



# **Weston Rhyn Primary** **School Equality &** **Diversity Policy**

Part 1: Staff

Part 2: Pupils (including Accessibility Plan)

This policy has been adopted by the governing body of Weston Rhyn Primary School on xxxxxx

# **PART ONE: Equality and Diversity Policy - Staff**

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### **1) Introduction**

Weston Rhyn Primary School is committed to eliminating discrimination and encouraging diversity amongst the workforce. The Equality Act 2010, which consolidated and replaced much of the previous equality legislation forms the basis of this policy. As the employer, the Council (for maintained schools) has a legal duty to provide opportunities for both learning and employment in an environment which is fair and without discrimination. The equality commitment individual schools and academies ensures that selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

Additionally, the disciplinary, grievance and harassment and bullying procedures and policies must all be free from discrimination. All employees with any of the 'protected characteristics' must be treated fairly and with dignity and respect.

We aim to:

- Create an environment in which individual differences and the contributions of all staff are recognised and valued.
- Provide every employee with a working environment that promotes dignity and respect to all, where employees feel able to challenge behaviour and attitudes which are contrary to the policy.
- Ensure that no form of intimidation, bullying or harassment will be tolerated and cases will be dealt with swiftly and fairly (The Bullying and Harassment Policy is available to complainants and the Disciplinary Policy may be instigated against perpetrators).
- Ensure training, development and progression opportunities are available to all staff.
- Review all its employment practices and procedures to ensure fairness.

## **2) Roles and Responsibilities**

It is established in section 1 above that the 'employer' has a legal duty to provide opportunities for both learning and employment in an environment which is fair and without discrimination. However, all staff and volunteers in the school are responsible for discouraging examples of discrimination that they observe within the workplace.

The Headteacher has overall responsibility for the daily implementation of equality practices and should have due regard to how the school's existing and proposed policies and decisions impact upon equality. Headteachers should also seek advice and support from HR.

## **3) Scope**

This section of the policy refers to all staff and volunteers within school and will be published on the school website.

## **4) Public Sector Equality Duty**

The Public Sector Equality Duty (PSED), introduced under the Equality Act 2010, applies to public sector bodies, including maintained schools and academies as well as to listed local authorities.

The legislation states that a listed authority must comply with both a general duty and with specific duties as set out in the Equality Act 2010. General Duty The General Equality duty may be described as the duty on a listed public authority, when carrying out its functions, to have due regard to the three equality aims.

These aims are:

- To eliminate discrimination, harassment, victimisation and any other conduct that is prohibited. In relation to pupils, schools and academies may seek to meet this aim by monitoring admissions, exclusions, attendance and prejudice related incidents. In respect of staff, schools and academies may seek to meet this by ensuring that there are appropriate employment policies in place,
- To advance equality of opportunity between groups/people who share a relevant protected characteristic and groups/people who do not share it, by considering the need to remove or minimise disadvantage, by taking steps to meet different needs, and by encouraging participation when it is disproportionately low.
- To foster good relations between groups/people who share a relevant protected characteristic and groups/people who do not share it.

### **Specific duties**

The specific duties support the performance of the general duty, listed authorities are required to prepare and publish:

- information about workforce diversity and about service user diversity, to show they are complying with the PSED which must be updated annually and
- one or more equality objectives which an authority thinks it should achieve to advance any of the three general duty aims. This should be updated at least every four years with effect from April 2012.

NB: Schools with fewer than 150 employees do not need to publish information about employees, but should still collate information, for example statistics on the breakdown and distribution of the workforce by age, gender, disability and race, to enable compliance with the general duty. However, information must be published relating to pupils. Schools should nevertheless ensure that individuals can not be identified through the publication of this equality data.

Equality objectives must be specific and measurable. The s must publish one or more equality objectives as per the minimum of every four years. This information should be published on the school website. The School, as a public body should include the following nine Protected Characteristics groupings of people when considering the PSED obligations

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

The School should ensure due regard to the needs of all people in these groups when developing policy and strategy. It is appropriate within a school setting that age and marriage and civil partnership information relating to pupils is not required. However, age and marital status and civil partnership information should be recorded in respect of employees. Decision makers at school and academies must be aware of the duty to have 'due regard' when making decisions or taking action and must assess whether it has implications for people with a particular Protected Characteristic.

Equality implications should be considered when policies or decisions are being made, and should be kept under review, for example through the use of standard Equality and Social Inclusion Impact Assessments (Appendix C). Additionally, it is also unlawful to discriminate on the grounds of trade union membership or non-membership, part time or fixed term contract status and past unrelated convictions.

Definitions of the Protected Characters and types of discrimination are shown at Appendix A.

## **5. How to Resolve Difficulties**

The Headteacher is responsible for preventing employees from suffering discrimination in the workplace. Employers are ultimately responsible for any discrimination carried out by their employees, regardless of the employer's knowledge or approval. The Headteacher must also ensure that their staff are not harassed by a third party. It is important therefore that the Headteacher ensures that all staff and volunteers are aware of the policy.

### **• Internal issue.**

If an employee complainant raises a grievance because either they are subject to discrimination by a member of staff, or because they have witnessed discrimination directed towards another person by a member of staff, they should be able to access, or request a copy of the school's Bullying and Harassment Policy from the Headteacher. The complainant will have the option of pursuing either the informal or formal route. In cases where an employee's conduct falls short of the required standard, the disciplinary procedure may be invoked. The disciplinary procedure is the means by which rules are observed and standards are maintained. In cases where the misconduct is minor, it may be dealt with through the informal route. However, in cases where the informal route has not had the desired effect or the misconduct is considered too serious, the formal route should be followed. Certain acts such as a serious breach of the school's adopted Equality Policy, including any form of unlawful discrimination, victimisation, bullying or harassment of pupils or colleagues may constitute gross misconduct which may lead to dismissal.

### **• External issue**

If an employee complainant raises a grievance because either they have been subject to discrimination by a third party, or because they have witnessed discrimination directed towards another person by a third party they should be able to access the Bullying and Harassment Policy. Where a third party complainant raises a

grievance because either they have been subject to discrimination by an employee, or because a third party has witnessed discrimination directed towards another person by an employee they should access the Schools Complaint Procedure. 6. How to identify and act on Hate Crime Hate crime is an offence committed against a person or property motivated by the perpetrator's hostility and prejudice towards people because they are seen as being different. By working together schools/academies should try to meet their equality and diversity obligations, particularly in seeking to eliminate discrimination, harassment and victimisation. In addition, working together aims to encourage social inclusion and promotes a resilient and caring society.

The Hate Crime Reporting protocol with website links attached at Appendix B.

The website links are also shown below.

<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>

<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

## **7. Recruiting and Employing People Fairly**

The school will make sure that we provide equality of opportunity to all in preemployment and employment. The school:

- Will demonstrate an open and transparent approach to recruitment
  - Will ensure that recruitment decisions are made using pre-agreed objective criteria
  - Will seek to appoint the most suitable applicant for the job based on merit
  - Will ensure the recruitment and selection process conveys a positive image of the school and portrays the school as an employer of choice
  - Will demonstrate its commitment to employ, retain and develop the abilities of disabled people, for example through achievement of the 'two ticks' aware by Job Centre Plus.
  - Will ensure that the recruitment and selection of staff is conducted in a professional, timely and responsive manner and in compliance with current employment legislation
  - Will provide appropriate training, development and support to those involved in recruitment and selection activities in order to ensure the recruitment of employing people is fair and legally compliant.
  - Will treat all applicants fairly, equitably and efficiently, with respect and courtesy, aiming to ensuring that the applicant experience is positive, irrespective of the outcome
  - Will ensure that if any member of staff involved in the recruitment process is related to, or has a close personal relationship with an applicant then they are not involved in the recruitment process at any point. Including, but not restricted to, restructures, ringfencing, decisions about post-creation and job description content.
  - Will ensure that all documentation relating to applicants will be treated confidentially and kept securely in accordance with the school's Data Protection Policy.
  - Schools should not as a matter of course require job applicants to complete a medical questionnaire as part of the application procedure. Health related questions should only be asked if they are intrinsic to a function of their work, i.e.; ensuring applicants for a PE teaching post have the physical capability to carry out the duties. Additionally, candidates should not be asked about their sickness record until they have been made a conditional offer. Additional advice can be sought from your HR Officer/ Business Partner.
8. Training and Development During training sessions identify good equality practice and include guidance around discrimination, harassment or victimisation as appropriate. When selecting candidates to attend training, ensure that selection is free from discrimination. Schools and academies may also find it helpful to refer to Shropshire

Council's equality objectives around training and development in relation to good equality and diversity practices.

<https://www.shropshire.gov.uk/equality,-diversity-and-social-inclusion/equality-objectives/>

### **9. Promotion and Determining Pay**

All promotion and pay decisions must be open, transparent and fair. All decisions must be objectively justified. The governing body should follow the Department for Education advice regarding equalities consideration as part of the appraisal and pay determination process. Refer to the School Pay Policy.

<https://www.gov.uk/government/publications/school-teachers-pay-and-conditions>

### **10. Monitoring and Review Arrangements**

Schools may wish to consider varying their complaints policy with recommendations that it contains a vexation complaints element. Schools and academies may consider Shropshire Council's equality objectives including monitoring and review, in order to seek to achieve joint outcomes. The Governing Body will monitor the outcomes and impact of this policy on an annual/biannual basis in conjunction with school representatives at an appropriate committee.

## **PART TWO: Equality and Diversity Policy - Pupils**

### **Introduction**

Weston Rhyn is an inclusive school where we focus on the well-being and progress of every child and where all members of our community are of equal worth. We believe that the Equality Act provides a framework to support our commitment to valuing diversity, tackling discrimination, promoting equality and fostering good relationships between people. It also ensures that we continue to tackle issues of disadvantage and underachievement of different groups.

### **Our approach to equality is based on the following 7 key principles**

1. All learners are of equal value. Whether or not they are disabled, whatever their ethnicity, culture, national origin or national status, whatever their gender and gender identity, whatever their religious or non-religious affiliation or faith background and whatever their sexual orientation.
2. We recognize, respect and value difference and understand that diversity is a strength. We take account of differences and strive to remove barriers and disadvantages which people may face, in relation to disability, ethnicity, gender, religion, belief or faith and sexual orientation. We believe that diversity is a strength, which should be respected and celebrated by all those who learn, teach and visit here.
3. We foster positive attitudes and relationships. We actively promote positive attitudes and mutual respect between groups and communities different from each other.
4. We foster a shared sense of cohesion and belonging. We want all members of our school community to feel a sense of belonging within the school and wider community and to feel that they are respected and able to participate fully in school life.
5. We observe good equalities practice for our staff. We ensure that policies and procedures benefit all employees and potential employees in all aspects of their work, including in recruitment and promotion, and in continuing professional development
6. We have the highest expectations of all our children. We expect that all pupils can make good progress and achieve to their highest potential
7. We work to raise standards for all pupils, but especially for the most vulnerable. We believe that improving the quality of education for the most vulnerable groups of pupils raises standards across the whole school.

### **Purpose of the policy**

The Equality Act 2010 was introduced to ensure protection from discrimination, harassment and victimisation on the grounds of specific characteristics (referred to as protected characteristics).

- We take account of equality issues in relation to admissions and exclusions; the way we provide education for our pupils and the way we provide access for pupils to facilities and services.
- We are aware of the Reasonable Adjustment duty for disabled pupils, designed to enhance access and participation to the level of non-disabled pupils and stop disabled children being placed at a disadvantage compared to their non-disabled peers.
- The Head teacher ensures that all appointment panels give due regard to this policy so that no one is discriminated against when it comes to employment, promotion or training opportunities.
- We ensure that those who are affected by a policy or activity are consulted and involved in the design of new policies, and in the review of existing ones.
- We take seriously the need to consider the equality implications when we develop, adapt and review any policy or procedure and whenever we make significant decisions about the day today life of the school.
- We make a record of each specific equality consideration and this is available for review if required.

We actively promote equality and diversity through the curriculum and by:

- creating an environment which champions respect for all
- Our admissions arrangements are fair and transparent, and we do not discriminate against pupils by treating them less favourably on the grounds of their sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity

### Scope

This section of the policy refers to all learners within school and will be published on the school website.

### Behaviour, Exclusions and Attendance

The school Policy on Behaviour - Rewards, Sanctions and Exclusions - takes full account of the new duties under the Equality Act. We make reasonable, appropriate and flexible adjustment for pupils with a disability. We closely monitor data on exclusions and absence from school for evidence of over-representation of different groups and take action promptly to address concerns.

### Addressing prejudice and prejudice based bullying

The school challenges all forms of prejudice and prejudice-based bullying, which stand in the way of fulfilling our commitment to inclusion and equality:

- prejudices around disability and special educational needs
- prejudices around race, religion or belief, for example anti-Semitism and Islamophobia, Travellers, migrants, refugees and people seeking asylum
- prejudices around gender and sexual orientation, including homophobic and transphobic attitudes There is guidance in the staff handbook on how prejudice-related incidents should be identified, assessed, recorded and dealt with. We treat all bullying incidents equally seriously.

We keep a record of different prejudice-related incidents and provide a report to the governors about the numbers, types and seriousness of prejudice-related incidents at our school and how we dealt with them. We review this data termly and take action to reduce incidents

What we are doing to advance equality of opportunity between different groups.

- We know the needs of our school population very well and collect and analyse data in order to inform our planning and identify targets to achieve improvements.
- We have procedures, working in partnership with parents and carers, to identify children who have a disability through our pupil admissions meetings.
- We collect data and monitor progress and outcomes of different groups of pupils and use this data to support school improvement. • We take action to close any gaps, for example, for those making slow progress in acquiring age appropriate literacy and number skills.
- We collect, analyse and publish data: on the school population by gender and ethnicity; on the % of pupils identified as having a special educational need and/or disability and by their principal need or disability; by year group – in terms of ethnicity, gender and proficiency in English; on inequalities of outcome and participation, related to ethnicity, gender and disability and proficiency in English
- We publish an analysis of standards reached by different groups at the end of each key stage
- We also collect, analyse and use data in relation to attendance and exclusions - of different groups
- We are aware that the legislation relates mainly to current but also to future pupils – we will for example, be sufficiently prepared if a Visually Impaired, Hearing impaired or Gypsy Roma Traveller pupil joins our school.

- We avoid language that runs the risk of placing a ceiling on any pupils' achievement or that seeks to define their potential as learners, such as "less able".
- We use a range of teaching strategies that ensures we meet the needs of all pupils
- We provide support to pupils at risk of underachieving
- We are alert and proactive about the potentially damaging impact of negative language in matters such as race, gender, disability and sexuality.
- In addition to avoiding or minimising possible negative impacts of our policies, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between, for example: - disabled and non-disabled people - people of different ethnic, cultural and religious backgrounds - girls and boys .
- We ensure equality of access for all pupils to a broad and balanced curriculum, removing barriers to participation where necessary.

We also implement an Accessibility Plan 2020-24 designed to:

- increase the extent to which pupils with disability can participate in the curriculum
- improve the physical environment
- improve the availability of accessible information to disabled pupils.

#### Positive Action

We will take positive and proportionate action to address the disadvantage faced by particular groups of pupils with particular protected characteristics, such as targeted support. The actions will be designed to meet the school's Equality Objectives.

#### What we are doing to foster good relations

- We prepare our pupils for life in a diverse society and ensure that there are activities across the curriculum that promotes the spiritual, moral, social and cultural development of our pupils.
- We teach about difference and diversity and the impact of stereotyping, prejudice and discrimination through PSHE and citizenship and across the curriculum.
- We use materials and resources that reflect the diversity of the school, population and local community in terms of race, gender, sexual identity and disability, avoiding stereotyping.
- We promote a whole school ethos and values that challenge prejudice based discriminatory language, attitudes and behaviour.
- We provide opportunities for pupils to appreciate their own culture and celebrate the diversity of other cultures.
- We include the contribution of different cultures to world history and that promote positive images of people
- We provide opportunities for pupils to listen to a range of opinions and empathise with different experiences
- We promote positive messages about equality and diversity through displays, assemblies, visitors, whole school events eg Mental Wellbeing Awareness week
- The implications for equalities of new policies and practices are considered before they are introduced

## **Appendix D - ACCESSIBILITY PLAN FOR PUPILS**

### **ACCESSIBILITY PLAN FOR PUPILS**

#### **Introduction:**

The Disability Discrimination Act of 2006 amends the 1995 law and places a duty on all public establishments, including schools, to promote equality of opportunity for people with disabilities.

This plan takes note of the three duties outlined in the Act and the “Local Authority Accessibility Strategy” i.e.

- Not to treat disabled pupils less favourably for a reason relating to their disability.
- To make reasonable adjustments for disabled pupils, so that they are not at a substantial disadvantage.
- To implement an accessibility strategy to increase access to school education for disabled pupils.

#### **Our Accessibility plan covers the three areas set out in the Act.**

It aims to identify and remove barriers to all disabled pupils allowing them to fully participate in all aspects of school life, including:

- increasing the extent to which disabled pupils can participate in the curriculum
- improving the physical environment of the school in order to increase the extent to which disabled pupils can take advantage of education and associated services
- improving the delivery to disabled pupils of information which is provided to pupils who are not disabled.

NB: Improving the school facilities and awareness will also improve access for any disabled parents or other disabled people using the school.

#### **Our Equality Objectives for 2020- 24**

These are

- Pupils in EYFS and KS1 to access high quality and consistent phonics to allow them to become confident readers
- All pupils to make at least expected progress across KS 1-2 in English and Mathematics
- Achieve a year on year (over four years) reduction in the attainment gap in English and mathematics at KS 2 between pupils with identified SEND and their peers

#### **Accessibility Plan**

##### **Review of physical access:**

- Access for the physically disabled is currently good, with both an exterior and interior lift wherever stairs are found on site
- Ramps approach the school that are accessible by all
- Arrangements for pupils taken ill work well - although busy times do occur as well as some problems with parents/carers being unable to collect pupils.
- Care plans exist for pupils with more severe health issues. These require regular updating (at least every year). These include all notified asthma sufferers as well as those with severe allergies, plus diabetics/pupils who carry Epipens (As/when necessary)
- Medicines are kept securely and are only given to pupils where parental permission has been received.
- For students with severe medical needs, see ‘Supporting Children with Medical Needs’.

### **Review of curricular access:**

- SENCO and other school staff identify and enact any necessary accommodations to allow pupils to access the school curriculum at the appropriate level
- Access to Educational Psychologists, Learning Support Advisory Teachers and Behaviour Support Teams are 'bought in' by service level agreements.

### **Current Priorities**

- Review the curriculum on offer so that the needs of individuals are maintained and check these choices do not negatively impact upon the school.
- Continue to promote an inclusive approach.
- Extend the pastoral support systems which are in place within school.
- To develop use of facilities, such as the Sports Field, so that it is available for both school and community users
- Improve awareness of diversity and promote social harmony amongst pupils by raising awareness via PSHE, PR and assemblies.
- Continue to research incidents of bullying within the school community.

### **Roles and Responsibilities**

We expect all members of the school community and visitors to support our commitment to promoting equalities and meeting the requirements of the Equality Act. We will provide training, guidance and information to enable them to do this.

#### **Governing body**

The governing body is responsible for ensuring that the school complies with legislation, and that this policy and its related procedures and action plans are implemented.

#### **Head teacher and Leadership team**

The Head teacher is responsible for implementing the policy; for ensuring that all staff are aware of their responsibilities and are given appropriate training and support; and for taking appropriate action in any cases of unlawful discrimination. A senior member of staff has day-to-day responsibility for co-ordinating implementation of the policy and for monitoring outcomes. S/he will have expert and informed knowledge of the Equality Act.

#### **Teaching and Support Staff**

All teaching and support staff will:

- promote an inclusive and collaborative ethos in their classroom
- challenge prejudice and discrimination
- deal fairly and professionally with any prejudice-related incidents that may occur
- plan and deliver curricula and lessons that reflect the school's principles, for example
  - in providing materials that give positive images in terms of race, gender and disability
- maintain the highest expectations of success for all pupils
- support different groups of pupils in their class through differentiated planning and
- teaching, especially those who may (sometimes temporarily) find aspects of academic
- learning difficult

- keep up-to-date with equalities legislation relevant to their work.

### Visitors

All visitors to the school, including parents and carers are expected to support our commitment to equalities and comply with the duties set out in this policy. We will provide guidance and information in school newsletters to enable them to do this.

### Monitoring and Reviewing the policy

We review the information about equalities in the policy as often as required and make adjustments as appropriate. Our review involves a range of stakeholders.

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## **Appendices**

### **Appendices:**

**Appendix A. Definitions**

**Appendix B. Shropshire Council Hate Crime Reporting Protocol  
Documentation**

**Appendix C. Further Reference**

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## Appendix A - DEFINITIONS

### The Protected Characteristics are as follows:

- **AGE**

Discrimination directed at either 'young' or 'old' is likely to be unfair. It is important to emphasise that employers are highly vulnerable if they decide not to interview any job candidates who have reached an age which they regard as an appropriate age for retirement. Employers should therefore interview all suitable candidates irrespective of age focusing on their skills and ability to do the job rather than age alone.

#### **Retiring from work**

##### **Dismissal**

Unless it can be objectively justified it is not permissible to dismiss someone on the grounds of retirement. Older workers (age 55 plus) can voluntarily retire at a time they choose and draw any occupational pension they are entitled to. Older workers may also request flexible retirement from age 55. Employers cannot force employees to retire or set a retirement age. It is advisable for the employee to contact their pension provider for further information regarding pension benefits. Teachers Pensions

<https://www.teacherspensions.co.uk/public/home.aspx>

Local Government pension Scheme

<https://www.shropshirecountypensionfund.co.uk/>

##### **Work place discussions**

Whatever the age of an employee, discussing their future aims and aspirations can help an employer to identify their training or development needs and provide an opportunity to discuss their future work requirements. For all employees these discussions may involve the question of where they see themselves in the next few years and how they view their contribution to the organisation. A useful exercise is to ask open questions regarding an employee's aims and plans for the short, medium and long term. Employers may find it useful to hold these discussions as part of their formal appraisal processes. The outcome of any workplace discussions should be recorded and held for as long as there is a business need for doing so. A copy of the discussion should be given to the employee.

##### **Poor performance**

If an employee is performing poorly the employer should discuss this with them to establish a cause. Failure to address any poor performance with an employee because there is an expectation they will retire soon may be discriminatory. Employers should establish a reason for poor performance, setting improvement periods and agreeing what training, development and support would help the employee meet the required expectation. If levels are not improved and an employer has followed the company's performance procedure they then may decide to dismiss the employee on capability grounds, contact Human Resources for further information.

##### **Is the increase in annual leave based on length of service discriminatory?**

Shropshire HR Development Team (Schools) – Equality Policy 10 No, any increase in benefits during or before the 5th year of service is not discriminatory, the increase in the annual leave is based on loyalty, rather than age.

- **DISABILITY**

It is unlawful to discriminate against workers because of a physical or mental disability or fail to make reasonable adjustments to accommodate a worker with a disability. Under the Equality Act 2010 a person is classified as disabled if they have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day-to-day activities. Day-to-day activities include things such as using a telephone, reading a book or using public transport. If an employee has a disability that is making it difficult to work, employers should consider what reasonable adjustments they can make in the workplace to help or schedule an interview with the employee to discuss what can be done to support them. This could be as simple as supplying an adequate, ergonomic chair or power-assisted piece of equipment. Reasonable adjustments also

include re-deployment to a different type of work if necessary. Further advice may be obtained from the Managing Attendance Policy and Occupational Health.

- **GENDER REASSIGNMENT**

Gender reassignment is a personal, social, and sometimes medical process by which a person's gender presentation (the way they appear to others) is changed. Anyone who proposes to, starts or has completed a process to change his or her gender is protected from discrimination under the Equality Act. An individual does not need to be undergoing medical supervision to be protected. So, for example, a woman who decides to live as a man without undergoing any medical procedures would be covered. It is discrimination to treat transgender or gender fluid people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured, or if they were absent for some other reason.

- Support for individuals undergoing gender transitions - Discuss with the transgender person how they would prefer information about their transition to be communicated to colleagues. Some transgender people may feel comfortable talking about their transition with colleagues, but others may prefer not to.
- Confidentiality - At a point agreed with the individual, all personal records should be changed to reflect the acquired name and gender. Access to personal records which indicate a person's previous gender should be retained only if necessary, and otherwise deleted or destroyed. Employees should make sure that they consider the following.
- Telling people about your situation - Make a list of the people who need to be informed. You may wish to speak to them personally, or may prefer to ask HR or your line manager to communicate with them
- Medical appointment and absences - Make sure the employer knows when you will need to take time off work. It is discrimination for your employer to treat you less favourably if you are absent from work for a reason related to gender reassignment than you would be treated if you were absent because you are ill or injured, or if you were absent for some other reason
- Changing everything into your new identity - You will need to change your name on your email address, company directories, records and work pass. Speak to the Headteacher at an early stage about how this should be managed. gires.org.uk

- **MARRIAGE AND CIVIL PARTNERSHIPS**

Gay and lesbian couples are able to get married or register their civil partnership in England, Scotland and Wales, which gives many of the same rights as other married couples. Same sex couples who marry or register as civil partners have the same rights as other married couples in respect of employment rights. The Equality Act protects employees who are married or in a civil partnership or marriage against discrimination.

- **PREGNANCY AND MATERNITY**

It is unlawful to discriminate, or treat employees unfavourably because of their pregnancy, or because they have given birth recently, are breastfeeding or on maternity leave. Discrimination happens when a woman is treated unfavourably because of her pregnancy, pregnancy-related illness or she exercises the right to statutory maternity leave. Ensure that an employee absent from work is notified of any important information, such as restructures, changes to terms and conditions and organisational/management changes within the school. RACE It is unlawful for an employer to discriminate against employees because of race which includes colour, nationality, ethnic or national origin. In very limited circumstances, there are some jobs which can require that the job-holder is of a particular racial group. This is known as an 'occupational requirement'. One example is where the job-holder provides personal welfare services to a limited number of people and those services can most effectively be provided by a person of a particular racial group because of cultural needs and sensitivities.

- **RELIGION OR BELIEF AND LACK OF RELIGION OR BELIEF**

There is no specific list that sets out what religion or belief discrimination is. The law defines it as any religion, religious or philosophical belief. This includes all major religions, as well as less widely practised ones.

To be protected under the Equality Act, a philosophical belief must:

- be genuinely held
- be a belief and not an opinion or viewpoint, based on the present state of information available
- be a belief as to a weighty and substantial aspect of human life and behaviour
- attain a certain level of cogency, seriousness, cohesion and importance
- be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Humanism and atheism are examples of philosophical beliefs. Workers are also protected against discrimination if they do not hold a particular (or any) religion or belief.

Employers do not have to give workers time off or facilities for religious observance, but they should try to accommodate them whenever possible. For example, if a worker needs a prayer room and there is a suitable room available then a worker could be allowed to use it, providing it does not disrupt others or affect their ability to carry out their work properly.

Many employers find that being sensitive to the cultural and religious needs of their employees makes good business sense.

This can mean making provisions for:

- flexible working
- religious holidays and time off to observe festivals and ceremonies
- prayer rooms with appropriate hygiene facilities
- dietary requirements in staff canteens and restaurants
- dress requirements

- **SEX**

It is unlawful to discriminate against workers because of their sex, e.g. paying women less than men for carrying out the same role. In very limited circumstances, there are some jobs which can require that the job-holder is a man or a woman. This is known as an 'occupational requirement'. The list of occupational requirements is restricted and very rare.

- **SEXUAL ORIENTATION**

An employer should protect employees from discrimination on grounds of the sexual orientation.

Sexual orientation is defined as:

- orientation towards people of the same sex
- orientation towards people of the opposite sex
- orientation towards people of the same sex and the opposite sex

#### ADDITIONAL PROTECTIONS APPLY TO THE FOLLOWING:

Equal Pay: An employer must give equal treatment in the terms and conditions of their employment contract if staff are employed on Like work – which is the same or broadly similar Work rated as equivalent under job evaluation Work found to be of equal value

Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 aim to ensure employees on a fixed term contract are treated no less favourable than compared to permanent employees.

Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 should receive the same rate of pay as an equivalent full time member of staff, they should not be excluded from training and should receive holiday pay pro rata to an equivalent full time employee.

Rehabilitation of Offenders Act 1974, many ex-offenders are given certain employment rights if their convictions become 'spent'. The DBS Code of Practice and the Rehabilitation of Offenders Act states that employers are not allowed to discriminate against employees with a criminal background and must treat applicants fairly. Recruitment decisions should therefore be based on if the criminal information presented is relevant to the job the applicant will be carrying out.

Trade Union Membership. In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 protection from discrimination either because of membership or non-membership of a trade union.

## **TYPES OF DISCRIMINATION**

- Direct discrimination

Direct discrimination occurs if an employer treats a person less favourably on the grounds of a person's protected characteristic compared to a person who does not have that protected characteristic. There may be rare instances during recruitment where a genuine occupational requirement is acceptable, but this should be discussed with the HR Business Partner.

- Direct discrimination - associative discrimination

Associative discrimination is direct discrimination against someone because of their association with another person who possesses a protected characteristic.

- Direct discrimination - perceived discrimination

Perceived discrimination is direct discrimination against a person because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic but is perceived by others to do so.

- Indirect discrimination

Indirect discrimination is where a criterion or practice is applied to everyone, but particularly disadvantages people who share a protected characteristic.

- Harassment

Harassment is a behaviour deemed offensive by the recipient and occurs when, for a reason which relates to a protected characteristic another person engages in unwanted conduct which may be physical, verbal or non-verbal and which violates the person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It is the effect of the conduct rather than the perpetrators intentions that define whether it constitutes harassment. Employees can raise a complaint against behaviour that they find offensive even if it is not directed at them. Complainants need not possess the relevant protected characteristics themselves. Employees are also protected from harassment because of perception and association.

- Victimisation

Victimisation has a specific meaning in discrimination law. It does not just mean singling someone out. Victimisation makes it unlawful for one person to treat another less favourably than others because they made or supported a discrimination complaint or raised a discrimination grievance or because they are suspected of doing so. An employee is not protected if they have maliciously made or supported an untrue complaint. However it is sufficient if the employee believes that the victim has done, or intends to do any of the things listed above.

## **Appendix B - SHROPSHIRE COUNCIL HATE CRIME REPORTING PROTOCOL.**

The recommended protocol to follow when dealing with reports of racist or other hate crime incidents is as follows:

### 1. The procedure

In principle, the procedure for investigating accusations of racist or other hate crime incidents should be similar to the procedure which is used for dealing with complaints. For example, all reports of incidents should be handled courteously, helpfully and promptly. Hate crime is an offence where the victim, or any other person, perceives it to be motivated by prejudice or hate” - borne out of the Stephen Lawrence enquiry.

### 2. Timescales

Timescales for responding to an incident are the same as those for complaints:

- an acknowledgement or final response is sent within 5 working days
  - a reply is sent within 20 working days, or the person reporting the incident is given an explanation of the delay
- However, whereas it might be appropriate for some complaints to be dealt with informally, all reports of racist or other hate crime incidents should be dealt with on a formal basis.

### 3. Responsibilities

The person who sees, or is first made aware of, the incident should record the details, including the name, telephone number and address of the person reporting the incident. This person should report the incident at once to their Headteacher. The Headteacher will have overall responsibility for the investigation of the incident and will decide who should lead this. It is also the responsibility of the Headteacher to inform the Police when necessary.

### 4. Referencing

In order to ensure that incidents are not double counted, the Headteacher should allocate a reference number to the incident - incorporating:

- an incremental reference number indicating total number of incidents within the school
- the month and year

For example: School Name, Ref no. 1, Feb 2016

### 5. Complainant is unsatisfied with response

If the complainant is not satisfied with the response then, as with complaints, this can be reviewed by the Governing Body to ensure that an appropriate investigation has been carried out.

### 6. Reports via the website

Incidents which are reported on the Shropshire Council website will be passed on to the Diversity Officer in the first instance, who will then forward them to the appropriate Headteacher. If a report is received via the Shropshire Council Website from an employee regarding the behaviour of another employee, this will be treated within the grievance procedure guidelines.

<https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>

<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

### **Appendix C - FURTHER REFERENCE.**

Shropshire Council <https://www.shropshire.gov.uk/equality,-diversity-and-social-inclusion/>

Gov.uk <https://www.gov.uk/guidance/equality-act-2010-guidance>

Equality and Human Rights Commission EHRC [www.equalityhumanrights.com/](http://www.equalityhumanrights.com/)

The Equality Act 2010 and Schools <https://www.gov.uk/government/.../equality-act-2010-advice-for-schools>

Equality and Social Inclusion Impact Assessments <https://www.shropshire.gov.uk/media/1457869/Shropshire-guidance-and-evidence-template.pdf>

Hate Crime <https://www.shropshire.gov.uk/crime-and-criminal-justice/report-a-hate-crime/>  
<https://www.shropshire.gov.uk/media/1541542/Hate-crime-reporting-form.pdf>

### **Contact Details**

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