



Stepping to Success

Equality and Diversity

Last review: March 2020

Ratified: March 2020

Review: March 2021

Rationale

Equality and Diversity is an important consideration for our company. We will take all reasonable steps to provide a safe and caring environment for our pupils, staff, and any visitors. All personal data/information maintained in this respect will be held in the strictest confidence in line with relevant legislation.

This policy is based on advice from the Department for Education on Equality and Diversity and the following legislation:

Stepping to Success is committed to providing equal opportunities in employment for all staff, ensuring that we take all possible steps to avoid unlawful discrimination as it relates to our employment practice and the wider school community. This policy is intended to assist us in putting this commitment into practice. Compliance with this policy should also ensure that employees do not unwittingly commit unlawful acts of discrimination.

Striving to ensure that the work environment is free from harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

The law:

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as 'protected characteristics'.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics. We expect all our staff to act in a non-discriminating manner and be mindful to avoid actions that will be deemed as harassment in the services we provide to the public and our wider community.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.

In addition, as service providers, we have an obligation to think ahead and address any barriers that may impede disabled people from accessing the services we provide.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement.

The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim. Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership and - according to guidance from the Government and ACAS - pregnancy and maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable: not necessarily by the same harasser or suffering the same type of harassment); take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under The Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under The Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments and is then systematically excluded from all meetings such behaviour could amount to victimisation. Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Equal opportunities in employment will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Stepping to Success will consider any possible indirect discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if Stepping to Success considers it has good reasons, unrelated to any protected characteristic, for doing so. Stepping to Success will comply with its obligations in relation to statutory requests for contract variations and will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The managing director will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Dignity at work Stepping to Success has adopted a separate policy that covers issues of bullying and harassment on any ground and how complaints of this type will be dealt with.

Customers, suppliers and other people not employed by Stepping to Success will not discriminate unlawfully against customers using, or seeking to use, goods, facilities or services provided by ourselves. Employees should report any bullying or harassment which they experience from the wider community (parents, suppliers, visitors or others) to their employer who will take appropriate action.

Employee's responsibilities

Every employee is required to assist the company to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees should be aware that they can be held personally liable as well as, or instead of, the governing body for any act of unlawful discrimination. Employees who commit serious acts of harassment may also.

Your responsibilities

- Every employee is required to assist the company to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees should be aware that they can be held personally liable as well as, or instead of, the governing body for any act of unlawful discrimination.
- Employees who commit serious acts of harassment may also be guilty of a criminal offence. Acts of discrimination, harassment, bullying or victimisation against employees or parents and their families are disciplinary offences and will be dealt with under the company's disciplinary procedure.
- Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.
- Grievances if any member of staff considers that they have experienced unlawful discrimination, they may use the company's grievance procedure to make a complaint. Stepping to Success will take any complaint seriously and will seek to resolve any grievance that it upholds.
- You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.
- Use of the company's adopted grievance procedure does not affect your right to make a complaint to an employment tribunal.
- Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

This policy will be monitored periodically, jointly by the company managing director to judge its effectiveness and will be updated in accordance with changes in the law. A particular focus will be given during the monitoring of the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion) and the number of people with disabilities within these groups, and the policy will be reviewed in accordance with the results shown by the monitoring.

If changes are required, the company will implement them. Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with The Data Protection Act 1998.

