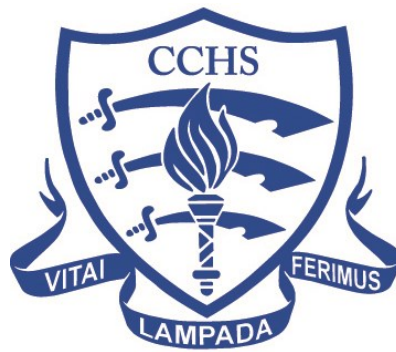


# Chelmsford County High School for Girls



## Equalities Policy

Approved by the Governing Body: XXXX

# Equalities Policy

## Introduction

At Chelmsford County High School for Girls (CCHS), we are committed to ensuring equality of education and opportunity for all, and welcome students, staff, parents, carers, visitors and governors, irrespective of race, disability, religion and belief, or socio-economic background. We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity, and able to participate fully in school life, as a valued member of our community.

As part of our commitment to change@cchs we are members of Equality and Diversity's Schools Network. Equality and Diversity UK is a specialist training company focussing on equality and diversity in the private, public and voluntary sectors. As part of their school's network we are able to access up to date resources, advice on equality and diversity and a quarterly publication which includes news and features about Equality, Diversity and Inclusion. We are also committed to ongoing CPD, supporting our colleagues with resources and training to ensure that our understanding of the key issues is current and our commitment to equality is honoured.

We believe that the Equality Act 2010 (which harmonises and replaces previous legislation including the Race Relations Act 1976, Disability Discrimination Act 1995, Gender Recognition Act 2004 and Sex Discrimination Act 1975), provides a framework to support our commitment to valuing diversity, tackling discrimination, promoting equality and fostering good relationships between people. This includes upholding our obligations not to discriminate directly or indirectly on the grounds of the protected characteristics.

It is against the law to discriminate against someone because of:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Furthermore, by fulfilling our Public Sector Equality Duty, we have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics;
- meet the needs of people with protected characteristics; and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

## **Policy Aims**

The School recognises the benefits of being a diverse community, made up of individuals who value one another and the different contributions everyone can make. We promote an inclusive ethos and prepare our students for life in a multi-cultural society by encouraging an appreciation of the enriching opportunities that diversity brings. Students are taught to value and respect each other, to question assumptions and stereotypes, and to recognise and challenge all forms of prejudice and racism.

## **Policy in practice**

Our school community provides equality of opportunity for *all* to ensure:

- We recognize and celebrate diversity within our community whilst promoting community cohesion
- We provide opportunities for our school community to celebrate their own culture and appreciate the diversity of others
- That no-one is unfairly or illegally disadvantaged as a consequence of their age, disability, gender, gender-identity, sexual orientation, colour, race, ethnic or national origin, disability or religious beliefs
- That we promote attitudes and values that will challenge racist and other discriminatory behaviour or prejudice
- That steps are taken to meet disabled people's needs, even if it requires more favourable treatment.

Our school community provides equality of opportunity for *all students* to ensure:

- That social and academic progress is achieved
- That all learners have equal access to a rich, broad, balanced and relevant curriculum
- That teaching and learning promotes equality, celebrates diversity and fosters community cohesion
- That resources and materials reflect the diversity of the School providing positive images in terms of race, gender and disability
- That students and parents are consulted in the review of this policy and are fully involved in the provision made by the school
- That differentiated planning and teaching supports those who may find aspects of academic learning difficult
- That the classroom is an inclusive environment in which students feel all contributions are valued

Our school community provides equality of opportunity for *all staff* to ensure:

- That professional development is provided to all staff
- That the school avoids unlawful discrimination with regards to employment of staff including recruitment, promotion, opportunities for training, pay and benefits, discipline and dismissal, performance and selection for redundancy
- That staff and governors are consulted in the review of this policy and are fully involved in the provision made by the school

## **Admissions and Recruitment**

### Admissions

CCHS accepts applications from and admits students in line with its admissions policy, but irrespective of student's race, disability, sexual orientation, religion or belief or special educational needs and will not discriminate on these grounds in the terms in which a place is offered.

### Recruitment

CCHS will treat all applications in a fair, open minded way. Every application will be considered irrespective of an applicant's age, race, disability, sexual orientation, religion or belief or special educational needs.

## **Disability and Special Educational Needs**

We will take positive and proportionate action to address the disadvantage faced by people with a disability by reducing and removing inequalities and barriers that may already exist. Our buildings are fully accessible, with accessible toilets located for both students and adults on each floor. There are lifts within the school that give access to most teaching spaces, and where this is not possible, adaptations with regards to rooming is considered a priority. Where the acoustics in the building are not suitable for those with hearing impairments, timetable adjustments are made accordingly.

We maintain and drive a positive culture towards inclusion of disabled people and those with special educational needs in all aspects of CCHS life and will not treat a member of our community less favourably on these grounds.

Students and parents of students with Special Educational Needs are directed towards the details within our SEND policy for objectives, aims and details regarding its implementation.

## **Roles and Responsibilities**

It is recognised that everyone in the school community influences how equality and diversity is achieved and everyone has a responsibility to uphold the law and principles of equality of opportunity.

Tackling discrimination, harassment or victimisation on account of race, gender, disability or sexual orientation, gender reassignment or pregnancy is unacceptable and is not tolerated within the school environment. All members of the CCHS community are expected to comply with this policy, treat others with dignity at all times, and to know how to identify and

challenge prejudice, stereotyping, and discriminatory incidents that may occur with regards any of the protected characteristics.

The Board of Governors has overall responsibility for:

- Determining, monitoring, reviewing and supporting the implementation of this policy
- Ensuring employment and recruitment policies and practice are non-discriminatory in word and operation
- Ensuring complaints are investigated and dealt with effectively
- Ensuring appropriate training takes place for governors and employees

The Board of Governors is committed to:

- Promoting equality of opportunity and community cohesion where the diversity of different backgrounds and circumstances is appreciated and positively valued
- Promoting the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs
- Recognising the value of, and seeking to achieve a diverse workforce which includes people from different backgrounds, with different skills and abilities
- Ensuring that recruitment and selection is conducted in a manner that is systematic, efficient, and effective and which promotes equality of opportunity. Selection will be on the basis of merit and ability, assessed against the qualifications, skills and competencies required to do the job
- Expecting all staff, volunteers and other workers to share this commitment

An equality statement will be provided to all applicants for jobs. The school may, where appropriate, apply positive action to encourage applications from particular groups where they are underrepresented in the workplace. In exceptional legitimate circumstances the school may apply a genuine occupational qualification to particular role (see Appendix A).

The Governors have delegated to the Headteacher the day-to-day responsibility for operating the policy and ensuring its accessibility, availability, maintenance and review.

The Headteacher with support from the senior leadership team is responsible for:

- Ensuring that the Equalities Policy is implemented
- Taking positive steps to create a culture in which everyone can feel confident of being treated with fairness, dignity and respect
- Creating a work environment in which all individuals are able to give their best; where all decisions are based on merit and which is free of harassment, victimisation and bullying.
- Providing appropriate training, guidance and support to employees to secure understanding of, and compliance with, its aim and expectations, and to enable staff and students tackle discriminative behaviour
- Ensuring that appropriate arrangements to monitor the performance of potentially disadvantaged students are in place
- Ensuring that all staff are aware of the Equalities Policy, and that teachers apply these guidelines fairly in all situations
- Promoting the principle of equal opportunity when developing the curriculum

- Treating all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents, with due seriousness
- Ensuring recruitment, employment and management policies and practices are undertaken in accordance with the Policy
- Ensuring the Policy is brought to the attention of all employees and that they all receive appropriate training
- Treating all employees with dignity and respect and recognising and valuing individual skills and contributions
- Creating an environment in which employees are able to identify and share good practice, celebrate success and encourage positive attitudes towards diversity.
- Dealing appropriately with breaches of this policy.
- Ensuring a member of the senior management team is the nominated lead on equality and diversity issues

Behaviour or actions by members of staff against the spirit and/or the letter of the law or this policy, including but not limited to acts of discrimination, bullying or victimisation against employees or others in the school community will be considered disciplinary matters and will be dealt with under the school's Discipline and Dismissal Procedure and may, in some cases, lead to dismissal.

The role of all staff: teaching and non-teaching:

- To ensure that all students are treated fairly, equally and with respect, and will maintain awareness of the school's Equalities Policy and objectives.
- To provide material that gives positive images based on race, gender and disability, and challenges stereotypical images, where resources and displays reflect the experience and background of students, promote diversity and challenge stereotypes in all curriculum areas
- To challenge any incidents of prejudice, racism or homophobia, and record any serious incidents, drawing them to the attention of senior members of staff
- To support the work of ancillary or support staff and encourage them to intervene in a positive way against any discriminatory incidents
- To contribute to the spiritual, moral, social and cultural development of all students
- To act within equalities legislation and to comply with school policy.
- To treat everyone with dignity and respect, recognising and valuing individual skills and contributions
- To take part in training and comply with measures introduced to ensure equal opportunities and non-discrimination
- To report to their line manager, or other appropriate person, any breaches of this policy enacted against him/her or another person by another employee, student or another person connected with the business of the school.

Individuals can be held personally liable as well as, or instead of, the school for any act of unlawful discrimination. Individuals who commit serious acts of harassment may be guilty of a criminal offence.

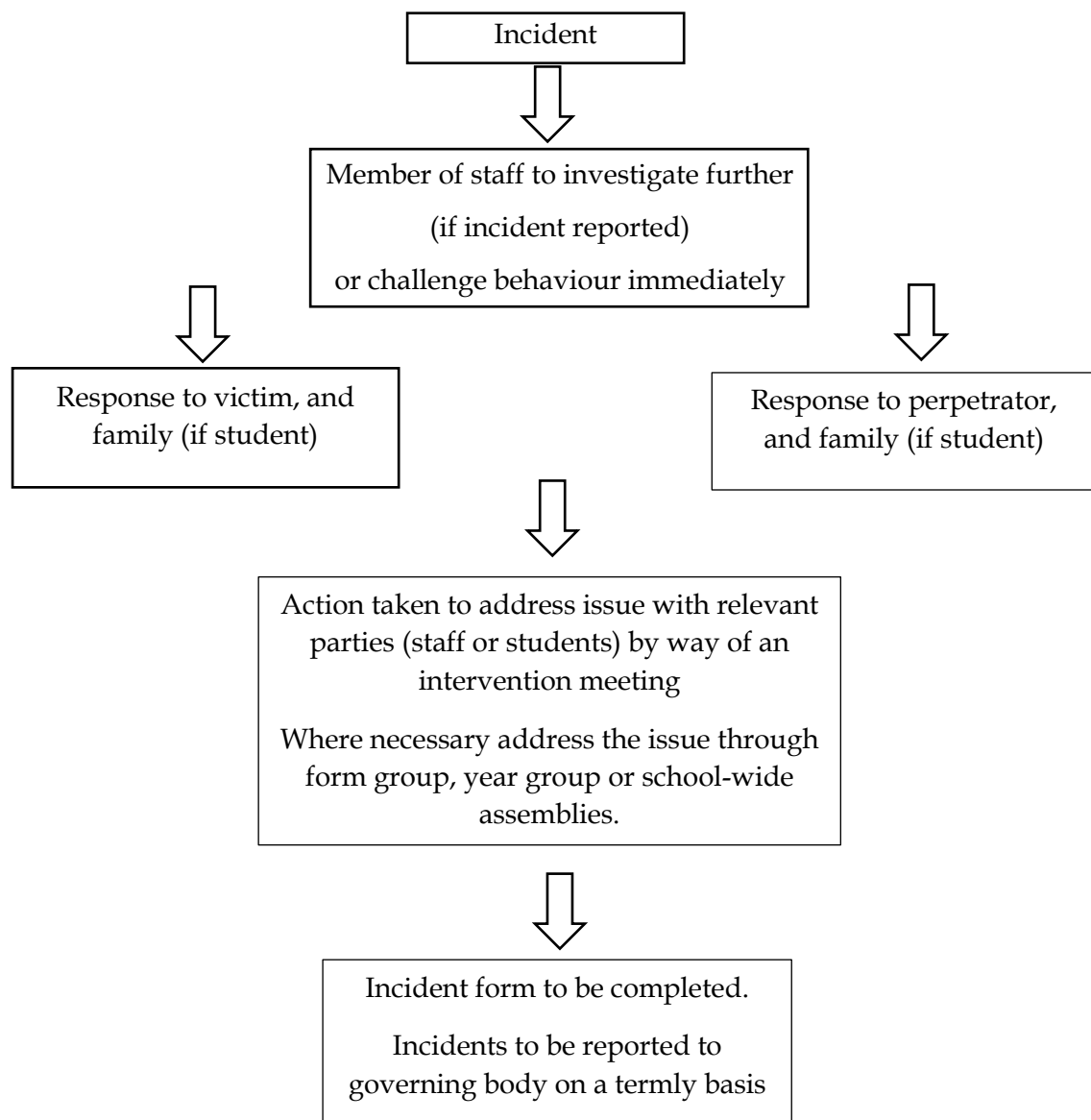
Where an act of harassment is alleged, the school will thoroughly investigate the alleged circumstances and provide additional training/support to individuals as considered appropriate.

## Reporting of incidents

When incidents of a discriminatory nature occur, it is our collective responsibility to challenge and intervene positively.

## Responding to and Reporting Incidents

It should be clear to students and staff how they report incidents. All staff, teaching and support staff should view dealing with incidents as vital to the well-being of the whole school.



## **Complaints**

If you believe that you have received less favourable treatment on any of the unlawful grounds listed earlier in the policy then please contact one of the senior staff at the School.

If you continue to feel that the complaint has not been dealt with appropriately then you should raise the matter through CCHS's formal complaints procedure, referring to the Complaints Policy for guidance.

In line with legislative requirements, all reported breaches of this policy will be recorded and reviewed alongside the policy itself, annually.

The school will make every effort to protect employees from discrimination and all concerns raised with the school will be handled in a positive and sensitive manner and in accordance with the appropriate policy/procedure.

### Students and Parents

Students or parents who feel that they, or their child has been unfairly discriminated against, harassed, bullied or victimised should raise it in the first instance with a senior member of staff within the school. Individuals who may be concerned that their report has not been dealt with in accordance with this Policy should raise their concerns via the school complaints procedure.

### Employees

Existing employees who feel they have been unfairly discriminated against, harassed, bullied or victimised should raise it in the first instance with their line manager or other manager where their own line manager is the subject of the complaint.

Employees should refer to the grievance procedure for further information. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless their complaint is found to be both untrue and made in bad faith.

### Applicants

Individuals who may be concerned that their application for employment has not been dealt with in accordance with this Policy should raise their concerns via the school complaints procedure.

### Others

Visitors or other members of the school community who experience or witness discrimination, bullying, harassment or victimisation should report the matter to the headteacher in the first instance or via the school complaints procedure



## **Monitoring**

The school will periodically monitor the application of its policies and procedures and their impact on all members and future members of our community to assess their effectiveness and revise them as necessary. The school is committed to engaging with relevant stakeholders in the review of policy and practice.

In particular, the school will monitor reported incidents, recruitment, promotion, training, pay, grievances, disciplinary action, leave of absence, flexible working, management of sickness absence and redundancy by reference to the protected characteristics of their students and employees.

The school will consider and implement any appropriate action to address any issues that may be identified as a result of the monitoring process.

Information provided during the admissions process or by job applicants and employees for monitoring purposes will be used only for these purposes. The school will publish such equality data as is required in accordance with the Equality Act and the Public Sector Equality Duty.

All data will be collected, held and processed in accordance with the school's data protection policy/policy on processing special categories of personal data. Any publication of data will preserve anonymity.

## **Other relevant policies**

Child Protection Policy  
Special Educational Need and Disabilities Policy  
School Behaviour Policy  
Anti-Bullying Policy  
Admissions Policy  
Sex and Relationships Policy  
Complaints Policy

## **Appendix A – Definitions**

### **1.1 Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic.

Direct discrimination could involve a decision not to employ someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions or deny contractual benefits because of a protected characteristic.

Example: Not employing a woman because she is pregnant.

### **1.2 Discrimination by Perception**

Discrimination by Perception is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic. Discrimination by perception does not apply, in law to marriage and civil partnership or pregnancy and maternity.

Example: A heterosexual employee is taunted about his sexuality by colleagues who perceive him to be gay.

### **1.3 Discrimination by Association**

Discrimination by Association is discrimination against a person because they have an association with someone with a particular protected characteristic. Discrimination by Association applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex.

Example: Not offering a job to the parent of a disabled child because the employer thinks they will need more time off due to the child's disability and there is no evidence to support this.

### **1.4 Indirect discrimination**

Indirect discrimination is where a provision, criteria, policy or practice in the school is applied to everyone but particularly disadvantages people who share a protected characteristic compared with people who do not. Indirect discrimination can be justified if the school can show it acted reasonably, for example that it is a 'proportionate means of achieving a legitimate aim' (see 2.1).

Indirect discrimination applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability discrimination and gender reassignment. Pregnancy and maternity are covered by indirect sex discrimination.

Example: Having a policy not to employ anyone with facial hair in a kitchen for health and safety reasons. This policy may indirectly discriminate against certain religious groups.

## **2. Positive Action**

Positive action describes measures targeted at a particular group that are intended to redress past discrimination or to offset the disadvantages arising from existing attitudes, behaviours and structures. The school may use lawful measures which can include:

- Encouraging applications from people of particular racial groups or gender, who have been under-represented in certain occupations or grades during the previous 12 months.
- Providing facilities to meet any specific educational, training, or welfare needs identified for a specific racial group.
- Measures to provide training and special encouragement for returnees to the school after a period of time discharging domestic or family responsibilities.

Positive action is different from positive discrimination which is illegal. Positive discrimination generally means choosing (or not choosing) someone solely on the grounds of a protected characteristic (eg gender or racial group) and not on their abilities.

## **3. Genuine Occupational Requirements**

Employers can exercise the powers available under the Equalities Act to appoint a person from a particular group, where there is a genuine occupational requirement.

An example of a genuine occupational requirement would be appointing a female to work in a shelter for female victims of domestic violence.

## **4. Harassment**

Harassment can be defined as “improper, offensive and humiliating behaviour, practices or conduct, which may threaten a person’s job security, create an intimidating, unwelcoming and stressful workplace, or cause personal offence or injury.” (ACAS)

Harassment can often be identified by a series of what seem to be trivial incidents. It is the impression of the harassed person, not the intentions or motivations of the harasser, which are important.

Harassment applies to all protected characteristics (see below) except for pregnancy and maternity and marriage and civil partnership. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception (see 1.2 above) and association (see 1.3 above).

## **5. Victimisation**

Victimisation is where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she is suspected of, or has:

- made, or supported, a complaint of discrimination;
- raised a grievance;

- brought proceedings under the Act; or
- done any other thing for the purposes of, or in connection with, the Act.

An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

## **Appendix B – Equality and Pay**

### **Equal pay**

The Act provides that men and women should receive equal pay for equal work. This means that in most circumstances a challenge to pay inequality and other contractual terms and conditions still has to be made by comparison with a real person of the opposite sex in the same employment. However, the Act allows a claim of direct pay discrimination to be made, even if no actual comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from the school if they were of a different sex may have a claim, even if there is no-one of the opposite sex doing equal work with the school.

This would be a claim under sex discrimination.

### **Pay secrecy**

The school will not prevent or restrict its employees from having discussions to establish if they believe pay differences exist that are related to a protected characteristic. The school may, in particular, require its employees to keep pay rates confidential outside the workplace e.g. a competitor organisation.

### **Gender pay gap reporting**

The Government is introducing mandatory gender pay gap reporting for public sector employers with 250+ employees in April 2018.

The first publication of data is April 2018 but snapshot data must be collected on 5 April 2017. The data required is:

- mean and median hourly rates by gender;
- mean and median bonus payments (unclear what will constitute bonus pay) by gender;
- the proportions of each gender in each salary quartile.

## **Appendix C – The Protected Characteristics**

### **Age**

The Act protects people of all ages from unlawful discrimination.

#### **Direct discrimination**

Treating someone less favourably because of their actual or perceived age, or because of the age of someone with whom they associate. For example, advertising for job applicants under 25 years old only. This treatment can only be justified if it is a proportionate means of achieving a legitimate aim.

#### **Indirect discrimination**

This can occur where there is a provision, criteria or practice which applies to all employees, but particularly disadvantages people of a particular age. For example, a requirement for job applicants for a teaching post to have 5 years teaching experience may disadvantage younger people. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim, e.g. if the school can demonstrate this level of experience is necessary to achieve the desired knowledge and skills.

### **Disability**

Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These include things like using a telephone, reading a book or using public transport. Long term means that the impairment has lasted or is likely to last for at least 12 months or for the rest of the affected person's life. Substantial means more than minor or trivial. In most circumstances, a person will have the protected characteristic of disability if they have had a disability in the past, even if they no longer have the disability. Individuals who are HIV positive, have cancer or MS are automatically protected.

Employers must make reasonable adjustments in the recruitment and employment of disabled people. This can include, for example, adjustments to recruitment and selection procedures, to terms and conditions of employment, to working arrangements and physical changes to the premises or equipment. In assessing the reasonableness of the adjustment, the employer should consider:

- proportionality and impact of the adjustment on the role;
- the costs/financial support available;
- medical opinion from the employee's doctor and the occupational health advisor; and
- impact on the operational requirements of the school.

#### **Direct discrimination**

For example, not offering a job because someone is a wheelchair user.

#### **Indirect discrimination**

This is where a provision, criterion or practice is applied that is discriminatory in relation to

individuals who have a particular disability such that it would be to the detriment of people who share that particular disability compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Discrimination arising from disability - occurs where an individual has been treated unfavourably because of something arising in consequence of a disability. There is no need for a comparator, and the reason for the unfavourable treatment is irrelevant. For example, not considering a teacher for promotion as they have been diagnosed with depression without considering whether the condition would actually impact on their ability to do the job and if it would, whether reasonable adjustments could be made to negate that impact.

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 has a disability.

There is an obligation on employers to make reasonable adjustments 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 the protected characteristic or disability. The duty to make reasonable adjustments aims to make sure that a disabled worker has the same access to everything that is involved in doing and keeping a job as a non-disabled person.

All the relevant individual circumstances must be considered when deciding what adjustments to make and the individual must be involved in discussions to ensure they are as effective as possible.

### **Sharing health and absence information**

In accordance with the Act, employers may not request information concerning an individual's sickness and attendance record prior to the selection stage. Once the preferred candidate has been selected, then sickness and attendance records can be obtained from the referee and applicant, as part of the pre-employment checks prior to a firm offer. The applicant must give their explicit consent for this information to be released. The interview panel may not ask general questions about the individual's sickness and attendance record but may ask relevant questions to establish whether the applicant will be able to carry out a function that is intrinsic (e.g. majority of the work involves manual handling) to the work concerned once reasonable adjustments are in place.

### **Gender reassignment**

Gender reassignment is a protected characteristic under the Act. This applies to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their gender by changing physiological or other attributes of sex. Gender reassignment is a personal process, that is moving away from one's birth sex to the preferred gender, rather than a medical process. The law does not require a person to undergo a medical procedure to be recognised under the protected characteristic of gender reassignment.

Protection is provided where, as part of the process of reassigning their gender, an individual lives in a gender identity, which is different to the gender they were assigned at birth, for at least two years. Throughout this period, they are protected by the Act.

In order to be protected under the Act, there is no requirement for an employee to inform their employer of their gender reassignment status or their gender at birth. However, if an

employee is proposing to undergo gender reassignment or is still in the process of transitioning, they may want to discuss their needs with their employer so the employer can support them during the process. Once a transgender person has received gender reassignment surgery and is fully living in the gender they identify with there is no requirement to inform an employer of their gender at birth.

### **Direct discrimination**

This is treating someone less favourably than other employees because of their gender reassignment, whether actual or perceived, or because they associate with someone who intends to undergo, is undergoing or has undergone gender reassignment.

### **Indirect discrimination**

An example would be where an employer starts an induction session for new staff with an ice-breaker designed to introduce everyone in the room to the others. Each employee is required to provide a picture of themselves as a toddler. One employee is a trans woman who does not wish her colleagues to know that she was brought up as a boy. When she does not bring in her photo, the employer criticises her in front of the group for not joining in. It would be no defence that it did not occur to the employer that this employee may feel disadvantaged by the requirement to disclose such information. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim.

### **Marriage and civil partnership**

The Act protects employees from discrimination on the grounds of being married or in a civil partnership.

Marriage covers any formal union of a man and woman which is legally recognised in the UK as a marriage. It also covers same sex couples who opt for a marriage. A civil partnership refers to a registered civil partnership under the Civil Partnership Act 2004, including those registered outside the UK. This is only open to same sex couples.

Only people who are married or in a civil partnership are protected against discrimination on this ground. The status of being unmarried or single is not protected. People who only intend to marry or form a civil partnership, or who have divorced or had their civil partnership dissolved, are not protected on this ground.

### **Direct Discrimination**

This is where someone is treated less favourably than other employees on the grounds of them being married or in a civil partnership, actual or perceived, or because they are associated with a person who is married or in a civil partnership. An example of this could be where an applicant for a job is treated less favourably because it is considered that they will not be as committed to the job as a single person because they have marital or partnership commitments

### **Indirect Discrimination**

This occurs if an employer has a policy or way of working that puts people who are married or in a civil partnership at a disadvantage.



## **Pregnancy and maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any maternity leave to which she is entitled. During this protected period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

Direct discrimination covers the unfavourable treatment of a woman, during the "protected period" in relation to her pregnancy or any illness suffered by her as a result of that pregnancy. Unfavourable treatment during the protected period because a woman is on compulsory maternity leave or she is exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave, is also covered. An example could be where an employee has been off work because of pregnancy complications since early in her pregnancy. Her employer has dismissed her in accordance with the sickness absence management policy. This policy is applied regardless of sex. The dismissal is unfavourable treatment because of her pregnancy and would be unlawful even if a man would be dismissed for a similar period of sickness absence, because the employer took into account the employer's pregnancy related sickness absence in deciding to dismiss.

Discrimination on the grounds of pregnancy/maternity can only be justified if it is a proportionate means of achieving a legitimate aim. For example, it would be legitimate to dismiss a pregnant employee who had been found to have committed an act of gross misconduct as the reason for the dismissal was unconnected to the pregnancy.

## **Race**

For the purposes of the Act, 'race' includes colour, nationality or ethnic or national origin. A person has the protected characteristic of race if they belong to a particular racial group. A racial group can be made up of two or more different racial groups (for example Black Britons).

### **Direct discrimination**

Treating someone less favourably because of their actual race. The less favourable treatment can also relate to the person's perceived race, even where the perception is wrong, or to the person's association with someone who has, or is perceived to have, the protected characteristic.

### **Indirect discrimination**

This can occur where there is a provision, criterion or practice which applies to all employees, but particularly disadvantages people of a particular race. An example could be a requirement for all job applicants to have GCSE Maths and English. People educated in countries which don't have GCSE's would be discriminated against if equivalent qualifications were not accepted. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim.

## **Religion or belief**

In the Act, religion includes any form of religion which has a clear structure and belief system. It also includes a lack of religion - in other words employees or jobseekers are protected if they

do not follow a certain religion or have no religion at all. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

Belief means any religious or philosophical belief and also covers non-belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Political beliefs are not protected.

A belief need not include faith or worship of a God but must affect how a person lives their life or perceives the world. A belief which is not a religious belief may be a philosophical belief. Examples of philosophical beliefs include Humanism and Atheism. For a philosophical belief to be protected under the Act:

- it must be genuinely held;
- it must be a belief and not an opinion or viewpoint based on the present state of information available;
- it must be a belief as to a weighty and substantial aspect of human life and behaviour;
- it must contain a certain level of cogency, seriousness, cohesion and importance;
- it must be worthy of respect in a democratic society, not incompatible with human dignity and not conflict with the fundamental rights of others.

### **Direct discrimination**

This is where, because of the protected characteristic of religion or belief, a person treats another person less favourably than that person treats or would treat other persons. The less favourable treatment can relate to the person's actual or perceived religion or belief, even where the perception is wrong, or to the person's association with someone who has, or is perceived to have, the protected characteristic.

### **Indirect discrimination**

This can occur where there is a provision, criterion or practice which applies to all employees, but particularly disadvantages people of a particular religion or belief and which the employer cannot show to be a proportionate means of achieving a legitimate aim.

An example would be where an employer announces that staff cannot wear their hair in dreadlocks, even if the locks are tied back. A policy amounts to a provision, criterion or practice. The decision to introduce the policy could be indirectly discriminatory because of religion or belief, as it puts Rastafarian employees at a particular disadvantage. The employer must show that the provision, criterion or practice can be objectively justified and is a proportionate means of achieving a legitimate aim.

### **Sex**

A person's sex refers to the fact that they are male and female.

## **Direct discrimination**

Treating someone less favourably because of their actual or perceived sex, or because of the sex of someone with whom they associate.

## **Indirect discrimination**

This can occur where there is a provision, criterion or practice that applies to all employees, but particularly disadvantages employees of a particular sex. For example, a requirement that job applicants must be six feet tall could be met by significantly fewer women than men.

## **Sexual orientation**

Sexual orientation is a protected characteristic. It means a person's sexual orientation towards:

- persons of the same sex (i.e. the person is a gay man or a lesbian);
- persons of the opposite sex (i.e. the person is straight/heterosexual); or
- persons of either sex (i.e. the person is bisexual)

Sexual orientation relates to how people feel as well as to their actions. Sexual orientation discrimination includes discrimination because someone is of a particular sexual orientation and it also covers discrimination connected with manifestations of that sexual orientation. These may include someone's appearance, the places they visit or the people they associate with. It also includes a perception that someone has a particular sexual orientation based on their appearance, regardless of whether they do or do not.

## **Direct discrimination**

Treating someone less favourably because of their actual or perceived sexual orientation, or because of the sexual orientation of someone with whom they associate.

## **Indirect discrimination**

This can occur where there is a provision, criterion or practice which applies to all employees, but particularly disadvantages people of a particular sexual orientation and which the employer cannot show to be a proportionate means of achieving a legitimate aim.

An example would be a particular family friendly policy that does not apply to same sex couples.

## **Appendix D – Supporting organisations and documentation**

### **Equality and Human Rights Commission**

The Equality and Human Rights Commission is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights. It provides guidance for employers and education providers.

<https://www.equalityhumanrights.com/en/advice-and-guidance> A detailed list of further sources of advice and information is available at Section 5 of the following guidance:

<https://www.equalityhumanrights.com/en/publication-download/good-equality-practice-employers-equality-policies-equality-training-and>

### **Department for Education Non-statutory Advice**

Non-statutory Guidance is available from the Department for Education relating to the Equality Act in the following publication:

The Equality Act 2010 and schools. Departmental advice for school leaders, school staff, governing bodies and local authorities

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/315587/Equality\\_Act\\_Advice\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/315587/Equality_Act_Advice_Final.pdf)

### **Other organisations offering support and information:**

ACAS provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems, include detailed guidance on Equality and Diversity at Work. <http://www.acas.org.uk/index.aspx?articleid=1363>

Age - <http://www.ageuk.org.uk/>

Gender (sex) - <http://www.fawcettsociety.org.uk/>

Sexual orientation and gender identity - <http://www.stonewall.org.uk>

### **Disability**

For more information on disability you may be interested in looking at the following websites:

- Essex Coalition for Disabled People [www.ecdp.org.uk](http://www.ecdp.org.uk)
- ECL Sensory Team [www.eclsensoryservice.org](http://www.eclsensoryservice.org)
- Essex Sight [www.esexsight.org.uk](http://www.esexsight.org.uk)
- Support4sight [www.support4sight.org.uk](http://www.support4sight.org.uk)
- Deafblind UK [www.deafblind.org.uk](http://www.deafblind.org.uk)
- Hearing Help Essex [www.hearinghelpessex.org.uk](http://www.hearinghelpessex.org.uk)
- Disability Rights UK [www.disabilityrightsuk.uk](http://www.disabilityrightsuk.uk)
- Scope [www.scope.org.uk](http://www.scope.org.uk)
- MIND [www.mind.org.uk](http://www.mind.org.uk)