



## Equality and Diversity Policy

Originator	Reviewed by	Date of Review	Approved by	Date of Approval	Next Review Date	Website
School	S & C	26/04/2022	Full Board	23/05/2022	May 2023	Yes

### "Excellence Every Day"

#### Our Mission

Our mission is to make sure that all our students, regardless of their circumstances, discover their personal best and thrive academically, individually and socially. We are relentless in driving high expectations and make no apology for ensuring high standards across the school. We will continually ensure every student achieves excellent results, with high-quality teaching and a first-class curriculum, underpinned by outstanding cultural capital experiences and exceptional pastoral care.

#### Values

##### Excellence

We strive for greatness in everything we set our minds to. We endeavour to do our very best and excel in all aspects of school life.

##### Respect

We treat others in our diverse, inclusive community as we wish to be treated. We acknowledge individual differences yet join together in an uncompromising respect for each other.

##### Responsibility

We understand that we own our actions. We work hard to understand our emotions and manage them effectively, whilst ensuring we put any mistakes right.

##### Resilience

When we encounter challenges, we persevere and bounce back. We see setbacks as stepping stones to success and always give 100%.

##### Ambition

Our ambition knows no limits. We will push ourselves to be the best version of ourselves to ensure success.

#### Who does this policy apply to?

This policy applies to all students, employees and prospective employees (job applicants and prospective job applicants) of The John of Gaunt School.

The school is also committed to equality in relation to all workers, contractors, sub-contractors, consultants, agency workers, employees seconded from other organisations, governors and



volunteers and these groups are expected to adhere to the principles set out in this policy whilst undertaking work or tasks for the school.

In brief, the main areas of change following the implementation of the Equality Act 2010 are set out below:

- identifies nine characteristics which are protected under the act from direct and indirect discrimination, harassment and victimisation in services and public functions, premises, work, education etc.;
- introduces the concept of discrimination arising from disability;
- prevents employers asking questions relating to an employee's health by restricting when employers may ask any pre-employment health questions;
- increases the powers of employment tribunals;
- applies the definition of indirect discrimination to all protected characteristics;
- extends protection to people who are associated with a person who has a protected characteristic or in circumstances where a person is discriminated against because they are perceived to have a protected characteristic;
- makes provision for pay gap information relating to gender to be published (although this is not yet in force);
- allows positive action in regards to recruitment and promotion.

### **Equality Statement**

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). This means that it is unlawful to discriminate against students/staff or treat them less favourably because of their gender; race, disability; religion or belief; gender reassignment; sexual orientation; pregnancy or maternity; marriage or civil partnership or age.

The John of Gaunt School is committed to meeting its duties and acknowledges that we have a statutory duty to:

- Eliminate unlawful discrimination, harassment and victimisation
- Promote equality of access and opportunity within our school and within our wider community.
- Promote positive attitudes to difference and good relationships between people with different backgrounds, genders, cultures, faiths, abilities and ethnic origins.

We aim to be an inclusive school and provide for equal opportunities throughout all aspects of our work and activities.

These are often referred to as the three aims of the general equality duty.

The Equality Act explains that the second aim involves, in particular, having due regard of the need to:

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- Remove or minimise disadvantages
- Take steps to meet different needs
- Encourage participation where it is disproportionately low.

The Equality Act clarifies that meeting different needs includes taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It explains that compliance with the general equality duty may involve treating some people more favourably than others.

To comply with the general equality duty, a school needs to have due regard to all three of its aims.

We are committed to ensuring equality of education and opportunity for all pupils, staff, parents and carers, irrespective of race, gender, disability, belief, religion or socio-economic background.

The Senior Leadership Team and Board of Governors review the progress we are making to meet our duties with regard to the protected groups (race, disability, gender, gender re-assignment, age, pregnancy and maternity, marital status, religion and belief) under the Equality Act (2010). Our Equality Objectives reflect the school's priorities and draw upon available data and other evidence. Careful analysis of these are undertaken in order to ensure that we are working to achieve improved outcomes for different groups. Each of the objectives are scrutinised with the sub-committees by governors. The current Equality objectives (2021 – 2024) are as follows:

- To narrow the gap between boys and girls in English KS3 and KS4 results **(CLES)**
- To increase the extent to which all pupils, including in particular those with protected characteristics as defined by the Equality Act, feel valued and confident, and in consequence more likely to achieve their potential. **(S&C)**
- To increase the level of pupil voice by extending our traditional school council to include a fair representation of all pupils in school, and in this way to foster good relationships in the school between those who have protected characteristics and those who do not **(S&C)**
- Ensure that the appointment of staff is in line with equal opportunities legislation to further improve accessibility across the school for students, staff and visitors with disabilities, including access to specialist teaching areas. **(R&A)**
- To ensure that staff and governors are aware of current legislation surrounding equality and diversity and understand the school's responsibility **(Board)**

Our Equality, Diversity and Inclusion work is ongoing. We are proud to have an inclusive reputation and recently have developed this further. Below demonstrates some of the ongoing progress:

- We have been awarded with the bronze award as a Unicef Rights Respecting School
- We were invited to join the Careers Hub in 2019 and have utilised this partnership to meet 6 of the 8 Gatsby benchmarks for Careers guidance
- We have conducted partnered work with Stonewall; including staff and pupil training

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- Personal development, behaviour and welfare was judged to be 'good' by Ofsted in June 2018
- Our data tracking systems have enabled teachers to focus even more precisely on identifying and addressing gaps in progress between boys and girls
- Increased student leadership opportunities, with a particular focus on engagement of underrepresented and vulnerable groups.
- Introduced a BAME student leadership group in June 2021
- Partnered with Wiltshire Race Equality Board May 2021
- Greater use of the student leadership group on particular equality related issues in school.
- We have established an active LGBTQ+ club
- Achieved the Princess Diana Anti Bullying Award (Silver) April 2021
- The development of a progressional and bespoke PSHE programme; incorporating all aspects of Relationships and Sex Education (RSE)
- Annual assemblies led by the Police on 'Hate Crime'. Introduced in April 2020
- The development of a Student House system to raise money and donate to local charities, including local food banks
- Annual Equality Diversity and Inclusion training led by Local BAME groups
- Renewed wording in all adverts to attract a greater number of applications from individuals who are BAME
- Established a BAME group of parents who meet termly to support and challenge the EDI work within the school.
- A regular and robust pupil voice and parent/carer voice schedule which collects the views of all groups
- Enhanced transition process for SEND, disabled and disadvantaged pupils and their families
- We have improved accessibility to the school, including a new reception area built with ramp access in June 2019.

As well as providing you with the above information, we would like equality, diversity and inclusion to be an ongoing two-way conversation. We are keen to involve parents, pupils, staff and members of the local community in the decisions we take to promote equality and eliminate discrimination.

If you would like to be involved in this ongoing work please do not hesitate to contact us.

### **Equality and Diversity policy statement**

This school believes in equality of opportunity throughout employment (including pay, training & development, recruitment and retention) and commits to developing policies, practices and procedures that promote equality and diversity and anti-discriminatory practices.

Employees of the school should understand and accept that there is a diverse workforce and that everyone has the right to be treated with dignity and respect and afforded equality of access to opportunities that are available within the working environment. By valuing diversity, the school recognises that everyone has unique identities which will help to ensure that the school can provide the best services possible.



These can include, but are not limited to; race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity, marriage or civil partnership or gender reassignment.

No employee will receive less favourable treatment or be disadvantaged by policies, procedures, conditions or requirements which cannot be shown to be justifiable. Recruitment processes will ensure that individuals are short listed, selected and promoted solely on the basis of their relevant merits and abilities.

### **Recruitment**

The school's recruitment procedure provides the Headteacher, governors and any other employees undertaking recruitment with a fair and equitable process for recruiting to vacancies at the school. The school will follow the policy and procedure to ensure that appointments are based on:

- candidates' ability to do the job (based on skills, experience and knowledge)
- equality of opportunity
- current legislation

For those who apply for a post with the school as a prospective or existing employee, the recruitment procedure contains the following measures to promote equality:

- reasonable adjustments will be made to ensure that barriers can be removed for candidates with protected characteristics who might otherwise be placed at a substantial disadvantage. This could be at any stage from application to attending the interview or considering adjustments for the post itself;
- positive action – may be used to address under represented or disadvantaged groups

In line with the Equality Act 2010 the school will not ask applicants questions about their health before they are made an offer as the preferred candidate.

The school will ask all preferred candidates to complete a pre-employment health questionnaire once they have been offered work on a conditional basis. The school will not unfairly discriminate against on the basis of the information provided in the health assessment and the Headteacher / recruiting manager is responsible for making reasonable adjustments where appropriate.

### **Induction**

All new starters at the school will be provided with a copy of this Equality and Diversity policy and procedure.

### **Terms and Conditions of work**

All employees at the school have a range of terms and conditions which will be applied fairly and equitably. These are set out in their statement of particulars and include information on matters such as pay, grade, hours of work, holiday entitlement other leave, sickness entitlement, notice periods, allowances etc.

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### **Training and development**

Access to training and development will be related to the needs of the job, the available resources and by an assessment of the employee's needs. The line manager will identify employee training needs in consultation with the employee. An employee is also able to make requests for training either through the performance management process, supervision, appraisal or informally.

Where appropriate, if the employee has a disability or another protected characteristic adjustments in relation to access and support to training will be considered. Training may be provided as a reasonable adjustment in itself.

Where an employee declares that they have a disability at any time during their employment the Headteacher (or relevant school manager) will ensure that there is a mechanism in place to discuss, at any time, but at least once a year, (with periodic reviews) what can be done to make sure that employees are given the opportunity to develop their skills fully. This discussion can take place as part of employee's annual performance appraisal. Further advice on reasonable adjustments may be sought from the HR Manager.

Positive action may be considered in relation to training on a case by case basis to address disadvantage or under-representation or to meet the particular needs of those who share a protected characteristic.

### **Key school policies and procedures**

Written policies and procedures exist to ensure that there is a fair and equitable process for managing all key HR issues such as disciplinary, grievance, performance, absences and other circumstances which involve an employee leaving the school.

The key school employment policies and procedures which have been adopted are the model ones as recommended by Wiltshire Council at the time the school converted to Academy status, and were equality impact assessed which included an assessment of the outcome and impact to reduce the potential for discrimination and highlight good practice.

The Headteacher should ensure that where they (or their delegated colleague or governor) are taking action via a formal procedure that:

- they are accompanied by the HR Manager at any formal meetings where formal action may/may not be taken.
- the employee is given the opportunity to be accompanied by a trade union representative or work colleague at any formal meetings (as appropriate to the policy).
- they consider the potential impact of protected characteristics in relation to operation of the policy and on final decisions, including making reasonable adjustments.

In relation to the sickness absence management policy and procedure for an employee who has a disability the Headteacher will take this in to account in terms of assessing the impact of the disability on overall absence levels and whether a reasonable adjustment would help with attendance. Advice from the HR Manager will also be sought in these circumstances.



Disability provisions are also available under the absence management policy and procedure in relation to time off to attend appointments relating to the employee's disability.

### **Policies which provide flexibility**

The school has policies and procedures aimed at providing employees with the opportunity to request flexibility at work, which can also assist with improving access to the workplace.

For applications for flexibility the Headteacher will take in to account circumstances where an employee makes an application in connection with someone associated with the employee, who has a protected characteristic e.g. requesting reduced hours to care for a disabled parent or partner.

### **Equal pay**

The Equality Act 2010 states that men and women doing equal work, rated as equivalent or work of equal value are entitled to equal pay (unless there is a material factor which is not gender related that means that they should be paid differently) and that employers may wish to carry out a pay audit to ensure that men and women are getting equal pay. Employees at the John of Gaunt School are paid in line with nationally agreed pay scales and are agreed for each position prior to recruitment.

In 2007, Wiltshire Council undertook a pay reform process which included support staff posts at this school, to ensure a robust system of job evaluation, ensuring all jobs are assessed objectively and paid fairly in relation to other jobs across the council and schools.

### **Workforce monitoring**

The Equality Act has clarified general public sector and specific duties in relation to data collection and monitoring information. All schools and academies are expected to: -

- collect and use enough workforce data and monitoring information to effectively meet the general equality duty.
- publish some information about the impact of their employment functions on people with the different protected characteristics in order to demonstrate compliance with the general equality duty.

Diversity monitoring is not just the collection of statistical information, but a process of analysis and evaluation which informs future policy developments and process changes. The monitoring and evaluation cycle should:

- Highlight possible inequalities
- Investigate their causes
- Remove, mitigate or justify any discrimination or disadvantage
- Develop appropriate positive action initiatives
- Evaluate the effectiveness of any changes



The Headteacher will produce an annual report on workforce equality and diversity information for the governors. This provides the opportunity for consideration of information in the context of the school's workforce planning and potential positive action in appropriate areas.

### **Setting and publishing Equality Objectives**

All schools must prepare and publish one or more equality objectives that it thinks it needs to achieve to further any of the aims of the general equality duty in relation to related information. Once done it should be reviewed and updated at least every four years after that date.

The equality objectives that a school publish as part of the requirement as detailed in the specific duties of the Equality Act will be clearly defined and measurable commitments.

The objectives address key equality issues identified by the school and are contained in the school's published equality information. By publishing the objectives, the school is making public its priorities for equality.

### **Acceptable/unacceptable behaviour at work**

The school expects all employees to be familiar with and comply with their responsibilities in respect of:

- This Equality and Diversity Policy (and directly linked procedures)
- The Dignity at Work Policy and procedure
- The Code of Conduct for staff

Unacceptable behaviour towards anyone, including those with a protected characteristic includes (this list is not exhaustive)

- Use of offensive or inappropriate language or jokes
- creating or contributing to a hostile working environment
- bullying and harassment in any form
- excluding or isolating a colleague(s)
- inappropriate use of internet or electronic communication including social networking
- discrimination against a member of staff or the public on any grounds of sex, race, disability, age, religion or belief, sexual orientation, pregnancy and maternity; gender reassignment or marriage or civil partnership
- behaviour or body language which demonstrates prejudice or ignorance

Unacceptable behaviour extends to all the types of discrimination outlined in this policy including:

- discrimination by association – where someone is associated with someone with a protected characteristic (e.g. a child, parent or partner)
- discrimination by perception – where someone is perceived to have a protected characteristic but does not actually possess it
- Harassment is also extended to protect those who witness harassment of others and find it offensive
- Victimisation as set out below





Further information on the Public Sector Equality Duty is available on the Equality and Human Rights Commission website.

### **Breaches to this policy**

All prospective and existing employees at The John of Gaunt School are entitled to be treated with dignity and respect and are expected to treat others with dignity and respect at all times (including outside of working hours)

If an employee feels that they have been discriminated against or treated unfairly they should raise this under the Dignity at Work Policy with the Headteacher or the Chair of Governors if the matter concerns the Headteacher. Redress over inappropriate behaviour or language can be sought through this policy which could include mediation. In relation to more serious contraventions the policy includes provisions for the matter to be treated in line with the school's agreed Disciplinary Policy.

Prospective employees should raise concerns either with the person responsible for recruitment to the post for which they have applied for. If this is not possible, concerns should be raised with the Headteacher.

Where a prospective employee or actual employee, feel that they have been the subject of harassment by a third party (i.e. someone who is not directly employed by the school), this should be reported to the Headteacher who will take appropriate steps to deal with the matter.

### **Types of discrimination and what do they mean**

The Equality Act has harmonised and strengthened discrimination legislation. The main aspects are defined below, but further detail and clarification is available from the Equality and Human Rights Commission.

**Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

Example: an employer recruits a man rather than a woman because s/he assumes that women do not have the strength to do the job.

**Indirect discrimination** occurs when there is a provision, criterion or practice in the organisation that applies to everyone but particularly disadvantages people who share a protected characteristic and that practice cannot be objectively justified. To justify imposing an apparently neutral policy that disadvantages those with a shared protected characteristic, it must be shown that applying the policy across the board is a proportionate means of achieving a legitimate aim.

Example: A manager holds all of his team meetings from 2.00 – 4.00 pm making it very difficult for many part time staff to attend. The majority of part time staff are women and therefore this practice is likely to be indirect sex discrimination as it is unlikely to be objectively justifiable. The manager may have a legitimate reason for team meetings at a time when most staff can attend but there are likely to be other ways of achieving this in a way that does not disproportionately disadvantage this group of employees.



**Discrimination by association** is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Example: An employer refuses to appoint an employee because she is married to a Muslim, this would be direct religious or belief-related discrimination because of her association with her husband.

**Perception discrimination** is direct discrimination against an individual because others *think* they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Example: Where an employer fails to shortlist an applicant on the basis that because of an Irish sounding name they must be Irish, even when they are not actually Irish.

**Harassment** is “unwanted conduct related to a relevant protected characteristic, which has the effect of violating an individual’s dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Employees are able to complain of behaviour that they find offensive even if it is not directed at them, even if they do not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Example: that he went to a public school. Even though his colleagues are aware that he is not gay, and he is aware that they know he is not gay this constitutes sexual orientation harassment and is unlawful under the Equality Act.

Schools are also potentially liable for harassment of their employees by people (third parties) who are not employees of the school, such as visitors or contractors. The school are required to take action where they are aware that harassment has taken place, and take reasonable steps to prevent it from happening again.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Example: A non-disabled employee gives evidence on behalf of a disabled colleague at a disciplinary hearing against a manager and is subsequently relocated to a different team with no promotion prospect and less responsibility because of their action at the hearing. This would constitute victimisation under the act, which is unlawful.

## Roles and Responsibilities

### Headteacher responsibilities

- To ensure that all managers at the school follow and apply the requirements of the Equality Act.
- To ensure that all employees are managed fairly and consistently in line with the principles outlined within this policy.



- To ensure that recruitment and selection is carried out in accordance with the policy and guidance and to ensure that prospective employees are also treated fairly and consistently in line with the principles outlined within this policy.
- To ensure that employees receive an appropriate and fully accessible induction including information about policies, practices and procedures when they start a new post and that they continue to be informed and updated about changes to these.
- To apply all other employment related policies and procedures and terms and conditions of employment fairly and consistently.
- To ensure that supervision, appraisal and learning development plans for employees take full account of the school's commitment to equality and diversity as set out in this policy and procedure.
- To ensure that equality and diversity is fully integrated into any training and development that is commissioned and delivered for employees.
- To ensure that there is a mechanism in place to discuss, at any time, but at least once a year, with a disabled employee what can be done to make sure that they can develop and use their abilities – this can be through the appraisal process or at a separate meeting.

#### **Employee Responsibilities**

- To treat colleagues, governors, pupils, volunteers, visitors, and members of the public with dignity and respect, in accordance with the principles set out in this policy, the Dignity at Work Policy, and the Code of Conduct.
- To embrace a culture which provides supportive and positive working relationships and behaviour which underpins the school's vision, values and belief.
- To be mindful of and act to avoid becoming involved in any form of discrimination as set out in this policy and procedure.

Not to aid or collude in circumstances where colleagues, governors, students, volunteers, visitors and members of the public are treated in a manner which contravenes the policy and to report any such instances.

- To make colleagues aware if their conduct or behaviour is inappropriate and to report this to the Headteacher (or Chair of Governors if it involves the Headteacher).
- Provide support to someone who is subject to such conduct or behaviour.
- To promote good community and workplace relations to foster and encourage an atmosphere of tolerance and support so that there is no place for behaviours which would negatively impact upon the community or school.

#### **Advice and guidance**

If any employee requires help in understanding this policy they should contact the Headteacher or their trade union representative if they are a member.

If, due to the nature of the query, it is not appropriate to contact the Headteacher, employees should contact the Chair of Governors.

The Headteacher / Chair of Governors should contact the HR Manager for support and guidance regarding this policy.



### For further advice

There are a number of related policies and procedures that you should be aware of including:

- Dignity at work policy and procedure
- Code of Conduct for staff
- Freedom to Speak Up policy
- Grievance policy and procedure
- Sickness and Absence management policy and procedure
- Disciplinary policy and procedure
- Capability policy and procedure





## Equality and Diversity Policy - FAQs

1. **There is regular 'work banter' which often includes mild swearing and derogatory language which I find offensive even though it is not directed at me, can anything be done about this?**

Yes, language or behaviour which one person finds acceptable may not be acceptable to another and if you are finding language or behaviour offensive you should raise this with your line manager. The relevant colleagues will be informed that the language used is unacceptable to work colleagues and therefore it should not be used. If the informal approach does not succeed formal action can be taken in accordance with the disciplinary policy and procedure. Additional support maybe required at the informal stage to raise awareness in the form of training or coaching in appropriate cases.

2. **What is expected from me in helping to provide a positive working environment and culture?**

Employees are expected to comply with the requirements of the dignity at work policy and procedure, and code of conduct policy and procedure to co-operate and support managers in addressing and taking appropriate action to improve areas of concern.

3. **If I witness offensive behaviour or language against another employee but this employee does not report it, am I expected to do anything?**

Yes, you should speak to the person who has been the target of the abuse and advise them to report it to their line manager under the Dignity at Work policy. If they don't want to take the matter any further you should report the incident to the Headteacher for them to follow up on.

Alternatively, if an you are personally offended by the incident you have witnessed and it relates to a protected characteristic, you are able to raise the matter under the Dignity at Work policy and procedure yourself, even though you do not possess the characteristic yourself.

4. **Do I have to disclose my disability status?**

No, there is no legal requirement upon employees to disclose any protected characteristic but it does assist the school in understanding its workforce. By having this information, the school can monitor the effectiveness of policies, procedures and identify where further support or positive action needs to be addressed. Employees will not be at any disadvantage for disclosing this information and in fact there are further rights and support available for disabled staff and any staff who have other protected characteristics.