

## **EQUAL OPPORTUNITIES POLICY (17a)**

### **Policy Statement**

Sir William Perkins's School will not tolerate discrimination or harassment and is committed to securing equality of opportunity through the creation of an environment in which individuals are treated equally. It is also committed to ensuring that the needs of all its students and staff are met, including those with Special Educational Needs and/or who belong to a group protected by the 2010 Equality Act.

We value diversity and encourage members of our school community to feel confident being themselves. Stereotyping and prejudice are challenged whenever they occur and the cultural diversity of our community is treasured and celebrated.

### **Incidents of Discrimination or Harassment**

We work with the whole school community, with parents, guardians and carers and with relevant external agencies to ensure that any form of discriminatory behaviour is treated seriously and action taken to prevent it recurring.

- Any such incident must be reported to the Senior Deputy Head, who will keep the Head informed.
- Any such incident will be recorded.
- The Senior Deputy Head and another senior member of staff will interview within 48 hours of the offence the individual or group against whom it was committed.
- The Senior Deputy Head and another senior staff member will then interview the individual(s) who has (have) caused the offence.
- Parents/guardians of any students involved in the incident will be informed.
- Victims of harassment/discrimination will be offered appropriate support and counselling.
- Perpetrators of harassment/discrimination will be dealt with in accordance with the School's Disciplinary Policies, and recorded in the appropriate files.

### **Training**

The Head, Senior Deputy Head and School Business Director will ensure that all members of staff and students are kept fully aware of their responsibilities in respect of equal opportunities, harassment and discrimination.

### **Monitoring and Review**

This policy will be reviewed and updated annually by the School Business Director or as events or legislation requires.

Appendix 1: Details of Protected characteristics and Prohibited conduct detailed in 2010 Equality Act

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### **Protected characteristics**

The following characteristics are 'protected characteristics' under the Act:

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

### **Prohibited conduct**

Prohibited conduct includes:

- direct and indirect discrimination
- discrimination arising from disability
- victimisation and harassment.

Unlawful discrimination occurs when protected characteristics and prohibited conduct are connected (e.g. when someone is discriminated against as a result of their sex).

### **Direct discrimination**

Direct discrimination occurs when an individual is treated less favourably because he/she has a protected characteristic. The motive or intention behind the treatment is generally irrelevant. The protected characteristic must be an effective cause of the less favourable treatment but need not be the only or even the main cause.

### **Indirect discrimination**

Indirect discrimination occurs when a policy or practice that applies in the same way for everybody has an effect which particularly disadvantages people who share a protected characteristic.

### **Discrimination by perception**

Unlawful discrimination occurs where the person treated less favourably is thought to have a protected characteristic, even though in fact they do not.

### **Discrimination by association**

If an individual is treated less favourably because of their association with another person who has a protected characteristic, that is unlawful discrimination by association (e.g. an individual who is a parent, child, partner, primary carer or friend of someone who is disabled being treated less favourably because of this association).

### **Victimisation and harassment**

Victimisation occurs when an individual is treated badly because they have done something in relation to the Act (e.g. raising a grievance connected with discrimination, or supporting someone who is doing so).

Harassment is defined as unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It is admissible to complain of behaviour an

individual finds offensive even if it is not directed at them and the 'victim' need not possess the relevant characteristic themselves.

### **Age**

Less favourable treatment of a person because of their age is not direct discrimination provided that the less favourable treatment is a proportionate means of achieving a legitimate aim (this includes legitimate employment policy, labour market and vocational training objectives, and the health, welfare and safety of individuals). A balance must be struck between the discriminatory effect of the treatment and the employer's reasons for applying it, taking into account all the relevant facts.

In the recruitment of staff, the age of a candidate will be ascertained only in order to discharge the School's duties with respect to safer recruitment.

### **Disability**

A person who has a disability has the protected characteristic of disability. This applies if the person has had a disability, even if they no longer have the disability. A person has a disability if they have a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out day to day activities. Physical or mental impairment includes sensory impairments. Long term means that it has lasted or is likely to last for at least a year or for the rest of the affected person's life. Substantial means more than minor or trivial.

NOTE: This definition has some overlap with the definition of 'special educational needs' in the Children and Families Act 2014 (which includes students with significantly greater difficulty in learning than the majority of children of his/ her age, or a disability which means that a student cannot make full use of the general educational facilities provided for students of their age in mainstream state schools) but not all students are disabled by their special educational needs (SEN) and vice versa. The School's approach regarding students with SEN is covered in the policy 'Students with Special Educational Needs and/ or Disabilities (SEND) (part of 2a)'.

The School has a duty to make reasonable adjustments and to take reasonable steps to provide aids/auxiliary services if these could alleviate any disadvantages.

Regarding employees, the School will not ask job applicants questions about disability or health before making a job offer, except for the purpose of:

- establishing whether a candidate will be able to comply with a requirement to undergo an assessment for the job or establishing whether reasonable adjustments are needed for that assessment;
- establishing whether a candidate will be able to carry out a function intrinsic to the work concerned;
- monitoring diversity;
- taking positive action to alleviate disadvantages experienced by, or to meet the needs of, persons with particular protected characteristics.

Regarding students, the School's policy is to apply the entry criteria to all potential students regardless of any disability, subject to the obligation to make reasonable adjustments so that a candidate with a disability is not at a substantial disadvantage compared to other applicants. (See the Admissions Policy 15a).

Examples of discriminatory actions include:

- physical assault against a person or group because of the protected characteristic;
- verbal abuse, derogatory name-calling, insults, threats, jokes or other discriminatory comments;
- inciting others to behave in a discriminatory manner;

- refusing to co-operate with others for discriminatory reasons.

### **Gender reassignment**

A person who is proposing to undergo, is undergoing, or has undergone a process (or part) for the purpose of reassigning their sex by changing physiological or other attributes of sex is protected under the Act's gender reassignment provisions.

### **Sexual orientation**

A person's sexual orientation is a protected characteristic under the Act in a similar way to gender reassignment.

### **Marriage and civil partnerships**

Persons married or in a civil partnership are protected against discrimination on this ground.

### **Pregnancy and maternity**

Persons who are pregnant or who have recently had a baby, or are breastfeeding; are protected against discrimination on this ground.

### **Sex and race discrimination**

Sex is a protected characteristic and refers to a man or a woman of any age. In relation to a group of people it refers to either men or women.

Race is a protected characteristic which includes colour, nationality (including citizenship) and ethnic or national origin.

### **Segregation**

Deliberately segregating a person or group of persons with the protected characteristic of race from others of a different race automatically amounts to less favourable treatment and is unlawful discrimination. It is not segregation if the person or persons choose to separate themselves.

### **Religion or belief**

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. It also includes a lack of any such religion or belief.

The belief must be genuinely held, a weighty and substantial aspect of human life and behaviour. It must attain a certain level of cogency, seriousness, cohesion and importance, must be worthy of respect in a democratic society, and it must be compatible with human dignity and not conflict with the fundamental rights of others.

### **Monitoring and Review**

The Governing Body is ultimately responsible for the effective oversight, review and amendment of this policy and understands its legal obligation to do so.

This policy is reviewed and updated annually by the School Business Director.

Next scheduled review date: April 2024		Last reviewed: April 2023	
Key updates in this version:	<ul style="list-style-type: none"><li>• None</li></ul>		