



**PRENTON HIGH SCHOOL FOR GIRLS**

**EQUAL OPPORTUNITIES POLICY**

## INTRODUCTION

Prenton High School for Girls are committed to promoting equality of opportunity. We aim to create a working environment in which our workforce is able to make best use of their skills, free from discrimination or harassment.

This policy applies to employees (and ex-employees) and to individuals such as agency staff, consultants and casual staff who are not our employees, but who undertake work for the School (**Staff**). It also applies to people who have applied for work with the School (**Applicants**).

The school will not unjustifiably discriminate against our Staff or Applicants on the basis of their sex, marital or civil partner status, gender reassignment, sexual orientation, race, colour, nationality, ethnic or national origin, religion or belief, pregnancy or maternity, disability or age (**Protected Characteristics**).

The School also recognises and supports the rights of fixed-term employees and part-time workers not to be treated less favourably because of their status. The policy applies equally to the way we treat our visitors, clients, customers and suppliers (**Third Parties**) and the way they, in turn, treat you.

## PRINCIPLE OF NON-DISCRIMINATION

All Staff have a duty to act in accordance with this policy at all times. This duty extends beyond the workplace and can include behaviour outside of the workplace (e.g. at social functions, or via social media).

Directors and managers have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to ensure that the Staff that they manage adhere to our Equal Opportunities Policy.

You should treat other members of Staff, Applicants and Third Parties with dignity at all times and must not discriminate against them. You must ensure that you familiarise yourself with this policy and must act in accordance with its aims and objectives at all times.

Directors and managers will be given training on equal opportunities and dignity at work.

In some situations, the School may be at risk of being held responsible for your discriminatory acts, so we will not tolerate any discriminatory practices or behaviour. Your attention is also drawn to our Dignity at Work Policy.

Prenton High School for Girls will take reasonable steps to minimise the risk of discriminatory behaviour by Third Parties towards our Staff.

## SCOPE AND PURPOSE

Prenton High School for Girls ("the School") is committed to promoting equality of opportunity for all staff and job applicants. It aims to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, and in which all decisions are based on merit

The School does not unlawfully discriminate against staff on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (Protected Characteristics).

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, parents of students, visitors, clients, customers, suppliers and former staff members.

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All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status. Attention is also drawn to the School’s separate Anti-Harassment and Bullying Policy.

This Equal Opportunities Policy applies to all aspects of the School’s relationship with staff and to relations between staff members at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.

The School will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.

This policy does not form part of any employee's contract of employment and may be amended at any time.

### **WHO IS COVERED BY THE POLICY?**

This policy covers all individuals working at all levels and grades, including the Headteacher, teachers, non-teaching staff, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, the Board of Governors, volunteers, interns, casual workers and agency staff (collectively referred to as staff in this policy).

### **WHO IS RESPONSIBLE FOR THIS POLICY?**

The Governing Body has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day-to-day operational responsibility, including regular review of this policy, has been delegated to the Headteacher.

The Senior Leadership Team must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote the School’s aims and objectives with regard to equal opportunities. The Senior Leadership Team will be given appropriate training on equal opportunities awareness. The Headteacher has overall responsibility for equal opportunities training.

Staff who have any questions about the content or application of this policy, should contact the Headteacher to request training or further information.

### **WHAT IS DISCRIMINATION**

Discrimination by, or against, members of Staff is generally prohibited unless there is a specific legal exemption. In some circumstances, discrimination against Third Parties will also be unlawful.

There are many forms of discrimination and it may occur intentionally or unintentionally. The following forms of discrimination, unless objectively justified or otherwise exempt, are generally both unlawful and strictly forbidden under this policy (although some types of discrimination do not apply to all Protected Characteristics):

<b>Type</b>	<b>Description</b>	<b>Examples</b>	<b>Is there a defence?</b>
Direct Discrimination	Treating someone less favourably because of a Protected Characteristic.  This can be a Protected Characteristic: – they hold;	Rejecting a job applicant on the grounds of their age because they would not “fit in” with a young team.  Not promoting an employee because they are perceived to be gay.  Failing to hire a woman because her husband is black.	Direct discrimination of the basis of “age” can sometimes be objectively justified.  There is no defence to direct discrimination based on other Protected Characteristics.  However, rarely, an occupational

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	<ul style="list-style-type: none"> <li>– they are perceived to hold; or</li> <li>– held by someone they associate with.</li> </ul>		<p>requirement can permit direct discrimination e.g. the need to a personal carer to be the same sex as the care recipient.</p>
Indirect Discrimination	<p>Applying a provision, criterion or practice (PCP) that applies to everyone equally, but which adversely affects people with a particular Protected Characteristic more than others, and the PCP is not justified.</p>	<p>A requirement to be a minimum height may put women at a particular disadvantage because they are generally shorter than men. It may also disadvantage ethnic groups with a shorter stature.</p> <p>A rule that all male employees must be clean-shaven will put men of certain faiths at a disadvantage.</p> <p>A requirement all employees (irrespective of whether it is a necessary requirement of their role) to speak fluent English will disadvantage individuals from non-English speaking countries.</p> <p>A requirement that job candidates have 10 years' relevant experience (when this is not justified by the role in question) will disadvantage younger candidates.</p>	<p>Such PCPs are sometimes objectively justified and thus lawful. To be objectively justified, the PCP must be a proportionate means of achieving a legitimate aim (e.g. a rule designed to meet an actual physical requirement of the job, or for health and safety reasons).</p>
Indirect Discrimination (Same Disadvantage)	<p>Applying a provision, criterion or practice (PCP) that applies to everyone equally, but which adversely affects people with a particular Protected Characteristic more than others. Whilst the individual does not share that Protected Characteristic, they are put at substantively the same disadvantage as the protected group, and the PCP is not justified.</p>	<p>1.1 An unjustified rule that all male employees must be clean shaven will put men of certain faiths at a group disadvantage. If an individual has a beard for non-religious reasons, they may suffer substantially the same disadvantage as the protected group.</p>	<p>Such PCPs are sometimes objectively justified and thus lawful.</p> <p>To be objectively justified, the PCP must be a proportionate means of achieving a legitimate aim (e.g. a rule designed to meet an actual requirement of the job, or for health and safety reasons).</p>

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		An unjustified requirement to work full-time may place women with childcare responsibilities at a group disadvantage. A man with similar childcare responsibilities may suffer substantially the same disadvantage as the protected group.	
Harassment	Sexual harassment Other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.	Making sexually suggestive comments to a female colleague. A manager asking a junior member of their team for sexual favours to secure a promotion. Isolating a Muslim colleague and making "jokes" and comments about his family being involved in terrorism.	No
Victimisation	Retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment	Moving an employee to a different team because they were a witness in a discrimination complaint. Refusing to give a former employee a reference (or giving them a negative one) because they brought a discrimination claim.	No
Disability Discrimination	Direct and indirect discrimination (see above) based upon a physical or mental disability (which may be apparent or invisible). Any unjustified less favourable treatment because of the effects of a disability. Failure to make reasonable adjustments to alleviate disadvantages caused by a disability	Refusing to hire someone for a job as a receptionist because they are in a wheelchair. Unjustifiably terminating a disabled employee's employment because they have had a period of disability-related absence. Failure to install software on an employee's computer to minimise the disadvantages caused by their Dyslexia.	Direct discrimination: No. Indirect discrimination: is sometimes objectively justified (see above). Discrimination arising from disability: is sometimes objectively justified (see above). Failure to make reasonable adjustments: No (provided the adjustment is "reasonable" in all the circumstances).

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## **DISABILITIES**

If you are disabled, or become disabled in the course of your employment with us, you are encouraged to tell us about your condition so that we can support you as appropriate. You are considered to be disabled if one of the following applies:

- You are diagnosed with HIV, multiple sclerosis or cancer;
- You are certified blind, severely sight impaired or partially sighted by a consultant ophthalmologist; or
- You have a physical or mental impairment, which has a substantial and long-term impact upon your ability to carry out normal day-to-day activities.

For these purposes, substantial means more than “minor” or “trivial”, and long-term means it has lasted (or is likely to last for at least 12 months or to recur).

The impact on your day-to-day activities can, for example, relate to:

- Mobility;
- Manual dexterity;
- Physical co-ordination;
- Continence;
- Ability to lift, carry or move everyday objects.
- Speech, hearing or eyesight;
- Memory or ability to concentrate, learn or understand;
- Perception of the risk of physical danger; or
- Ability to participate fully and effectively in working life on an equal basis with other workers.

## **Reasonable adjustments**

You may also wish to discuss with your manager any reasonable adjustments to your working conditions, or the duties of your job, which you consider would assist you. Your manager may wish to consult with you and with medical adviser(s) about possible reasonable adjustments.

Careful consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of your job. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.

## **RELIGION AND OTHER BELIEFS**

If your religious or other beliefs impact upon your ability to carry out your job, or make it difficult for you to comply with our rules or procedures (e.g. our dress code, or hours of work), you should discuss this with your manager in the first instance. Wherever possible, the School aims to accommodate the diverse religions, beliefs and cultures of our Staff, whilst striking a fair balance in each case between your needs and the needs of the School.

## **RECRUITMENT AND SELECTION**

Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person, preferably a Recruitment Panel. The School aims to ensure that no job applicant suffers unlawful discrimination because of any of the protected characteristics above. Its recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.

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Job advertisements will avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying. They will include an appropriate short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

Job selection criteria must be both relevant to the job and proportionate in the circumstances. There should be a direct and precise connection between the duties and the selection criteria. The aim in each case is to fairly assess the Applicant's ability to do the job. Irrelevant criteria should not be used. Unless a specific exemption applies (e.g. an occupational requirement), the criteria should be assessed to ensure they are not directly or indirect discriminatory.

Job applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with Headteacher approval. For example:

- Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment. or
- Equal opportunities monitoring (which will not form part of the selection or decision-making process).

Once a job offer has been made, questions about the applicant's health must be made in accordance with The Education (Health Standards) (England) Regulations 2003.

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, sexual orientation, or gender reassignment without the approval of the Headteacher (who will first consider whether such matters are relevant and may lawfully be taken into account).

The School is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status must not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the School office or UK Border Agency.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged within the School, the School monitors applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before shortlisting, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps the School to take appropriate steps to avoid discrimination and improve equality and diversity.

## **STAFF TRAINING AND PROMOTION AND CONDITIONS OF SERVICE**

Staff training needs will be identified through regular staff appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.

Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.

The School's conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

## **TERMINATION OF EMPLOYMENT**

The School will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

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The School will ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

The School will also ensure that sickness absence procedures are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

## **DISABILITIES**

If a member of staff is disabled or becomes disabled, the School encourages them to tell it about their condition so that it can support the staff member as appropriate.

If a member of staff experiences difficulties at work because of their disability, they may wish to contact the Senior Leadership Team to discuss any reasonable adjustments that would help overcome or minimise the difficulty. The Senior Leadership Team may wish to consult with the member of staff and their medical adviser(s) about possible adjustments. The School will consider the matter carefully and try to accommodate the member of staff's needs within reason. If the School considers a particular adjustment would not be reasonable, it will explain the School's reasons and try to find an alternative solution where possible.

The School will monitor the physical features of its premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, the School will take steps to improve access for disabled staff and service users.

## **FIXED-TERM EMPLOYEES AND AGENCY WORKERS**

The School monitors its use of fixed-term employees and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. The School will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

## **PART-TIME WORK**

The School monitors the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. The School will ensure requests to alter working hours are dealt with appropriately.

## **BREACHES OF THIS POLICY**

If a member of staff believes that they may have been unlawfully discriminated against then they are encouraged to raise the matter through the School's Grievance Policy or Anti-Harassment & Bullying Policy, as appropriate. Other parties may write to the Headteacher. If a member of staff is uncertain which applies or need advice on how to proceed they should speak to the Headteacher. Any complaints will be treated in confidence and investigated as appropriate.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant policy or procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under the School's Disciplinary Policy.

Any member of staff who is found to have committed an act of unlawful discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. The School takes a strict approach to serious breaches of this policy.

The use of grievance or anti-harassment does not affect an employees right to make a claim to an employment tribunal within 3 months minus 1 day of the first act of the alleged discrimination.

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