

PERSONNEL POLICY FOR SCHOOLS

1. INTRODUCTION

This document is a statement of the broad approach recommended for all aspects of employment of people in schools maintained by the County.

- 1.1 Personnel Policy is a matter of partnership between the Local Education Authority and individual schools.
- 1.2 A school's success depends mainly upon the performance of all its staff and it is recognised that fair and effective personnel policies are essential to the achievement of a successful school. Working for agreement and ownership will facilitate implementation.
- 1.3 This document has been prepared by the Personnel Division of the LEA in conjunction with National Association of Governors and Managers, Hertfordshire Association of Secondary School Heads, Primary Heads' Forum, Trade Unions and Professional Associations.

2. RESPONSIBILITIES OF GOVERNORS

- 2.1. The main responsibilities of the Governing body are: determining the numbers, nature and grading of posts; selecting and promoting employees; exercising its discretion on pay; setting and carrying out its disciplinary and grievance procedures; ending an employee's service at the school; observing the law on equal opportunities; training and development of staff; and, with the LEA, to observe the law on health and safety.
- 2.2. The Governing Body may delegate its responsibilities to the Head as it judges appropriate within the limits set by the law.

3. RESPONSIBILITIES OF THE LEA

- 3.1. Except in aided schools, the LEA continues to be the employer; appoints the Governing Body's chosen candidate; can attend and give advice to the Governing body on the teacher appointments; and must give advice on Head and Deputy Head appointments; issues written particulars of terms of employment; sets all other conditions of service; normally gives notice of dismissals and normally deals with the effect of the Governing Body's dismissals; continues to share responsibility for health and safety; will carry out any relevant employment checks.
- 3.2. In the case of Aided Schools the Governing Body may agree with the LEA to accord the Director of Education advisory rights on the appointment and dismissal of teachers.

4. PRINCIPLES OF EMPLOYMENT POLICY

- 4.1. The Local Education Authority promotes the following principles of employment:

Equal Opportunities

There should be consistency of treatment of employees and potential employees. No favouritism or antagonism should be shown towards individuals or groups of individuals on any grounds such as gender, race, religion, nationality and marital status¹

Personal and Career Development

All employees should be afforded opportunities to develop their potential and have access to advice and training appropriate to their needs.

Recognition

Employees need to know what is going on; their part in the school's work; be given the opportunity to derive satisfaction from their work; and be valued for their achievements.

¹ In the case of denominational voluntary aided schools, it may be lawful to discriminate positively on the grounds of religion.

Efficiency and Effectiveness

Staff are the main resource of the school and their contribution is essential to the overall well being of the school. Staff should be informed and given opportunity to contribute to the work and participate in the life of the whole school. Wherever possible co-operation not coercion should be the guiding principle.

Justice

It is essential that individual employees are treated and treat each other with justice, fairness, consistency and courtesy.

- 4.2. Underpinning the above principles are expectations that; schools have a responsibility for effective teaching and learning; schools carry a responsibility for the profession of teaching; schools recognise and embrace their part in the state system of education which fosters positive attitudes and values; schools provide a unique public service; and that in all matters there is a need for partnership between the Local Education Authority, the school and recognised representatives.

5. THE MAIN POLICY OBJECTIVES ARE:

5.1. Human Resources Planning

To develop human resources as part of the budgetary process and in line with the school development plan so that staffing numbers, levels, training and development required to carry out the school's work are considered coherently.

5.2. Communication

To ensure that employees in the school understand the purpose of the school and its place in the community; that employees know what is expected of them and receive feedback on how their performance is judged and acknowledged.

5.3. Employment

To select and promote staff by fair competition and explicit criteria for the personal qualities, qualifications and experience required. As far as practicable to provide stability of employment and to avoid redundancy and dismissal wherever possible by working with the County Council and other schools to facilitate redeployment.

5.4. Employee Relations

To consult with the recognised Trade Unions and Professional Associations on issues affecting conditions of service and employment. To encourage the participation of all staff in the work of the school and to encourage harmonious working relations between the staff both on an individual and a group basis. To ensure as far as possible that all staff have the opportunity to contribute to decisions which affect them.

To operate procedures for dealing quickly with all grievances, both individual and collective. To ensure that standards of expected behaviour and the disciplinary rules are made clear to employees.

5.5. Pay and Grading

Within the funds available to the school, to establish and operate a whole school policy which attracts, retains and motivates capable people.

5.6. Training and Development

To provide opportunities for employees to be equipped with the appropriate skills and knowledge and experience to deliver services efficiently and contribute to the school's improvement. To help individuals achieve their full potential and reach and maintain the required level of performance through induction, training on the job, other in-service training, appraisal and career planning.

5.7. Health, Safety and Welfare

To comply with all and any statutory Health and Safety requirements. To promote safety consciousness throughout all of the school's work. To promote and safeguard all aspects of the health, safety and welfare of all employees.

6. FUTURE ACTION

Personnel policies on their own are not enough. Once personnel policies are adopted by the Governing Body:

- the Governing Body and Headteacher of the school should ensure that these policies are understood and implemented;
- the Governing Body should determine what is delegated to the Head;
- the Governing Body should ensure that policies are monitored.

Working for agreement and ownership will facilitate implementation

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PERSONNEL ADVICE AND INFORMATION

The Education Department's Personnel Division offer a comprehensive service of advice and information on all personnel matters.

The text of this guide contains specific contact points to assist Headteachers, and Governors.

If in doubt, we have a HELPLINE for advice on Pay & Conditions of service. The telephone number is:

01992 55 5831

For advice on other personnel matters, such as discipline, grievance, management of staff changes, contact:

01992 55 5845

AREA PERSONNEL OFFICER TO CONTACT AS FOLLOWS:

- | | | |
|--------------------------------|---|---|
| Rachel Hurst
01992 555841 | - | West Area Personnel Office – will also be providing advice to schools in the central area:

Hatfield and Borehamwood |
| Angela Mahoney
01992 555842 | - | North Area Personnel Officer – will also be providing advice to the schools in the Central Area:

St Albans and Harpenden |
| Ray Willians
01992 555844 | - | East Area Personnel Officer – will also be providing advice to the schools in the Central Area:

Welwyn Garden City and Potters Bar |

GLOSSARY OF ABBREVIATIONS AND ACRONYMS

ACA	-	Association of Chartered Accountants
ACAS	-	Advisory Conciliation and Arbitration Service
ACCA	-	Chartered Association of Certified Accountant
APT&C	-	Administrative Professional & Clerical
BA	-	Bachelor of Arts
B.Ed	-	Bachelor of Education
BTEC	-	Business & Technician Education Council
CDT	-	Craft Design & Technology
CNAA	-	Council for National Academic Awards
DEL	-	Delegated
DFE	-	Department for Education
DPH	-	Director of Public Health
DOB	-	Date of Birth
DSO	-	Direct Service Organisation
DSS	-	Department of Social Security
EC	-	European Community
ERA	-	Education Reform Act
ESA	-	Employment Services Agency
FHE	-	Further & Higher Education
FT	-	Full Time
GAs	-	General Assistants
GCE	-	General Certificate of Education
GCSE	-	General Certification of Secondary
GH Graduate	-	Good Honours Graduate
GMD	-	Genuine Material Difference
GOQ	-	Genuine Occupational Qualification
HASSH	-	Hertfordshire Association of Secondary School Heads
HCC	-	Hertfordshire County Council
HE	-	Home Economics
HMI	-	Her Majesty's Inspectorate
HMSO	-	Her Majesty's Stationery Office
HNC	-	Higher National Certificate
HSW	-	Health & Safety at Work
INCS	-	Increments
INS	-	Insurance
INSET	-	In-service Education & Training of Teachers
IPFA	-	Institute of Public Finance & Accountancy
IT	-	Information Technology
JP's	-	Justices of the Peace
LSS	-	Language Support Service
LEA	-	Local Education Authority
LGMB	-	Local Government Management Board
LGO	-	Local Government Officers
LMS	-	Local Management of Schools
NAHT	-	National Association of Head Teachers
NAS/UWT	-	National Association of School Masters/Union of Women Teachers
NI	-	National Insurance
NJC	-	National Joint Council

NUT	-	National Union of Teachers
ONC	-	Ordinary National Certificate
PA	-	Personal Assistant
PAT	-	Professional Association of Teachers
PAYE	-	Pay as you Earn
PT	-	Part Time
PTA	-	Parent Teachers Association
QTS	-	Qualified Teachers Status
RDPs	-	Registered Disabled Persons
ROA	-	Rehabilitation of Offenders
RSA	-	Royal Society of Arts
RSA's	-	Rural Studies Assistants
SATs	-	Standard Assessment Tasks
SERPS	-	State Earnings Related Pension Scheme
SHA	-	Secondary Heads Association
SIMS	-	Schools Information Management Systems
SMP	-	Statutory Maternity Pay
SSCED	-	Sickness Self Certification Education Department
SSP	-	Statutory Sick Pay
TVEI	-	Technical & Vocational Education Initiative
UNION	-	{NUPE – National Union of Public Employees
	-	{NALGO – National and Local Government Officers
		Association
VER	-	Voluntary Early Retirement
YTS	-	Youth Training Scheme

THE FOLLOWING IS
A SUMMARY OF THE
PERSONNEL RESPONSIBILITIES OF THE
GOVERNING BODY FOR COUNTY AND CONTROLLED
SCHOOLS WITH FULL DELEGATED PWOERS,
THE LOCAL EDUCATION AUTHORITY
AND THE DIRECTOR OF EDUCATION

**VOLUNTARY AIDED SCHOOLS are the EMPLOYERS of their school's staff
(with exception of a few support staff)
and are responsible for all matters in the following pages.**

The Education Department will continue to provide support, advice and guidance.

KEY POINTS

STAFFING ESTABLISHMENTS AND APPOINTMENTS

the Governing Body ...

- * decides on the numbers and mix of employees at the school
- * sets the content of the jobs
- * chooses the candidate for the job
- * is responsible for selecting the candidate fairly
- * must observe consultation requirements with the Director of Education and the Head Teacher before appointing
- * must consider any advice which arises

the LEA ...

- * will continue to be the employer
- * can advise on the numbers to employ and their job duties
- * will appoint the Governing Body's chosen candidate as long as the 'staff qualification requirements' are met

the Director of Education ...

- * is entitled to be present or represented at all stages of the selection of teaching staff in Schools
- * can, and in some cases must, give advice to the Governing Body

KEY POINTS

PAY AND CONDITIONS OF SERVICE

the Governing Body ...

- * having determined the duties of the post
- * grades the post using one of the LEA's grades
- * decides the starting pay (where relevant) within the grade
- * sets disciplinary rules and procedures
- * sets the grievance procedure

the LEA ...

- * sets all other conditions of service
- * issues written particulars of the terms of employment
- * can give advice to the governors on the most appropriate grade for jobs
- * will be respondent in any equal pay claims, but can involve governing bodies as witnesses to give evidence

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MANAGEMENT IMPLICATIONS'

KEY POINTS

DISCIPLINARY RESPONSIBILITIES

the Governing Body ...

- * can require that any employee working at the establishment should cease to work there – this will usually result in the employee's subsequent dismissal
- * will be responsible for the fair handling of any such dismissal
- * will be the respondent in any unfair dismissal proceedings
- * must tell the LEA why it requires the employee's removal

the LEA ...

- * gives the notice of dismissal to the employee
- * provides the written reason for dismissal to those eligible
- * pays any costs arising from the dismissal, unless it has good reason for charging the school

the Director of Education ...

- * is entitled in the case of Schools to be present when the governing body is considering requiring the removal of any employee
- * can, and in some cases must, give advice to the governing body

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MANAGEMENT IMPLICATIONS'

KEY POINTS

PROCEDURE FOR COMPLAINTS TO INDUSTRIAL TRIBUNALS

the Governing Body ...

- * will be the respondent in certain defined cases
- * has to complete a Notice of Appearance in order to contest any claim
- * must tell the LEA within 14 days of receiving a claim against it
- * could call LEA representatives/Director of Education as witnesses

the LEA ...

- * will be the respondent in all other cases
- * can apply to the tribunal to be made an additional party to any application against a Governing Body
- * can call governors as witnesses
- * can give advice to Governing Bodies

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KEY POINTS

TRADE UNIONS REIGHTS

the Governing Body ...

- * must recognise those trade unions recognised by the LEA
- * can recognise additional trade unions
- * must comply with the disclosure of information provisions in respect of the trade unions it recognises
- * will be regarded as the employer in any 'trade' dispute' concerned with matters over which it has delegated powers under the Act

the LEA ...

- * will set provisions for time-off for trade union duties or activities

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MANAGEMENT IMPLICATIONS'

KEY POINTS

HEALTH AND SAFETY AT WORK

the Governing Body ...

- * will continue to share the responsibility for health and safety with the LEA
- * will have increased responsibility because of its greater control over spending and management
- * may take out insurance indemnifying it in respect of any claims

the LEA ...

- * establishes the safety policy
- * continues to be the employer in respect of safety committees
- * will set provisions for time-off for safety representatives

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KEY POINTS

EQUAL OPPORTUNITIES

the Governing Body ...

- * is responsible for ensuring the relevant legislation is adhered to
- * would be the respondent in circumstances where:
 - discrimination is alleged against applicants, employee or contract
 - an employee holding a post at the School is alleged to have committed a discriminatory act

the LEA ...

- * will provide advice and may provide training
- * will be the respondent in any Equal Pay Claim
- * will carry out checks with the local Police, before staff are employed, for any relevant criminal record

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MATTERS TO BE CONSIDERED WHEN DETERMINING AN EQUAL OPPORTUNITY POLICY

1. INTRODUCTION

The County Council introduced an Equal Opportunities Employment Policy in 1984, which applied to all categories of employees. A copy of this Policy is in Annexe 1 to this section.

The guidance that follows provides a framework from which might flow an equal opportunities policy.

2. WHY HAVE AN EQUAL OPPORTUNITIES POLICY

2.1. Equal opportunities has implications for all aspects of the employment relationship between a school and staff. The implementation of an equal opportunities policy would:

- help to ensure the effective use of human resources on the best interests of both the school and the school staff: and
- demonstrates the school's commitment to the development and use of employment procedures and practices which do not discriminate on the grounds of sex, marital status, racial group, age, disability or any other grounds which are irrelevant to the requirements of the post involved

There are various places of legislation which are concerned with discrimination. The main ones are:

- Equal Pay Act 1970/Amendment Regulations 1986
 - Sex Discrimination Act 1975
 - Race Relations Act 1976
 - The Disabled Persons (Employment) Acts 1944 and 1958
 - Rehabilitation of Offenders Act 1974
- (See Chapter 6 for a brief description of this legislation).

2.2. An effective Equal Opportunities Policy will enable the school to:

- ensure no discrimination occurs at the school
- Develop good employment practices, which are able to take account of needs which may arise from an employee's racial group/sex/marital status/disability
- Demonstrates a commitment to the concept of equal opportunities
- Promote the school's image as a good employer
- Identify groups who are under-represented and take any necessary action to remedy this.

2.3. When implementing such a policy, consider the following:

- who has overall responsibility for ensuring that the policy is implemented, monitored and evaluated must be allocated to a senior manager
- the contents of the policy and whether or not it is discussed and agreed with the recognised Trade Unions, Professional Associations and other staff groups
- the need for employees/applicants and students to be made aware of the equal opportunities policies and that the implications for practice are understood
- the need to review and monitor performances.

2.4. To ensure that the policy is working in practice it is recommended that monitoring should be carried out regularly. Many large organisations have found that it is necessary to monitor sex, marital status, ethnic origin, grade and payment within each department or section of staff and to monitor applicants to posts.

Monitoring may show, for example, that members of one sex are concentrated in certain jobs, sections or departments and the results of this initial monitoring may suggest that attention should be given to recruitment or training or promotion procedures.

3. ANTI-DISCRIMINATION LEGISLATION RELATING TO GENDER OR RACE

- 3.1. It is important to note that this legislation covers all areas of employment, including selection, promotion, pay and conditions, redundancy or dismissal and the provision of opportunities for training and career development. (Please see Chapter 6 for brief summaries).
- 3.2. It is not unlawful to discriminate in:
 - the arrangements, in particular during the advertising and interview stages, for the appointment of staff. For example, it is unlawful to publish an advertisement which indicates an intention to discriminate. Where advertising in a language other than English, ensure an advertisement in English appears alongside
 - deciding who is offered the job; the most suitable person should be chosen on merit, regardless of sex or racial group
 - the terms on which the job is offered
 - opportunities for promotion, transfer or training
 - the benefits or services the school grants its employees
 - dismissal or favourable treatment of other employees
- 3.3. There are some areas where it may be lawful to discriminate. These are known as Genuine Occupational Qualifications (GOQ). For example a job needs to be held by a man or woman to observe decency or privacy, or where a job involves working in an ethnic restaurant and a person of a particular racial group is required for authenticity. It is unlikely that any such GOQs would apply in the case of a school except, perhaps, in the area of English as a second language.
- 3.4. If the school were to find that a particular racial group/sex is under-represented, the Sex Discrimination and Race Relations Acts allow and employer to actively to encourage people of the under-represented racial/sex to apply for jobs/promotion. For example, a school could state in its advertisements that it especially welcomes applicants from the under-represented group. However, the decision on who to appoint, etc. must still be made on merit. The school cannot positively discriminate in favour of a particular sex/racial group.
- 3.5. The Acts make it unlawful for a person who has authority over another to instruct that person to discriminate.
- 3.6. The Acts render the school liable if its employees were to discriminate at work, irrespective of any knowledge or approval by the school.
- 3.7. Courts and tribunals for Racial Equality or the Equal Opportunities Commission could also initiate the proceedings on the person's behalf. (See section on Industrial Tribunals for details of the procedure to be followed)
- 3.8. The Equal Opportunities Commission and the Commissions for Racial Equality both issues codes of practice for the elimination of discrimination on grounds of gender or marital status.
- 3.9. The code of Practice for the Elimination of Discrimination on the grounds of Gender and Marriage and for the elimination of racial discrimination, and the Promotion of Equality of Opportunity in Employment, Ref: ISBN-0.117012-79.3 and ISBN-0.907920-29.2. are obtainable from HMSO Publications, telephone number 071 873 9090.

4. EMPLOYING PEOPLE WITH DISABILITIES

- 4.1. The law concerning the employment of people with disabilities is quite different from the anti-discrimination legislation relating to gender or race.
- 4.2. The Disabled Persons (Employment) Acts 1944 and 1958 place a duty on employers with 20 or more staff to employ a quota of registered people with disabilities. The quota will apply to the LEA. The quota is currently 3% of total staff. It is a matter for the Secretary of State to enforce this requirement.

EQUAL OPPORTUNITIES POLICY

- 4.3. If the Quota were not to be reached, an employer may not recruit persons who are not registered as disabled, unless a permit is obtained for the Employment Service. The permit is obtained by the County Council for all recruitment.
- 4.4. The School will also be required to keep certain specified employment records for inspection by the Employment Service.
- 4.5. Disablement Resettlement Officers who are employed by the Employment Department, can refer people with disabilities to the school, who they feel could be suitable for current vacant posts.
- 4.6. The Employment Department will often pay for any adaptations which might necessary to help to overcome problems encountered by people with disabilities in the work-place, for example, ramps to access buildings. It can also provide specific grants of up to £6,000 to help employers to adapt premises, machinery or equipment, in order to facilitate the employment of a specified employee with disabilities.
- 4.7. If you are considering appointing a disabled person, please talk to your Area Personnel Officer, who will be in a position to refer the matter to the appropriate division, for example, if there is likely to be difficulty with access to buildings or be able to discuss other aspects of promoting good practice and help with a provision of expert advice about interviewing, training in disability awareness, informal counselling etc. Discussions may also need to take place about timetabling and so on to assist newly appointed staff.

Disablement Resettlement Officers (employed by the Department of Employment) may be found at Job Centres, and they offer advice if asked. The areas they cover in Hertfordshire and their addresses are given below.

54-56 Victoria Street
St Albans
Tel: 0727 40121

Harpenden
Borehamwood

32 The Forum
Stevenage, SG1 1EZ
Tel: 0438 316611

Hitchen
Royston
Letchworth

49-53 Queens Road
Watford, WD1 2QN
Tel: 0923 247344

Rickmansworth
Hemel Hempstead

15 Howardsgate
Welwyn Garden City, AL8 6BU
Tel: 0707 330545

Hertford
Hoddesdon
Hatfield

90 South Street
Bishops Stortford, CM23 3LD
Tel: 0279 55688

Waltham Cross

5. REHABILITATION OF OFFENDERS

- 5.1. The Rehabilitation of Offenders Act 1974 aims to promote rehabilitation for those who have been convicted of one or more minor offences. The Act enables some criminal convictions to become 'spent' or 'forgotten' after a rehabilitation period.
- 5.2. However, Home Officer Recommendations state that checks should be made by the Local Education Authority with the local Police Force before staff are taken on to work with significant opportunity for access to children up to the age of 16, or with older children who have special educational needs. As schools have a substantial number of students who would fall into one or other of these categories, all applicants are requested to list any convictions and cautions. The applicant must give his/her permission in writing for a police check to be carried out. Refusal should prevent further consideration of the application.

A POLICY FOR THE FUTURE

Action statements covering recruitment, promotion, employment generally, including training and retention of staff, communications and review, should be produced. Consultations with staff through Trade Unions and staff associations taking account of their views should take place; awareness raising programmes be run and policies finalised and implemented.

HERTFORDSHIRE COUNTY COUNCIL'S EQUAL OPPORTUNITIES EMPLOYMENT POLICY

1. STATEMENT OF POLICY

- 1.1. Hertfordshire County Council is an Equal Opportunity employer. It recognises that, in the area of equal opportunities, effective policy and practice are a means of maximising the use of resources in the County Council and employees' best interests.
- 1.2. This policy consolidate the County Council's approach to its statutory requirements set down in the Race Relation Act(1976)
- 1.3. The County Council recognises that a number of groups can be disadvantaged because of factors such as race, colour, ethnic or national origins, sex, marital status or disability. The aim of this policy is to ensure that no job applicant or employees receives less favourable treatment on these statutory grounds, or other irrelevant to the requirements of the post.
- 1.4. It is the County Council's objective that this policy remains fully effective.

2. RECRUITMENT, PROMOTION AND RETENTION

- 2.1. No job applicant or employee is to be disadvantaged by conditions or requirements which cannot be shown to be justifiable.
- 2.2. Selection criteria are, and will continue to be, scrutinised to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities.
- 2.3. The County Council will endeavour through its current training programme to ensure that employees making selection decisions do not discriminate.
- 2.4. Applicants shall be informed that the County Council is an equal opportunity employer.
- 2.5. The normal practice to advertise internally and externally at the same time will continue. This will ensure that advertisements are aimed at as wide a group of suitably qualified and experience people as possible. All advertisement procedures will operate, however, within the constraints of the Employment Policy. Advertising by word of mouth exclusively is unacceptable.
- 2.6. All employees will be given equal opportunity and, where appropriate, special training to progress within the County Council's service.
- 2.7. In the event of a redundancy situation, the County Council will not discriminate unfavourably in its selection for redundancy on the grounds outlined in paragraph 1.3.

3. TRAINING

- 3.1. It is the policy of the County Council that it will not discriminate in the provision of training.
- 3.2. The County Council will make use, where appropriate, of the provisions of paragraph 35 and 38 of the Race Relations Act (1976) and section 48, paragraphs 1 and 2 of the Sex Discrimination Act (1975). These paragraphs enable the employer in certain circumstances to provide specific training facilities to a particular racial group or to women or men only.
- 3.3. Current induction training programmes will be broadened to include specific reference to this policy and its implications for employees.

4. THE DISABLED

- 4.1. The Council recognises the special needs of disabled persons and the aim of this policy is to ensure that disabled people secure their full share of employment as is ordinarily available throughout its services.
- 4.2. The Council will adopt procedures which will give disabled people full and fair consideration for all vacancies. It will retain newly disabled employees whenever possible. Training will be provided where necessary. It will give positive consideration to appropriate schemes of assistance provided by Government agencies, which could result in engagement of a disabled person or in the retention of the services of a newly disabled employee.
- 4.3. Disabled employees will be given full and fair opportunities for career development and, where appropriate, special training to progress within the Council's service.
- 4.4. The County Council will recognise the special needs of registered disabled persons faced with redundancy (see paragraph 9.3 of the 'Employment' Policy)

5. CONDITIONS OF SERVICE AND FACILITIES

- 5.1. The County Council will not discriminate in the interpretation of National and Local Conditions of Service
- 5.2. The County Council will not discriminate in the provision of facilities to staff,

6. GRIEVANCE AND DISCIPLINE

- 6.1. Any complaints of discrimination against employees will be pursued through the appropriate Grievance Procedure.
- 6.2. The disciplinary procedure may be used in the case of a breach of policy.

7. COMMUNICATIONS REVIEW AND MONITORING OF POLICY

- 7.1. Chief Officers will be responsible for bringing the policy to the attention of all staff within their department.
- 7.2. The County Personnel Officer will have overall responsibility for ensuring that the policy remains effective and we will consult with the Trade Unions.
- 7.3. The County Council will, from time to time, undertake a broad assessment of its workforce derived from information available to the organisation. All information will be collated and presented in the form of impersonal statistics.
- 7.4. This policy will be the subject of review which will include a detailed study of selected areas.

STATEMENT ON RACIAL HARASSMENT

1. INTRODUCTION

- 1.1 In October 1985, the Education Committee consider a report on current provision for ethnic minority children and on the then recently published Report of the Committee of Enquiry into the Education of Children from Ethnic Minority Groups – The Swann Report.

Attention was drawn in that Report to the dual approach which the Education service was urged to take by the Swann Committee of Enquiry: firstly, to ensure that the needs of ethnic minority children were fully met by providing language support, an appropriate curriculum and developing home/school links secondly: to combat racism and prejudice by attacking inherited myths and stereotypes, countering racist attitudes amongst pupils, and providing a curriculum which prepares all children for life in a multi-racial, multi-cultural society. This dual approach gave the Report its title 'Education for All'.

After consideration of this Report, the Education Committee resolved:

'That the general principles in the Swann Report be commended to Schools and colleges as a basis for examination of their curricula in respect of multi-cultural education.'

In January 1986, the County Education Officer sent a copy of the summary of the Swann Report, prepared by the Runnymede Trust, to all schools and colleges, asking them to consider the implication of the report. Many schools and colleges in Hertfordshire have considered the Report and have begun to implement curricular changes in line with the Reports recommendations.

The Education Committee will wish to offer more detailed guidance on the curriculum and language support to schools and colleges in due course. This document offers specific guidance on dealing with racial incidents, which the Committee recognise as a major concern for ethnic groups and for schools and colleges. Racial harassment is a severe form of harassment with potentially damaging consequences psychologically. The Swann Report emphasised this point with regard to name-calling:

'We believe the essential difference between racist name-calling and other forms of name calling is that whereas the latter may be related only to the individual characteristics of the child, the former is a reference not only to the child but by extension to their family and indeed more broadly their ethnic community as a whole.'

It is important that the implementation of this policy is seen as part of the general response in schools and colleges to ensuring equality of opportunity. While the emphasis in this document is upon racial harassment, schools and colleges are requested to ensure that the policy is part of a framework which seeks to secure a caring and supportive teaching and learning environment for all. All teachers, pupils, students and parents should recognise that this policy concerns them and demonstrates a concern for them.

1.2 RACIAL INCIDENTS IN SCHOOLS

Racism exists in various forms. Racism may be intentional or unintentional, overt or covert, and may be embedded in institutional practices. The Swann Report defines institutional racism as:

'the way in which a range of long established systems, practices and procedures both within education and the wider society, which were originally conceived and devised to meet the needs and aspirations of a relatively homogenous society, can now not only fail to take account of the multi-racial nature of Britain today, but may also ignore or even actively work against the interests of ethnic minority communities. The kinds of practices about which are concerned include many which can now be seen as racist in effect in depriving members of ethnic minority groups of equality of access to the full range of opportunities.....'

EQUAL OPPORTUNITIES POLICY

Such practices may include, for example, inappropriate assessment procedures or grouping (streaming, setting) and forms of language support which deny ethnic minority children access to the curriculum or denigrate their bilingualism.

The Swann Report recognises that racism plays a part in the experience of ethnic minority children, teachers and parents in school and that racist attitudes are not uncommon. The Swann Committee's investigations led them to the conclusion that the impact of racist behaviours is much greater on ethnic minorities in schools where they are present in relatively small numbers (as is the case in many Hertfordshire Schools and Colleges) and are thus less able to be mutually supportive. Their needs in terms of curriculum, language support, grouping and assessment may be more easily missed or misunderstood. In recognising that in Hertfordshire, as elsewhere, there will be racist attitudes and racist incidents in schools, the Committee wishes to offer clear guidelines to schools and colleges on responding to such behaviour.

The Committee support the recommendations of the Swann Report that the best way of countering prejudiced attitudes and racist behaviour is to develop a school or college ethos and curriculum that actively encourage positive attitudes to racial and cultural differences. The committee will continue to carry out their duties under the 1976 Race Relations Act:

‘to promote equal opportunity and good relations between persons of different racial groups’

Accordingly, teachers should ensure that they carry out positively the Committee's commitment to good race relations. In this respect, the Committee have already commended the Swann Report to schools and have asked schools to consider their response.

The committee recognise that despite the changes recommended in the Swann Report in the curriculum and school ethos, racist incidents may occur. In this event it is important that schools and colleges respond in a firm and consistent way.

The Committee wish to ensure:

- (i) That School, both teaching and non-teaching, know how to identify racist behaviour and that staff recognise their responsibility under the 1976 Race Relations Act:

‘to promote equal opportunities and good race relations between persons of different racial groups.’
- (ii) That schools and colleges review their disciplinary structures for pupils and students, to ensure that firm and consistent procedures are followed in responding to incidents of such behaviour.
- (iii) That a record is kept of such incidents and of the school's and college's response to enable both them and the Committee to monitor the occurrence of such behaviour.

The Authority's Disciplinary Rules and Disciplinary Procedures for Teaching Staff indicate that abusive, threatening or offensive behaviour or language will constitute misconduct for which disciplinary proceedings may be commenced; this will include such behaviour or language where it is of a racist nature.

Racist behaviour can be defined as any act or expression which causes harm or offence, directed by a member of one racial or ethnic group to others where the motivation or effect is to create racial dislike or hatred.

This policy refers to racist behaviour by pupils, students, teachers and non-teaching staff to all ethnic minority groups, including European groups, Travellers. In identifying such incidents, it is most important that schools and colleges treat seriously the perspective of the child or adult who has been harassed.

Such behaviour can take many forms. The following are examples of unacceptable racist behaviour:

- (i) threatened or actual physical assault
- (ii) verbal abuse
- (iii) expression of prejudice calculated to offend others, or to influence the behaviour of others; and expressions of prejudice which are offensive about others even if they are not calculated to be so and even if no pupil present is offended
- (iv) racist graffiti (on school furniture, walls or books)
- (v) distributing racist literature
- (vi) wearing of badges or symbols belonging to known racist organisations
- (vii) name calling and general cultural teasing.

Racial harassment may exist in more subtle forms and may not always be racially explicit. Ethnic minorities may be isolated, ignored or teased about their names or appearance. These kinds of incidents may be just as damaging as the more obvious examples above. The same applies to a curriculum or resources which ignore or denigrate the experiences of ethnic minorities.

1.3 RESPONSE

Individual schools and colleges will have a variety of different ways of dealing with disciplinary matters. It is important that the issues outlined in this statement are dealt with in a way that is consistent with other serious disciplinary and pastoral matters. In particular, the overall aims of this policy to provide a caring and supportive teaching and learning environment must be aims for all children, students, staff and parents. The Committee wish to ensure that within this framework the following aims are met:

- (i) That it is made clear within general ethos of the school or college, for example by inclusion in the stated pastoral curriculum, active tutorial work, or through stories in primary school assemblies, through the school booklet for parents and staff handbook, that racist behaviour is unacceptable.
- (ii) That should such an incident arise, those responsible will be dealt with appropriately, so that:
 - (a) the school's or college's opposition to such behaviour is made clear
 - (b) the reasons for the school's or college's objections to such behaviour are explained
 - (c) steps are taken to ensure, as far as possible, that such behaviour is not repeated.

In the case of children, parents of offenders should be informed of the school's and college's policy not to tolerate such behaviour. In the case of staff, the Authority's disciplinary rules and procedures should be applied.
- (iii) That the child or adult who has suffered harassment should be supported. In the case of a child, this will include support for parents.
- (iv) That the nature and response to an incident involving pupils is made known to other staff through agreed channels and that the possible impact of the incident on the school community is considered and responded to.

1.4 RECORDING

To assist schools and colleges and the Committee in monitoring and dealing with such incidents in an appropriate way, it is important that records are kept of racist behaviour and the school's or college's response, these records to form part of the Schools or colleges' records of all insulting and harmful behaviour.

Schools are asked to keep a record of incidents of racist behaviour. The record should include a brief description of the incident and the school's or college's response. Such information will be collected in aggregated form by the Committee from time to time, to assist in the monitoring process.