

# RIVERSIDE SCHOOL



## **Equality, Diversity and Inclusion (EDI) Policy and Procedure for Staff**

APPROVED BY GOVERNORS

RESPONSIBLE PERSON - HEADTEACHER

February 2025

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## **Introduction**

Riverside School is committed to creating a culture in which:

- equality, diversity and inclusion are actively promoted for the benefit of all staff, whether temporary, part-time, full time or prospective employees;
- provides equality, fairness and respect for all in our employment;
- unlawful discrimination in all aspects of employment is eliminated, this includes the areas of recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy;
- diversity and inclusion are embedded throughout the employment lifecycle. This includes recruitment practices, pay and benefits, terms and conditions of employment, dismissal, redundancy, leave for parents, requests for flexible working, decision making within formal procedures including but not limited to grievances, conduct, performance, attendance, absence, selection for employment, promotion, training or other developmental opportunities.

This policy is intended as a statement of our aims, commitments, and responsibilities in relation to equal opportunities in employment. These have been integrated into HR policies which provide the detail of operational practices and procedures. This policy complements our Bullying and Harassment (including Sexual Harassment) Policy.

Riverside School recognises that the experiences and needs of all staff and workers are unique and will respect and value the diversity of its employees, workers, suppliers, third-party contractors, parents and the public.

This policy is intended to complement our Equality Statement and Equality Policy which covers our broader commitments in relation to Riverside's pupils and the community it serves.

Riverside School believes that a culture of equality, diversity and inclusion not only benefits but actively supports wellbeing and enables people to work better because they can be themselves in the workplace and feel that they belong.

Riverside School is committed to promoting a working environment based on dignity, trust and respect and one that is free from all kinds of discrimination.

This policy covers all individuals working at all levels and grades, including leaders, teachers, teaching assistants, support staff, trainees, part-time and fixed-term employees, volunteers, casual workers and agency staff (collectively referred to as staff in this policy).

## **Statement**

Riverside School is committed to promoting equality of opportunity for all staff and job applicants. We are committed to creating a working environment in which all individuals

feel safe and free from harassment, bullying and victimisation. Where all staff are treated with dignity and respect and are able to make best use of their skills.

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat pupils, parents/ carers, governors, third-party organisations and former staff members.

At Riverside School, all staff are:

- encouraged to meet their full potential;
- treated without favouritism;
- spoken to with courtesy;
- accorded due professional trust;
- recognised for their achievements;
- consulted about any changes to their role and/ or responsibilities; and
- provided with appropriate training and development opportunities.

All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status.

It is the responsibility of all staff to maintain appropriate standards of behaviour (in line with the school's vision and ethos) and to ensure a positive working environment where conduct below expectations is not tolerated.

This policy does not form part of any employee's contract of employment and may be amended at any time.

## **1. The Law**

It is unlawful to discriminate directly or indirectly in recruitment or employment on the basis of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, marital status or because someone is in a civil partnership. These are known as "protected characteristics", you can see them defined in more detail in Appendix 1 of this policy.

Discrimination after employment has ended can also be unlawful, for example in relation to the provision of an employment reference.

It is unlawful to treat part-timeworkers less favourably than a comparable full-timeworker (unless the treatment can be objectively justified).

### **Types of Discrimination**

There are a number of different types of discrimination (these are defined in more detail

in Appendix 2 of this policy):

- Direct discrimination;
- Indirect discrimination;
- Harassment (including Sexual Harassment);
- Associative discrimination;
- Perceptive discrimination;
- Victimisation; and
- A failure to make reasonable adjustments.

## **2. Responsibilities of Employees**

Every employee is expected to assist the school to meet its obligations in relation to the provision of equal opportunities in employment, eliminate unlawful discrimination and support diversity and inclusion. This includes:

- Encouraging equality, diversity and inclusion in the workplace;
- Creating a working environment free of bullying, harassment (including sexual harassment), victimisation, unlawful discrimination and promoting dignity and respect for all where individual differences and the contributions of all staff are recognised and valued;
- Conducting themselves to help the organisation provide equal opportunities in employment and prevent bullying, harassment (including sexual harassment), victimisation and unlawful discrimination;
- Reporting any instances of bullying, harassment (including sexual harassment), victimisation and unlawful discrimination by fellow employees, suppliers, visitors, the public and any other persons in the course of the Riverside School's work activities;
- Being mindful of their actions and behaviours whilst representing Riverside School both within and outside of their working time; and
- Being mindful of their actions and behaviours, including those on social media and similar where the employee/ worker has clearly associated themselves with Riverside School.

Employees can be held personally liable as well as or instead of the employer for any act of unlawful discrimination. Employees who commit serious acts of harassment (including sexual harassment) may be guilty of a criminal offence.

Acts of discrimination, harassment (including sexual harassment), bullying or victimisation against employees or other individuals are disciplinary offences and will be dealt with under the disciplinary procedure. Discrimination, harassment (including sexual harassment), bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Whilst all employees have a responsibility for supporting our commitments in relation to

equality, managers have particular responsibilities because they are in a position to make or influence employment decisions. Managers are therefore expected to be accountable for the provision of equal opportunities through the actions that they take, and to monitor and review practices within their sphere of responsibility.

In addition to these commitments, line managers and leaders are committed to:

- adhering to our Safer Recruitment Policy in relation to all new appointments and promotions – this means that essential criteria on person specifications will be limited to those requirements which are necessary for the effective performance of the role;
- assessing candidates for employment or promotion objectively against the requirements for the role, taking into account any reasonable adjustments that may be required for candidates with a disability;
- making opportunities for training, development and progress available to all staff, and ensuring they are helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation;
- making all decisions relating to the appointment, promotion, training course access based on merit, school needs or other relevant role-related criteria (apart from any necessary and limited exemptions and exceptions allowed under the Equality Act 2010);
- to foster a workplace culture in which individuals are respected, diversity is valued and employees are encouraged to report any behaviour which causes them concern;
- considering any possible indirectly discriminatory effect of the practice in question where employees seek a variation to standard working practices, requests will be refused only where there are sound organisational reasons for doing so, unrelated to any protected characteristics;
- making reasonable adjustments to standard working practices to overcome barriers caused by disability; and
- taking any complaints seriously that relate to bullying, harassment (including sexual harassment), victimisation and unlawful discrimination by fellow employees, suppliers, visitors, members of the public, and any others in the course of the work activities of Riverside.

### **3. Responsibilities for the Governing Board**

In addition to the commitments detailed in the above section, the Governing Board commit to:

- reviewing on an annual basis the need for training in equal opportunities for managers and others involved in recruitment or other decisions relating to employment, as well as reviewing the need for training for existing and new employees, volunteers and other workers to help them understand their rights

and responsibilities under the Equality, Diversity and Inclusion Policy;

- reviewing employment practices and procedures when necessary to ensure fairness, and to also update them and the policy to take account of any changes to relevant laws; and
- Monitoring the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or beliefs and disability in order to encourage equality, diversity and inclusion, and to meet the aims and commitments set out in this policy;

Where problems are identified, senior management will consider whether appropriate action can be taken to address these.

#### **4. Raising Concerns**

There are a number of informal ways that concerns relating to discrimination can be brought to the attention of Riverside School. These include:

- An employee raising the matter directly with the person if they feel comfortable to do so;
- An employee raising the matter directly with their line manager or any member of the senior leadership team;
- An employee raising the matter directly through another contact such as their Union Representative or a work colleague;
- A member of staff observing behaviour of an employee or worker that concerns them and telling a member of the senior leadership team; or
- a line manager or member of the senior leadership team observing behaviour of an employee or worker that concerns them taking the appropriate action (e.g., talking with the employee concerned or ensuring the correct procedure is followed).

There are ways of dealing with formal complaints which do not involve moving straight into a formal approach, such as the informal stages of the Grievance Procedure for Staff. These include informal discussions and mediation.

#### **5. Complaints about Discrimination**

If any concerns or complaints cannot be dealt with on a more informal basis, it would be appropriate to use one of the following policies:

- Bullying and Harassment (including sexual harassment) Policy
- Grievance Procedure for Staff
- Disciplinary Procedure for Staff

Details of Riverside School policies and procedures can be found on the school website, the staff area on the school website, in the school's shared drive (Admin Shared Staff/ Policy Documents) and on the training database ATLAS. This includes information on who

formal complaints can be made to.

Any complaint will be taken seriously and all managers are expected to seek to resolve any grievance that is deemed to be well-founded. An employee will not be penalised for raising a grievance providing the concerns are put forward in good faith.

Use of the grievance procedure does not affect an employee's right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months of the act of discrimination complained of.

## **6. Information and Support**

Guidance and support will be offered to employees throughout any informal or formal process. This may take the form of signposting to available support as well as offering pastoral support and regular updates on timescales.

- Trade Union representative – If you are a union member, you can contact your staff representative for advice and support.
- Riverside School's Health and Wellbeing Services Offer – An independent, free and confidential advice service, Education Mutual's health and wellbeing services.
- Occupational Health – Our occupational health service and wellbeing programme promotes physical and psychological wellbeing.

## **7. Data Protection**

Riverside School treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its Data Protection Policy. Information about how data is used and the basis for processing is provided in the job applicant privacy notice.

## **8. Status of Policy and Review**

The contents of this policy are reviewed by the Governing Board on an annual basis, or whenever there is any substantive change to relevant legislation. This policy is discretionary and does not confer any contractual rights/

## Appendix 1 – Protected Characteristics

The Equality Act 2010 introduced the term “protected characteristics”. This appendix describes the 9 protected characteristics and gives examples of what is meant by them.

Characteristic	Example
Age	Where you may be referred to as belonging to a particular age group, e.g., 49-55-year-olds, and treated differently as a result of belonging to this group e.g., using ageist language.
Disability	If you have a disability this may be physical, mental or a long-term disabling health condition which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities. For example, Cancer, HIV and Multiple Sclerosis would be considered a disability, and therefore a protected characteristic at the point of diagnosis. If you have a disability your manager will work with you to establish reasonable adjustments to help you perform your role to your full potential.
Gender Reassignment	The process of transitioning from one gender to another i.e., from a female to a male, or a male to a female.
Marriage or Civil Partnership	If you are married or in a civil partnership, you cannot be treated differently to a colleague who is single or divorced.
Pregnancy and Maternity	Pregnancy is the condition of being pregnant. Maternity refers to the period of 26 weeks after having given birth to a child, which reflects the period of ordinary maternity leave entitlement in the employment context.
Race	Race is defined as Nationality, National Origin, Ethnicity, Race and Colour. It can mean your ethnic or national origins, which may not be the same as your current nationality. For example, you may be of Chinese national origins and be living in the UK with a UK Passport. Race also includes ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race. A racial group can be made up of two or more distinct racial groups, for example Black British, British Asians, British Sikhs, British Jews, Roma and Irish Travellers. You may be discriminated against because of your race, for example, people born in Britain to parents of Jewish heritage could be discriminated against because of this.
Religion and Beliefs	Religion means any religion and a reference to religion includes a reference to a lack of religion.  Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.  In relation to the protected characteristic of religion or belief – a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief; b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief
Sex	Under the Equality Act 2010, you are defined by law as being either a man or woman. This is determined at birth; however, gender is broadly used to denote a range of identities that do not correspond to established ideas of what male and female are.
Sexual Orientation	Whether a person’s sexual attraction is towards their own sex, the other sex or to both sexes, or not to any at all (asexual, lesbian, gay, bisexual, heterosexual etc.).

## Appendix 2 – Definitions

Term	Definition
Equality	Equality is the legal framework that in the workplace means equal job opportunities and fairness for employees and job applicants. You must not treat people unfairly because of reasons protected by The Equality Act 2010 ('protected characteristics') e.g., because of a person's sex, age or race.
Diversity	Diversity is the range of people in the workplace. This might mean people with different ages, religions, ethnicities, people with disabilities and gender/s. It also means valuing those differences.
Inclusion	An inclusive workplace means that you feel valued at work. It lets you feel safe to: <ul style="list-style-type: none"> <li>• come up with different ideas;</li> <li>• raise issues and suggestions to managers, knowing this is encouraged;</li> <li>• try doing things differently to how they have been done before, with management approval; and</li> <li>• ability to feel safe and comfortable in your working environment, free from discrimination.</li> </ul>
Discrimination	This can be described as the unjust or prejudicial treatment of different categories of people, on the grounds of one of the protected characteristics.
Direct Discrimination	Direct discrimination is the legal term that applies if you treat someone less favourably than someone else has been treated (or would be treated) because the person belongs to one of the protected groups.
Indirect Discrimination	Indirect discrimination is when there is a practice, policy or rule which applies to everyone in the same way, however, a disproportionate and adverse effect on one group with a relevant protected characteristic under the Equality Act 2010.
Associative Discrimination	This occurs where an individual is directly discriminated against or harassed for associating with another individual who has a protected characteristic. This might occur, for example, where a mother of a disabled child is treated less favourably as a result of her child's disability.
Perceptive Discrimination	This occurs where an individual is directly discriminated against or harassed based on a perception that s/he has a particular protected characteristic when they in fact do not have that protected characteristic. This might occur, for example, where an employee is subjected to homophobic bullying based on a perception that s/he is homosexual.
Bullying and Harassment	These terms are often used interchangeably, however, legally, harassment usually has a specific meaning. Under the Equality Act 2010 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'. Harassment which does not relate to a protected characteristic is not covered by the Equality Act 2010. Bullying is not specifically defined in UK law, however ACAS guidance on bullying states that it may be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'. It does not matter whether or not this effect was intended by the person responsible for the conduct.
Sexual Harassment	Harassment may be sexual in nature. Under the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers are legally obliged to take reasonable steps to prevent sexual harassment of their workers in the course of their employment and by third parties. The law defines sexual harassment as: <ul style="list-style-type: none"> <li>• conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and</li> <li>• less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.</li> </ul>
Victimisation	Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because s/he made or supported a

	<p>complaint or raised a grievance under the Equality Act 2010, or because s/he is suspected of doing so. An employee is not, however, protected from victimisation if s/he acted maliciously or made or supported an untrue complaint.</p>
<p>Reasonable Adjustments</p>	<p>A failure to make reasonable adjustments may occur where a physical feature or a requirement, condition or practice puts a disabled person, as defined under the Equality Act 2010, 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.</p> <p>If you have a disability as defined under the Equality Act 2010, you are entitled to have reasonable adjustments made in your workplace. Occupational Health referrals may suggest reasonable adjustments as advised from a Health and Care Professional.</p> <p>Examples of reasonable adjustments may include:</p> <ul style="list-style-type: none"> <li>• Adaptions to the recruitment process e.g., the right to a guaranteed interview if you meet essential criteria on the job description, virtual interview, interpreter, support for accessibility if deaf or blind;</li> <li>• Making physical changes to the workplace, like installing a ramp for you if you are a wheelchair user or an audio-visual fire alarm for you if you are a deaf person;</li> <li>• Letting a disabled person work somewhere else, such as on the ground floor if you are a wheelchair user;</li> <li>• Providing specialist equipment e.g., a special keyboard if you have arthritis; or</li> <li>• If you become disabled, allowing you to make a phased return to work, including flexible hours or part-time working.</li> </ul>