

# Equal Opportunities Policy

## Breareley Nursery School Mission Statement



**"A safe place to hope, learn, play, enjoy and grow".**

At Breareley Nursery School we value all of our children and families. As a setting we follow Birmingham City Council's safeguarding procedure and we uphold British values whilst celebrating the diversity in our communities. We also promote mutual respect and we are an inclusive setting.

Our ethos and curriculum enables children to be independent learners who make choices and building strong relationships, particularly with their peers. This promotes an exciting learning journey that engages learners

We are a Rights Respecting School where we help our children to grow into confident, caring and responsible young citizens both in school and within the wider community. By learning about their rights our children also learn about the importance of respecting the rights of others.

All of these principles create the firm foundations needed to encourage democracy, the rule of law, individual liberty, mutual respect and tolerance of those of different faith and beliefs. Staff members are also trained on the 'Prevent Strategy', this is utilised in the delivery of the curriculum and within our professional practice.



## Equal Opportunities in Employment Policy

***Teaching and support staff are covered by this policy and the Trade Unions have been consulted.***

The Governing Body of Brearley Nursery School is committed to a policy of equal opportunities in employment whereby individuals at the School are selected, trained, promoted and treated on the basis of their relevant merits, skills and competency.

All members of staff and job applicants will receive equal treatment regardless of:

- disability
- age
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex; and
- sexual orientation.

These are known as 'protected characteristics' as outlined in the Equality Act 2010 which defines direct discrimination as less favourable treatment because of a protected characteristic.

The Act brought together and simplified nine separate pieces of discrimination legislation and created a more consistent and effective framework, while at the same time extending *protection against discrimination*.

### **The School or Academy Policy Statement**

The equal opportunities in employment policy has been developed within the framework of existing legislation and applies to all those who are employed by the School or Academy. All future documents, procedures, codes of practice, guidelines, instructions, etc (whether developed and issued by Birmingham City Council, School or Academy) related to employment issues or connected with the employment of people will be monitored by the Head Teacher, Principal and Governors to ensure that it follows them in a way which complies with the Equality Act and this policy.

The School or Academy is committed to valuing diversity and promoting equality for everyone. We recognise the varied contributions that a diverse workforce brings and the Head Teacher, Principal and Governors are committed to drawing on the

different perspectives and experiences of individuals which will add value to the way we operate.

The School or Academy aims to recruit, retain and develop employees based on merit, competence and potential. We are committed to promoting a positive work environment for our employees and ensuring they are given every opportunity to fulfil their potential.

This policy applies to all members of the Governing Body, the Head Teacher, Principal, employees, agency workers, all job applicants and third parties providing services to the School or Academy. All will be expected to act in accordance with the equal opportunities in employment policy adopted by the School or Academy and they will comply with the Equality Act.

The School or Academy will strive to ensure that the work environment is free from harassment and bullying and that everyone is treated with dignity and respect in ensuring equal opportunities in employment. We have a separate Anti Harassment Procedure which deals with any discrimination, harassment, bullying and victimisation, which may occur in the workplace.

In line with the Equality Act 2010, this policy includes the new provision relating to the single equality duty on public bodies and the extended scope for positive action within recruitment and selection and the Head Teacher, Principal, Senior Leaders and Governors will undertake any necessary action to ensure compliance with the Equality Act 2010 and the corresponding duty. *The School or Academy will take account of advice published by the Department for Education which relates specifically to schools.*  
<http://media.education.gov.uk/assets/files/doc/e/dfе%20equality%20act%20quidance%20oct%202012b.doc>

The success of an Equal Opportunities in Employment Policy will require the commitment and support of Head Teachers, Principal, Senior Leaders, Governors and staff alike.

**The Head Teacher, Principal and Senior Leaders through this Policy will ensure that:**

- They are committed to a policy of equality of opportunity in its employment, procedures and practices, and all the services for which it is responsible, ensuring they are and remain non-discriminatory and are compliant with legislation in relation to age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
- they are responsible for achieving, promoting and providing equality of opportunity and to do this will receive appropriate training including diversity, recruitment and selection and capability training.
- They promote positive action to overcome the effects of past discrimination.
- They seek to achieve greater diversity in employment and recognising the Equality Act 2010 states that compliance with the duty may involve treating some people more favourably than others.

- They will ensure that all existing and potential employees receive equal consideration and ensure that non-discriminatory treatment of all job applicants and employees is practised as well as equality of opportunity.
- They make all employees in the School or Academy aware of the existence of the policy, its aims and objectives, and their rights and role in its implementation at all levels and locations within the School or Academy.
- They deal fairly and appropriately with any discrimination issues raised.
- They will ensure that reasonable adjustments are made as appropriate.

**Employees also have a duty to:**

- Be responsible for owning and promoting the policy.
- Comply with the Equal Opportunities in Employment Policy adopted by Governors. A failure to do so will be treated as a disciplinary offence. Any unlawful acts of discrimination could make the School or Academy liable to legal proceedings.
- Not discriminate against or harass anyone in the course of their employment at the School or Academy.
- Assist the School or Academy including the Head Teacher, Principal and Governors in meeting its commitment to provide equal opportunities for all.
- Treat colleagues, parents, pupils and members of the public with dignity and respect.
- Have due regard to equal opportunities in the work they do and decisions they make.
- Promote diversity across the school or academy.

The School or Academy acknowledges that it will be liable for acts of unlawful discrimination committed by their employees in the course of their employment unless they can show that they took such steps as were reasonably practicable to prevent those acts. There is no limit on compensation for unlawful discrimination, which includes compensation for injury to feelings and personal injury.

The School or Academy has a code of conduct which sets out its expectations of employees and which complies with the Equality Act. ***\*[School or Academy to attach the code of conduct when available for teaching and/or support staff]***. Any breach of the rules and regulations in that code may lead to disciplinary action.

The School or Academy has a comprehensive monitoring system to examine the implementation of the policy and to assess whether it is achieving its aims and objectives, and to plan for future priorities and strategies.

The School or Academy will monitor the composition of their existing staffing establishment and of applicants for jobs and will consider and take any appropriate action to address any issues that may be identified as a result of the monitoring process. The arrangements for this monitoring will be as follows:

*\*Example: The holder of the post of **\*[School or Academy to insert the name of the postholder(s)]** will be responsible for monitoring the existing workforce by age, gender, race and presenting this information to the School's Leadership Team and/or Governing Body. The Head Teacher or Principal will*

*lead the discussion with their leadership team and decide what action should be taken and by whom. The Head Teacher or Principal will also report to the Governing Body.*

The School or Academy cannot lawfully discriminate in the selection of employees for recruitment but it may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that is identified as being under-represented in particular types of job roles. However, positive action does not allow the school or academy to appoint a less suitable candidate just because that candidate has a protected characteristic that is under-represented or disadvantaged.

In addition, the School or Academy will seek to ensure that individuals and any third party whose services are engaged by them do not practise unlawful and unfair acts of discrimination.

***\*Example:** The holder of the post of **\*[School or Academy to insert the name of the postholder(s)]** will be responsible for ensuring that all their employees are informed and trained about their equality duties, either in staff meetings, briefings or on training days. This person will also ensure that training in other matters, such as health and safety, has due regard for the school or academy equality duties. This person will be responsible for reporting to the Head Teacher, Principal, School Leadership team and/or Governing Body about training in equality duties and identifying any gaps when requested.*

The responsibility for monitoring this policy will rest with the **Governing Body**. The Head Teacher or Principal will be required to report on a regular basis to enable the Governing Body to assess how the policy is being applied.

## **Additional Guidance on Specific Areas**

### **Age Discrimination**

The School or Academy is committed to being an age diverse educational establishment which actively encourages the continued employment of people who want to work past their normal retirement age.

It is unlawful to discriminate against someone on the grounds of their age and the School or Academy also recognises that age discrimination does not just affect older people and we take on board that research shows that 1 in 7 young people feel that their progression is being hindered because of their age.

The School or Academy will eliminate any possible age discrimination and has increased awareness that it is unacceptable and unlawful to discriminate or harass someone on the grounds of age.

### **Disability Discrimination**

The main purpose of the Equality Act 2010 (EA) is to streamline and strengthen anti-discrimination legislation in Great Britain. It provides the legal framework that protects people, including disabled people, from discrimination. It replaces a range of anti-discrimination legislation, including the Disability Discrimination Act 1995 (DDA) and subsequent amendments.

The EA generally carries forward the protection provided for disabled people by the DDA. However, there are key differences.

- The DDA provided protection for disabled people from direct discrimination only in employment and related areas. The EA protects disabled people against direct discrimination in areas beyond the employment field (such as the supply of goods, facilities and services).
- The EA introduced improved protection from discrimination that occurs because of something connected with a person's disability. This form of discrimination can be justified if it can be shown to be a proportionate means of achieving a legitimate aim.
- The EA introduced the principle of indirect discrimination for disability. Indirect discrimination occurs when something applies in the same way to everybody but has an effect which particularly disadvantages to a disabled people. Indirect discrimination may be justified if it can be shown to be a proportionate means of achieving a legitimate aim.
- The EA applies one trigger point at which there is a duty to make reasonable adjustments for disabled people. This trigger point is where a disabled person would be at a substantial disadvantage compared to non-disabled people if the adjustment was not made.
- The EA extends protection from harassment that is related to disability. Previously, explicit protection only applied in relation to work. The EA applies this protection to areas beyond work.

- The EA provides protection from direct disability discrimination and harassment where this is based on a person's association with a disabled person, or on a false perception that the person is disabled.
- The EA contains a provision which limits the type of enquiries that a recruiting employer can make about disability and health when recruiting new staff. This provision will help prevent disabled candidates from being unfairly screened out at an early stage of the recruitment process.

### **Gender Re-assignment**

Gender Dysphoria is an overwhelming desire to live and to be accepted as a member of the sex different to the one they were born as.

Individuals undergoing gender reassignment are known as 'transpeople' – and it is believed that there are around 5,000 people in the UK whose gender identity does not match their appearance and/or anatomy.

The process which transpeople go through can take a number of years. The diagnosis itself is a specialist area and can take a considerable length of time.

Once a diagnosis has been made, hormone therapy will start to bring on a number of physical changes. At this point, transpeople will then change social gender in order to have a Real Life Experience (RLE) or Real Life Test (RLT), which involves:

- Changing name and other records
- Living, working and socialising in the new gender.

Some people choose to maintain their usual gender role at work for longer.

The School or Academy is committed to the health and wellbeing of all our employees and we will make every effort to handle this sensitive issue and support people through the process professionally, seamlessly and without prejudice.

### **Implementing Positive Action**

The term Positive Action was first used in the Sex Discrimination Act 1975 (SDA) and then again in the Race Relations Act 1976 (RRA).

The law allows us under both Acts to take positive action to help members of a particular group to gain employment by providing training, in areas or jobs where they are under-represented. It also encourages women, men, or black and minority ethnic people to apply for jobs where they are under-represented in the workplace or in a particular type of work and provide special training for groups where appropriate.

It is also possible to use positive action to improve the representation of people with disabilities. The Disability Discrimination Act 1995 provides the opportunity to use positive advertising in order to welcome applications from people with disabilities

## **Genuine Occupational requirement/qualification**

There are occasions when it is lawful to advertise for someone of a particular sex, racial group, religion, belief or sexuality, because of a Genuine Occupational Requirement (GOR) or Genuine Occupational Qualification (GOQ).

## **Flexible Working Summary**

Flexible working allows for many different patterns of working that go beyond the traditional arrangements.

Flexible working gives the School or Academy the ability to schedule the time available to us in the most effective way so that it meets both the needs of the pupils and staff and as far as possible, the personal needs of our diverse workforce.

Employees can apply for a more flexible pattern of working such as job share or banked hours.

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