



# Equality Policy

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<b>MONITORING:</b>	HR Manager
<b>RESPONSIBLE GOVERNOR:</b>	Beverley Hampshire (HR Committee)
<b>UPDATED:</b>	September 2023
<b>REVIEW DATE:</b>	August 2024 or as necessary

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## A. Aim:

**Caldicott** is committed to encouraging equality and diversity among our whole community and eliminating unlawful discrimination.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

Caldicott, in providing a first class education and facilities for the boys in our care, is also committed against unlawful discrimination of pupils, parents and all other stakeholders. Procedures are in place to ensure fair and equitable treatment in relation to the admission and assessment of pupils. The principles of non-discrimination equality of opportunity also apply to the way in which staff must treat visitors, pupils, parents, suppliers and former members of staff.

## B. Purpose:

The policy's purpose is to:

- provide equality, fairness and respect for all in our recruitment and employment, whether temporary, part-time or full-time
- not unlawfully discriminate because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation
- oppose and avoid all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities

### C. Practice and Commitment:

1. The school commits to encourage equality and diversity in the workplace as they are good practice and make business sense.

2. **Recruitment and Selection:**

- The staffing process is governed by the School's principles of non-discrimination and is designed to achieve the best match between, on the one hand, the individual's knowledge and skills, experience and character and, on the other hand, the requirements of the vacant post, recognising the need for flexibility to respond to changing conditions.
- The capability of the individual to perform in the position will be the major selection criterion but the ability both to work with others and to be trained, coupled with individual potential will be considered.
- All applicants will be dealt with courteously and as expeditiously as possible.
- Carefully selected and validated skills and/or psychometric tests may be used as part of the selection process and will be administered by a trained tester.
- Shortlisted applicants will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children.
- All offers of appointment shall be conditional on satisfactory completion of the pre-employment checks, as set out within the prevailing KCSIE.

3. **Working Environment:** the School commits to create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.

This commitment includes training managers and all other employees about their rights and responsibilities under the equality policy. Responsibilities include staff conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.

All staff should understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public.

**Part time and fixed term work:** Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a prop-rata basis where appropriate), unless different treatment is justified.

All staff are issued with a copy of this policy and the supporting document "**Information and Guidance– Equality and the Workplace**" attached to the end of this policy (pages 4 to 9).

4. **Disability:** If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

A disability will not of itself justify the non-recruitment of an applicant for a position at the School. Such reasonable adjustments to the application procedures shall be made

as are required to ensure that applicants are not disadvantaged because of their disability. For example, where written tests are used, alternative arrangements will be made for visually impaired applicants.

If you experience difficulties at work because of your disability, you may wish to contact your Head of Department to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your Head of Department may wish to consult with you and your medical adviser about possible adjustments and you may be required to give your consent to a report being produced about your state of health and ability to perform your duties. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible. Once an adjustment has been made its operation may need to be reviewed at agreed intervals, to assess its continuing effectiveness.

The School will make such adjustments to work arrangements or School premises as are reasonable to enable a disabled staff member to carry out his or her duties. This will include, but is not limited to, consideration of the provision of specialist equipment, job redesign and/or flexible hours.

Where, during the course of their employment, a disabled member of staff recognises their need for a reasonable adjustment to be made to work arrangements or School premises, he or she should discuss this requirement with the Bursar.

4. **Breaches of this policy:** we take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities.

Such acts will be dealt with as misconduct under the organisation's grievance and/or disciplinary procedures, and any appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

If you believe that you have been the subject of discrimination you can raise the matter informally in accordance with the Anti-Harassment and Bullying Policy, or formally through our Grievance Procedure. Complaints will be treated in confidence and investigated as appropriate.

There must be no victimisation or retaliation against staff who complain about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

5. **Training and Development:** the School will make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.

6. **Decision making:** Decisions concerning staff will be based on merit (apart from in any necessary and limited exemptions and exceptions allowed under equality legislation).
7. **Employment practices and procedures** will be reviewed when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.
8. **Monitoring:** we Monitor the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy.

Monitoring will also include assessing how the equality policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

The Equality Policy is fully supported by the School Governors and senior management and has been agreed with employee representatives for both teaching and support staff.

Details of the School's grievance and disciplinary policies and procedures can be found in the Employee Handbook.

Use of the School's grievance and/or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination.

## Further Information and Guidance

### Equality and the Workplace

#### What is “Equality and Diversity”?

The Equality & Human Rights Commission (EHRC) states this is: “...a term used to define and champion equality, diversity and human rights as defining values of society. It promotes equality of opportunity for all, giving every individual the chance to achieve their potential, free from prejudice and discrimination.”

**The Equality Act 2010** consolidates and replaces most of the previous discrimination legislation. It is based on the principal that no individual with a protected characteristic should be discriminated against when seeking, or during, employment. It covers employment and work related activities and makes discrimination unlawful in areas not previously covered.

#### Role of EHRC:

The EHRC has a statutory remit to promote and monitor human rights and to protect, enforce and promote equality across nine "protected" characteristics.

#### The 9 Protected Characteristics:

Age  
Disability  
Gender reassignment  
Marriage and Civil Partnership  
Pregnancy and Maternity  
Race  
Religion or Belief  
Sex  
Sexual Orientation

#### What is Discrimination?

Discrimination can take place before, during and after employment and takes 7 forms:

1. **Direct Discrimination** is when someone treats another person less favourably than they would treat others because of a protected characteristic.
2. **Discrimination by Association** is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
3. **Discrimination by Perception** is direct discrimination against someone because others think they possess a protected characteristic.
4. **Indirect Discrimination** can happen when you have a rule or policy that that applies to everyone but disadvantages a particular protected characteristic.

ACAS states that this is “a provision, criterion or practice that will be unlawful if it has a disparate impact, which the employer cannot show to be a proportionate means of achieving a legitimate aim.”

5. **Disability Discrimination** is when a person with a disability is treated less favourably because of something connected to their disability. It occurs when there is an

organisational failure to make reasonable adjustments for the disabled person when there is no justification for any different treatment.

- 6. Harassment** is when an individual is subject to unwanted conduct relating to a protected characteristic. It violates the individual's dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can be in different forms:

- Written words or abuse
- Jokes or pranks related to the 9 protected characteristics
- Lewd or suggestive comments
- Display of "pin-ups" or pornography
- Deliberate exclusion from conversations or work activities

It is wise to be mindful of discrimination or harassment at social functions such as the office party, or meetings with parents. Employers are not currently potentially liable for harassment of their staff by people they don't employ.

- 7. Victimisation** is when someone is treated badly because they have made or supported a complaint or grievance made under the provisions of the Equality Act.

### **How does the Equality Act affect me?**

You need to be aware of:

- The 9 Protected Characteristics
- Your own behaviour and the behaviour of colleagues
- Perceptions, Preconceived opinions and ideas

### **The Equality Act and pupils:**

You also need to be aware that these kinds of behaviours are relevant not only interactions with colleagues, but also with pupils and in particular concerning three main areas:

- **Disability**
- **Race**
- **Religion**

A school must not discriminate, harass or victimise a pupil or potential pupil in relation to:

- Admissions
- The way it provides education for pupils
- How it provides pupils access to any benefit, facility or service
- Excluding a pupil or subjecting them to any other detriment

Care must be taken with "one size fits all" rules, that is, apparently neutral provisions, criteria or practices, which may have a detrimental impact on certain pupils with protected characteristics. Any different treatment of a pupil must have an objective justification – a legitimate aim and be appropriate and necessary.

### **Discrimination "arising from" disability:**

Unfavourable treatment means being put at a disadvantage and this may include being denied a choice or an opportunity. There must be no unfavourable treatment of a pupil because of

something connected to a disability. Teachers must take particular care with ADHD, when disciplining because of a behaviour that is a consequence of the disability.

### **Duty to make reasonable adjustments:**

This duty is a very important obligation. It applies where a provision, criterion or practice puts a pupil at a substantial disadvantage in comparison with non-disabled pupils. There is a requirement for the school to take steps to find out about disability and a need to consider policies and circumstances of each pupil and show flexibility. Teachers should act before the pupil, or parents, raise an issue.

Comprehensive guidance on “**Reasonable Adjustments for Disabled Pupils**” is produced by the EHRC: <https://www.equalityhumanrights.com/en/publication-download/reasonable-adjustments-disabled-pupils> . All teachers should familiarise themselves with and work within this guidance framework.

### **What does a teacher need to do to ensure pupils are treated in line with the requirements of the Equality Act?**

At the beginning of each academic year, consider the pupils you will be teaching. You need to identify whether there are pupils with protected characteristics and consider whether you need to modify your approach to the pupil in light of the obligations of the Equality Act.

If you are in doubt, speak with the Deputy Heads or Head of Learning Support. The HR Manager will also be able to signpost you to sources of information and support.

### **So what do I do if I have concerns or feel I have been discriminated against?**

If you have any concerns or wish to make a complaint: where possible, speak directly to the source of the issue, as they may not be aware of their actions and behaviours. If you feel this hasn't worked or if you are uncomfortable with doing this, then raise the issue verbally with their line manager or the HR Manager. It is then management responsibility to investigate the issue and act accordingly.

### **Summary – we all...**

- have a responsibility to promote equality and prevent discrimination in the workplace.
- need to be aware of the different types of discrimination and harassment
- need to raise concerns if we have them.

**Further information:** [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

[www.equalities.gov.uk](http://www.equalities.gov.uk) <http://www.acas.org.uk/index.aspx?articleid=3017>