



## **EQUALITY AND DIVERSITY POLICY**

This policy details the commitment of St George Catholic VA College to ensure all members of our College community are treated in a fair and equal way and to promote and celebrate equality for all irrespective of any differences in age, disability, race, gender, ethnicity, religious or political belief, sexual orientation, marital status, background, ability or belief.

The College understands its legal and moral responsibilities and celebrates its rich diversity whilst being attentive to its tradition as a Catholic school and its mission to uphold the teachings of the church in Rome. Equal opportunity and treatment are the outward visible sign of respect for the value of God's people all of whom are unique and are created in the image of God.

Equality does not simply mean treating everyone the same. It means providing equality of opportunities to all.

*'The school's inclusive Christian ethos and shared core values nurture excellent working relationships between staff and pupils. Consequently, all pupils' pastoral and welfare needs are given careful support, alongside their academic requirements.'*

*Ofsted 2016*

### **LEGISLATION**

This policy covers the statutory duties of the Equality Act 2010 and the public sector Equality Duty Act 2011.

The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

- 1) Eliminate unlawful discrimination;
- 2) Advance equality of opportunity; and
- 3) Foster good relations.

These duties are essential for achieving the five outcomes of Every Child Matters framework and they reflect on the human rights standards as expressed in the UN Convention on the Rights of the Child.

### **AIMS OF THE POLICY**

1. To ensure that St George Catholic VA College not only fulfils its legal position in relation to current and future Equality Legislation but additionally goes beyond compliance and provides an environment free from any form of discrimination where every individual is treated with respect and dignity.
2. To prepare students for a life in a diverse society and world and to develop their sense of personal and cultural identity which is confident, open to change whilst both receptive and respectful towards other identities.
3. To provide a College where all who learn and work here have the opportunity to participate

as fully as they are able and achieve their full potential with appropriate support where necessary.

4. To recruit an inclusive workforce where decisions will be based on objective and fair College requirements.
5. To acknowledge the existence of racism and discrimination and be proactive in tackling and eliminating it by ensuring that equality is an integral part of all planning and decision making within the College.
6. To consider in everything we do how to ensure that we do not discriminate against or disadvantage an individual or groups and seek opportunities to promote equality and diversity in whatever we do.
7. Treating people equally does not necessarily involve treating them all the same. Our policies, procedures and activities must not discriminate but be differentiated as appropriate to take account of differences.
8. To ensure that our College is free from unwanted conduct that violates the dignity of members of our College community and to ensure that any complaint is investigated and appropriate action is taken.

## **RESPONSIBILITIES**

Every member of the College community has a responsibility to promote and respect equality across all areas of College activity.

### **GOVERNING BODY:**

The governors are responsible for ensuring the College comply with current legislation and that its policies and procedures are followed.

### **THE HEADTEACHER:**

The Headteacher is responsible for making sure the policy is accessible and that the governors, staff, students, parents, guardians and visitors know about it.

The Headteacher is required to make sure the procedures are followed and to produce regular information for staff about the policy and how it is working and provide training for staff if necessary. The Headteacher needs to ensure all staff know their responsibilities and receive training and support in carrying them out and to take appropriate action in the case of breach of policy.

### **ALL STAFF:**

All staff are required to have respect for all students and to monitor and assess equal opportunities within their subject and classroom.

They must ensure a balanced use of time with regard to individual students in class and promote positivity, equality and diversity.

They must deal with discrimination and be able to recognise and tackle bias and stereotyping. They must report incidents of racism or discrimination and be a role model to students and colleagues.

In conclusion, equal opportunities and inclusive practice in the classroom involves careful planning by all professionals concerned to ensure effective learning opportunities for all students.

## **St George Catholic VA College as an employer**

The College is committed to the right of everyone to be treated with respect and dignity at work. Harassment of any kind will not be tolerated in the workplace.

The Equality Act 2010 brought together all the existing discrimination laws into one and sets out the protected characteristics that qualify for protection from discrimination as:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy, maternity and paternity
- Race
- Religion or belief
- Sex
- Sexual orientation

There are some exemptions from this legislation in situations where the essential nature of a job calls for a man, woman or a person from a particular religion or racial group. This College as a Catholic school may seek to appoint staff who are members of the Catholic faith for the purpose of sustaining the ethos of the school. This may apply to the appointment of certain teaching staff and the senior leadership team.

All decisions including advertising of vacancies, short listing, selection, induction, appraisal, training, development, promotion and pay will be based on an objective and fair assessment of need. The only personal characteristics which will be taken into account will be those that are necessary for the requirement and proper performance of the work involved. There will be no generalised concepts or assumptions about the characteristics of any particular group.

All vacancies will be advertised openly and in most cases, vacancies will be advertised externally unless there are exceptional reasons why this should not occur. A detailed job description will be drawn up which accurately describes the duties of the post with an objective and sufficiently detailed person specification defined from this job description. A list of objectively assessed selection criteria will be drawn up and all of these will be available to all candidates.

Short-listing will be carried out against the selection criteria and a written record retained of the assessment of each candidate. All interview panel members must be trained in selection techniques and at least one person on each panel must be trained in equal opportunities and the requirements of anti-discrimination legislation. Selection decisions will be made against the agreed criteria and no other criteria will be used.

There may be situations in the College which require special consideration and where a genuine occupation requirement may apply to justify the employment of someone of one particular sex or particular race or ethnic origin.

All disabled candidates who meet the basic essential criteria for a post will be considered for interview along with all other applicants. Provision will be made for adjustment to the working conditions or environment where this is practical.

## **POSITIVE ACTION**

The Governing Body recognises that the avoidance of discrimination is not always sufficient to ensure that equality of opportunity exists in the College and it may therefore give consideration to measures of positive action which may assist in achieving these aims. It may encourage applications from specific groups which are under-represented in the College and may support training measures for under-represented groups. Positive action may also include flexible working arrangements and exploring the availability of child-care facilities in the local area which can be made available to employees in the College.

The principles outlined above will also apply to selection for training. Details of training opportunities will be made available to all relevant staff who will be given the opportunity to apply for courses which are relevant to their role and personal development. An application does not guarantee a place. Priorities for training allocation will be based on the College's overall development plan and budget allocations.

## **RACE EQUALITY**

The College is committed to celebrating the uniqueness of every member of its community and to provide every student with the opportunity to achieve their potential and have equal access to learning. Staff and visitors have the right to work in a secure and caring environment free from abuse or unwanted conduct. It is the duty of the College to promote good relations between people of different racial groups as well as equality of opportunity and to prevent unlawful racial discrimination.

The College will ensure that cultural issues relating to racism and racial equality are recognised and managed across all areas of College activity.

The College will continue to ensure that the pastoral care system has as one of its primary aims, the support and development of the principle of equality. This includes the development of positive relationships and promotion of self-esteem regardless of the personal circumstances of the individual student.

The curriculum, its assessment, the styles of teaching will be planned to meet the needs of individuals across the range of aptitudes, cultures and backgrounds. It will be balanced, objective and free from bias and sensitive of the need to support a diverse and tolerant community. This fosters good local community cohesion.

The College will continue to celebrate a wide range of achievements and ensure that all students are entered for public examinations. All students will be given appropriate advice and encouragement with regard to options and vocational choices unhindered by gender or cultural stereotyping.

## **DEALING WITH ALLEGATIONS OF DISCRIMINATION**

All staff have a responsibility to eliminate discrimination, harassment or intimidation of which they are aware. It is irrelevant whether or not the recipient of such behaviour appears to tolerate it. If no action is taken the person who saw, heard or was witness may face an internal investigation into why they failed to act. This may lead to disciplinary action. Any employee with management or supervisory responsibilities may be considered as failing to comply with their management responsibilities.

All formal complaints will be dealt with in accordance with the relevant College policies.

Any employee who believes that they are being racially harassed or otherwise discriminated against, may wish to report the alleged behaviour to their union steward or representative.

**Parents/guardians:** Should address any complaints or concerns about their child, in the first instance to the form tutor. If the complaint is of a more general or serious nature or if the parent is still dissatisfied, the parent should contact the Headteacher.

**Students:** Should address any complaint to their form tutor or to any member of staff. If the student is still dissatisfied then the complaint should be referred to the Headteacher.

**Staff:** Should address any complaint to their line manager or in more general or serious matters of if the member of staff is still dissatisfied to the Headteacher.

In some cases it may be possible to resolve the matter informally. At times people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It is not the intention of the perpetrator which defines whether a particular type of conduct is harassment but the effect it has on the recipient.

If an informal approach is not effective nor appropriate the Headteacher is responsible for ensuring that the complaint is investigated promptly either personally or by delegation to a manager. The Headteacher will ensure that the result of the investigation is fed back to the complainant.

After investigation, the Headteacher or senior manager (or Chair of Governors in case of the Headteacher) will decide what action will be taken in accordance with the relevant College policy.

If the complainant is still dissatisfied then they may use the College grievance procedure to address this.

For supporting information on the procedures for dealing with allegations see  
Appendix 1 for Racially motivated allegations  
Appendix 2 for Bullying and Harassment in the workplace.

## **MONITORING**

The Governing Body will regularly monitor the effectiveness of this policy by the following methods:

- 1) All applicants for posts will be asked to complete a monitoring form
- 2) Monitor the performance and profile of all our learners and our staff profiles in terms of any protected characteristics
- 3) Monitor admissions and exclusions
- 4) Monitor all policies and procedures implemented by the College for equality impact
- 5) Monitor the complaints and grievance process
- 6) Monitor events, visits and training that promote diversity awareness

## **LINKED POLICIES**

- School Accessibility Plan
- Employment Grievance
- Employment Disciplinary Behaviour
- Complaints
- Allegations against staff
- Anti-bullying
- Admissions
- Confidentiality

**This policy will be reviewed every three years.**

**Date of next review March 2021.**

**The Policy Working Group agreed this policy on 23 March 2018.**

**How should the College respond to a complaint of bullying and/or harassment?**

Investigate the complaint promptly and objectively. Take the complaint seriously. Employees do not normally make serious accusations unless they feel seriously aggrieved. The investigation must be seen to be objective and independent. Decisions can then be made as to what action needs to be taken.

**Informal approaches**

In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the individual will choose to do this themselves, or they may need support from a manager, a trade union representative, or a counsellor.

**Counselling**

Counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint. Counselling may resolve the issue or help support the person accused as well as the complainant.

**Conciliation**

In cases where the manager finds that the complaint of harassment appears to have arisen from a personal difficulty between employees, it may be appropriate to facilitate conciliation between the parties in order to restore a working relationship.

**Disciplinary procedures**

Where an informal resolution is not possible, the Headteacher or senior manager may decide that the matter is a disciplinary issue which needs to be dealt with formally at the appropriate level of the college's disciplinary procedure. As with any disciplinary problem it is important to follow a fair procedure. In the case of a complaint of bullying or harassment there must be fairness to both the complainant and the person accused.

In cases which appear to involve gross misconduct, or serious misconduct where there is reason to separate the parties in order to investigate the matter, a short period of suspension of the alleged bully/ harasser may need to be considered while the case is being investigated. Do not transfer the person making the complaint unless they ask for such a move and this is feasible.

Where bullying or harassment amounts to gross misconduct, dismissal without notice may be appropriate following a disciplinary hearing.

There may be cases where somebody makes an unfounded allegation of bullying and/or harassment for malicious reasons. These cases should also be investigated and dealt with fairly and objectively under the disciplinary procedure.

Whenever a case of bullying or harassment arises, the college should take the opportunity to examine policies, procedures and working methods to see if they can be improved. The HR Schools team will be able to give further advice on this matter.

## **Investigating an Allegation of Racial Harassment**

### **Process for the Investigation Officer**

1. A complaint of racial harassment presents particularly sensitive problems for those entrusted with investigating the allegation. Unless the investigator is seen as being fair to both sides, the effectiveness of the fairness of the investigation may be compromised.
2. It is essential to start the investigation without bias or prejudice in order to make a decision fairly about the subject of the complaint.
3. The investigation officer should consider that the process of bringing a complaint and having to explain the incident to the investigator may prove an ordeal for the harassed person.
4. Throughout the investigation strict confidentiality must be guaranteed to ensure all parties give as full an account as possible of their view of the matter. If, on the basis of the investigation, further action needs to be taken, or witnesses' statements taken, confidentiality must be explained and adhered to by all parties.

### **Interviewing the Complainant**

5. The investigation officer should try to establish matters of fact at the initial interview and give the employee the opportunity to fully state their complaint.
6. The kinds of questions the investigator should ask include what, when who and how. At the end of this initial interview the investigator should be clear about what behaviour is alleged to have occurred, when it happened, how it happened and whether this is a first or repeat behaviour. It should also be clear whether there is any evidence or witnesses that may substantiate the account.

### **Interviewing the Subject of the Complaint**

7. The subject of the complaint must be given a full and fair opportunity to reply to the complaint. There are some key explanations that the accused harasser may give:  
"The person my comment/action was directed at/to hasn't complained"  
"I said/did it, but did not think it would bother X"  
"I did it and realise now that it was wrong"  
"I did not do it"

### **Determining if the behaviour occurred**

8. It is recognised that racial harassment occurs between both white and BME employees and within different racial groups. Whether particular behaviour is regarded as offensive by those who are subjected to it is for the individual recipient to determine but is largely irrelevant if it is offensive to any other employee hearing or witnessing it. An occasional joke by anyone that is racially motivated should not be tolerated and does not make welcome or excuse more extreme or abusive or persistent comments by others.
9. If there is some indication that there are doubts as to the credibility of the complainant, the complainant's case may be considerably strengthened if an objection or protest was made. This may be particularly important when the alleged harasser may have some reason, such as previous racially abusive jokes being tolerated, to believe that the conduct complained of was acceptable.
10. However, a complaint or protest should not be regarded as essential as those subject to, or witness to racial harassment may fear repercussions from complaining about harassment and this may explain a delay in opposing the conduct. A person subject or witness to racial harassment may believe that the situation can be resolved without external intervention. If the victim or witness failed to complain or delayed complaining, the investigation must ascertain why.

### **Failure to recognise the behaviour was offensive**

11. Where the conduct is admitted but the subject may claim that offence was not intended. However, the investigation officer should consider whether they should have known and also to consider, that if they had understood that the behaviour was offensive, whether it would have happened.

It may be possible to resolve this type of complaint informally, with the aim of both parties being able to resume their working relationship. However, this can only be achieved if the subject can accept that his or her behaviour is offensive and will stop. A lack of intention to offend is not an excuse for racial harassment and the impact on the individual(s) offended is a key consideration. A lack of intention to offend cannot be offered as a defence if any complainant had made it known on a previous occasion that similar behaviour was offensive.

### **Evaluating evidence of racial harassment**

12. The subject of the complaint may deny that the harassment took place. It must be recognised that racial harassment is often covert and therefore may take place without eyewitnesses. The investigation officer will need to decide on the balance of probabilities, whether they believe the behaviour complained of, occurred or not.
13. Both the complainant and the subject of the complaint need to be asked about potential witnesses. Even if there are no witnesses to the conduct itself, corroborative evidence may be provided by persons who observed the complainant's behaviour immediately after the alleged incident(s). Therefore, persons with whom the complainant discussed the incident(s) should be interviewed.

### **Reporting Back**

14. Regardless of how the investigation is concluded the person investigating the complaint should promptly notify both the complainant and the accused of the decision of whether there is a case to answer.

If the complaint has been upheld and disciplinary action is intended this may satisfy the complainant. If the complainant is not satisfied with the result of the investigation they have the right to appeal by use of the appeal stage of the grievance process. However this can only be about the decision of the investigation officer, not about the conclusion of any decision made hearing a disciplinary.

15. Recommendations arising from an investigation will need to consider whether adequate policies exist within the education establishment which deal with harassment and respect for diversity. The investigation officer's conclusion may include that such policies need to be revised or strengthened in the light of the circumstances of the specific case.