

# **School Diversity and Inclusion in Employment**

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools.

Date: April 2026

Review Date: April 2030

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## **Policy Overview**

People from different backgrounds, cultures and experiences bring value to the workplace. Everyone has visible and non-visible differences and by respecting these, colleagues, communities and other stakeholders can feel valued.

The school oppose all forms of unlawful discrimination; we do not tolerate any form of intimidation, bullying or harassment. We are committed to a zero-tolerance policy of less favourable treatment on the grounds of any protected characteristic.

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender Reassignment
- Sex
- Sexual Orientation
- Marriage or Civil Partnership
- Pregnancy and Maternity
- Race (which includes colour, nationality and ethnic or national origins)
- Religion or Belief

All schools in Lincolnshire are expected to have in place an Equality and Diversity Policy which should set out their position on key areas for equality and diversity in regard to employment.

## **Policy Aims**

- Set out the school's position on areas of equality and diversity in regard to employment matters
- Respect and value the diversity of our of pupils, parents and colleagues
- Ensure all staff have the opportunity to receive fair treatment in an environment free from discrimination and harassment.
- Provide opportunities for promotion, training and continued employment to everyone based on merit and ability in relation to the role criteria. By doing this we can ensure that no employee or job applicant is disadvantaged by requirements that cannot be shown to be relevant to the job they applied for or hold.
- Avoiding stereotypical assumptions or bias, conscious or otherwise

The advice reflects best practice and conforms to all existing legislation, in particular the Equality Act 2010.

## **Minimum Standards**

Every school in Lincolnshire has a duty of care to provide a safe workplace for its employees, one that is free from discrimination. Discrimination will not be tolerated at any level, in any form.

Schools will appropriately manage any employee found in breach of the school's Equality and Diversity Policy; where appropriate, this may include the school following their schools Disciplinary Policy and Procedure.

## **Roles and Responsibilities**

### ***Governors***

Adopting the policy, adapting for local circumstances and monitoring its use.

### ***Head Teacher***

Managerial responsibility for the implementation of the policy and being accountable for its implementation and delivery.

### ***Senior Leadership Team***

To be familiar with the policy; they will promote and monitor the policy actively through their teams and through their work planning process, delivery, employment practices and employee development.

### ***Staff***

All employees will have access to, understand and implement this policy through their work and actions, supported by team discussions and training and take personal responsibility to implement and promote this policy in their day to day work in the School.

### ***HR Providers***

Provide advice on the application of the policy and support to the Head Teacher and Governors.

## **Discrimination**

Types of discrimination include:

- Direct discrimination
- Indirect discrimination
- Associative discrimination
- Perceptive discrimination
- Discrimination arising from disability

All the above types of discrimination are defined on the Government's website: [\*Discrimination: your rights: Types of discrimination \('protected characteristics'\) - GOV.UK\*](#)

**What to do if an employee believes they have been discriminated against**

The school is committed to ensuring that any complaint of discrimination is dealt with quickly and effectively. In the first instance employees may be able to resolve the issue by talking to the person they feel is discriminating against them and asking for the reasons for their behaviour.

Where this is not appropriate the employee should raise the issue with the Head Teacher or Chair of Governors when the Head Teacher is being complained about. The allegations will then be investigated using the Grievance Resolution Policy to highlight concerns.

Schools are strongly encouraged to attempt to resolve matters with the employee informally wherever possible. If you become aware of an employee citing discrimination HR and Legal advice should be sought at the earliest opportunity.

### **Proportionate means of achieving a legitimate aim**

The Equality Act 2010 provides for exceptional circumstances (in some forms of discrimination) where unfavourable treatment, or any disadvantage caused to a claimant may not necessarily equate to unlawful discrimination. However, these will be rare and in such circumstances HR and legal advice **must** be sought.

### **Publishing Information**

At times, schools may be required to publish information, and when doing so they must ensure that the only information published is that required by legislation (for example on the Schools Workforce Census).

Areas of information schools are required to publish may include the following:

- Workforce make up (all employees and new starters)
- Applications for training
- Grievances
- Capability
- Disciplinary action
- Performance appraisals
- Employees leaving the authority
- Gender pay gap information

### **Bullying and Harassment**

Harassment is defined as unwanted conduct, related to one of the protected characteristics, that has the purpose or effect of:

- Violating a person's dignity
- Or, creating an intimidating, hostile, degrading, humiliating or offensive environment.

Employees or the public can complain of behaviour that they find offensive even if it is not directed at them. The complainant need not have the relevant characteristic themselves.

Those who commit severe acts of harassment may be guilty of a criminal offence.

Bullying an individual related to a protected characteristic can be unlawful behaviour.

Bullying is offensive, intimidating, malicious, or insulting behaviour. It is an abuse or misuse of power. It undermines, humiliates, denigrates or injures an individual or a group of employees.

## **Victimisation**

This occurs where an employee is treated less favourably because they have made allegations or brought proceedings under these acts; or given evidence or information in support of such proceedings or allegations.

## **Legislation**

The Respect for Others Section of the Code of Conduct supplements the right of an employee to seek legal redress for harassment and/or discrimination through the relevant equality legislation as contained in the Equality Act 2010.

Under the Criminal Justice and Public Order Act 1994, it is an offence to intentionally cause a person harassment, alarm or distress. This is where someone;

- uses threatening, abusive or insulting words or behaviour, or disorderly behaviour
- displays any visible representation which is threatening, abusive or insulting

Under the Protection from Harassment Act 1997, it is an offence for someone to:

- behave in a way which they know, or ought to have known, causes another to fear the use of violence against them
- behave in a way which they know, or ought to have known, causes another harassment

Employees alleging harassment at work can complain to the police. Heads should also consider this where there is evidence to suggest criminal action. Employers may be liable for what employees do during their employment, whether or not the employer knows of those acts. Employers can avoid a successful claim of unlawful discrimination only if they can show that they took reasonable steps to prevent the offence being committed.

## **Reasonable Adjustments**

By law, reasonable adjustments must be made. These ensure that disabled people are not disadvantaged compared to those who are not disabled. Reasonable adjustments fall into three areas:

1. Changing practices, policies and procedures.
2. Physical feature, for example barrier
3. Providing extra equipment or getting someone to do something to assist you.

Reasonable adjustments are not limitless and will need to be balanced alongside cost, likely impact and the working environment. Adjustments will be considered on a case-by-case basis.

## **Positive Action**

The school aims to build a workforce that reflects its community by encouraging applications from under-represented groups. Where minority ethnic groups are under-represented, it is lawful (though not required) to encourage these groups to apply for roles or training.

Selection will always be based on merit. Positive action applies if, within the past 12 months:

- No one from that group is employed in the role, or
- The group is significantly under-represented compared to the workforce and local population.

## **Positive Action Measures**

Where a social group is under-represented in a type of work, the School may:

- Advertise in targeted media and use agencies in relevant areas
- Develop recruitment/training schemes for school leavers
- Encourage promotion or transfer applications from these groups
- Offer alternative promotion routes for those without standard qualifications
- Provide management or skills training, including language support

For gender, sexual orientation, religion, or belief, measures may include:

- Training for roles traditionally held by one group
- Encouraging women to apply for managerial posts
- Inclusive advertising that states selection is merit-based
- Flexible working, special leave, and childcare support

Positive discrimination in limited cases is permitted under the Equality Act 2010—seek HR advice. Further guidance is in the Recruitment, Selection and Induction Policy.

## **Occupational Requirements**

Roles may lawfully require a specific social group where necessary, such as:

- Preserving decency or privacy
- Working in single-gender establishments
- Providing personal services most effectively delivered by that group
- Roles for married couples/civil partners
- Legal restrictions on employment
- Intimate searches under statutory powers
- Work in private homes requiring intimate contact
-

The school promotes diversity and aims to minimize use of occupational requirements.

### **Raising an Issue**

An employee may follow the Schools Grievance Resolution Procedure to make a complaint if they consider they have:

- Been unlawfully discriminated against based on any of the protected characteristics
- A complaint involving alleged bullying or harassment.

A parent/guardian or member of the public wishing to make a complaint must follow the Schools Complaints Procedure.

### **Relevant Links**

[Schools employment manual – Professional resources](#)

[Equality Act 2010 Technical guidance for schools in England | EHRC](#)

[Technical guidance for schools in England | EHRC](#)

[School workforce census guide 2025](#)

## **Appendix 1 – Further Guidance on Disability**

### **Definition of Disability**

A person has a disability if he or she:

- has a physical or mental impairment
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purpose of the Act, these words have the following meaning:

- “substantial” means more than minor or trivial
- “long-term” means that the effect of the impairment has lasted, or is likely to last, for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- “normal day-to-day activities” include everyday things like eating, washing, walking and going shopping.

The Equality Act 2010 provides rights for people not to be directly discriminated against or harassed because they have an association with a disabled person. This can apply to a carer or parent of a disabled person. Additionally, people must not be directly discriminated against or harassed because they are wrongly perceived to be disabled.

### **Duty to Make Reasonable Adjustments**

The duty to make “reasonable adjustments” is owed to individual disabled job applicants and employees as and when the need arises. The obligation is placed on the employer when a particular applicant has notified that employer on his/her application form. This duty applies in the same way to existing employees who are disabled or become disabled, once they have notified their employer that they have a disability.

### **Reasonable Adjustments**

Where a provision, criterion or practice applied by or on behalf of an employer, or a physical feature of their premises, places a disabled person at a substantial disadvantage in comparison with persons who are not disabled, “reasonable adjustments” may help to overcome the practical effects of a disability and enable the employee to continue working. Employers need to demonstrate that all possible action has been taken to make adjustments that are considered to be reasonable. The School wishes to be an employer that can accommodate disabled persons needs if at all possible.

This provision does not oblige employers to make the best adjustments possible, e.g. to re-allocate key functions of the job, or to provide items which the individual could be reasonably expected to have already for their personal use. However, in deciding if it is reasonable to require an employer to undertake a particular action, the following factors will be taken into account at an Employment Tribunal:

- the extent to which taking the action would prevent the disabling effect in question

- the practicability of such a step
- the financial and other costs and the degree of disruption to the employer
- the financial or other resources available to the employer
- the availability to the employer of financial and other assistance (e.g. the “Access to Work” scheme)
- the nature of the employer’s activities and size of undertaking (e.g. where an employee becomes disabled and can no longer undertake the duties of the post, it might be reasonable given the size of the County Council and the wide range of jobs available to seek suitable alternative employment in accordance with the Redeployment Scheme for School Based Staff

It may be that a “reasonable adjustment” cannot be implemented quickly. In these circumstances, the candidate should be appointed and interim arrangements put in place until the adjustment can be made.

Examples of “reasonable adjustments are:

- modifying procedures for testing or assessment
- assigning to a different place of work
- providing a reader, interpreter or signer
- provision of materials in an alternative format such as large print or Braille
- acquiring or modifying equipment
- making adjustments to working environment
- modifying instructions or reference manuals
- alterations to working hours and/or allowing absences during work time for rehabilitation, assessment or treatment
- modifying disciplinary or grievance procedures