

## EQUAL OPPORTUNITIES POLICY FOR TEACHERS IN SCHOOLS

### 1. INTERPRETATION

**"Teacher"** means a qualified Teacher, Vice Principal and Principal. It also includes part-time, temporary and substitute 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 a member of the Board of Governors of a Primary, Post-Primary, Nursery, Special or Grammar school across the range of sectors reflected in Northern Ireland. The member may have been appointed under Article 10 of the Education and Libraries (NI) Order 1986 to one or more controlled schools.

### 2. GENERAL

2.1. The aim of this policy is to communicate the commitment to the promotion of equality of opportunity, fair participation, and good relations. The policy should be read in conjunction with other policies such as, the Declaration of Protection for Dignity at Work and the Bullying and Harassment Procedure. It is the Board of Governors and the Employing Authority's policy to provide equality of opportunity, to all, irrespective of:

- gender, including transgender, marital status or civil partnership status;
- pregnancy, maternity or parenting status;
- sexual orientation;
- religious belief
- political opinion;
- race;
- age;
- disability;
- having dependants or not; and
- trade union membership or non-membership.

2.2. 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 both good management practice and makes sound business sense.

### **3. LEGAL FRAMEWORK**

- 3.1.** This Policy has been developed within the framework of current employment legislation. The Employing Authority is committed to the promotion of equality of opportunity, fair participation and good relations, and the prevention of unlawful discrimination. The Employing Authority 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, selection for redundancy or in any other way.

The Employing Authority and the Board of Governors are opposed to all forms of unlawful or unfair discrimination or harassment. In line with the Dignity at Work Policy and Code of Practice, all forms of bullying, discrimination and harassment are seen as unacceptable behaviour. All job applicants and employees will be treated fairly and will not be discriminated against on the grounds of their gender, including transgender, marital status, pregnancy, maternity or parenting status, civil partnership status, sexual orientation, religious belief, political opinion, race, disability, or age.

Decisions about recruitment and selection, advancement, training, or any benefit will be made objectively and without unlawful or unfair discrimination or harassment.

This policy has been developed within the framework of current employment legislation and has been updated in light of immigration changes in relation to the EU Exit. It is designed to build on the statutory position and to reflect the spirit as well as the letter of the legislation.

However, the existence of law and agreed procedures cannot of themselves ensure that any policy of non-discrimination/non-harassment will work effectively. This will be achieved only when employees at all levels critically examine their attitudes and behaviours

to others and ensure that no taint of unlawful or unfair discrimination or harassment is allowed to affect their judgement.

Therefore Employing Authority, 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)
- Trade Union and Labour Relations (Northern Ireland) Order 1995.

In addition, specific obligations are imposed on “public authorities”, including the Education Authority and CCMS, 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 of Governors and the Employing Authority 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 their sex, marital status, pregnancy or maternity leave or parenting status, 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 discrimination**<sup>1</sup> 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.

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<sup>1</sup> 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.

**Disability-related discrimination** occurs where an employer, without justification, and for a reason which relates to a person's disability, treats that person less favourably than the employer treats (or would treat) other people to whom that reason does not (or would not) apply.

**Failure to comply with a duty to make reasonable adjustments** – this form of disability discrimination occurs where an employer has a duty to make reasonable adjustments for a person with a disability and fails to comply with it. A failure to comply with the duty cannot be justified and is always unlawful.

An employer will be under a duty to make reasonable adjustments for a person with a disability in his/her recruitment or employment if, as a result of the working environment and/or any provision, criterion or practice applied by the employer:

- the person with a disability is placed at a substantial disadvantage compared to persons who do not have a disability, and
- the employer knows or could reasonably be expected to know that the person has a disability and is suffering the said disadvantage or is likely to.

Where the employer is under the duty, he/she is required to take such steps as are reasonable, in all the circumstances of the case, to prevent the person with a disability from suffering the said disadvantage.

- 3.3.** Care must be taken to guard against more subtle and unconscious forms of discrimination which may not be immediately obvious also known as 'unconscious bias'. 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 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 and an updated Declaration of Protection has been drawn up and agreed with the recognised Teachers' Unions and has been issued to staff. The Employing Authority 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. WORKING ENVIRONMENT**

- 4.1.** The Employing Authority will work with trade unions to ensure that our workplaces are harmonious and inclusive, where individual differences are valued and respected in line with the commitments provided for in existing policies and procedure e.g. equal opportunities, harassment and discipline.
- 4.2.** The Employing Authority and the recognised Trade Unions' joint commitment to promoting a good and harmonious working environment is stated in the Joint Declaration of Protection for Dignity at Work and Inclusive Working Environment, and associated Workplace Policy.

#### **5. IMPLEMENTATION**

##### **5.1. Management Arrangement**

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.

##### **5.2. Communicating the Equal Opportunities Policy**

This Policy will be publicised throughout all employing authorities 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.

### **5.3. 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, gender including transgender, marital/partnership status, race, disability and age, sexual orientation, those with dependants and those without. 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 of opportunity.

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.

The Employing Authority 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.

The Employing Authority and Board of Governors will regard breaches of this policy as misconduct which may result in disciplinary action under the Disciplinary Procedure.

## **6. RECRUITMENT AND SELECTION**

**6.1.** The Employing Authority 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. All advertisements will include essential and desirable criteria needed to carry out the role; irrelevant qualifications surplus to the job will not be included without a valid reason.

**6.2.** 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.



- 6.3.** When constituting selection panels, the Board of Governors will endeavour to ensure a balanced panel (male and female representation) where possible.
- 6.4.** Applications must be submitted on official application forms and appointments will be made following a selection process, which provides for shortlisting and interview panels. Appointments will be made through a fair and transparent process that follows employment and fair employment to ensure there is no room for outside influence or candidate favouring.
- 6.5.** Teachers employed on a Job Share contract or Part-Time basis are eligible to apply for posts with Teaching Allowances on the same basis as permanent full-time teachers.
- 6.6.** 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. Keeping such records will ensure that fair employment processes are transparent and can be demonstrated if queried by an applicant.
- 6.7.** The Employing Authority is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or perceived nationality. All prospective employees, regardless of nationality, must be able to produce original documents before employment starts to satisfy current immigration legislation. The list of acceptable documents is available from the relevant employing authority HR or the Home Office Website.

## **7. TRAINING**

- 7.1.** Boards of Governors and Principals will be afforded the opportunity to attend training in the Employing Authorities 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, either temporary or permanent, perform their duties with a full knowledge of the implications of the equal opportunities' legislation.
- 7.2.** 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.

## **8. 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.

## **9. FINDING THE BALANCE – WORK-LIFE POLICIES IN PRACTICE**

It is in the interests of the Employing Authority 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, shared parental leave, adoption leave, job sharing, part-time working, flexible working, career breaks and leave for domestic, personal, and family reasons.

## **10. COMPLAINTS**

The Board of Governors is committed to this issue and, in consultation with the Employing Authority 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.

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 Citizens' Advice Bureau. External discrimination complaints are pursued in the Industrial Tribunals and the Fair Employment Tribunal.

(N.B. an equal pay claim which constitutes sex discrimination can also be pursued through a civil court under the six-year statute bar limitation). Individuals who feel they have been subjected to maladministration also have access to the Northern Ireland Ombudsman. Individuals should check the time limits under which complaints should be brought.

Teaching Staff should have the confidence to pursue a case of discrimination, bullying and harassment without fear of victimisation and every effort will be made to ensure that employees 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.

Where claims of discrimination, bullying and harassment are found to be malicious or vexatious this may result in disciplinary action.

## 11. REGULAR REVIEW

The Employing Authority 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 Employing Authorities objectives on equality of opportunity are assessed, and such affirmative action as is deemed lawful, appropriate and necessary will be taken. The policy will be tabled for review every 3 years.

## 12. 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 \_\_\_\_\_