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This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its pupils and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values.

While this current policy document may be referred to elsewhere in Yarrow Heights School documentation, including particulars of employment, it is non-contractual.

In the school's policies, unless the specific context requires otherwise, the word "parent" is used in terms of Section 576 of the [Education Act 1996](#), which states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance [Understanding and dealing with issues relating to parental responsibility updated August 2023](#) considers a 'parent' to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part-time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

The school contracts the services of third-party organisations to ensure regulatory compliance and implement best practices for:

- HR and Employment Law
- Health & Safety Guidance
- DBS Check processing
- Mandatory Safeguarding, Health & Safety, and other relevant training
- Data protection and GDPR guidance
- Specialist insurance cover

Where this policy refers to 'employees', the term refers to any individual that is classified as an employee or a worker, working with and on behalf of the school (including volunteers and contractors).

The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Yarrow Heights School.

The policy documents of Yarrow Heights School are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect between the re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Leadership Team, that the details of any policy document are still effectively current at a particular moment.

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1. Aims

This Policy aims to:

- ✓ Set out our commitment to equal opportunities in employment at Yarrow Heights School.
- ✓ Set out how we will avoid unlawful discrimination in our recruitment, promotion, training, pay and benefits, discipline, dismissals, performance management and selection for redundancy.
- ✓ Set out how we meet our legislative requirements under the Equality Act 2010.

2. Legislation and Statutory requirements

- ✓ Statutory Policies for Schools & Academic Trusts (Jan 2020).
- ✓ The Equality Act 2010.
- ✓ The Equal Pay Act 2010.

3. Principles

- 3.1 Yarrow Heights School is committed to promoting equality of opportunity for all employees and job applicants. We aim to create a supportive and inclusive working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.
- 3.2 We do not discriminate against employees based on age, race, sex, disability, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion, faith, or belief. (Equality Act 2010 protected characteristics). The principles of non-discrimination and equality of opportunity also apply to the way in which staff and Directors treat visitors, volunteers, contractors, and former employees.
- 3.3 All employees have a duty to act in accordance with this Policy and always treat colleagues with dignity, and not to discriminate against or harass other members of staff, regardless of their status. Please refer to Bullying and Harassment policy for further information.
- 3.4 This Policy has been agreed following consultation with employees.
- 3.5 This Policy does not form part of any employee's contract of employment.
- 3.6 This Policy covers all individuals working at all levels and grades, including senior managers, employees, trainees, part time and fixed term employees, volunteers, casual workers, agency staff and Directors collectively referred to as "employees" in this Policy.
- 3.7 The Headteacher has overall responsibility for the effective operation of this Policy and for ensuring compliance with discrimination law.
- 3.8 All managers must set an appropriate standard of behaviour, lead by example, and ensure that those they manage adhere to the Policy and promote our aims and objectives regarding equal opportunities. Managers will be given

appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice. The Headteacher has overall responsibility for equal opportunities training and may delegate management and delivery of this to an appropriate member of the Senior Leadership Team.

- 3.9 All members of staff are personally responsible for ensuring that they adhere to the Policy and promote our aims and objectives about equal opportunities. In certain circumstances the Board of Directors could be held to be vicariously liable for actions of their staff. All employees should be aware that they may be personally liable if they are found to have discriminated against another person whilst in School or on School-related business.

4. Definitions

- 4.1. **"Headteacher"** also refers to, where appropriate, another senior Manager delegated to deal with the matter by the Headteacher.
- 4.2. **"Employee"** refers to any employee employed to work at Yarrow Heights School including senior managers, employees, trainees, part time and fixed term employees, volunteers, casual workers, agency staff and Directors.
- 4.3. **"Senior Manager"** refers to any senior team member, delegated by the Headteacher to deal with an employment matter.

5. Scope of the Policy

- 5.1 This Policy applies to all aspects of our relationship with employees and to relations between employees at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.
- 5.2 We will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities and other HR policies refer and support this e.g., Safer Recruitment Policy and Procedure, Code of Conduct, Pay Policy, Bullying and Harassment, Appraisal, Supervision and Performance Management Policies.

6. Forms of Discrimination

- 6.1 Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- 6.2 Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out in Section 3 above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.
- 6.3 Indirect discrimination is where there is a provision, criterion or practice that applies to everyone but adversely affects people with a particular protected

characteristic more than others and is not justified. For example, a requirement to work full time adversely affects women because they generally have greater childcare commitments than men. Such a requirement will be discriminatory unless it is objectively justified.

- 6.4 Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Bullying and Harassment Policy and Procedure.
- 6.5 Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.
- 6.6 Disability discrimination; this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

Aim	Current good practice <i>Include established practice and practice under development</i>	Objectives/ <i>State short, medium, and long-term objectives</i>	Actions to be taken	Person responsible	Date to complete actions by	Success criteria
Increase access to the curriculum for pupils with a disability	Yarrow Heights is an independent special school that caters for pupils on the Autism spectrum and other associated disorders. All our pupils have an EHCP. We use resources tailored to the needs of pupils who require support to access the curriculum. Curriculum resources include examples of people with disabilities. Curriculum progress is tracked for all pupils. Targets are set effectively and are appropriate for pupils. The curriculum is reviewed and adapted to ensure it meets the needs of all pupils. Our school offers a differentiated curriculum and therapeutic interventions that include Speech and Language therapy, and Occupational Therapy.	Yarrow Heights will continue to review the curriculum to meet the needs of new and current pupils. Yarrow Heights will continue to increase the staff's knowledge and understanding of specific needs such as dyslexia, dyspraxia, dyscalculia. Yarrow Heights will continue evaluating the provision of therapeutic interventions.	Yarrow Heights will continue to review the curriculum to make it more effective and to meet the needs of every child. Yarrow Heights will continue to strengthen the use of CPD by using Twilight Sessions & INSET days. Yarrow Heights will continue to conduct a comprehensive review of the therapeutic interventions.	SM, KS	Continue to review annually, to meet the need of changing pupil cohort	Pupils will be able to have greater access to a wider range of subjects that help the individual progress to their next steps. Staff will have a greater knowledge and understanding of Autism and supporting pupils. Pupils will be able to have greater access to a wider range of subjects that help the individual progress to their next steps.

Improve and maintain access to the physical environment	The school currently accommodates the needs of disabled pupils on the ground floor and in the hub area. To further enhance accessibility, the school will review options for improving access to the upper floors, including the potential installation of an accessibility lift. Planned accessibility features include: • Ramps • Stair lifts	Yarrow Heights and Cavendish Education are committed to continuing the development of the school's older buildings to better serve a broader range of needs within the community.	The Headteacher, Head of Operations, and Facilities Manager will lead a comprehensive review to identify additional adaptations required to improve accessibility. This review will specifically consider: • Disabled toilets in the main school block • Explore options of stair lift •	DS, AT, CA	These improvements will be implemented within three years, aligned with the site development plan and broader future development goals..	Improved access to all key areas of the school.
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8. Staff Training and Promotion and Conditions of Service

- 7.1 Staff training needs will be identified through regular employee appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made based on merit. The composition of our workforce and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.
- 7.2 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

9. Discipline and Termination of Employment

- 8.1 The School will ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal, or other disciplinary action.
- 8.2 We will ensure that redundancy and restructuring criteria and procedures are fair and objective and do not discriminate directly or indirectly.

10. Disability Discrimination

- 9.1 If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.
- 9.2 If you experience difficulties at work because of your disability, you should speak to your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser(s) about possible adjustments. We will consider the matter carefully and try to accommodate your needs. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.
- 9.3 We will monitor the physical features of our premises to consider whether they place disabled workers or job applicants at a substantial disadvantage compared to other employees. Where reasonable, we will take steps to improve access for disabled employees.

11. Fixed Term employees, casual and agency workers

- 10.1 We monitor our use of fixed-term employees, casual and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion, and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

12. Part Time Work

11.1 We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits, training, and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately through our Flexible Working Policy.

13. Breaches of this Policy

12.1 If you believe you have been discriminated against you are encouraged to raise the matter through our Grievance Policy. If you believe that you have been subject to harassment or bullying, you are encouraged to raise the matter first through our Bullying and Harassment Policy.

12.2 Allegations regarding potential breaches of this Policy will be treated in confidence and investigated in accordance with the relevant procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.

12.3 Any employee of Yarrow Heights School who is found to have committed an act of discrimination or harassment will be subject to disciplinary investigation and action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this Policy.

13. Roles and responsibilities

The Board of Directors:

- ✓ The Board of Directors is responsible for monitoring this Policy's effectiveness and holding the Headteacher to account for its implementation.

The Headteacher:

- ✓ Is responsible for reviewing this Policy in conjunction with the Board of Directors.
- ✓ Will approve this Policy.
- ✓ Will ensure that the school environment encourages treatment of concerns raised under this Policy in line with its principles.
- ✓ Will monitor how staff implement this Policy to ensure it is applied consistently.

Senior Leaders:

- ✓ Will provide appropriate induction, training, and support.
- ✓ Manage employees in a fair and professional way.
- ✓ Ensure all concerns are taken seriously.
- ✓ Implement the procedures in a timely, consistent, and effective manner.
- ✓ Record, monitor and report.

Employees:

- ✓ Will be aware of and comply with the general rules and procedures referred to in their contract and conditions of service and the specific working rules and procedures related to their area of work and workplace.

- ✓ Comply fully with disciplinary and other procedures and to co-operate with these processes.

14. Monitoring arrangements

This Accessibility Policy will be reviewed by the Headteacher and Board of Directors every year or more frequently if changes to legislation or the needs of the school demands. At each review, the Policy will be approved by the Headteacher.

15. Links with other policies

This policy is linked to the following policies:

- Bullying and Harassment Policy.
- Grievance Policy.
- Managing Allegations of Abuse Against Staff.
- Safer Recruitment Policy and Procedure.
- Code of Conduct and Pay Policy.
- Appraisal, Supervision and Performance Management Policy.

Appendix 1: Definitions

1. Direct discrimination

1.1 Direct discrimination:

Occurs when someone is treated less favourably than another person because of a protected characteristic. Direct discrimination could involve a decision not to employ someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions, or deny contractual benefits because of a protected characteristic.

Example: Not employing a woman because she is pregnant.

1.2 Discrimination by Perception:

Is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic. Discrimination by perception does not apply in law to marriage and civil partnership or pregnancy and maternity.

Example: A heterosexual employee is taunted about his sexuality by colleagues who perceive him to be gay.

1.3 Discrimination by Association:

Is discrimination against a person because they have an association with someone with a particular protected characteristic. Discrimination by Association applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex.

Example: Not offering a job to the parent of a disabled child because the employer thinks they will need more time off due to the child's disability and there is no evidence to support this.

2. Indirect discrimination

Is where a provision, criteria, policy, or practice in the school is applied to everyone but particularly disadvantages people who share a protected characteristic compared with people who do not. Indirect discrimination can be justified if the school can show it acted reasonably, for example that it is a 'proportionate means of achieving a legitimate aim'.

Indirect discrimination applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability discrimination and gender reassignment. Pregnancy and maternity are covered by indirect sex discrimination.

Example: Having a policy not to employ anyone with facial hair in a kitchen for health and safety reasons. This policy may indirectly discriminate against certain religious groups.

3. Proportionate means of meeting a legitimate aim

There are limited circumstances where an employer may act in a way which is discriminatory, but where it can objectively justify discrimination as 'a proportionate means of achieving a legitimate aim'. In attempting to demonstrate a proportionate means of achieving a legitimate aim, an employer must show that:

- ✓ there is a legitimate aim such as a good business reason, but employers should note that cost alone is unlikely to be considered sufficient; and
- ✓ The actions are proportionate, appropriate, and necessary.

Appendix 2: Equality and pay

Equal Pay

The Equal Pay Act (2010) provides that men and women should receive equal pay for equal work. This means that in most circumstances a challenge to pay inequality and other contractual terms and conditions still must be made by comparison with a real person of the opposite sex in the same employment. However, the Act allows a claim of direct pay discrimination to be made, even if no actual comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from Yarrow Heights School if they were of a different sex may have a claim, even if there is no-one of the opposite sex doing equal work with the school. This would be a claim under sex discrimination.

Pay Secrecy

Yarrow Heights School will not prevent or restrict its employees from having discussions to establish if they believe pay differences exist that are related to a protected characteristic. The school may require its employees to keep pay rates confidential outside the workplace e.g., a competitor organisation.

Gender Pay Gap reporting

The Government introduced mandatory gender pay gap reporting for public sector employers with 250+ employees in April 2018. Yarrow Heights as an independent School is not obliged to report this but will monitor.

The data required is:

- ✓ mean and median hourly rates by gender.
- ✓ mean and median bonus payments (unclear what will constitute bonus pay) by gender.
- ✓ the proportions of each gender in each salary quartile.

Appendix 3: The Protected Characteristics

Age

The Equal Pay Act (2010) protects people of all ages from unlawful discrimination.

Direct discrimination

Treating someone less favourably because of their actual or perceived age, or because of the age of someone with whom they associate. For example, advertising for job applicants under 25 years old only. This treatment can only be justified if it is a proportionate means of achieving a legitimate aim.

Indirect discrimination

This can occur where there is a provision, criteria or practice which applies to all employees, but particularly disadvantages people of a particular age. For example, a requirement for job applicants for a teaching post to have five years teaching experience may disadvantage younger people. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim, e.g., if the school can demonstrate this level of experience is necessary to achieve the desired knowledge and skills.

Disability

Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These include things like using a telephone, reading a book, or using public transport. Long term means that the impairment has lasted or is likely to last for at least 12 months or for the rest of the affected person's life. Substantial means more than minor or trivial. In most circumstances, a person will have the protected characteristic of disability if they have had a disability in the past, even if they no longer have the disability. Individuals who are HIV positive, have cancer or MS are automatically protected.

Employers must make reasonable adjustments in the recruitment and employment of disabled people. This can include, for example, adjustments to recruitment and selection procedures, to terms and conditions of employment, to working arrangements and physical changes to the premises or equipment. In assessing the reasonableness of the adjustment, the employer should consider:

- ✓ Proportionality and impact of the adjustment on the role.
- ✓ The costs/financial support available.
- ✓ Medical opinion from the employee's doctor and the occupational health advisor, and impact on the operational requirements of the school.

Direct discrimination

For example, not offering a job because someone is a wheelchair user.

Indirect discrimination

This is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a particular disability such that it would be to the detriment of people who share that disability compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Discrimination arising from disability occurs where an individual has been treated unfavourably because of something arising in consequence of a disability. There is no

need for a comparator, and the reason for the unfavourable treatment is irrelevant. For example, not considering a teacher for promotion as they have been diagnosed with depression without considering whether the condition would impact on their ability to do the job and if it would, whether reasonable adjustments could be made to negate that impact.

This type of discrimination is unlawful where the employer or other person acting for the employer knows or could reasonably be expected to know that the person has a disability.

There is an obligation on employers to make reasonable adjustments where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have the protected characteristic or disability. The duty to make reasonable adjustments aims to make sure that a disabled worker has the same access to everything that is involved in doing and keeping a job as a non-disabled person.

All the relevant individual circumstances must be considered when deciding what adjustments to make and the individual must be involved in discussions to ensure they are as effective as possible.

Sharing health and absence information

In accordance with the Equality Act, employers may not request information concerning an individual's sickness and attendance record prior to the selection stage. Once the preferred candidate has been selected, then sickness and attendance records can be obtained from the referee and applicant, as part of the pre-employment checks prior to a firm offer. The applicant must give their explicit consent for this information to be released. The interview panel may not ask general questions about the individual's sickness and attendance record but may ask relevant questions to establish whether the applicant will be able to carry out a function that is intrinsic (e.g., majority of the work involves manual handling) to the work concerned once reasonable adjustments are in place.

Gender reassignment

Gender reassignment is a protected characteristic under the Act. This applies to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their gender by changing physiological or other attributes of sex. Gender reassignment is a personal process, that is moving away from one's birth sex to the preferred gender, rather than a medical process. The law does not require a person to undergo a medical procedure to be recognised under the protected characteristic of gender reassignment.

Protection is provided where, as part of the process of reassigning their gender, an individual lives in a gender identity, which is different to the gender they were assigned at birth, for at least two years. Throughout this period, they are protected by the Act.

To be protected under the Act, there is no requirement for an employee to inform their employer of their gender reassignment status or their gender at birth. However, if an employee is proposing to undergo gender reassignment or is still in the process of transitioning, they may want to discuss their needs with their employer so the employer can support them during the process. Once a transgender person has received gender reassignment surgery and is fully living in the gender, they identify with there is no requirement to inform an employer of their gender at birth.

Direct discrimination

This is treating someone less favourably than other employees because of their gender reassignment, whether actual or perceived, or because they associate with someone who intends to undergo, is undergoing or has undergone gender reassignment.

Indirect discrimination

An example would be where an employer starts an induction session for new staff with an icebreaker designed to introduce everyone in the room to the others. Each employee is required to provide a picture of themselves as a toddler. One employee is a trans woman who does not wish her colleagues to know that she was brought up as a boy. When she does not bring in her photo, the employer criticises her in front of the group for not joining in. It would be no defence that it did not occur to the employer that this employee may feel disadvantaged by the requirement to disclose such information. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim.

Marriage and civil partnership

The Act protects employees from discrimination on the grounds of being married or in a civil partnership.

Marriage covers any formal union of a man and woman which is legally recognised in the UK as a marriage. It also covers same sex couples who opt for a marriage. A civil partnership refers to a registered civil partnership under the Civil Partnership Act 2004, including those registered outside the UK. This is only open to same sex couples.

Only people who are married or in a civil partnership are protected against discrimination on this ground. The status of being unmarried or single is not protected. People who only intend to marry or form a civil partnership, or who have divorced or had their civil partnership dissolved, are not protected on this ground.

Direct Discrimination

This is where someone is treated less favourably than other employees on the grounds of them being married or in a civil partnership, actual or perceived, or because they are associated with a person who is married or in a civil partnership. An example of this could be where an applicant for a job is treated less favourably because it is considered that they will not be as committed to the job as a single person because they have marital or partnership commitments.

Indirect Discrimination

This occurs if an employer has a policy or way of working that puts people who are married or in a civil partnership at a disadvantage.

Pregnancy and maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any maternity leave to which she is entitled. During this protected period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

Direct discrimination covers the unfavourable treatment of a woman, during the "protected period" in relation to her pregnancy or any illness suffered by her because of that pregnancy. Unfavourable treatment during the protected period because a woman is on compulsory maternity leave or she is exercising or seeking to exercise, or

has exercised or sought to exercise, the right to ordinary or additional maternity leave, is also covered. An example could be where an employee has been off work because of pregnancy complications since early in her pregnancy. Her employer has dismissed her in accordance with the sickness absence management policy. This policy is applied regardless of sex. The dismissal is unfavourable treatment because of her pregnancy and would be unlawful even if a man would be dismissed for a similar period of sickness absence, because the employer considered the employer's pregnancy related sickness absence in deciding to dismiss.

Discrimination on the grounds of pregnancy/maternity can only be justified if it is a proportionate means of achieving a legitimate aim. For example, it would be legitimate to dismiss a pregnant employee who had been found to have committed an act of gross misconduct as the reason for the dismissal was unconnected to the pregnancy.

Race

For the purposes of the Act, 'race' includes colour, nationality or ethnic or national origin. A person has the protected characteristic of race if they belong to a particular racial group. A racial group can be made up of two or more different racial groups (for example Black Britons).

Direct discrimination

Treating someone less favourably because of their race. The less favourable treatment can also relate to the person's perceived race, even where the perception is wrong, or to the person's association with someone who has, or is perceived to have, the protected characteristic.

Indirect discrimination

This can occur where there is a provision, criterion or practice which applies to all employees, but particularly disadvantages people of a particular race. An example could be a requirement for all job applicants to have GCSE Maths and English. People educated in countries which don't have GCSEs would be discriminated against if equivalent qualifications were not accepted. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim.

Religion or belief

In the Act, religion includes any form of religion which has a clear structure and belief system. It also includes a lack of religion - in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

Belief means any religious or philosophical belief and covers non-belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Political beliefs are not protected.

A belief need not include faith or worship of a God but must affect how a person lives their life or perceives the world. A belief which is not a religious belief may be a philosophical belief. Examples of philosophical beliefs include Humanism and Atheism. For a philosophical belief to be protected under the Act:

- ✓ it must be genuinely held.
- ✓ it must be a belief and not an opinion or viewpoint based on the present state of information available.
- ✓ it must be a belief as to a weighty and substantial aspect of human life and behaviour.
- ✓ it must contain a certain level of cogency, seriousness, cohesion, and importance.
- ✓ it must be worthy of respect in a democratic society, not incompatible with human dignity and not conflict with the fundamental rights of others.

Direct discrimination

This is where, because of the protected characteristic of religion or belief, a person treats another person less favourably than that person treats or would treat other persons. The less favourable treatment can relate to the person's actual or perceived religion or belief, even where the perception is wrong, or to the person's association with someone who has, or is perceived to have, the protected characteristic.

Indirect discrimination

This can occur where there is a provision, criterion or practice which applies to all employees, but particularly disadvantages people of a particular religion or belief and which the employer cannot show to be a proportionate means of achieving a legitimate aim.

An example would be where an employer announces that staff cannot wear their hair in dreadlocks, even if the locks are tied back. A policy amounts to a provision, criterion, or practice. The decision to introduce the policy could be indirectly discriminatory because of religion or belief, as it puts Rastafarian employees at a particular disadvantage. The employer must show that the provision, criterion, or practice can be objectively justified and is a proportionate means of achieving a legitimate aim.

Sex

A person's sex refers to the fact that they are male and female.

Direct discrimination

Treating someone less favourably because of their actual or perceived sex, or because of the sex of someone with whom they associate.

Indirect discrimination

This can occur where there is a provision, criterion or practice that applies to all employees, but particularly disadvantages employees of a particular sex. For example, a requirement that job applicants must be six feet tall could be met by significantly fewer women than men.

Sexual orientation

Sexual orientation is a protected characteristic. It means a person's sexual orientation towards:

- ✓ persons of the same sex (i.e., the person is a gay man or a lesbian).
- ✓ persons of the opposite sex (i.e., the person is straight/heterosexual); or
- ✓ persons of either sex (i.e., the person is bisexual).

Sexual orientation relates to how people feel as well as to their actions. Sexual orientation discrimination includes discrimination because someone is of a particular sexual orientation, and it also covers discrimination connected with manifestations of that sexual orientation. These may include someone's appearance, the places they visit or the people they associate with. It also includes a perception that someone has a particular sexual orientation based on their appearance, regardless of whether they do or do not.

Direct discrimination

Treating someone less favourably because of their actual or perceived sexual orientation, or because of the sexual orientation of someone with whom they associate.

Indirect discrimination

This can occur where there is a provision, criterion or practice which applies to all employees, but particularly disadvantages people of a particular sexual orientation and which the employer cannot show to be a proportionate means of achieving a legitimate aim.

An example would be a particular family friendly policy that does not apply to same sex couples.

Equality and Human Rights Commission

The Equality and Human Rights Commission is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights. It provides guidance for employers and education providers.

<https://www.equalityhumanrights.com/en/advice-and-guidance> A detailed list of further sources of advice and information is available at Section 5 of the following guidance:

<https://www.equalityhumanrights.com/en/publication-download/good-equality-practice-employers-equality-policies-equality-training-and>

Department for Education Non-statutory Advice

Non-statutory Guidance is available from the Department for Education relating to the Equality Act in the following publication:

The Equality Act 2010 and Trusts. Departmental advice for Trust leaders, Trust staff, governing bodies, and local authorities

Other Organisations offering support and information

ACAS provides information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems, include detailed guidance on Equality and Diversity at Work.
<http://www.acas.org.uk/index.aspx?articleid=1363>

Age

<http://www.ageuk.org.uk>

Gender (sex)

<http://www.fawcettsociety.org.uk/>

Sexual orientation and gender identity

<http://www.stonewall.org.uk>

Disability

For more information on disability you may be interested in looking at the following websites:

- ✓ ECL Sensory Team www.eclsensoryservice.org
- ✓ Support4sight www.support4sight.org.uk
- ✓ Deafblind UK www.deafblind.org.uk
- ✓ Disability Rights UK www.disabilityrightsuk.uk
- ✓ Scope www.scope.org.uk
- ✓ MIND www.mind.org.uk