

MallingHolmesdale

MHF federation

POLICY FOR

EQUAL OPPORTUNITIES

PERSON RESPONSIBLE

FEDERATION DIRECTOR OF INCLUSION

DATE REVISED

JANUARY 2011

DATE LAST REVIEWED/GOVERNOR HUMAN RESOURCES TEAM

MARCH 2011

We believe in the intrinsic value of each member of this school community – students, parents/guardians, and staff, both teaching and non-teaching. We make every effort to ensure each individual's value is recognised and upheld. We acknowledge and celebrate the varied make-up of our schools, and according to need, we will take whatever measures are necessary to ensure that all students are given equal access to the curriculum and to all other aspects of school life, within the constraints of our physical environment and financial means. Likewise we will ensure fair and equal treatment for all staff (as regulated by the various professional bodies).

We believe an important aspect of education is that everyone is encouraged to treat others with equal respect and to respect diversity and differences, and students are given opportunity to consider this regularly through the PSHE, Citizenship, Focus days and the subject curriculum. Means of achieving the above are addressed whenever appropriate via staff training, subject department meetings and whole-school planning. Conscious effort is made to combat stereotypes whenever possible in the public life of the school (e.g. visitors invited to assemblies); resources and display material are checked to ensure students are presented with positive images of all sectors of the community. Students learn to recognise the effects of bullying, stereotyping, prejudice and discrimination of any kind, and to develop the skills to challenge discrimination assertively.

We aim to identify and challenge discrimination including discrimination because of gender ethnicity ("race"), colour, language, religion, sexual orientation, physical/sensory impairment, academic ability, or any other cause for unequal treatment. Intolerance and / or abuse are unacceptable and the relevant policy outlines procedures to be followed when necessary.

Evaluation and monitoring of our success in this area will be done by periodic consultation with staff, students and parents (e.g. through parent and student questionnaires and student voice), also at the annual review of schemes of work already being carried out and by examining school procedures and structures to identify and indirect or unintentional discrimination.

We strive to make this Federation a place where all feel welcomed and equally respected and are given access to equal opportunities and where students and staff are encouraged to recognise their own and everyone else's value, regardless of difference.

Equality is also considered throughout the Federation's employment procedures, including recruitment, terms and conditions, promotions, transfers, training and dismissals, including recruitment by taking into consideration the key equality legislation (See appendix 1).

The undertaking of procedures is in accordance with Local Authority Policy which is subject to revision as and when necessary.

Appendix 1

KEY EQUALITY LEGISLATION

Equality strand	Legislation
Age	Employment Equality (Age) Regulations 2006 Equality Act 2006
Disability	Disability Discrimination Act 1995, as amended Special Educational Needs and Disability Act 2001 Disability Discrimination Act 2005 Equality Act 2006
Gender (sex)	Sex Discrimination Act 1975, as amended Equality Act 2006
Gender (reassignment)	Sex Discrimination (Gender Reassignment) Regulations 1999
Race	Race Relations Act 1976, as amended Race Relations (Amendment) Act 2000 Equality Act 2006
Religion or belief	Employment Equality (Religion or Belief) Regulations 2003, as amended Equality Act 2006
Sexual orientation	Employment Equality (Sexual Orientation) Regulations 2003, as amended Equality Act 2006

Appendix 2 – DDA 1995

PART I DISABILITY

1 Meaning of “disability” and “disabled person”

(1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

(2) In this Act “disabled person” means a person who has a disability.

2 Past disabilities

(1) The provisions of this Part and Parts II and III apply in relation to a person who has had a disability as they apply in relation to a person who has that disability.

(2) Those provisions are subject to the modifications made by Schedule 2.

(3) Any regulations or order made under this Act may include provision with respect to persons who have had a disability.

(4) In any proceedings under Part II or Part III of this Act, the question whether a person had a disability at a particular time (“the relevant time”) shall be determined, for the purposes of this section, as if the provisions of, or made under, this Act in force when the act complained of was done had been in force at the relevant time.

(5) The relevant time may be a time before the passing of this Act.

PART II EMPLOYMENT

Discrimination by employers

4 Discrimination against applicants and employees

(1) It is unlawful for an employer to discriminate against a disabled person—

(a) in the arrangements which he makes for the purpose of determining to whom he should offer employment;

(b) in the terms on which he offers that person employment; or

(c) by refusing to offer, or deliberately not offering, him employment.

(2) It is unlawful for an employer to discriminate against a disabled person whom he employs—

(a) in the terms of employment which he affords him;

(b) in the opportunities which he affords him for promotion, a transfer, training or receiving any other benefit;

(c) by refusing to afford him, or deliberately not affording him, any such opportunity; or

(d) by dismissing him, or subjecting him to any other detriment.

(3) Subsection (2) does not apply to benefits of any description if the employer is concerned with the provision (whether or not for payment) of benefits of that description to the public, or to a section of the public which includes the employee in question, unless—

(a) that provision differs in a material respect from the provision of the benefits by the employer to his employees; or

(b) the provision of the benefits to the employee in question is regulated by his contract of employment; or

(c) the benefits relate to training.

(4) In this Part “benefits” includes facilities and services.

(5) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(6) This section applies only in relation to employment at an establishment in Great Britain.

5 Meaning of “discrimination”

(1) For the purposes of this Part, an employer discriminates against a disabled person if—

(a) for a reason which relates to the disabled person’s disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and

(b) he cannot show that the treatment in question is justified.

- (2) For the purposes of this Part, an employer also discriminates against a disabled person if—
- (a) he fails to comply with a section 6 duty imposed on him in relation to the disabled person; and
 - (b) he cannot show that his failure to comply with that duty is justified.
- (3) Subject to subsection (5), for the purposes of subsection (1) treatment is justified if, but only if, the reason for it is both material to the circumstances of the particular case and substantial.
- (4) For the purposes of subsection (2), failure to comply with a section 6 duty is justified if, but only if, the reason for the failure is both material to the circumstances of the particular case and substantial.
- (5) If, in a case falling within subsection (1), the employer is under a section 6 duty in relation to the disabled person but fails without justification to comply with that duty, his treatment of that person cannot be justified under subsection (3) unless it would have been justified even if he had complied with the section 6 duty.
- (6) Regulations may make provision, for purposes of this section, as to circumstances in which—
- (a) treatment is to be taken to be justified;
 - (b) failure to comply with a section 6 duty is to be taken to be justified;
 - (c) treatment is to be taken not to be justified;
 - (d) failure to comply with a section 6 duty is to be taken not to be justified.
- (7) Regulations under subsection (6) may, in particular—
- (a) make provision by reference to the cost of affording any benefit; and
 - (b) in relation to benefits under occupational pension schemes, make provision with a view to enabling uniform rates of contributions to be maintained.

6 Duty of employer to make adjustments

(1) Where—

- (a) any arrangements made by or on behalf of an employer, or
- (b) any physical feature of premises occupied by the employer,

place the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the employer to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to prevent the arrangements or feature having that effect.

(2) Subsection (1)(a) applies only in relation to—

- (a) arrangements for determining to whom employment should be offered;
- (b) any term, condition or arrangements on which employment, promotion, a transfer, training or any other benefit is offered or afforded.

(3) The following are examples of steps which an employer may have to take in relation to a disabled person in order to comply with subsection (1)—

- (a) making adjustments to premises;
- (b) allocating some of the disabled person's duties to another person;
- (c) transferring him to fill an existing vacancy;
- (d) altering his working hours;
- (e) assigning him to a different place of work;
- (f) allowing him to be absent during working hours for rehabilitation, assessment or treatment;
- (g) giving him, or arranging for him to be given, training;
- (h) acquiring or modifying equipment;
- (i) modifying instructions or reference manuals;
- (j) modifying procedures for testing or assessment;
- (k) providing a reader or interpreter;
- (l) providing supervision.

(4) In determining whether it is reasonable for an employer to have to take a particular step in order to comply with subsection (1), regard shall be had, in particular, to—

- (a) the extent to which taking the step would prevent the effect in question;

- (b) the extent to which it is practicable for the employer to take the step;
- (c) the financial and other costs which would be incurred by the employer in taking the step and the extent to which taking it would disrupt any of his activities;
- (d) the extent of the employer's financial and other resources;
- (e) the availability to the employer of financial or other assistance with respect to taking the step.

This subsection is subject to any provision of regulations made under subsection (8).

(5) In this section, "the disabled person concerned" means—

(a) in the case of arrangements for determining to whom employment should be offered, any disabled person who is, or has notified the employer that he may be, an applicant for that employment;

(b) in any other case, a disabled person who is—

(i) an applicant for the employment concerned; or

(ii) an employee of the employer concerned.

(6) Nothing in this section imposes any duty on an employer in relation to a disabled person if the employer does not know, and could not reasonably be expected to know—

(a) in the case of an applicant or potential applicant, that the disabled person concerned is, or may be, an applicant for the employment; or

(b) in any case, that that person has a disability and is likely to be affected in the way mentioned in subsection (1).

(7) Subject to the provisions of this section, nothing in this Part is to be taken to require an employer to treat a disabled person more favourably than he treats or would treat others.

(8) Regulations may make provision, for the purposes of subsection (1)—

(a) as to circumstances in which arrangements are, or a physical feature is, to be taken to have the effect mentioned in that subsection;

(b) as to circumstances in which arrangements are not, or a physical feature is not, to be taken to have that effect;

(c) as to circumstances in which it is reasonable for an employer to have to take steps of a prescribed description;

(d) as to steps which it is always reasonable for an employer to have to take;

(e) as to circumstances in which it is not reasonable for an employer to have to take steps of a prescribed description;

(f) as to steps which it is never reasonable for an employer to have to take;

(g) as to things which are to be treated as physical features;

(h) as to things which are not to be treated as such features.

(9) Regulations made under subsection (8)(c), (d), (e) or (f) may, in particular, make provision by reference to the cost of taking the steps concerned.

(10) Regulations may make provision adding to the duty imposed on employers by this section, including provision of a kind which may be made under subsection (8).

(11) This section does not apply in relation to any benefit under an occupational pension scheme or any other benefit payable in money or money's worth under a scheme or arrangement for the benefit of employees in respect of—

(a) termination of service;

(b) retirement, old age or death;

(c) accident, injury, sickness or invalidity; or

(d) any other prescribed matter.

(12) This section imposes duties only for the purpose of determining whether an employer has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such.