new jobs because their abilities have changed through ill-health or injury

All suitable candidates with a disability (who have the necessary skills for a job) will be guaranteed an interview

If a candidate with a disability is not chosen for a job, he or she will receive a letter giving the reasons why.

We will consider providing short-term training if needed for a suitable candidate with a disability.

We want to provide work-places suitable for staff with disabilities..

If a work-place can't be adapted to meet the needs of staff with disabilities we will, where possible, look at other locations.

We will monitor our performance on employing people with disabilities. All departments will keep records of how many people with disabilities are selected for interviews; the type of jobs and grades those people have applied for; the number of successful and unsuccessful candidates; the reasons given for turning down people with disabilities.

Members of the Kent County Council will be informed of each department's performance.

All candidates for job with Kent County Council will be judged on their ability to do the job, not on their disabilities in other areas of life.

RACIAL INCIDENTS

1. Schools are required by the Race Relations (Amendment) Act 2000 to eliminate unlawful racial discrimination, promote equality of opportunity and promote good race relations between people of different racial groups. Schools must record, investigate and respond to racial incidents.
2. Schools are recommended to adopt MacPherson's definition of a racist incident, as outlined in the enquiry into the death of the teenager Stephen Lawrence:

“A racist incident is any incident which is perceived to be racist by the victim or any other person.”

This is a victim-friendly definition used by the Home Office, which is nationally accepted by the DfES, the Police and the LEA. It includes all groups, and is not confined to race or skin colour. It requires schools to demonstrate effective listening supported by impartial investigation procedures that allow both the victim and the alleged perpetrator to be given a fair hearing.

A racist incident may be perpetrated against individuals on the basis of their race, colour, nationality, culture, language or religion.. Racial incidents may also include acts not targeted at an individual.

3. **A model procedure and model racial incidents monitoring form is available on Clusterweb.**