



Pocklington School Foundation

Equality, Diversity and Inclusion Policy

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Consultation	Managers – 24/1/19 Staff – 25/2/19 Employment Committee – 4/3/19		
Adopted	12/3/19		
Last Reviewed	Aug 2024	Next Review Due	Aug 2026



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1. Introduction

The Foundation is made up of brilliant people. Each of us is unique, whether in terms of our background, personal characteristics, experience, skills or motivations. And we value our people for the differences they bring to the table. These differences - this diversity - is powerful.

Fostering an inclusive culture helps each of us to benefit from a wider range of these different perspectives, experiences and skills. We believe that this creates a happier, more productive working environment for us all.

The Pocklington School Foundation recognises the importance of fair treatment and the positive promotion of equality, diversity & inclusion for all job applicants and employees. The Foundation's approach to equality is designed to prevent discrimination on any grounds. Everyone who works or applies to work within the Foundation will be treated in a fair and equitable manner, recognising any special needs of individuals where adjustments need to be made. This principle will apply to recruitment and selection, job/task allocation, promotion, training, appraisal, discipline and grievance and all terms and conditions of employment.

This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

2. Scope

This policy applies to anyone working for us. This includes employees, contractors, volunteers, casual or agency workers and apprentices. The policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy accompanies our Anti-Harassment & Bullying Policy

3. Policy Statement

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

We are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

We ensure that our recruitment, promotion and retention procedures do not treat people less favourably because of their:

- disability;
- gender, gender identity or gender reassignment status;
- marital status;
- race, racial group, ethnic or national origin, or nationality;
- religion or belief;
- sexual orientation;
- age;
- civil partnership status;



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- pregnancy or maternity;
- paternity;
- educational background;
- socio-economic background;
- caring responsibilities;
- part-time status; or
- fixed-term status.

4. Discrimination

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- sexual orientation;
- age; and
- pregnancy or maternity.

Discrimination can be intentional or unintentional and may occur directly, indirectly, by association, or by perception.

Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how they treat those people (known as "unconscious bias"). Such assumptions or prejudices may cause them to apply requirements or conditions that put those in particular groups at a disadvantage. Examples include:

- steering employees into particular types of work on the basis of stereotypical assumptions without considering the particular attributes and abilities of individuals;
- recruiting or promoting individuals into particular roles because of assumptions about the reactions or preferences of other employees or clients; and
- using different standards for different groups of employees to judge performance.

5. Types of discrimination under the Equality Act 2010

- **Direct discrimination:** Treating someone less favourably because of a protected characteristic compared with someone who does not have that characteristic (for example choosing not to recruit someone because they are disabled, and you think they "wouldn't fit in" to the team).
- **Indirect discrimination:** Where a policy, procedure or way of working that applies to everyone puts people with a particular protected characteristic at a disadvantage, compared with people who do not have that characteristic, unless there is a good reason to justify it. An example is introducing a requirement for all staff to finish work at 6pm. It is arguable that female employees, who statistically bear the larger share of childcare responsibilities could be at a disadvantage if the new working hours prevent them from collecting their children from school or nursery.



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- **Associative discrimination:** Treating someone less favourably because they are associated with someone who has a protected characteristic, for example because their partner is transgender.
- **Discrimination by perception:** Treating someone less favourably because you perceive them to have a protected characteristic even if they do not, for example choosing not to promote someone because you mistakenly perceive them to be gay.
- **Discrimination arising from disability:** Treating someone unfavourably because of something connected with that person's disability and where such treatment is not justified. Examples include:
 - dismissing or failing to pay a bonus to someone because of their disability-related absence; or
 - disciplining someone for losing their temper where such loss of temper was out of character and was due to severe pain caused by them having cancer.
- **Failing to make reasonable adjustments:** Employers are legally obliged to make reasonable adjustments to ensure that aspects of employment, or the employer's premises, do not put a disabled person at a substantial disadvantage. Failing to comply with this duty is unlawful. Examples of reasonable adjustments might include:
 - allocating some of the disabled person's duties to a colleague;
 - changing their working hours or place of work;
 - adjusting procedures for assessing job candidates; and
 - modifying disciplinary and grievance procedures.

6. Harassment and sexual harassment

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Sexual harassment is:

- 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
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

You should refer to our Anti-Harassment & Bullying Policy for further information on our procedure for reporting harassment.

7. Victimisation

Victimisation is treating another person detrimentally either because that person has made a complaint of discrimination or harassment, or because they have supported someone else who has made such a complaint, for example by giving a witness statement that supports the allegations.

8. Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Date: Aug 2024

By: HR Manager



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Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. Bullying may occur at work or outside work. If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

You should refer to our Anti-Harassment & Bullying Policy for further information on our procedure for reporting bullying.

9. Recruitment and Selection

Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination.

Vacancies should generally be advertised to a diverse section of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.

Where appropriate, we may approve the use of lawful exemptions to recruit someone with a particular Protected Characteristic, for example, where the job can only be done by a woman. The advertisement should specify the exemption that applies (see point 10 on Genuine Occupational Requirements)

Every decision-maker should challenge themselves, and other members of the recruitment selection panel, to make sure that any stereotypes, unconscious bias or prejudice do not play any part in recruitment decisions.

Shortlisted applicants will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children.

All offers of appointment shall be conditional on satisfactory completion of the pre-employment checks, as set out within KCSIE.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our School, we monitor applicants' ethnic group, nationality, gender, gender identity, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary, and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment.

Recruiting people with a disability

We will consider disability in advance of a recruitment so that advertising, application forms and assessments, arrangements for interviews, job descriptions and employee specifications, and selection criteria are appropriate and as inclusive as possible.

We will ask applicants at the outset if they require any reasonable adjustments to be made to the recruitment process. These may include ensuring easy access to the premises for an interview/providing an alternative to a telephone interview for a deaf candidate/providing a suitable chair for an interview with a candidate suffering from back problems/providing alternative options for Neurodiverse candidates.

If you are involved in the interview process, you must not ask job applicants about their health or disability except with prior approval from the HR department. Such approval is given only in exceptional circumstances and where there are specific legal grounds for doing so.

Date: Aug 2024

By: HR Manager



10. Genuine Occupational Requirement (GOR)

This is the term used to describe the few exceptions provided for under the Sex and Race Discrimination legislation. There are some justifiable reasons for restricting jobs to a single sex, race or religion. For example:

- Physiology - e.g. modelling and acting work.
- Decency - e.g. same sex attendants in single sex saunas.
- Personal Services – e.g. male carer for a male paraplegic
- Religion – e.g. teachers and clergy of a particular religion can be requested.

NB: There will be few posts where a GOR may apply within the Foundation.

11. Gender Pay Gap Reporting

We are required to publish an annual report containing data on our gender pay gap. The report is published on our website.

12. Training and Promotion

Training needs will be identified through regular appraisals which will be based entirely on an objective assessment of performance and will not be influenced by any Protected Characteristics that you may have. You will be given appropriate access to training to enable you to progress within the Foundation and all promotion decisions will be made based on merit.

13. Disability

There are also two specific types of discrimination that apply only to disability: "discrimination arising from disability" and "failing to make reasonable adjustments".

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

A disability will not of itself justify the non-recruitment of an applicant for a position at the Foundation. Such reasonable adjustments to the application procedures shall be made as are required to ensure that applicants are not disadvantaged because of their disability. For example, where written tests are used, alternative arrangements will be made for visually impaired applicants.

If you experience difficulties at work because of your disability, you may wish to contact your Head of Department to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your Head of Department may wish to consult with you and your medical adviser about possible adjustments and you may be asked to give your consent to a report being produced about your state of health and ability to perform your duties. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible. Once an adjustment has been made its operation may need to be reviewed at agreed intervals, to assess its continuing effectiveness.



We will make such adjustments to work arrangements or School premises as are reasonable to enable a disabled staff member to carry out their duties. This will include, but is not limited to, consideration of the provision of specialist equipment, job redesign and/or flexible hours.

Where, during the course of their employment, a disabled member of staff recognises their need for a reasonable adjustment to be made to work arrangements or School premises, they should discuss this requirement with the Bursar.

We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

14. Part-time and fixed term work

Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

15. Breaches of this policy

We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of discrimination may amount to gross misconduct resulting in dismissal.

If you believe that you have been the subject of discrimination you can raise the matter informally in accordance with the Anti-Harassment and Bullying Policy, or formally through our Grievance Procedure. Complaints will be treated in confidence and investigated as appropriate.

There must be no victimisation or retaliation against staff who complain about or report discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

16. Actions to Combat Inequality

These are examples of some current practices already in place to challenge inequality.

- Candidate equality information separate to application forms.
- Use of structured interviews and skills-based assessment tasks in recruitment and promotions.
- Transparency to promotion, pay and reward processes.
- Diverse selection panels.
- Workplace flexibility for working patterns.
- Workplace adaptations for disabilities.
- Leadership Development Training for our leaders.



17. Diversity and inclusion training

Managers will be given appropriate training on recognising and avoiding discrimination, harassment, victimisation, unconscious bias and promoting equality of opportunity and diversity in the areas of recruitment, development and promotion.

We will provide you with regular training to ensure that everyone is aware of and understands the contents of this policy and the Anti-harassment and Bullying Policy.



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Appendix 1 EQUALITY IN EMPLOYMENT GUIDELINES

These guidance notes are for all employees and those responsible for recruitment, training, promotion and the management of employees and must be read in conjunction with the Equality, Diversity & Inclusion Policy.

The aim of these guidance notes is to assist managers to carry out their responsibilities in relation to employment legislation and the Equality, Diversity & Inclusion Policy.

1. Responsibility - Managers

- 1.1 The success of the Equality, Diversity & Inclusion Policy depends on the commitment and attitude of managers at all levels, and their understanding of their responsibilities under this Policy and employment legislation. Therefore, guidance and training will be given to managers to ensure they understand their responsibilities.
- 1.2 Grievances will be dealt with fairly and consistently.
- 1.3 Managers must not allow victimisation where individuals assert their rights under the law, or help others to assert their rights.
- 1.4 If practices and procedures are identified which may lead to discrimination, the manager must review these in line with this Policy.
- 1.5 The provisions of the Equality, Diversity & Inclusion Policy apply to all employees. If breaches of this Policy occur it will be necessary to consider action under the Disciplinary Procedure.
- 1.6 Managers have a key role in maximising the potential of all employees for which they are responsible, through identification of training needs and provision of development activities.
- 1.7 Managers have particular responsibility to ensure a working environment free from any form of discrimination or inequality.
- 1.8 Managers have a duty to make reasonable adjustments to duties, workplace and working practices where an employee or potential employee identifies that they have a medical or physical impairment under the Equality Act 2010.

2. Responsibility - Employees

- 2.1 The success of the Equality, Diversity & Inclusion Policy depends on the commitment and attitude of all employees. Employees must understand the intentions of the Policy and accept their personal involvement in the practical application of this Policy both within work and outside of work with colleagues, including when socialising.
- 2.2 No employee should discriminate, directly or indirectly, harass or victimise against other employees of the Foundation, members of the public, or any outside parties with whom the Foundation conducts its business.



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- 2.3 No employee should induce or attempt to induce other employees, unions or management to discriminate.
- 2.4 No employee should harass, abuse or intimidate other employees or clients on account of their age, disability, ethnic origin, gender, gender reassignment, marital status, nationality, political activities, race, religion or belief, sexual orientation, or trade union involvement.
- 2.5 Employees should inform an appropriate manager immediately if they feel that they have been discriminated against. This would be either their line manager, Human Resources Manager, or Bursar.
- 2.6 No employee should remain silent if they feel they have been subject to, or witnesses any form of harassment. The employee should inform an appropriate manager and alleged incidents will be pursued under the Harassment & Bullying Policy and Disciplinary Policy as appropriate.
- 2.7 Breaches of this Policy may result in action being taken under the Disciplinary Policy.

3. Recruitment Advertising

- 3.1 Advertisements will not request physical requirements, educational/academic qualifications or managerial experience of candidates which are unreasonable and unjustifiable in relation to the duties to be undertaken.
- 3.2 Advertisements will be placed appropriately to attract a wide selection of the community and will normally be advertised simultaneously internally and externally. Some posts may be advertised internally only where it is felt there is a suitable pool of candidates within the existing workforce.
- 3.3 Advertisements will encourage the broadest range of applicants. Job titles and job content will be presented without bias either of gender or race. Jobs will be described in such a way that no qualified or experienced person is deterred from applying. There should be nothing in either the words or illustration to indicate any role stereotyping.
- 3.4 If it is felt that a genuine occupational qualification exists, the HR Manager will be responsible for confirming that role meets the GOR legislation.

4. Recruitment and Selection

- 4.1 Those who are responsible for recruitment will familiarise themselves with the content of the Equality, Diversity & Inclusion Policy.
- 4.2 Applicants should be given clear and accurate information about vacancies through advertisements, job descriptions, employee specifications and recruitment interviews as appropriate.
- 4.3 The recruitment and selection process will be monitored and analysed, with workforce information being collated confidentially and separately to application forms.
- 4.4 Shortlisting and interview decisions will be made by more than one person.



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- 4.5 When shortlisting, if it is known that application requirements, interview arrangements, work requirements or premises are likely to put a disabled person at a disadvantage, reasonable adjustments will be made which would enable the disabled person to apply or be shortlisted.
- 4.6 All interviews will be thorough, conducted on an objective basis and will deal only with the applicant's suitability for the job and ability to fulfil the requirements of the post. All interview questions will be strictly relevant to the post. In no cases will questions be asked or assumptions made about a person's personal and domestic circumstances or plans. Where the requirements of the job may affect the candidate's personal life (e.g. working unsocial hours) this should be discussed objectively with all candidates.
- 4.7 Applicants may be reasonably questioned about their disabilities at interview for the purpose of ascertaining whether a reasonable adjustment to the job/workplace is required.
- 4.8 Recognition will be given to experience as a substitute for formal qualifications, where appropriate.
- 4.9 If selection tests are to be used to test the skills and aptitudes essential to the job, they must be set at a level which is appropriate to the job. They should be valid and reliable, free of bias and non-discriminatory in content, administration and scoring.
- 4.10 All appointments must be made on merit. It is against the Foundations Equality, Diversity & Inclusion Policy to discriminate either directly or indirectly on the grounds of age, disability, ethnic origin, gender, gender reassignment, marital status, nationality, political activities, race, religion or belief, sexual orientation, or trade union involvement at any stage of the recruitment process, except in certain exceptional circumstances. In exceptional circumstances, discrimination is permitted in relation to employment where the sex of the post holder or his/her particular racial group is a genuine occupational qualification or, in the case of disability, a reasonable adjustment cannot be made to the duties, workplace or work arrangements. The HR Manager will advise on such circumstances before decisions are made.
- 4.11 Reasonable adjustments to the duties, workplace, provisions, criteria or practices e.g. equipment, special employment aids and job restructuring, will be made to enable a person with a disability to be appointed.
- 4.12 Decisions upon the effect a disability may have upon employment may be made after seeking medical advice.
- 4.13 Applicants who are undergoing gender-reassignment may choose not to declare their status and they are not obliged to do so. Should an applicant voluntarily disclose, this should be kept confidential, and information only imparted to those directly involved in the administration of a process.
- 4.14 Particular care should be taken when seeking references of an applicant who may have been in a different gender role in previous employment. Confidentiality and respect for the individual's dignity should be applied.
- 4.15 The reasons for acceptance or rejection of all candidates must be recorded along with interview notes and forwarded to Human Resources where they will be kept for six months.



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- 4.16 Where a candidate requests reasons for their rejection or other relevant information regarding the recruitment and selection process, this information must, as far as is reasonably practicable, be made available to them.
- 4.17 As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Pocklington School Foundation complies fully with the Code of practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

5. Career Development/Training Opportunities

- 5.1 Qualifications and criteria for promotion must be justifiable and relevant for the post.
- 5.2 No employee should be discriminated against either directly or indirectly in their opportunity for promotion and career progression.
- 5.3 All employees will be made aware of the training and development opportunities open to them by access to information about such opportunities.
- 5.4 Employees whose working patterns consists of either job share, part-time, term time only, shift working and any other flexible working patterns, will have the same opportunities for training as full-time employees.

6. Diversity Management Issues

- 6.1 The policy will be made available to all staff through the internal communication methods i.e. extranet, publication, e-mail, etc. It will also be published on the Foundation's vacancy page for recruitment applicants.
- 6.2 Where employees have particular cultural or religious needs which conflict with existing work practices or requirements, consideration will be given to flexible arrangements in an effort to accommodate them whenever this is possible.
- 6.3 Applications for job share, reduction of hours, increase of hours or other forms of flexible working arrangements will be considered and accommodated where service provision allows, and in line with the Flexible Working Policy.
- 6.4 Where changes to working practices or patterns are considered essential to service provision, the domestic circumstances of individuals will be taken into consideration, as far as is reasonably practicable, during consultations.
- 6.5 Reasonable adjustments will be made to assist employees who develop a disability during employment to continue in their existing post, including rehabilitation, re-training and the consideration of aids/adaptations to the workplace access, or changes to the duties, responsibilities, provisions, criteria or work practices of the post. Advice must be sought from Occupational Health where necessary.



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- 6.6 Where an employee has a disability, attendance for rehabilitation, assessment or treatment will be permitted.
- 6.7 Where an employee identifies themselves as trans, transsexual or transgender and may be planning to undergo, are undergoing or have undergone gender reassignment, managers must ensure that the working environment is supportive of trans people, having regard for personal preferences, dignity and respect, particularly in relation to the type and manner in which information is communicated with colleagues.
- 6.8 If an employee is planning to undergo gender reassignment and informs their manager of this, a discussion should take place as to how the employee wishes to handle the situation within the working environment and a process agreed.
- 6.9 Generally, all employment records for a trans person should not refer to a previous name; however, because of the legal status of trans people it may be necessary for some records to retain a reference to the person's legal gender, e.g. pension or insurance. These should be amended when a Gender Recognition Certificate is provided.
- 6.10 Access to records showing the change in name and any other details associated with the individual's status, such as absence records for medical treatment should be restricted to appropriate staff e.g. payroll, pensions for administrative processes.
- 6.11 In informing employees who work with the employee undergoing gender reassignment, include the name that the employee wishes to be known by in their new gender role and also any decisions concerning single sex facilities which may impact upon other staff.
- 6.12 Breaches in confidentiality will be dealt with in the same manner as they would for any member of staff and could result in disciplinary action.

7. Complaints

- 7.1 All complaints about alleged discrimination will be dealt with using the Foundation's Grievance Policy or Anti-Harassment & Bullying Policy.