

THOMAS GAINSBOROUGH SCHOOL EQUALITIES POLICY

Date of Policy: February 2016

Date of Review: February 2018

This policy explains your **rights** and **responsibilities**, whether as a:

- Student, potential student, parent, carer or visitor to our school;
- Governor or trustee;
- Employee;
- Potential employee;
- Person seconded from other organisations to work with us;
- Volunteer; or
- Contractor and sub-contractor.

The principles of our policy apply equally to all of the above.

Diversity and inclusion Statement

Thomas Gainsborough School is committed to improving the quality of life for people in our community, protecting vulnerable people and reducing inequalities.

We have a legal duty to provide all employment and service opportunities fairly, without discrimination and in compliance with all relevant legislation and codes of practice. This includes exercising our functions in a way to reduce inequalities which result from socio-economic disadvantage.

The governing body and school are committed to a policy of equality and aim to ensure that no member of the school community is treated less favourably because of their sex, race, colour, ethnic or national origin, marital status, age, sexual orientation, disability or religious belief, unless that is permitted by law and in the interests of the wider school community.

We want to build on the strong spirit of the community and positive relations in our community. We want to ensure equality of access and to tailor our services to the communities we serve. We will put in place a range of actions to prevent and eliminate prejudice, discrimination and harassment within the communities we serve, and in our workforce, and promote equality of opportunity. We will develop and promote policies and systems which make sure those members of our community and our workforce are not discriminated against or bullied for any reason.

Responsibilities

Promoting equality and tackling discrimination is everyone's responsibility.

Thomas Gainsborough School has a structure to ensure we can deliver on our public duties:

- **Governors'** overall responsibility ensuring that Thomas Gainsborough School meets its commitments to equality and diversity as outlined in the policy.
- **The Headteacher** is accountable for the implementation of this policy.
- **Line managers and supervisors** have a responsibility to reinforce the policy and to ensure that it is understood and implemented by all staff.
- **All staff and volunteers** have a responsibility to work towards equality and inclusion, by not discriminating against anybody, and by promoting equality.
- **Suppliers and Contractors** have a responsibility to ensure they are aware of our statutory duties in equality and ensure their employment practices are non discriminatory.

Monitoring

Governors have a duty to ensure that this equalities policy is regularly monitored and reviewed in order to detect potential imbalances and take steps to correct them. Monitoring is an important aspect of promoting equality of opportunity and the governors will review this equalities policy on an annual basis.

How we will deliver our commitment

We look to many areas to help us to deliver our commitment, including:

- Commitment to legislation;
- Engaging with our community;
- Effectively handling complaints;
- Monitoring of diversity information;
- Equal pay;
- Staff support networks;
- Training;
- Human Resource policies and procedures;
- Performance development review.
- Samuel Ward Academy Trust support

Legislative framework

Underpinning all aspects of equality is the Equality Act 2010.

The act prohibits less favourable treatment in the following ways:

Direct Discrimination: This means treating someone less favourably than others would be treated in the same or similar circumstances because of their protected characteristic.

Indirect Discrimination: This means applying a provision, criterion or practice to all sections of the community but which is more difficult for one section of the community to comply with than another and which cannot be justified.

Victimisation: This occurs when a person is treated less favourably than another because that person has done a “protected act” under the relevant legislation by, for example, raising a grievance, giving evidence or providing information.

Harassment: This is unwanted conduct that has the purpose or effect of violating someone’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It is unlawful discrimination when such conduct is related to a protected characteristic and can take many forms, from the most obvious abusive remarks to a subtle use of power. It may be intentional or unintentional; it is not the intention of the offender that matters but the impact of the behaviour on the recipient.

Harassment may involve any of the following:

- Physical contact or violence;
- Offensive, humiliating and intimidating remarks or actions, or even inaction;
- Exclusion from participation and job related or classroom related discussions, training or social events;
- Unfair work allocation;
- Unjust or excessive or humiliating criticism of performance;
- Offensive signs or notices;
- Graffiti;
- Repeated demands and/or requests for sexual favours.

These are merely examples and this is not an exhausted list. Whatever the form harassment takes, the school will provide support for any member of the school community who feels threatened or isolated.

Instructing, causing, inducing and helping discrimination: The act expressly makes it unlawful to instruct, cause, induce or help someone to discriminate against, harasses or victimise another person, or attempt to do so.

Protected characteristics

The following are protected characteristics, that is to say characteristics that are expressly protected under the Equality Act:

- **Gender:** Less favourable treatment (in whatever form) because of or related to someone's gender is unacceptable and unlawful, unless expressly allowed, such as a genuine occupational requirement of employment for someone to be male or female to carry out a particular role.
- **Marriage and civil partnership:** It is unlawful to cause someone less favourable treatment because they are married or in a civil partnership.
- **Pregnancy and maternity:** There are specific provisions which allow more favourable treatment for women in connection with pregnancy and maternity.
- **Gender reassignment:** The act includes protection from discrimination because of gender reassignment. Gender reassignment is a process and not an event and we must prevent discrimination and harassment towards members of the school community who intend to undergo, are undergoing or have undergone gender reassignment.
- **Race:** The definition of "race" under the act includes colour, nationality and ethnic or national origins, and it is not acceptable for anyone to be subject to discrimination or harassment because of their race. The school may take positive steps in favour of one section of the wider community to encourage race equality in terms of access to training and work opportunities where that section of the community is under represented.
- **Religion or belief:** "Religion" means any religion and reference to religion includes a reference to a lack of religion. Similarly, "belief" means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

Within the school community, such discrimination might occur, for example, in the admissions process or in the victimisation of pupils or conduct of parents. This will not be tolerated.

There are some exceptions to the prohibition of discrimination on the grounds of religion or belief in the act, such as acts of worship and religious observance if they are organised by, or for, the school (whether or not part of the curriculum), and in the employment of the Headteacher and staff.

- **Age:** Discrimination because of age, whether young or old, is unlawful in the employment of staff, unless justified. Age discrimination in the provision of education is not unlawful under the act, as chronological age is an inherent part of schooling and the organisation of it.

- **Disability:** The act requires the school to make reasonable adjustments for those with disabilities to prevent, as far as reasonable, that person's disability placing them at a disadvantage when compared with their non-disabled peers. Disability in this context is not just something that is obvious or visible, but is a physical or mental impairment which has a substantial and long term impact on that person's ability to carry out normal day to day activities.

In particular for the school community, the Equality Act requires us to improve access to our school, pupil information and the school curriculum for our disabled pupils.

- **Sexual orientation:** It is unlawful in employment, training and the provision of goods and services including education to discriminate because of sexual orientation. Sexual orientation is defined as sexual orientation towards a person of the same sex and/or towards persons of the opposite sex.

Certain exceptions exist in the legislation to allow the school to take steps to promote the representation or greater involvement in school life of one section of the community which is under represented.

Acts of discrimination and harassment between, and directed towards, individuals can take many forms, from one off incidents to more concerted and prolonged courses of behaviour, none of which is acceptable or will be tolerated. This includes comments on any social network or blog, whether inside or outside of school.

Key additional employment responsibilities

Part-time and Fixed-Term Workers:

The Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 give part-time workers the right to be treated no less favourably than full-time workers.

The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations further aim to control the use of fixed-term contracts, and to prevent fixed-term workers from being treated less favourably.

Trade Union Membership or Non-Membership:

The Trade Union and Labour Relations (Consolidation) Act 1992 make it unlawful to discriminate (directly or indirectly) or harass somebody because of the trade union membership or non-membership.

We must all tackle discriminatory attitudes. But there is a particular obligation on the school as employer, and both teaching and non teaching staff as employees, to:

- Ensure all staff and all members of our school community are treated fairly;
- Ensure that staff and members of our school community are not treated unfairly because of their membership of one or more of the equality groups;
- Take steps to lead the way in best practice;
- Monitor people's diversity information;
- Provide and access training on equality;
- Consider positive action where appropriate.

Breaches of this policy

Members of staff who believe that they may have been discriminated against are encouraged to raise the matter through their grievance procedure. For other members of the school community, they should raise the matter with the Headteacher or Chair of Governors.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Anyone who makes such allegations in good faith will not be victimised or treated less favourable as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under the relevant disciplinary procedure.

Anyone 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 may result in summary dismissal for staff, or expulsion for students. We take a strict approach to serious breaches of this policy.

This policy should be read in conjunction with the following policies:

Admissions Policy
Anti – bullying Policy
Safeguarding Policy
SEND Policy
Sex and Relationships Policy
PSHE / SMSC Policy

The Governors reserve the right to amend the terms of this policy.