
POLICIES AND PROCEDURES

7.7 EQUALITY AND DIVERSITY

7.7.1 Anglo-Continental, as an employer, is committed to a policy of equal opportunities for all employees and shall adhere to such a policy at all times and will review on an on-going basis all aspects of recruitment, to avoid unlawful or undesirable discrimination. No employee or potential employee will receive less favourable treatment or consideration on the grounds of race, colour, religion, nationality, ethnic origin, pregnancy, maternity, disability, sex, sexual orientation, gender reassignment, age or marital/civil partnership status.

7.7.2 Anglo-Continental shall not discriminate unlawfully when selecting employees to attend Training courses, when re-assigning duties within a department, or when considering staff for promotion. Anglo-Continental will ensure that each candidate is assessed only in accordance with the relevant qualifications and necessary experience and ability to perform the relevant duties required for the particular post.

7.7.3 The Grievance Procedure is available to any employee who believes that they have been the subject of unfair discrimination.

7.7.4 Disciplinary action will be taken against any employee who is found to have deliberately contravened the school's Equal Opportunities Policy. Serious breaches of this policy will be treated as gross misconduct under the school's Disciplinary Procedure.

7.7.5 Unlawful sex or race discrimination occurs in the following circumstances:

- **Direct Discrimination**

Under the Sex Discrimination Act 1975 and the Race Relations Act 1976 direct discrimination occurs where one individual treats another individual less favourably on grounds of their sex, race, colour, nationality, ethnic or national origin;

- **Indirect Discrimination**

Indirect Discrimination occurs when an employer applies recruitment or selection criteria, policies, employment practices, promotion procedures, or any other practices which would put a group of employees at a particular disadvantage compared to others.

7.7.6 Other forms of discrimination are as follows:

- **Disability Discrimination**

Under the Disability Discrimination Act, a disability is defined as a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. People who have a disability and people who have had a disability in the past, are covered by the Act.

The definition covers physical impairments and impairments affecting the senses such as sight and hearing. It also covers mental impairments, including learning difficulties and mental illness (where a condition is recognised by a respected body of medical opinion). For a condition to be substantial, it must be more than minor or trivial. Long-term effects are those that have lasted for at least twelve months, or are likely to last for that period of time. Long-term effects include those likely to recur. Day-to-day activities are defined as normal activities carried out on a regular basis and a disability will normally be related to one or more of the headings below:

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- (i) Mobility
- (ii) Manual dexterity
- (iii) Physical co-ordination
- (iv) Continence
- (v) The ability to lift, carry or move ordinary objects
- (vi) Speech, hearing or eyesight
- (vii) Memory, or ability to concentrate, learn or understand
- (viii) The ability to recognise physical danger

The Act states that discrimination occurs when a disabled person is treated less favourably than someone else, the treatment is for a reason relating to the person's disability and the treatment cannot be justified. Discrimination also occurs when there is a failure to make a reasonable adjustment for a disabled person and that failure cannot be justified.

When interviewing a disabled person for a teaching position, the School will assess whether applicants with a disability can meet the requirements of the post, avoiding the assumption that people with a disability are likely to cause problems and assess their suitability flexibly. However, it should be recognised that for those with certain disabilities, there may be formal constraints on access to the required areas, where no reasonable adjustment can be made to allow their employment.

Losing the services of staff who develop a disability deprives the School of an asset and investment in terms of their skills, experience and training. Where reasonable, in accordance with the Disability Discrimination Act, the School will attempt to retain staff who develop a disability and to ensure suitable employment for them.

Members of staff who develop a disability while in employment will need to inform their Departmental Head or the Personnel Manager immediately they are aware of a potential problem. Consultations with the member of staff, their departmental Head and the Personnel Manager will then take place and may involve the input of an appropriate medical authority. These meetings will assist in ascertaining which of the following options will be most suitable:

- (i) **continuing in the same post** – allowing for reasonable adjustments to the work environment and working arrangements;
- (ii) **redeployment** – transferring the individual to fill an existing vacancy providing they have the required qualifications, skills and experience for this new role;
- (iii) **premature retirement on grounds of incapacity** – where it has been decided after consultations that reasonable adjustments cannot be made and that redeployment is not possible;
- (iv) **termination of employment** – termination of employment of a person with a disability for a reason relating to that disability must be justified under the terms of the Disability Discrimination Act. The reason for this action must be one that could not be removed by a reasonable adjustment as detailed above. This course of action should only be taken if all other options have been explored and found to be impracticable and only then should termination on the grounds of incapacity be considered. If this option proves to be necessary, employment will be terminated with the required notice period and there will be a right of appeal. Anyone whose

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employment is terminated in this way should be referred to the Disability Employment Advisor at the Job Centre, who is able to offer assistance and support in seeking future employment.

- **Age Discrimination**

When selecting employees for fixed-term contracts or promoted positions, Anglo-Continental is committed to recruiting and retaining employees whose skills, experience and attitude are appropriate to the requirements of the various posts, regardless of age. The School will not include any age criteria or other subjective criteria in job descriptions. Anglo-Continental will request the age of employees, once a written offer of employment has been made. This information will not be used in any detrimental way and is utilised in each employee's payroll and personal records data.

- **Part-Time Workers**

This Equal Opportunities Policy also covers the treatment of employees who work on a part-time basis. Anglo-Continental recognises that it is an essential part of this policy that part-time employees are treated on the same terms as full-time employees (albeit on a pro-rata basis) in matters such as rates of pay, holiday entitlement, maternity and paternity leave, training and redundancy situations.