



## **EQUAL OPPORTUNITIES POLICY**

### **Introduction**

Chetham's is committed to promoting understanding of the principles and practices of equality and justice. We aim to equip students with an awareness of our diverse society and to appreciate the value of difference.

The School is an equal opportunity employer and is fully committed to a policy of treating all of its employees and job applicants equally. The School will avoid unlawful discrimination in all aspects of employment including recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.

Every member of Chetham's is regarded as of equal worth and importance, irrespective of ethnic origin, colour, race, nationality, national origin, religion, culture, class, marital status, gender, sexuality, sexual orientation, disability, and/or age.

Employees have a duty to co-operate with Chetham's to make sure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under Chetham's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this Equal Opportunities Policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal.

Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination or harassment, which may include responsibility for payment of any compensation awarded. Employees who commit serious acts of harassment may also be guilty of a criminal offence pursuant to the Protection from Harassment Act 1997.

The School has a separate **Dignity at Work** Policy which deals with harassment, bullying and intimidation and sets out how complaints of that type will be dealt with.

### **The Law and Discrimination**

The Equality Act 2010 places responsibility on Chetham's in relation to the treatment of individuals within its community on the basis of the following **Protected Characteristics** – age, disability, gender reassignment, race (including colour, nationality and ethnic or national origins) religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

You should draw the attention of your line manager to suspected discriminatory acts or practices. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or who has provided information about such discrimination. Such behaviour will be treated as potential gross misconduct in accordance with Chetham's disciplinary procedure. You should support colleagues who suffer such treatment and are making a complaint.

## **Discrimination Legislation**

### **Direct discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

Discrimination after employment is also unlawful if it arises out of and is closely connected to the employment relationship, for example refusing to give a reference or providing an unfavourable reference for a reason related to one of the protected characteristics.

### **Associative discrimination**

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a student is harassed or victimised because a sibling is disabled.

### **Perceptive discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

### **Indirect discrimination**

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified only if it is a proportionate means of achieving a legitimate aim. Being proportionate means being fair and reasonable, reviewing any less discriminatory alternatives before any decisions are made.

Chetham's will take all reasonable steps to eliminate both direct and indirect discrimination from all aspects of employment.

### **Third Party Harassment**

Workers are sometimes harassed by third parties, such as parents of students, customers or clients.

The Equality Act makes employers potentially liable for third party harassment in circumstances where:

- harassment has occurred on two previous occasions. This means that the same employee has been subjected to harassment twice, not necessarily from the same third party
- the employer is aware that it has happened
- the employer has not taken reasonable steps to prevent it from happening again.

Wherever possible Chetham's will endeavour to protect its employees from such harassment and will take reasonable steps to deal with any situation.

### **Victimisation**

Victimisation occurs when an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they have raised or supported

a grievance or complaint of unlawful discrimination, or because they have issued employment tribunal proceedings for unlawful discrimination or they have given evidence in connection with unlawful discrimination proceedings brought by another employee. However, an employee is not protected if they give false evidence or information, or make a false allegation, and they do so in bad faith.

Post-employment victimisation is also unlawful, for example refusing to give a reference or providing an unfavourable reference because the former employee has done one of the protected acts set out above.

Chetham's will take all reasonable steps to eliminate victimisation in all aspects of employment.

### **Training and promotion**

Chetham's will provide training to all employees to help them understand their rights and responsibilities in relation to equal opportunities and what they can do to create a work environment that is free from discrimination.

### **Equal pay and equality of terms**

Chetham's is committed to equal pay and equality of terms in employment. It believes its male and female employees should receive equal pay where they are carrying out like work, work rated as equivalent or work of equal value. In order to achieve this, Chetham's will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

Wherever possible Chetham's will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.

### **Reporting complaints**

All allegations of discrimination will be dealt with seriously, confidentially and speedily. Chetham's will not ignore or treat lightly grievances or complaints of unlawful discrimination from employees.

If you wish to make a complaint of discrimination, you should do so promptly and use Chetham's grievance procedure.

If your complaint relates to bullying, harassment or intimidation, you should refer to the Dignity at Work Policy.

### **The Protected Characteristics: key points**

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

#### **Age**

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, ie if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination. Age as a protected characteristic does not apply for students at the School.

**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, which would include things like using a telephone, reading a book or using public transport.

The Act puts a duty on the employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment. The School also has an on-going duty to make 'reasonable adjustments' for disabled students and students with special educational needs in respect of the education and associated services provided to ensure that such students are not placed at a substantial disadvantage in comparison with other students. The School is not legally required to make adjustments which include physical alterations such as the provision of a stair-lift or new ground floor facilities, but is required to provide auxiliary aids and services for disabled students.

The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (eg a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where Chetham's or other person acting for Chetham's knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination covers disabled people. This means that a job applicant or employee or student could claim that a particular rule or requirement in place disadvantages people with the same disability and unless this can be justified, it would be unlawful.

**Access to Work**

The Company encourages all disabled job applicants and employees, and those with physical or mental health conditions, to apply to the government's Access to Work scheme for a grant. An Access to Work grant can pay for practical support to help you either start work or stay in work. How much you may be awarded depends on your circumstances.

The School has an Accessibility Plan, which is kept under review and revised as necessary. The Plan is available on request.

**Gender reassignment**

A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act does not require a person to be under medical supervision to be protected – so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

Transgender people such as cross dressers, who are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex, are not protected by the Act.

**Marriage and civil partnership**

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected. Marriage and civil partnership as a protected characteristic does not apply for students at the School.

**Pregnancy and maternity**

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

## **Race**

For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins. The Act makes it illegal to treat a person less favourably than others on racial grounds.

## **Religion or belief**

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers or students are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such 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. Humanism is a protected philosophical belief but political beliefs would not be protected. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

## **Sex**

Both men and women are protected under the Act. Direct discrimination occurs where a woman or a man is treated less favourably than a person of the opposite sex in comparable circumstances because of their sex. Types of sex discrimination include sexual harassment and treating a woman adversely because she is pregnant (in which case there is no need for a male comparator).

## **Sexual orientation**

The Act protects bisexual, gay, heterosexual and lesbian people.

## **Part-time workers discrimination**

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations make it unlawful to treat part-timers less favourably in their contractual terms and conditions than comparable full-timers.

## **Aims**

- To ensure that students and staff recognise that discrimination on the basis of any protected characteristic is not acceptable.
- To provide an environment in which all students and staff feel safe enough to express and question views.
- To ensure that all staff feel valued and supported and have appropriate advice and encouragement for professional development.
- Ensure the principles and practices of equal opportunities are applied to all members of Chetham's community: students; teaching and non-teaching staff; parents; governors and visitors.
- Equal Opportunities practices should be evident in
  - a) the formal curriculum (the programme of lessons);
  - b) the informal curriculum (extra-curricular activities); and
  - c) the 'hidden' curriculum (the ethos of the organisation, the quality of personal relationships etc).
- To educate, develop and prepare all our students for life whatever their sex, colour, origin, culture or ability.
- Students and employees contribute towards a happy and caring environment by showing respect for, and appreciation of, one another as individuals.
- Students are seen as individuals and each child's education and care is to be developed in direct relation to their needs and abilities. This eclectic approach is to be based upon sound knowledge and awareness of an appropriate range of teaching and learning styles, teaching interventions, behavioural methods, medical and diagnostic issues.

## **Policy into Practice**

### **a) Admission**

Chetham's School of Music's Admission Policy accepts applications from and admits students irrespective of their sex, gender reassignment, race, colour, religion or belief, sexual orientation, pregnancy or maternity or disability. The School's Admissions Policy reflects the School's approach towards equal opportunities.

### **b) Registration**

Students' and employees' names will be accurately recorded and correctly pronounced. Students will be encouraged to accept and respect names from other cultures.

### **c) Discrimination**

All forms of discrimination by any person within Chetham's responsibility will be treated seriously as such behaviour is unacceptable. Racist symbols, badges and insignia on clothing and equipment are forbidden. Staff should be aware of possible cultural assumptions and bias within their own attitudes. In all staff appointments the best candidate will be appointed based on strict professional criteria. Parents should be aware of the School's commitment to equal opportunities.

All cases of discrimination or prejudice should be taken seriously and dealt with, as appropriate, according to existing sanction procedures. A record of incidents should be kept.

### **d) Language**

Chetham's views linguistic diversity positively. Students and staff must feel that their natural language is valued. Students for whom English is an additional language will receive additional support if necessary and the School will consult with the student and the parents as appropriate.

### **e) Culture, Class and Race**

Chetham's acknowledges that members of the organisation come from diverse cultural, racial and socio-economic backgrounds and we endeavour to foster an atmosphere of mutual respect in order to help to promote an organisation and a society in which there is social, religious and racial harmony.

Chetham's recognises the inequalities of opportunity which exist within society for individuals and groups and are determined to take positive action to enable every individual to raise his/her self-esteem, expectations and performance so as to have wider choices in life.

We understand the need to be different without being excluded.

The same policy on School uniform applies equally to all students, currently the School has made the decision to implement a "no uniform" dress code, however, should this decision be reversed the School would consider reasonable requests to alter the School uniform, for example for genuine religious requirements and reasonable adjustments for disabled children. It is acceptable for students and staff to wear special forms of dress where these are an essential part of their religious or cultural background. This is subject to considerations of safety and welfare. Where there is uncertainty as to whether an item may be worn under this section, the issue must be referred to the Principal, whose decision will be final, subject to the School's complaints procedure.

We value the history, experience and contribution of our multi-cultural community and seek to express this in the curriculum and life of our organisation.

We try to counter negative, patronising and stereotyped views: a prime cause of prejudice is ignorance and misunderstanding.

We will not tolerate racist behaviour in any form.

**f) Gender**

We accept that there are gender inequalities in our society which impose limits, particularly on girls' expectations and behaviour, so we constantly examine our curriculum, procedures and materials for gender bias or inequality.

We encourage students to be aware of the rigid sex stereotypes presented by, for example, the media.

We are committed to providing a curriculum which avoids unnecessary historical gender divisions. All students experience subjects previously considered to be suitable for a single sex. We try to ensure:

1. that teachers allocate their time fairly between the sexes,
2. that all students have opportunities for working with students of both sexes,
3. that we break down traditional sex stereotypes (for example by not asking boys to move furniture while girls tidy up),
4. that students are encouraged to pursue less conventional subjects and interests

**g) Religion**

We acknowledge that members of Chetham's come from diverse backgrounds: some have no religious faith, others are committed to a greater or lesser extent to a variety of religions. We seek to promote an ethos of acceptance based on understanding of and respect for the beliefs and practices of others. With regard to the teaching of RE we consider that the role of the teacher is that of educator and not that of evangelist. We do not seek to make students religious, but to teach them about religion.

**h) Resources**

Chetham's aim is to provide for all students and staff according to their needs, irrespective of sex, ability or ethnic origin. Resources are to reflect cultural and racial backgrounds of students to support positive self imagery. We try to ensure that our resources include non-sexist books which value the achievements of women as well as men. Displays will similarly reflect a range of cultures and races. All materials in use in Chetham's will be monitored.

**i) Relationships**

Relationships between staff, students and management should be such that any member of Chetham's acting in a manner contrary to the spirit of this Policy is made aware of the unacceptable nature of his/her behaviour. This should be done in a supportive manner to encourage change and reinforce the principles of this Policy. When it is uncomfortable or inappropriate to address the issue between staff then management must be made aware of the incident and supervisors address the incident with the staff or student involved through supervision. In extreme circumstances formal procedures may be taken by the Principal or other appropriate member of staff in line with Chetham's Counter-bullying Policy.

**j) Appointments** The Bursar should ensure that in recruitment procedures any advertisements, shortlisting and interview procedures are without any hint of direct or indirect discrimination. During employment it would be unlawful to discriminate in the way opportunities for promotion, transfer or training were offered. It is also unlawful to discriminate in dismissals, particularly in redundancy dismissals.

**Awareness of policy**

Staff, parents and students should know that Chetham's has an Equal Opportunities

Policy and is committed to equality of opportunity for all.

**Monitoring and review**

Chetham's monitors the impact of its policies and procedures on different groups (by race, gender and disability) and the effectiveness of such policies are assessed through Chetham's self evaluation procedures.

Lynn Rutherford/Sarah Newman

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# **Appendix The Equality Act 2010**

## **Guidance for Schools**

The Equality Act 2010 covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called ‘protected characteristics’ and provide individuals with the right to seek damages and redress through the courts if they believe they have been discriminated against because of their sexual orientation.

This guidance explains how the law applies to schools.

### **How is discrimination defined?**

Direct discrimination on the grounds of any of the “protected characteristics” happens when a person is treated less favourably than another person is, or would be, in the same circumstances and that treatment is because of their “protected characteristics” or that of a person with whom he or she is associated, such as a parent.

Indirect discrimination on the grounds of a “protected characteristics” happens where a provision, criterion or practice is applied to everyone but it has the effect of putting a person of a particular sexual orientation at a disadvantage — and it cannot be reasonably justified by reference to considerations other than sexual orientation. Victimising someone by treating them less favourably because of anything they have done or intend to do in relation to these regulations, such as making a complaint or giving evidence for a complainant, is also unlawful discrimination.

### **What do the regulations cover?**

The regulations make it unlawful for a school to discriminate against a person:

- In the terms on which it offers to admit him or her as a pupil
- By refusing to accept an application to admit him or her as a pupil
- In the way in which a pupil is afforded access to any benefit, facility or service
- By refusing access to any benefit, facility or service
- By excluding him or her
- By subjecting him or her to any other detriment

### **To whom do the regulations apply and how are they enforced?**

All maintained, special schools, academies and independent schools in England and Wales, and all public, grant-aided and independent schools in Scotland, are covered by the regulations, which also make it unlawful for a local authority to discriminate on the grounds of the “protected characteristics” in the exercise of their functions. The responsible body in maintained schools will be the governing body and in independent schools it will be the proprietor.

Discrimination is unlawful in civil law rather than being a criminal offence. A person who believes that he or she has been discriminated against unlawfully may bring a case to a county court, which can award damages, including compensation for injury to feelings. A court could also make a quashing order (quashing the unlawful decision and requiring the body to retake the decision), a prohibitory order (forbidding the performance of an unlawful act) or a mandatory order (requiring certain actions to be taken); it can declare what the law is by declaring that a decision is unlawful; and it can grant an injunction.

### **Implications for schools**

#### General

Schools that already employ non-discriminatory practices and adhere to DfE guidance should already be acting within the spirit and letter of the regulations.

Schools will need to make sure that gay or lesbian pupils or the children of gay or lesbian parents are not singled out for different and less favourable treatment from that given to other pupils. They should check that there are no practices which could result in unfair, less favourable treatment of such pupils. They will need to ensure that homophobic bullying is taken as seriously and dealt with as firmly as bullying on any other ground. But all of this should already be established practice in schools.

### Admissions

Chetham's has its own Admissions Policy which ensures it acts within the spirit and letter of the regulations.

### Teaching and the curriculum

The regulations should have no effect on teaching and the curriculum in schools. Guidance is already available in the area of Personal, Social and Health Education (PSHE) and Sex and Relationship Education (SRE) which sets out the requirements for schools — with the promotion of respect and pupil welfare being of paramount importance. It makes clear that teaching, particularly in these areas, should meet the needs of all young people, whatever their developing sexuality or family circumstances. It also sets out that decisions on detailed content of SRE should be taken at local level to take account of the specific needs and circumstances of pupils and that schools can exercise appropriate flexibility to ensure that it can be taught in a way that is relevant and appropriate to the school's ethos. If schools continue to adhere to this guidance, dealing sensitively and appropriately with issues around sexuality, then they should not fall foul of the regulations. Schools should, nonetheless, make sure that they do not discriminate in delivering any part of the school curriculum or extra-curricular offer. So, for example, they must not prevent a pupil from taking part in a residential school trip because he is, or is perceived to be, gay, or make a pupil get changed for PE separately from the other boys because he is gay, or prevent a girl from being Principal prefect because she is a lesbian.

### Independent schools

Whilst the guidance available in relation to PSHE and that for SRE sets out the requirements for maintained schools, it also provides useful guidance for independent schools and should help prevent independent schools from falling foul of the new regulations.

### Conflict with religious freedom

Protection in the area of discrimination on grounds of religion or belief and the right to manifest one's religion or belief has already been addressed in part 2 of the Equality Act 2006, and compounded in the Equality Act 2010. However, many views on sexual orientation are entrenched in religious belief and this has led to some misunderstanding and to concerns being expressed about the impact that these regulations will have on religious freedom in faith schools. Non-denominational maintained schools and voluntary controlled denominational schools teach Religious Education (RE) according to the locally agreed syllabus and voluntary aided schools teach RE according to the tenets of their faith. However, the concerns expressed are that faith schools will no longer be able to teach according to an aspect of their belief or faith — which is the importance of traditional family values and that single-sex relationships are sinful. There are similar concerns about the possibility that individual teachers expressing their views in this area, whether based on their religion or not, might be the subject of legal action.

The regulations will not prevent any of this. So for example, if a faith school (or

indeed any school) teaches that the Christian and Muslim faiths decree that same-sex sexual activity is a sin then the school will not be acting unlawfully. Similarly, if a pupil asks a teacher his views on homosexuality and the teacher gives his view, then again, that teacher will not be acting unlawfully. In both cases, the subject *must be dealt with appropriately* in accordance with existing DfE guidance. Discriminating or treating any colleague, student, their families unfavourably due to their sexual orientation would be prohibited. Haranguing or harassing a particular student or group of students is not an acceptable way to convey a belief within an educational context, and such behaviour could constitute unlawful discrimination.

### ***Reporting complaints***

All allegations of discrimination will be dealt with seriously, confidentially and speedily. The School will not ignore or treat lightly grievances or complaints of unlawful discrimination from employees.

If you wish to make a complaint of discrimination, you should do so promptly and use the School's grievance procedure.

If your complaint relates to bullying, harassment or intimidation, you should refer to the School's dignity at work policy statement.

### ***Monitoring equal opportunity***

The School will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity is being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the School will implement them. The School will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.