

Slaithwaite CE J & I School



Equal Opportunity Policy

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Policy Statement on Equal Opportunity

The Governors and staff are committed to ensuring equality of opportunity, in line with Kirklees policy on equal opportunity.

We undertake to ensure that all children receive equal access to a broad and balanced curriculum, and to school resources, regardless of gender, race, religion or disability.

We aim to overcome prejudice and negative stereotyping, and to develop an awareness, understanding and tolerance of the diversity of our society.

We shall use a variety of methods, e.g. television, literature, pictures, posters, visits, music, food, the celebration of Festivals etc. to raise awareness of other religions and cultural practices, and to promote understanding about disability.

Assembly times and "circle times" may be used, but also visits/visitors, and other areas of the curriculum, e.g. RE, History, Geography, Health Education, English, Art etc.

The school library and the books on offer in classrooms also have a significant part to play in challenging negative stereotypes, and should be carefully monitored.

We are committed to eradicating racist behaviour and any incident should be reported to the Headteacher. A written record of any incidents will be kept. Parents will be involved if the offence persists.

EQUAL OPPORTUNITIES IN CHURCH OF ENGLAND SCHOOLS A GUIDE TO THE ISSUES IN POLICIES AND PRACTICE

1. THE EMPLOYMENT EQUALITY (SEXUAL ORIENTATION) REGULATIONS 2003 AND THE EMPLOYMENT EQUALITY (RELIGION OR BELIEF) REGULATIONS 2003

- 1.1 These new regulations need to be taken into account by Diocesan Boards of Education (as by all religious organisations) in their own employment policies and practice. Attached to this paper is guidance developed for this purpose by the HR Department of the Archbishops Council of the Church of England and two related sets of guidance by Faithworks, adapted for use by the C of E.
- 1.2 Diocesan Secretaries will no doubt be considering these issues for the diocese as a whole. In general, employment practices in Incorporated Boards of Education should follow these of the diocese. Unincorporated Boards are subject to diocesan policies and procedures.
- 1.3 The effect of the Regulations on church schools is set out below, together with an indication of the relevant Acts already in force.

2. VOLUNTARY AIDED SCHOOLS

- 2.1 The 2003 Regulations do not change the existing law in respect of Aided Schools. This is set out in the School Standards and Framework Act 1998 Section 60.
- 2.2 Section 60(5) (a) of the Act allows preference on the grounds of denominational religious opinion, attendance at denominational acts of worship or willingness to teach denominational RE.
- 2.3 Section 60(5) (b) allows "incompatible" conduct of teachers to be taken into account by the governing body as a factor in the termination of employment. In this connection a distinction may be drawn between (for example) a persons sexual orientation and what the governing body might consider to be inappropriate sexual conduct for a teacher in a

Church of England VA school, provided that there is no difference in the treatment of heterosexual and homosexual conduct.

- 2.4 Section 60(6) forbids religious criteria in respect of school employees other than teachers. Because of this specific prohibition, VA schools cannot make use of the *Genuine Occupational Requirement* exception in the 2003 Regulations.
- 2.5 It is generally held to be the case that an employer is entitled to the loyal support of staff in respect of the aims and ethos of the organization. In church school terms this permits any potential employee to be asked about his/her willingness to uphold the ethos of the school. This should clearly be differentiated from questions about the applicant's own faith and practice where these are permitted.
- 2.6 The principles of Equal Opportunities apply also in the drafting and implementation of school Admissions Policies. VA schools should consider carefully the National Society guidance on admissions and must seek their diocese's advice in drafting or amending Admissions policies which should in turn comply with the requirements of the DfES School Admissions Code of Practice.

3. VOLUNTARY CONTROLLED SCHOOLS

- 3.1 The 2003 Regulations do not change the law in respect of Voluntary Controlled Schools. This is set out in the School Standards and Framework Act 1998 Sections 58, 59 and 60.
- 3.2 Section 60(4) permits governors in appointing a Headteacher to have regard to "that person's ability and fitness to preserve and develop the religious character of the school". Notice that these are not the same as the VA religious criteria and that there is no provision for dismissal on grounds of "incompatible" conduct.
- 3.3 Section 60(3) permits the provisions of Section 60(5) to be used in the appointment of any "Reserved Teacher". These are the VA religious criteria and there is a provision for dismissal on grounds of "incompatible" conduct.

- 3.4 Section 58 sets out the other regulations in respect of "Reserved Teachers". These are teachers selected to deliver Religious Education in accordance with the school's Trust Deed or denomination. Sections 58(5) and 58(6) set out the specific powers of the Foundation Governors in respect of the appointment and dismissal of "Reserved Teachers". They must agree to the appointment and may require dismissal if his/her teaching is not "efficient and suitable".
- 3.5 Section 59 of the Act forbids the use of religious criteria in respect of any other employee. Hence VC schools may not make use of the provisions for a *Genuine Occupational Requirement* under the 2003 Regulations.
- 3.6 Section 2.5 above may also apply to VC school, if the LEA is in agreement.
- 3.7 Section 2.6 above applies to VC schools which have powers as an Admissions Authority delegated to them by their LEA.

4. FOUNDATION SCHOOLS

- 4.1 Foundation Schools designated as having a Church of England Character have the same powers as VC schools under the same sections of the 1998 Act in respect of both Headteacher and Reserved Teachers. In the same way, a *Genuine Occupational Requirement* under the 2003 Regulations is prohibited.
- 4.2 Paragraph 2.5 above also applies to Church of England Foundation Schools.
- 4.3 Paragraph 2.6 above may be of assistance also to Church of England Foundation Schools.

5 ACADEMIES

- 5.1 Subject to 5.3 and 5.4 below, Academies are empowered by Section 124A of the School Standards and Framework Act 1998 to give preference in the appointment, promotion or remuneration of teachers

on the grounds of denominational religious opinion, attendance at denominational acts of worship or a willingness to teach denominational religious education. These are the same powers as for VA schools and include the same provision in respect of dismissal for "incompatible" conduct. See paragraph 2.3 above.

- 5.2 Subject to 5.3 and 5.4 below, Academies may seek to establish a *Genuine Occupational Requirement* under the Employment Equality (Religion or Belief) Regulations 2003 for appropriate non-teaching posts. The prohibition in this respect which applies to VA and VC Schools and to Foundation Schools does not apply to Academies.
- 5.3 The schools Trust Deed or Memorandum and Articles of Association and Ethos Statement must make the Church of England affiliation of the school clear.
- 5.4 The school must be eligible for designation (and have been designated) by the Secretary of State as a school having a religious character. Statutory Instrument 2003 No 2314 sets out the procedure and criteria for designation.
- 5.5 Governing Bodies of Academies should consider carefully the attached guidance referred to in 1.1 above before seeking to apply a *GOR*.
- 5.6 Paragraph 2.5 above also applies to Academies.
- 5.7 Academies may also find the National Society guidance on Admissions policies helpful reading.

6. INDEPENDENT SCHOOLS

- 6.1 Subject to paragraph 6.3 below, Independent Schools have the same powers under section 124A of the School Standards and Framework Act 1998 as set out for Academies in paragraph 5.1 above.
- 6.2 Subject to paragraph 6.3 below, Independent Schools may seek to establish a *Genuine Occupational Requirement* under the Employment

Equality (Religion or Belief) Regulations 2003 for appropriate non-teaching posts.

- 6.3 The school must be eligible for designation (and have been designated) by the Secretary of State as a school having a religious character. Statutory instrument 2003 2314 sets out the procedure and criteria for designation.
- 6.4 Independent School governing bodies should consider carefully the attached guidance referred to in 1.1 above and any guidance they may have received from Associations to which they belong before seeking to apply a GOR.
- 6.5 Paragraph 2.5 above also applies to Independent Schools.

7. THE EMPLOYMENT EQUALITY (SEXUAL ORIENTATION) REGULATIONS 2003

- 7.1 The Archbishops Council of the Church of England is opposed to discrimination on the grounds of sexual orientation. It reserves its position in respect of sexual conduct. It is difficult to see that a GOR under these regulations could be argued in any school and governing bodies should certainly take careful legal advice before seeking to apply one.

8. EQUAL OPPORTUNITIES IN EMPLOYMENT POLICIES

- 8.1 LEAs are the employers in Voluntary Controlled Schools and governors will normally be following LEA policies and practices. However, governors should include in policies, as they are adopted by them, reference to their powers and specifically the powers of the Foundation Governors under the Schools Standards and Framework Act 1998, Sections 58, 59 and 60.
- 8.2 Church of England designated Foundation Schools should contain the same reference in their policies.

- 8.3 Church of England VA Schools should consider the attached model policy and any model policy provided by their diocese and advice from their LEA, and should ensure that any policy they eventually adopt makes reference to the powers of the Governing Body under Section 60 of the School Standards and Framework Act 1998.
- 8.4 Church of England Designated Academies may also find the attached model policy helpful in general terms. The attached guidance in respect of establishing GORs (see paragraph 1.1) will also provide them with relevant detail and their policies should contain references to (a) the school's designation by the Secretary of State as a school with a Church of England character under the Regulations 2003 No 2314 and to (b) the governing body's ability to decide that a GOR applies to posts it deems to be appropriate under the provisions of The Employment Equality (Religion or Belief) Regulations 2003.
- 8.5 Church of England Designated Independent Schools may also find the attached model policy helpful, but will want to consider also guidance from Associations to which they belong. Their policies should contain references to (a) the schools designation by the Secretary of State as a school with a Church of England character under the Regulations 2003 No 2314, and to (b) the governing body's ability to decide that a GOR applies to posts it deems to be appropriate under the provisions of The Employment Equality (Religion or Belief) Regulations 2003.

9. LEGAL GUIDANCE

- 9.1 Schools are advised to see guidance initially from their LEA, from their Diocesan Board of Education or from any Independent Schools association to which they may belong. The Diocesan Board of Education may in turn seek further guidance from the National Society's legal adviser via the National Society if serious and specific issues arise.
- 9.2 Reference should be made where necessary to The Employment Equality (Religion or Belief) Regulations 2003; the Employment Equality (Sexual Orientation) Regulations 2003; the Race Relations (Amendment) Act 2000; the Disability Discrimination Act 1995; the Race Relations Act

1976; the Sex Discrimination Acts 1975 and 1986 and the Equality Pay Act 1970.

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