

**EQUAL OPPORTUNITIES POLICY
FOR TEACHERS IN SCHOOLS**

1. Interpretation
2. General
3. Legal Framework¹
4. Implementation
 - 4.1 Management Arrangement
 - 4.2 Communicating the Equal Opportunities Policy
 - 4.3 Monitoring and Affirmative Action
5. Recruitment and Selection
6. Training
7. Performance-Related Staff Development
8. Finding the Balance – Work-life Policies in Practice
9. Complaints
10. Regular Review
11. Agreement

This information can be made available, on request, in alternative formats including in large print, on computer disc, by e-mail, in Braille, on audio-cassette and in minority languages to meet the needs of those people who are not fluent in English.

¹ Definitions of the legislation used in this Policy are not a definitive statement of the law and where used are intended as guidance only.

1. INTERPRETATION

"Teacher" means a qualified Teacher and a non-qualified Teacher including an Assistant Teacher, Vice Principal and Principal. It also includes part-time Teachers.

"School" means an institution for providing primary or secondary education or both primary and secondary education, being a grant-aided school; and, when used without qualification, means either or both such schools as the context may require.

"Special School" means a school which is specially organised to make special educational provision for pupils with special educational needs and which is approved by the Department as such.

"Board of Governors" means the Board of Governors of one or more controlled schools appointed under Article 10 of the Education and Libraries (Northern Ireland) Order 1986.

2. GENERAL

2.1 The aim of this policy is to communicate the commitment of the (the Board) to the promotion of equality of opportunity. It is the policy of the Board and the Board of Governors to provide employment equality to all irrespective of:

- gender, marital, civil partnership or family status;
- pregnancy or maternity leave;
- sexual orientation;
- gender re-assignment;
- racial group²;
- age;
- disability;
- trade union membership or non-membership;
- criminal record;³
- religious belief and political opinion.⁴

² Throughout this document the word 'racial group' is to be understood, in line with the Race Relations (NI) Order 1997 (as amended), to include colour, race, nationality or ethnic or national origin. Irish Travellers are recognised by the Order as being members of a racial group.

³ A person's criminal record will be seen in the context of the post, ability to do the job and the responsibility of employers for child protection, for the care of funds, resources, the public and other employees. Only offences relevant to the post in question will be considered.

⁴ Under Article 71 of the Fair Employment and Treatment Order (NI) 1998 (as amended) it is not unlawful for the employers of school teachers to discriminate on the grounds of religious belief or political opinion in relation to the recruitment of persons as teachers in schools.

Selection for employment and advancement will be on the basis of suitability, qualifications and aptitude to carry out the duties of the post. Eligibility criteria for all teaching posts will reflect the ethos of the school sector.

This Policy applies to recruitment and selection, training and other benefits and facilities. The Board of Governors will positively promote and rigorously observe the objectives and principles set out in this statement and are committed to implementing policies to promote equality of opportunity within schools.

The Board of Governors recognise that the provision of equal opportunities in the workplace is not only good management practice; it also makes sound business sense.

3. LEGAL FRAMEWORK

3.1 This Policy has been developed within the framework of current employment legislation. The Board is committed to the promotion of equality of opportunity, fair participation and good relations, and the prevention of unlawful discrimination. The Board and the Board of Governors are opposed to all forms of unlawful discrimination, direct or indirect, against any teacher in the recruitment and selection process, in training or in any other way.

However, the existence of law cannot itself ensure that any policy of non-discrimination will work effectively. This will be achieved only when the Board, Board of Governors and teachers examine critically their attitudes to people and ensure that no trace of discrimination is allowed to affect their judgement. All teachers should be aware of the forms which unlawful discrimination can take, guard against them and avoid any action, which might influence others to discriminate unlawfully.

The Board, Board of Governors and teachers recognise their obligations under the:

- Equal Pay Act (NI) 1970 (as amended);
- Sex Discrimination (NI) Order 1976 (as amended);
- Race Relations (NI) Order 1997 (as amended);
- Disability Discrimination Act 1995 (as amended);
- Employment Equality (Sexual Orientation) Regulations (NI) 2003;
- Employment Equality (Age) Regulations (NI) 2006;
- Fair Employment and Treatment (NI) Order 1998 (as amended).

In addition, specific obligations are imposed on “public authorities”, including the Board, in respect of the need to promote equality of opportunity and the desirability of promoting good relations under Section 75 of the Northern Ireland Act 1998. This policy is underpinned by the Board of Governors’

recognition of the importance of equality of opportunity and good relations in the workplace. It is the Board of Governor's intention to comply with the spirit as well as the letter of the legislation.

- 3.2** The Board is committed to preventing any form of direct or indirect discrimination or victimisation against any applicant, potential applicant, employee or student teacher on grounds of his or her sex, marital status, pregnancy or maternity leave, civil partnership status, sexual orientation, gender reassignment, religious belief, political opinion, race, disability or age.

Direct discrimination means treating an individual less favourably on any of the above grounds. In a small number of circumstances age discrimination may be permitted where an employer can demonstrate that such treatment is objectively justified.

Indirect discrimination⁵ can generally be defined as applying a provision, criterion or practice which although applied equally to all, places a person or a group at a particular disadvantage which the Board of Governors cannot show to be a proportionate means of achieving a legitimate aim.

Victimisation means treating a person less favourably than another because that person has asserted their rights under the anti-discrimination legislation or has helped another person to do so or has given information to the Equality Commission for Northern Ireland, or because it is suspected that the person might do any of these things.

Disability-related discrimination occurs when, for a reason that is related to a disabled person's disability, an employer without justification treats the disabled person less favourable than others to whom that reason does not apply. In the case of disability discrimination it also occurs where there has been a failure to comply with the duty to make reasonable adjustments for a person with a disability

- 3.3** Care must be taken to guard against more subtle and unconscious forms of discrimination which may not be immediately obvious. This may result from generalisations about the capabilities, characteristics, or interests of particular groups, which influence the treatment of individuals or groups. For example, preconceptions about their suitability for a particular post, level of management, location, training or other development opportunities etc.

- 3.4** The Board of Governors is committed to preventing discrimination in the form of harassment of any individual or group. Harassment may constitute unlawful discrimination under current anti-discrimination legislation.

Harassment means any behaviour, deliberate or otherwise, which is unwanted and offensive to an individual or group and which may violate an employee's

⁵ The 'equality group' can be defined as being a group composed of persons of the same sex, marital status, race, sexual orientation, civil partnership status, religious belief, political opinion or age.

dignity or create an intimidating, hostile, degrading, humiliating or offensive working environment.

- 3.5 The Board of Governors will promote a supportive and harmonious work environment, free from material or behaviour likely to be offensive, provocative, or intimidating or in any way likely to cause apprehension to any employee. In accordance with this principle, the Policy and Procedure to Combat Bullying and Harassment in Schools has been drawn up and agreed with the recognised Teachers' Unions and has been issued to staff. The Board will promote and provide the necessary training relating to this policy.
- 3.6 The Principal and the School's Senior Management Team must be seen to be impartial in their dealings with staff and ensure their conduct at all times accords with the Equal Opportunities Policy. They must take appropriate action to deal with any difficulties arising from a lack of impartiality by any member of their staff within their area of responsibility.
- 3.7 All teachers are bound by this Policy to ensure that their behaviour at all times accords with the principles set out in the Equal Opportunities Policy. Breaches may be dealt with under the appropriate procedures.

4. IMPLEMENTATION

4.1 Management Arrangement

The.....is responsible for monitoring, co-ordinating and developing the Policy under the direction of the ⁶. The Board of Governors is responsible for the promotion and implementation of the Policy at school level. The Principal and the School's Senior Management Team will ensure that all teaching staff for whom they are responsible are aware of, and abide by this Policy. The Policy will be adopted at all levels of management. All teachers have a responsibility to accept their personal involvement in the application of the Policy.

4.2 Communicating the Equal Opportunities Policy

This Policy will be publicised throughout the Board, distributed to schools where it will be recommended for adoption by Boards of Governors and made available to all teachers. It will be reflected as appropriate in training courses and included as guidance to Boards of Governors participating in appointment and selection panels. A summary of the Equal Opportunities Policy will be included in careers literature and will be issued to job applicants.

4.3 Monitoring and Affirmative Action

The composition of teachers, applicants for employment and appointments will be monitored annually on the basis of religious belief, political opinion, sex, marital status, race, disability and age. The purpose of regular monitoring is to provide the information required to measure the effectiveness of this Policy and provide an objective view on the existence and progress of equality

⁶ To be determined by each Employing Authority

of opportunity. To this end, an information system has been established to provide accurate and up-to-date information.

- 4.4 Policies and procedures in respect of employment and advancement will be periodically reviewed to maintain a system where individuals are treated solely on the basis of merit.
- 4.5 The Board will take such affirmative action as is deemed lawful, appropriate and necessary to ensure equality of opportunity. Goals and timetables, where appropriate, will be set to measure progress which can reasonably be expected as a result of affirmative action.
- 4.6 The Board and Board of Governors will regard breaches of this policy as misconduct which may result in disciplinary action under the Disciplinary Procedure.

5. RECRUITMENT AND SELECTION

- 5.1 The Board will ensure that advertisements do not indicate, or appear to indicate, an intention to discriminate in recruitment, selection or promotion. Advertisements must not be confined unjustifiably to geographical areas or publications which would exclude or disproportionately reduce the numbers of applicants from a particular group as per paragraph 2.1 of this Policy. A statement promoting the equal opportunities policy will be included in all advertisements for teachers.
- 5.2 Eligibility criteria used for recruitment, selection or promotion must be related to ability to do the job and will be non-discriminatory. Eligibility criteria will be made known to prospective applicants.
- 5.3 When constituting selection panels the Board of Governors will endeavour to ensure male and female representation.
- 5.4 Applications must be submitted on official application forms and appointments will be made following a selection process, which provides for shortlisting and interview panels. Teachers employed on a Job Share Contract are eligible to apply for posts with Teaching Allowances on the same basis as permanent full-time teachers.
- 5.5 Decisions relating to the selection process and the reasons for such decisions will be recorded at each stage of the selection process. All documentation in relation to selection panels will be retained for a period of at least three years.

6. TRAINING

- 6.1 Boards of Governors and Principals will be afforded the opportunity to attend training in the Board's Recruitment and Selection Policies and Procedures including Equal Opportunities Awareness Training to ensure they are aware of

current legislation and provided with guidance on the avoidance of discrimination. This will be included as appropriate in management and supervisory development programmes so that those staff with managerial and supervisory responsibility perform their duties with a full knowledge of the implications of the equal opportunities legislation.

- 6.2** All teachers should have equality of access to training and development opportunities such as are in place through INSET to enable them to develop the necessary skills to achieve their full potential.

7. PERFORMANCE REVIEW AND STAFF DEVELOPMENT

Performance Review and Staff Development (PRSD) within schools will be based solely on an objective assessment of the individual's capabilities, performance and potential.

8. FINDING THE BALANCE – WORK-LIFE POLICIES IN PRACTICE

It is in the interests of the Board and Board of Governors that it retains trained staff. School Management in consultation with Teachers' Unions, should consider what steps can be taken, consistent with the justifiable needs of the school, to enable teachers to reconcile their work with their domestic responsibilities. Teachers should be made aware of existing provisions such as maternity leave, paternity leave, parental leave, adoption leave, job sharing, part-time working, career breaks and leave for domestic, personal and family reasons.

Furthermore, under the 'Family-Friendly' employment rights of the Employment Rights (NI) Order 1996 as amended by the Employment (NI) Order 2002 and the Work and Families (NI) Order 2006 working parents who are employees have new and additional rights, intended to allow them to be able to spend more time with their young children. The 2002 Order extends rights under the maternity regime and introduces new statutory rights to paternity and adoptive leave and pay. Employees with children aged under six years or disabled children under 18 years or those with caring responsibilities who have at least six months' continuous service with their employer have the right to request flexible working. The right to request flexible working under Article 112F of the Employment Rights (NI) Order 1996 has now been extended to employees with caring responsibilities. The Board is under a statutory obligation to treat such applications with due consideration.

9. COMPLAINTS

- 9.1** The Board of Governors is committed to this issue and, in consultation with the Board, will take prompt action to investigate any grievance concerning discrimination or harassment which includes sexual, sectarian or racial harassment and harassment on grounds of sexual orientation, disability or age.

The procedures relating to complaints of harassment are laid down in the Policy and Procedure to Combat Bullying and Harassment in Schools.

- 9.2** These internal procedures do not replace or detract from the right of a teacher to pursue complaints under the current anti-discrimination legislation. Help and advice in regard to such complaints is available from the Equality Commission for Northern Ireland, your trade union, the Labour Relations Agency, a solicitor or Citizen's Advice Bureau. External discrimination complaints are pursued in the Industrial Tribunal. Individuals should check the time limits under which complaints should be brought.
- 9.3** Every effort will be made to ensure that teaching staff making complaints will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

10. REGULAR REVIEW

The Board is committed to a process of consultation with the recognised Teachers' Unions on the policy and practices outlined in this statement. These will be regularly reviewed to ensure that the Board's objectives on equality of opportunity are assessed and such affirmative action as is deemed lawful, appropriate and necessary will be taken.

11. AGREEMENT

This Policy has been agreed between Management Side and Teachers' Side of the Teachers' Salaries and Conditions of Service Committee (Schools) and has been formally adopted by the Board of Governors of:

(School name)

Signature _____

Chairperson of the Board of Governors

Signature _____

Principal of School

Date _____