



## **COPNOR PRIMARY SCHOOL** **A8. EQUAL OPPORTUNITIES POLICY**

### **1. INTRODUCTION**

- 1.1. Portsmouth City Council and the Governing Body of the school are committed to providing equality of opportunity in employment issues and to tackling discrimination and disadvantage.
- 1.2. The Governing Body and managers of the school will operate at all times within the requirements of anti-discrimination legislation and will promote equality of opportunity in staffing decisions.
- 1.3. The Governing Body agrees that equality and diversity are important. Equality is making sure that people are treated fairly and given the same life opportunities. It is not about treating everyone the same, as they may have different needs to achieve the same outcome.

Diversity is about recognising and valuing individual differences and raising awareness.

### **2. GENERAL PRINCIPLES**

- 2.1. As a basis of this policy, the Governing Body will not tolerate the less favourable treatment of anyone on the grounds of their gender, age, race, colour, nationality, ethnicity, disability, sexual orientation, religion or faith or any other reason which cannot be shown to be justified.
- 2.2. The principles of the policy apply to all groups whether covered by legislation or not.
- 2.3. The Model Equal Opportunities Policy is in Section 5 of the Manual of Personnel Practice which can be found on the Human Resources pages of the Learning Net <http://www.portsmouth-learning.net>
- 2.4. New employees will be informed in their contract letter about how to access the Model Equal Opportunities Policy and any further information.
- 2.5. The Equal Opportunities Policy is the foundation upon which all other policies are based.

### **3. PORTSMOUTH CITY COUNCIL, COMPREHENSIVE EQUALITY AND DIVERSITY POLICY STATEMENT**

Portsmouth City Council has a Comprehensive Equality and Diversity Policy Statement which follows. The school shares the Council's values and adheres to this policy statement.

“Portsmouth City Council values and celebrates the diversity of people in our city. We recognise our role in support of the Community Strategy vision of being a City which promotes friendliness, tolerance and inclusivity, giving everyone a voice that counts. As one of the largest employers in Portsmouth and one of the main providers of services, it is the City Council's policy to provide equality of opportunity and to tackle discrimination and disadvantage. We see this as a major strand in our aim to achieve the highest standards in service delivery, decision-making and employment practices.

As a basis of this policy, the City Council will not tolerate the less favourable treatment of anyone on the grounds of their gender, age, race, colour, nationality, ethnicity, disability, sexual orientation, religion or faith or any other reason which cannot be shown to be justified.”

### **4. THE SCHOOLS INDIVIDUAL POLICY STATEMENT**

Copnor Primary School does not have its own individual policy statement as it fully supports and adheres to the City Council policy.

### **5. THE SCHOOL AIMS TO ACHIEVE THE POLICY STATEMENT BY**

- 5.1. Giving all sections of the community equal access to employment and to the services the school provides.
- 5.2. Eliminating unlawful discrimination in service delivery and employment practices.

- 5.3. Recognising that different sections of the community require specific measures to make sure they receive equality of opportunity.
- 5.4. Recognising how and why some groups are not receiving equality of opportunity and knowing what to do about it.
- 5.5. Taking positive action to assist individuals where this is appropriate.
- 5.6. Having a Race, Disability and Gender Equality Scheme and reviewing every three years.
- 5.7. Providing the Local Authority with monitoring information. The results of which will be published in the HR Newsletter for Schools.

## **6. THE RESPONSIBILITIES OF THE EMPLOYEE**

- 6.1. Both the school and the employee are responsible for helping to make sure that everyone is treated equally and fairly.
- 6.2. Every employee is required to assist the school in meeting its commitment to provide equality of opportunity and to tackling discrimination and disadvantage.
- 6.3. **Possible outcomes of discrimination.**
  - 6.3.1. Employees can be held personally liable for unlawful discrimination.
  - 6.3.2. Employees who commit serious acts of harassment may be guilty of a criminal offence.
  - 6.3.3. Acts of discrimination, harassment, bullying or victimisation against other employees or pupils/parents will be considered as a disciplinary offence and will be dealt with according to the disciplinary policy.
  - 6.3.4. Discrimination, harassment, bullying or victimisation may constitute gross misconduct which could lead to dismissal.

## **7. STATUTORY REQUIREMENTS**

The Governing Body is bound by law not to discriminate directly or indirectly in recruitment or employment on grounds of sex, gender reassignment, disability, pregnancy, colour, race, nationality, ethnic or national origins, sexual orientation, religion or belief, age or because someone is married or is a civil partner.

### **Legislation**

Equal Pay Act 1970  
 Sex Discrimination Act 1975  
 Race Relations Act 1976  
 Trade Union and Labour Relations (Consolidation) Act 1992  
 Disability Discrimination Act 1995  
 Race Relations (Amendment) Act 2000  
 Disability Discrimination Act 2005  
 Equality Act 2006

### **Regulations**

Sex Discrimination (Gender Reassignment) Regulations 1999  
 Race Relations Act 1976 (Amendment) Regulations 2003  
 Equal Pay Act 1970 (Amendment) Regulations 2003  
 Employment Equality (Sexual Orientation) Regulations 2003  
 Employment Equality (Religion or Belief) Regulations 2003  
 Employment Equality (Sex Discrimination) Regulations 2005  
 Employment Equality (Age) Regulations 2006  
 Sex Discrimination Act 1975 (Amendment) Regulations 2008

## **8. DEFINITIONS**

The following paragraphs provide a brief explanation of the concepts, introduced by the legislation.

### **8.1. Direct discrimination**

Direct discrimination is where a person is treated less favourably than another in comparable circumstances on a prohibited ground. An example of direct discrimination in relation to sex would be refusing to employ a woman because she was pregnant.

## **8.2. Indirect discrimination**

Indirect discrimination is where a provision, criterion or practice is applied which is such that it would be to the detriment of a considerably larger proportion of the relevant group to which the individual belongs than to others, which is not objectively justifiable and which is to the individual's detriment.

An example of indirect discrimination in relation to sex could be requiring everyone to work full time unless there is a good reason, unrelated to sex, as to why the particular job has to be done on a full-time basis. This is because requiring everyone to work full time will normally adversely affect a higher proportion of women than men.

## **8.3. Harassment**

Harassment is where there is unwanted conduct related to one of the prohibited grounds which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, or is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

## **8.4. Failure to make reasonable adjustments**

Failure to make reasonable adjustments is where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.

## **8.5. Victimisation**

Victimisation is where someone is treated less favourably than others because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

# **9. EQUALITY DUTIES AND EQUALITY INFORMATION**

The following sections provide brief equality information. Further information is provided in Section 5 of the Manual of Personnel Practice.

## **9.1. Race**

The Race Relations Act 1976 (as amended) (RRA) makes it unlawful to discriminate against, or harass, applicants for employment, workers and former workers, on racial grounds. The RRA defines racial grounds as including race, colour, nationality (including citizenship) or ethnic or national origin.

Under the Race Relations (Amendment) Act 2000, there is a general duty to make the promotion of racial equality central to the work of the school. This includes, taking a lead in promoting equality of opportunity and good race relations and preventing unlawful discrimination.

**Central to the specific duties is the requirement to produce a Race Equality Policy.**

Further information regarding race discrimination can be found in Section 5 of the Manual of Personnel Practice.

## **9.2. Disability**

- 9.2.1. The School recognises that it has a responsibility to promote disability equality and remove barriers likely to have a negative impact on disabled people.
- 9.2.2. The School is subject to the provisions of the Disability Discrimination Act 1995 and the Disability Discrimination Act 2005 and as such recognise that there is a responsibility to encourage the employment and retention of disabled people within the organisation.
- 9.2.3. The DDA makes it unlawful for employers to discriminate against current or prospective employees with a disability or who have had a disability.
- 9.2.4. The Disability Equality Duty introduced by the Disability Discrimination Act 2005 places additional general and specific duties on schools to take positive steps to further reduce discrimination against disabled people.  
The Duty requires schools to remove barriers likely to have a negative impact on disabled people, including those with long term health conditions. The main aim of the general duty is to promote disability equality. Schools also have specific duties, which provide them with a clear framework to work by.  
**Central to the specific duties is the requirement to produce a Disability Equality Scheme.**
- 9.2.5. Further information is provided in the Disability information document in Section 5 of the Manual of Personnel Practice. This includes examples of reasonable adjustments and management guidelines.

### **9.3. Gender**

- 9.3.1. The Sex Discrimination Act 1975 (as amended) makes it is unlawful to discriminate in employment and vocational training relating to a person's sex or that of another persons, gender reassignment, or because they are married or in a civil partnership, or on grounds of pregnancy or maternity.
- 9.3.2. This legislation applies equally to men and women. It applies to all employment and vocational training and includes recruitment, terms and conditions, promotions, transfers, dismissals and training.
- 9.3.3. Harassment provisions amended by The Employment Equality (Sex Discrimination) Regulations 2005 mean that they no longer require the individual bringing a claim of harassment to do so under direct discrimination and compare their treatment with someone of the opposite sex. Sexual harassment is unlawful.
- 9.3.4. The Sex Discrimination Act 1975 (Amendment) Regulations 2008 impose a liability on an employer if they fail to protect employees from harassment from a third party, such as a customer or client. In circumstances where harassment by a third party is known by the employer to have occurred on at least two occasions, the employer will be vicariously liable if it fails to take reasonable steps to prevent the harassment.  
This applies to sex harassment, sexual harassment and gender reassignment harassment.
- 9.3.5. The Sex Discrimination (Gender Reassignment) Regulations 1999 have extended the Sex Discrimination Act to make it unlawful to discriminate on the grounds of gender reassignment in the areas of employment and vocational training.
- 9.3.6. The Gender Equality Duty introduced by the Equality Act 2006 puts a duty on schools to promote equality for women and men and to eliminate sexual discrimination and harassment, including discrimination and harassment of transsexual people on grounds of their gender reassignment.  
**Central to the specific duty is the requirement to produce a Gender Equality Scheme.**
- 9.3.7. Further information regarding gender and sex discrimination can be found in Section 5 of the Manual of Personnel Practice.

### **9.4. Sexual Orientation**

- 9.4.1. The Employment Equality (Sexual Orientation) Regulations 2003 make it unlawful to discriminate, harass or victimise due to sexual orientation. It applies to all employment and vocational training and includes recruitment, terms and conditions, promotions, transfers, dismissals and training.
- 9.4.2. Further information regarding sexual orientation discrimination can be found in Section 5 of the Manual of Personnel Practice.

### **9.5. Religion or Belief**

- 9.5.1. The Employment Equality (Religion or belief) Regulations 2003 (as amended) make it unlawful to discriminate, harass or victimise because of religion or belief. Religion or belief is defined as being any religion, religious or philosophical belief.  
It applies to all employment and vocational training and includes recruitment, terms and conditions, promotions, transfers, dismissals and training.
- 9.5.2. Further information regarding religion or belief discrimination can be found in Section 5 of the Manual of Personnel Practice.

## 9.6. Age

The Employment Equality (Age) Regulations 2006 has made it unlawful to discriminate against workers, employees, job seekers and trainees because of their age.

The regulations apply to all employment and vocational training and include recruitment and selection, terms and conditions of employment, promotions, transfers, dismissals (including retirement), pay, and training.

Further information regarding Age Discrimination can be found in Section 5 of the Manual of Personnel Practice.

## 10. POSITIVE ACTION

- 10.1. Equality legislation allows positive action in limited circumstances. This is in order to tackle the marked levels of historical under representation in certain occupations, professions or at a particular level.
- 10.2. Action can be taken to encourage people from particular groups to take advantage of opportunities for work and training. This can be done when under-representation of particular groups has been identified.
- 10.3. Positive action is encouraged by the legislation and its purpose is to redress the effects of previous inequalities. Providing training for people from particular groups to enable them to compete for work is one example of positive action that can be taken.
- 10.4. Positive action is not about giving more favourable treatment to particular groups in the recruitment process.
- 10.5. It is important that no favouritism is shown or help given during the actual recruitment or promotion process. For example, all help must stop as soon as a vacancy is advertised and it is up to each individual to apply for that job and get it on their own merits.
- 10.6. **Selection must be based solely on merit.**

## 11. POSITIVE DISCRIMINATION

Positive discrimination means giving a person employment, training or services solely because they are from a particular group. Positive discrimination is unlawful.

## 12. EQUALITY OF OPPORTUNITY IN EMPLOYMENT

### 12.1. Recruitment and Selection

The School is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. The Recruitment and Selection procedures are monitored on a six monthly basis and information on vacancies, applicants, shortlisted candidates and appointments will be collected and collated by the Local Authority.

Further information can be found in Section 1 of the Manual of Personnel Practice – Recruitment and Selection.

### 12.2. Staff Development

The School believes that investment in appropriate staff development for employees and governors represents a significant part of the implementation of its equal opportunities policy. The staff development is supplemented by other measures and procedures introduced to promote equality of opportunity across the whole service.

#### 12.2.1. Purpose

Staff development in equal opportunities issues is very important as awareness of good equal opportunities practice enables staff to recognise situations that need improvement to prevent discrimination occurring. It also helps ensure a better standard of service is provided to all sections of the community. The requirement to comply with legal obligations rests with both the school and the employee. Sanctions can be applied against employers as a result of the actions of its employees.

#### 12.2.2. Access to Staff Development

Information about staff development should be made available to all staff. Assumptions that particular courses would only be of relevance or importance to certain groups of employees should be avoided.

You should avoid making assumptions about age and (re)training as adaptability and the ability to acquire new skills are not related to age.

You must also not exclude part time staff from training simply because they are part time.

- 12.2.3. Monitoring  
Information on staff development will be collected and collated by the Local Authority every six months with regards to applications and opportunities approved.

### **12.3. Dignity at Work**

- 12.3.1. The School has adopted a Dignity at Work policy for school staff which explains the standards of behaviour that all employees have the right to expect and are expected to demonstrate to others whilst at work. It is based on the straightforward belief that all employees are entitled to be treated by other employees in a way which respects their rights and feelings and values them as individuals.
- 12.3.2. If an employee perceives that they have suffered discrimination, harassment or victimisation, they should use the Dignity at Work Policy. A copy of the Dignity at Work Policy is held in Section 3 of the Manual of Personnel Practice. It is recommended that they consult their trade union or professional association.

### **12.4. Disciplinary Policy**

- 12.4.1. All employees have a responsibility to ensure that their actions at work are in line with the equal opportunities policy. All Headteachers have a duty to ensure that their staff are aware of the policy, understand its implications and put the policy into effect. Any employee who knowingly contravenes the policy may face disciplinary action.
- 12.4.2. All employees will be treated with respect and dignity throughout the disciplinary policy and procedure, in accordance with the Equal Opportunities Policy.
- 12.4.3. Further details can be obtained from the Schools Human Resources Team.

### **12.5. Grievance Policy**

- 12.5.1. The grievance policy is designed to enable individual employees to raise issues with management about such subjects as, terms and conditions of employment, health and safety and new working practices.
- 12.5.2. All employees will be treated with respect and dignity throughout the grievance policy, in accordance with the Equal Opportunities Policy.
- 12.5.3. Further details can be obtained from the Schools Human Resources Team.

### **12.6. Selection for Redundancy**

- 12.6.1. Selection criteria for redundancy must be free of any direct or indirect gender, age, race, colour, nationality, ethnicity, disability, sexual orientation, religion or faith bias or any other reason which cannot be shown to be justified.
- 12.6.2. The criteria used must relate directly to the skills and abilities needed for the remaining posts. Further details can be found in the Management of Organisational Change Policy, Section 9 of the Manual of Personnel Practice.

### **12.7. Flexible Working Policy**

- 12.7.1. It is important to recognise that full-time work is not an option for certain people. This may be due to caring responsibilities or because of a disability which affects the number or pattern of hours available to work. Some employees may find that their caring responsibilities increase during the course of their employment.
- 12.7.2. Under the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002, eligible employees with children aged under 6, or with disabled children aged under 18 have the right to apply to work flexibly.  
Under the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002, eligible employees who care for adults have the right to apply to work flexibly.  
The School has a statutory duty to consider these applications seriously.
- 12.7.3. This right will enable employees to *request* to work flexibly. It will not provide an automatic right to work flexibly as there will always be circumstances when the employer is unable to accommodate the employees desired work pattern. The right is designed to meet the needs of both parties and aims to facilitate discussion and encourage consideration of flexible working patterns to suit both the organisation and the

individual. Flexible working patterns may include a change in hours worked, a change to the times worked, job sharing and term-time working.

12.7.4. Where a request for changed working arrangements is made, managers and employees must consider whether changes could be introduced.

12.7.5. Further information can be found in the Flexible Working Policy in the Manual of Personnel Practice.

## **13. HELP WITH CHILDCARE**

For many people the availability of childcare will affect their ability to take up or continue in employment. The council has a number of initiatives aimed at meeting the demand for information about the provision of childcare facilities. Staff can benefit from the provision of Breakfast and After School Clubs at a number of schools within the City and should contact their local school directly for further information.

### **13.1. Childcare Vouchers**

Childcare vouchers have become a recognised payment method for childcare.

All eligible working parents, with children aged under 16 are entitled to claim childcare vouchers.

Childcare vouchers are non-taxable and exempt from national Insurance contributions.

### **13.2. Portsmouth CHAT (Childcare Advice and Training)**

The Family Information Service - Portsmouth CHAT helps parents, carers and professionals by providing free, up-to-date and impartial information and guidance on all childcare facilities, support and leisure services that are available to families in Portsmouth with children aged 0 to 14 years and to 16 years if the child has special needs. Portsmouth CHAT can be contacted on 023 9268 8830.

### **13.3. Paws Nursery**

Paws Nursery is located close to the Civic Offices. The nursery caters for children from 3 months to school age. More information is available from the Nursery Manager on 023 9282 9899 or 07958 788070.

## **14. MONITORING**

14.1. Monitoring provides management with information about the effectiveness of policies and actions and highlights areas where action is needed to bring about improvements.

14.2. Schools have a statutory responsibility to provide the Local Authority with monitoring information and the results will be published in the HR Newsletter for Schools.

This monitoring information will relate to race, disability and gender in respect of applicants and appointments for vacancies and staff involved in grievance hearings, disciplinary hearings, capability cases or dignity at work cases.

Policy agreed: March 2020

Policy review: September 2021