



## Durham School

### Equality and Diversity Policy

#### Policy

- 1.1 Durham School aims to instil in all of its staff and pupils self-confidence, tolerance and respect for others. Diversity is a reality of our community, and we believe that the working environment for staff and the educational experience we offer to our pupils is enriched by exposure to a broad range of cultural, religious, linguistic and social backgrounds.
- 1.2 Every individual in our community has equal worth, and Durham School is a place where everyone's needs are recognised, aspirations are encouraged, and achievements are celebrated, regardless of age, body image, disability, gender reassignment and gender identity, learning difficulty, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, ethnicity or national origin), religion or belief, sex and sexual orientation (actual and perceived) or social background.
- 1.3 We are committed to advancing equality of opportunity and acceptance of diversity for people from different groups, and to nurturing positive relationships between and among them by: valuing diversity; promoting mutual respect and tolerance; challenging stereotypes; rejecting all forms of prejudice, discrimination and bigotry.
- 1.4 The School commits in this policy to observing the principles of the Equality Act 2010 and does not discriminate on any grounds.

#### Procedures

##### Durham School will:

- 2.1 Tackle discrimination, [in accordance with policies such as the Staff Code of Conduct, Behaviour Policy, Staff Disciplinary Policy], where it exists and ensure that no individual or group is directly or indirectly discriminated against for any reason with regard to employment or accessing its educational services.
- 2.2 Ensure that existing members of staff, job applicants, or workers are treated fairly in an environment which is free from any form of discrimination.
- 2.3 Not tolerate processes, attitudes and behaviour that amounts to direct discrimination, associative discrimination, discrimination by perception, indirect discrimination including harassment (harassment by a third party), victimisation and bullying through prejudice, ignorance, thoughtlessness and stereotyping. [See Appendix I below for further explanation of these concepts.]
- 2.4 Monitor, review and report on its Equality and Diversity Policy and practice and to measure progress in meeting our policy statement.
- 2.5 Be committed to ensuring all staff are trained in equality and diversity so that all employees of the School are able to operate this policy in accordance with the requirements of the law and good practice.

## **Responsibilities**

- 3.1 Senior Managers should provide leadership and training on equality and diversity strategy, monitor public policy and practices and update the School policy and practice where appropriate.
- 3.2 Managers at all levels are responsible for implementing the policy as part of their day-to day management of staff and pupils and in applying employment policies and practices in a fair and equitable way.
- 3.3 All staff have a responsibility to guard against any form of discrimination and avoid any action which goes against the spirit of this policy. Thus staff at all levels must ensure that there is no discrimination in any of their decisions or behaviour in their day to day work. Staff should also use the Whistle Blowing Policy to report on instances of discrimination.

## **Links to other policies and documents**

- 4.1 This policy is not specifically linked to any other policies or documents.

## **Oversight**

This policy is overseen by the Education Committee of the Governing Body and will be reviewed at least every other year.

**Policy written: 08/06/2016**

**Reviewed:**

**08/06/17**

**Mr A Pearson, Deputy Head (Academic) 05/06/18**

## Appendix 1

Discrimination may take seven main forms and is defined in law along with the protective characteristics associated with each provision as listed below:

- **Direct Discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage & civil partnership, pregnancy and maternity. For example, a manager does not select a pregnant woman for promotion even though they meet all of the competencies because they are pregnant. This is probably direct discrimination and cannot be justified.
- **Associative discrimination** occurs when someone discriminates against someone because they associate with another person who possesses a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. An example of this is when a manager does not give a job-applicant the role, even though they have met all of the competencies for the role, just because the applicant tells the employer they have a disabled partner. This is probably associative discrimination because of disability by association.
- **Discrimination by perception** occurs when someone discriminates against an individual because they think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. An example of this is when a manager selects a person for redundancy because they incorrectly think they have a progressive condition (i.e. that they are a disabled person). This is probably discrimination by perception because they believe the individual is disabled.
- **Indirect discrimination** occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. type of disability at a particular disadvantage. Indirect discrimination may be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim. An example of this is when an employer decides to apply a “no hats or headgear” rule to staff. If this rule is applied in exactly the same way to every member of staff, then staff who may cover their heads as part of their religion or cultural background (such as Sikhs, Jews, Muslims and Rastafarians) will not be able to meet this requirement of the dress code and may face disciplinary action as a result. Unless the employer can objectively justify using the rule, this will be indirect discrimination. Relevant protected characteristics include age, marriage and civil partnership, race, religion or belief, sex and sexual orientation. In addition, the Act extends protection against unjustified indirect discrimination to gender reassignment and disability.
- **Detriment arising from a disability arises when you treat a disabled person unfavourably because of something connected with their disability.** This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person had a disability. This type of discrimination is only lawful if the action can be justified and the employer can show that it is a proportionate means of achieving a legitimate aim. An example of this is when an employer imposes a “no beards” rule as a part of a dress code and tells staff they will be disciplined if they do not comply. The employee is a disabled person who has a skin condition which makes shaving very painful. They have been treated unfavourably (threat of disciplinary action) because of something arising from their disability (their inability to shave). Unless the employer can objectively justify the requirement, this may be a detriment arising from a disability. It may also be a failure to make a reasonable adjustment.
- **Victimisation** occurs when an employee is treated unfavourably, disadvantaged or subjected to a detriment because they have made or supported a complaint of discrimination or raised a grievance under the Equality Act, this policy or the Harassment, Bullying and Discrimination policy or because they are suspected of doing so. (However, an employee is not protected from victimisation if they have maliciously made or supported an untrue complaint). An example of this is when an employee requests to work flexibly and their manager refuses their request because they supported a colleague in a complaint of discrimination.
- **Third party harassment** occurs when an employee is harassed by someone who does not work for the employing organisation such as a customer, visitor, client, contractor or visitor from another organisation. The employer will become legally responsible if they know an employee has been harassed on two or more occasions by someone and it may also be different individuals each time and fails to take reasonable steps to protect the employee from further harassment.

