



EQUALITY, DIVERSITY AND INCLUSION POLICY

Person responsible for policy:	Head Teacher – Emma Shaw
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SCOPE

This policy is applicable to all employees of Park Lane Special School including teaching and support staff. It also applies to job applicants and volunteers.

POLICY STATEMENT

The school/academy understands each person is unique, whether in terms of their background, personal characteristics, experience, skills or motivations and values all staff and communities for the diversity they bring. It aims to make equality an integral part of the way it works by putting it at the centre of everything it does. The school/academy is committed to celebrating diversity and promoting equality as an employer.

The purpose of this policy is to set out the school/academy's commitment and approach to equality, diversity and inclusion in respect of its role as an employer and the avoidance of discrimination.

The school/academy is committed to promoting equal opportunities in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, disciplinary process and redundancy decisions. All staff (and job applicants) will receive equal treatment regardless of age, sex, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sexual orientation or caring responsibility. This means that the application of policies may need to be adjusted to cater for the specific needs of an individual, providing reasonable adjustments where necessary and supporting existing employees.

This policy complements other equality policies that are available within the school/academy.

WHAT YOU CAN EXPECT FROM THE SCHOOL

The school/academy will:

- Commit to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.
- Seek to ensure that employees mental health and wellbeing is always treated as a priority and ensure that they are supported if they are facing such issues.
- Ensure that recruitment, promotion and retention procedures do not treat anyone less favourably based on their age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation ([Protected Characteristics Equality Act 2010](#)).
- Respect the confidentiality of all information relating to their personal circumstances in line with HR practice and data protection legislation.
- Recognise that people can have more than one protected characteristic, and work to prevent all forms of discrimination.
- Listen, respond and act appropriately and in a timely manner when told about something that is inappropriate or wrong.

The headteacher/manager is key to enabling the school's/academy's commitment.

WHAT THE SCHOOL EXPECTS OF YOU

The school/academy expects employees to:

- Treat people fairly and with dignity, trust and respect, working co-operatively with colleagues.
- Assist the school/academy to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination by following and adhering fully to policies, procedures and good practice.
- Undertake regular equality, diversity and inclusion training.
- Tell the headteacher/manager if they see or experience anything that is inappropriate or wrong so that the issue or complaint may be properly investigated in a timely manner and, if appropriate, action taken.
- Act reasonably and co-operate with the terms of the policy.

Discrimination

Discrimination is the unfair or prejudicial treatment of people and groups based on specific characteristics. The Equality Act 2010 prohibits discrimination based on certain protected characteristics - age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

Discrimination can be intentional or unintentional and may occur directly, indirectly, by association or by perception. There are also two specific types of discrimination that apply only to disability: discrimination arising from disability and failing to make reasonable adjustments (See [Definitions](#) below)

Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how someone treats them, known as unconscious bias. Such assumptions or prejudices may cause individuals to apply requirements or conditions that put those in particular groups at a disadvantage. This may include steering someone towards a particular type of work based on assumptions about them or using different standards to judge their performance.

The school/academy will not accept unlawful discrimination against an individual or harassment of any kind.

Harassment, Victimisation and Bullying

Harassment includes sexual harassment and other conduct related to a protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Victimisation is treating someone badly either because they have made a complaint of discrimination or harassment, or because they have supported someone else who has.

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened, or cause physical or emotional harm to someone.

The school/academy has a full range of procedures in place to protect employees from any kind of discrimination (whether direct or indirect) bullying, harassment, victimisation or disability discrimination. If an employee is subjected to unlawful or unacceptable discrimination in the course of their employment they will be fully supported and may raise a complaint with their headteacher/manager or make use of the Grievance, Dignity at Work or Recruitment Complaint procedures.

The Equality Duty for schools/academy's

Public Sector Equality Duty (PSED)

As public bodies, maintained schools and academy's must comply with the [Public Sector Equality Duty \(PSED\)](#) introduced by the Equality Act 2010, which requires schools to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act; by removing or minimising disadvantages suffered by people due to their protected characteristic.
- Advance equality of opportunity between different groups/people, who share a relevant protected characteristic and groups/people who do not; by taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Foster good relations between different groups/people who share a relevant protected characteristic and persons who do not share it; by encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- Having due regard involves thinking consciously about how the schools existing and proposed policies and decisions impact on equality.

Please access [The Equality Duty for Schools \(CEC website\)](#) for more information.

Responsibilities under the Public Sector Equality Duty (PSED)

The Governing Body of the school/academy has responsibility for:

- ensuring that all policies and procedures comply with the Public Sector Equality Duty (PSED) introduced by the Equality Act 2010;
- monitoring the equalities impact of all policies and working practices;
- supporting the implementation of this policy;
- ensuring that all employment policies and procedures are non-discriminatory;
- ensuring that complaints are investigated and dealt with effectively; and
- nominating a lead governor to have responsibility for equality and diversity.

The headteacher and other members of the senior leadership team have responsibility for:

- ensuring that this policy is implemented in all employment and management practices;
- ensuring that this policy is brought to the attention of all employees and volunteers;
- encouraging good practice and dealing appropriately with any breaches of this policy;
- monitoring the operation of relevant policies and procedures; and
- nominating a lead member of the senior management team to take the lead of equality and diversity issues.

All school/academy employees and volunteers have a responsibility to:

- act within equal opportunities legislation and to comply with this policy; and
- report any breaches of this policy to their line manager, or other appropriate person.

Equal opportunities in employment

The school/academy is committed to promoting equal opportunities in all aspects of employment including recruitment, promotion, training opportunities, pay and benefits, disciplinary processes and for redundancy decisions.

We provide a fair pay structure and policies to support employees (including policies for parents and carers), as well as established consultative and negotiating links with the trade unions and the opportunity to join a trade union.

Recruitment and Selection

As part of the school/academy's commitment to equal opportunities, recruitment and selection processes and procedures are regularly reviewed to ensure they are appropriate and as inclusive as possible. Selection exercises such as in recruitment, promotion and redundancy will be conducted on the basis of merit, against objective criteria that avoids discrimination.

The school/academy ensures –

- A named person and contact information is included on all of our job adverts to allow applications to request support and/or ask questions.
- Person specifications and job descriptions are limited to those requirements that are necessary for the effective performance of the job.
- Individuals are selected and promoted based on their relevant merits and abilities.

- Candidates for employment or promotion are assessed objectively against the relevant person specification/job description, taking into account any reasonable adjustments that may be required for candidates with a disability.
- The training needs of Governors and employees in the school/academy is regularly reviewed to ensure that they promote equality of opportunity and anti-discriminatory practice in their work.
- Governors and employees who are involved with recruitment and selection will act in a fair and legal manner, to ensure that no unlawful act of discrimination occurs. This provision runs alongside the Safer Recruitment requirements which apply in schools/academy's.
- This policy will be made available to all Governors, employees, new employees and job applicants within the school/academy.
- Any employees involved with recruitment and selection, have a responsibility to ensure they act in a fair and lawful manner, ensuring any stereotypes, unconscious bias or prejudice do not play a part in the process and that no unlawful act of unfair discrimination occurs. This provision runs alongside the Safer Recruitment requirements which apply in schools/academy's.

Voluntary aided establishments only

The governing body may give preference with regard to the appointment, remuneration and promotion of teachers at the school/academy, to persons (see Section 60 of the School Standards and Framework Act 1998):

- whose religious opinions are in accordance with the principles and beliefs of the school/academy;
- who attend religious worship in accordance with those principles and beliefs; and
- who give, or are willing to give, religious education at the school/academy in accordance with those principles and beliefs.

When appointing a headteacher, the governing body may have regard to that person's ability to preserve and develop the religious character of the school/academy.

For Catholic voluntary aided schools/academy's, the governing body must appoint a practising Catholic to the roles of headteacher, deputy headteacher and head/coordinator of religious education.

For support staff, voluntary aided schools/academy's may discriminate on religious grounds where being of a particular religion or religious denomination is a genuine occupational requirement (see Employment Equality (Religion or Belief) Regulations 2003).

It must not be assumed that a 'blanket' approach to genuine occupational requirement can be applied to all support staff. The governing body must be able to demonstrate that it is reasonable and proportionate for an employee to be of a particular religion or

belief for the job in question.

When considering whether a genuine occupational requirement might apply, governing bodies should consider the following issues:

- Do the duties for which the genuine occupational requirement is claimed represent a substantial part of the post and would the objective of the job be achieved without the application of the faith requirement?
- Does the school/academy have sufficient employees who could carry out the duties without undue inconvenience?

A genuine occupational requirement cannot be used to maintain a balance or quota of employees of a particular religion or belief.

Termination of employment

The school/academy will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

The school/academy will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

Disabilities, help and support

The school/academy encourages employees who are disabled or become disabled, to share information about their condition so that we can support them as appropriate. If an employee experiences difficulties at work because of their disability, they may wish to raise this with their headteacher/manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The headteacher/manager may wish to consult with the employee and their medical advisor about possible adjustments. The school/academy will consider the matter carefully and try to accommodate any needs within reason. If a particular adjustment would not be reasonable, the headteacher/manager will explain the reasons and will try to find an alternative solution where possible.

The school/academy will monitor the physical features of the premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary and practical, reasonable steps will be taken to improve access.

Further help, support and information can be found in the Wellbeing Policy.

Breaches of this policy

The school/academy take a strict approach to breaches of this policy, which will be dealt with in accordance with the Disciplinary Procedure. Serious cases of deliberate discrimination and victimisation may amount to gross misconduct resulting in dismissal. If an employee believes they have suffered harassment, bullying or discrimination, or witnessed it happening to someone else in the workplace, they can raise the matter through the Grievance Procedure, Dignity at Work Policy or Sexual Harassment Policy and Procedure as appropriate. Complaints will be treated in confidence and investigated as appropriate.

There must be no victimisation or retaliation against staff who complain about or report discrimination. If an employee believes they have been victimised for making a complaint or report of discrimination or have witnessed it happening to someone else in the workplace, they should raise it through the Dignity at Work or Grievance Policy.

The school/academy encourage the reporting of all types of potential discrimination, as this assists them in ensuring that diversity, equality and inclusion principles are adhered to in the workplace. However, making a false allegation in bad faith, or that the employee knows to be untrue, will be treated as misconduct and dealt with under the Disciplinary Procedure.

DATA PROTECTION

The school/academy processes personal data, including information about individuals' health, in accordance with its data protection policy. Inappropriate access or disclosure of data constitutes a data breach and should be reported immediately in accordance with the school/academy's data protection policy. It may also constitute a disciplinary offence, which the school/academy will deal with under the disciplinary procedure.

MONITORING AND REVIEW

The school/academy will monitor this policy to ensure that it is operating fairly, consistently, and effectively. The policy will also be reviewed in the light of operating experience and/or changes in legislation.

Definitions

- **Protected Characteristics** – it is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. These are known as “protected characteristics”.
- **Direct discrimination** – treating someone less favourably because of a protected characteristic compared with someone who does not have that characteristic.
- **Indirect discrimination** – where a way working that applies to everyone puts people with a particular characteristic at a disadvantage, compared with people who do not have that characteristic, unless there is reasonable justification.
- **Associative discrimination** – treating someone less favourably because they have an association with someone who has a protected characteristic.
- **Discrimination by perception** – treating someone less favourably because you perceive them to have a protected characteristic, even if they do not.
- **Discrimination arising from disability** – treating someone unfavourably because of something connected with that person's disability and where such treatment is not justified.
- **Failing to make reasonable adjustments** – employers are legally obliged to make reasonable adjustments to ensure that aspects of

employment or the employer's premises, do not put a disabled person at a substantial disadvantage.

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Useful Links: [ACAS Framework for Positive Mental Health at Work](#)