

|  |   |
|--|---|
| Policy/Procedure Name:                               | Single Equality and Diversity Policy                        |
| Policy/Procedure Number:                             | ED001   |
| Date of Approval:                                    | 1 <sup>st</sup> October 2011                                |
| Effective Date:                                      | July 1998   |
| Revised Date:  | September 2011  |
| Review by Date:                                      | 30 <sup>th</sup> April 2012                                 |
| Policy/Procedure Author:                             | Equality and Diversity Coordinator                          |
| Policy/Procedure Owner:                              | Assistant Principal Student Services                        |
| Management Committee Approved By:                    | Equality & Diversity Committee                              |
| Governor Committee (where appropriate) Approved By:  | Not Applicable  |
| For Action By:                                       | All Staff   |
| For Information to:                                  | All stakeholders  |
| Approval requested to upload on the Treloar Website: | Yes <input checked="" type="checkbox"/> (tick if requested) |
| Date of Policy Equality Impact Assessment:           |   |
| Impact Assessment was carried out by:                |   |

Policy/Procedure Name: Single Equality and Diversity Policy

Policy/Procedure No: ED001

Revised Date: September 2011

Review by Date: April 2012

## Table of Contents

|  |           |
|--|-----------|
| <b>Aim</b>   | <b>3</b>  |
| <b>I. POLICY INFORMATION</b>   | <b>3</b>  |
| A. Statement of purpose  | 3         |
| B. Dignity and Respect   | 4         |
| C. Treloar's Values  | 4         |
| D. Equality Duty   | 4         |
| <b>II. EQUALITY AND DIVERSITY IN PRACTICE</b>                        | <b>5</b>  |
| A. Treloar's Commitment  | 5         |
| B. Expected behaviours   | 5         |
| C. Students  | 6         |
| 1. Interviewing and Selection Procedures                             | 7         |
| 2. Induction and Curriculum Options                                  | 7         |
| 3. The Curriculum  | 7         |
| 4. Care, Therapy, Medical Treatment and other services               | 8         |
| 5. Anti-Bullying and Harassment                                      | 9         |
| 6. Complaints  | 10        |
| D. Staff   | 10        |
| 1. Disability in Employment  | 11        |
| 2. Employment- Recruitment   | 12        |
| 3. Employment- Selection Procedures and Criteria                     | 13        |
| 4. Employment – Staff Development and Appraisal                      | 13        |
| 5. Retention (Disability)  | 14        |
| 6. Dismissal   | 14        |
| 7. Bullying and Harassment in the Workplace                          | 15        |
| 8. Complaints  | 15        |
| E. Treloar's Publicity and External Relations                        | 15        |
| F. Treloar's Environment and Facilities                              | 16        |
| <b>III. MONITORING AND REVIEW</b>                                    | <b>16</b> |
| A. Monitoring  | 16        |
| B. Equality Impact Assessments                                       | 17        |
| <b>IV. KEY CONCEPTS</b>  | <b>18</b> |
| <b>Policy/Procedure Communication and Implementation Action Plan</b> | <b>22</b> |
| <b>Links to other related policies and procedures:</b>               | <b>23</b> |
| <b>Further sources of information:</b>                               | <b>23</b> |
| <b>IMPORTANT NOTES:</b>  | <b>23</b> |

## **Aim**

This policy affirms Treloar's commitment to both the elimination of unlawful discrimination and the positive promotion and celebration of equality and diversity.

We will not tolerate unfair or unlawful treatment on the grounds of disability, gender, transgender, marital status, race, colour, ethnic origin, socio-economic background, sexual orientation, age, nationality, trade union membership and activity, philosophical, political or religious beliefs or unbelief, and pregnancy/ maternity.

We will continue to work towards an environment where mutual cooperation, respect and trust are fostered.

## **I. POLICY INFORMATION**

### **A. Statement of purpose**

Treloar's affirms its belief in the uniqueness and value of each individual by providing learning opportunities which enable young people with differing abilities to achieve their potential. Treloar's is also committed to eliminating discrimination and encouraging diversity amongst our workforce.

We celebrate diversity amongst our students, staff and visitors and recognise the contribution which individuals with a wide range of backgrounds and experiences can make to the life of Treloar's.

Treloar's recognises that some individuals and groups experience discrimination and disadvantage in their access to education, training and employment and is committed to policies and practices which promote equality and redress disadvantage within the current legislative framework.

In particular, Treloar's believes that no individual or group should receive less favourable treatment as a consequence of their disability, gender, transgender status, race, age, colour, ethnic origin, culture, nationality, national origin, religious beliefs or no belief, marital status, responsibility for dependants, employment status, sexual orientation, criminal record, trade union affiliation or social and economic status.

The organisation will monitor the effectiveness of this policy by analysing relevant information, evaluating it and carrying out the appropriate actions.

Our commitment to equality of opportunity and the elimination of discrimination extends to all applicants, students, staff, governors, trustees, contractors, volunteers and visitors.

Policy/Procedure Name: Single Equality and Diversity Policy

Policy/Procedure No: ED001

Revised Date: September 2011

Review by Date: April 2012

## B. Dignity and Respect

This policy ensures there is a culture within the organisation in which everyone is treated with dignity and respect. Where all staff, students and stakeholders know it is unacceptable to condone harassment, bullying or disrespectful behaviours and where individuals have the confidence and support to challenge undesired behaviours without fear of ridicule or reprisals. This policy will empower and enable staff and students to develop their knowledge, skills, experience and personal attributes in order to make a meaningful contribution within the organisation and pursue successful careers.

## C. Treloar's Values

- **Working together** to enrich and empower the Treloar's community towards the common purpose, by individual accountability, open and honest communication and celebrating our achievements
- **Embracing continuous self and team improvement**, innovation and responsiveness to change, and striving for excellence.
- **Acting with integrity**, ensuring sustainability by positioning Treloar's as the leader in its field.
- **Respect diversity and each other**, being people centred, valuing individuals and responding to their living and learning needs.
- **Commitment to delivering excellent services** which are needs driven, exceeding expectations and where everyone is responsible for the quality and financial sustainability of service we deliver.

## D. Equality Duty

Treloar's recognises its legal obligations under the:

- Rehabilitation of Offenders Act 1974 (Exceptions Amendment Order 1986)
- Children Act 1989
- Employment Rights Act 1996
- Human Rights Act 1998
- Special Educational Needs and Disability Act (SENDA) 2001
- Employment Act 2002
- Equality Act 2010

In particular, Treloar's recognises its general duty under the Equality Act 2010 to have due regard to

- Eliminate discrimination, harassment and victimisation

Policy/Procedure Name: Single Equality and Diversity Policy

Policy/Procedure No: ED001

Revised Date: September 2011

Review by Date: April 2012

- Advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not share it

The protected characteristics are age, disability, religion or belief, pregnancy and maternity, gender reassignment, sex, race, sexual orientation, marriage and civil partnership (Please see further definitions in the Key Concepts, Section IV of this document)

The Commission for Equality and Human Rights helps to ensure that the laws are effective.

## **II. EQUALITY AND DIVERSITY IN PRACTICE**

### **A. Treloar's Commitment**

Students, staff, governors, trustees, visitors and contractors will be:

1. Treated without favouritism
2. Spoken to with courtesy on all occasions
3. Spoken and written about with respect
4. Accorded due professional trust (staff)
5. Given due credit for their achievements
6. Consulted about all proposals for changes in their role (staff)
7. Given adequate time and resources for the successful discharge of their duties or studies
8. Provided with appropriate training, promotion and leave opportunities (staff)
9. Accorded respect for their individual personal space and privacy
10. Able to enjoy a working and learning environment free from exposure to offensive written or graphic material
11. Treated with dignity and respect at all times and thereby be encouraged to meet their full potential

### **B. Expected behaviours**

Everyone is entitled to be treated with respect and in return, to respect others. We expect everyone to:

Policy/Procedure Name: Single Equality and Diversity Policy

Policy/Procedure No: ED001

Revised Date: September 2011

Review by Date: April 2012

1. Challenge inappropriate behaviour and/ or report incidents. Treloar's has a duty of care to all employees and students and will investigate all complaints and take action where appropriate to do so.
2. Behave in a way that is not offensive to others and to acknowledge that views and opinions held by others, and decisions made by managers, coordinators and those with responsibility for others, may not always coincide with their own.
3. Be aware of their personal obligations in eliminating all forms of discriminatory behaviour.
4. Ensure that all visitors and external stakeholders are made aware of our values, commitment and expectations
5. Celebrate and value the contributions from all staff and students
6. Treat others with consideration and courtesy. Do not disadvantage, belittle or exclude people for that which appears to make them different, regardless of what that might be.
7. Recognise and value people's different backgrounds, knowledge, skills and experiences, and encourage and use these differences to create a productive and effective educational community and workforce.

## C. Students

### Treloar's will

- a. regularly review its policies and practices to ensure that publicity, recruitment and admissions, the curriculum, teaching, assessment and achievement, care, therapies and support services reflect the organisation's Equality and Diversity Policy across the protected characteristics.
- b. monitor the student population and applicants to evaluate equality of access to the curriculum and other services across the protected characteristics.
- c. provide an environment and resources which reflect the diversity of the students, and the value and potential which Treloar's sees in each individual.
- d. provide students with clear guidelines on acceptable standards of behaviour, and the ethos and procedures which will empower students to challenge situations in which they feel equality of opportunity has been undermined or denied.

- e. distribute and promote this policy throughout the organisation.
- f. encourage all students, staff, volunteers and visitors to apply this policy and practices, and provide an environment where equality of opportunity prevails and discrimination is challenged.
- g. prepare and implement action plans to address issues identified by the monitoring activities (see Equality Framework and Action Plan)

### 1. Interviewing and Selection Procedures

- a. Interviewing and selection procedures, from the first contact, will promote equality and counter discrimination.
- b. Patterns of applications and selection across Treloar's will be monitored and procedures reviewed to ensure that the student population reflects the composition of the applicant population and Treloar's aims.

### 2. Induction and Curriculum Options

- a. At Induction all students will be reminded of the Equality and Diversity Policy and their rights under the Grievance Procedure.
- b. Induction, initial assessment and programme and any limitations to choice will be discussed with students clearly and effectively (i.e. using the appropriate form of communication).
- c. Induction, initial assessment and curriculum choices will be monitored and reviewed to ensure that they reflect the Equality and Diversity Policy.

### 3. The Curriculum

- a. Learning materials which show people with different protected characteristics in a range of positive roles will be used and/or developed by the organisation.
- b. Materials will be free from prejudice and stereotypes in assumptions, images and language.
- c. Teaching staff will be expected to monitor learning materials as described above.
- d. Syllabuses, examination materials and course guidelines will be reviewed and where appropriate representations will be made to awarding or examining bodies to produce materials and procedures which support Treloar's Equality and Diversity Policy.

- e. Staff will be encouraged to review their practices and techniques to encourage student learning to ensure that they meet the needs of individual students and are free from bias.
- f. Treloar's and its staff will ensure as far as possible that assessment methods do not disadvantage some groups of learners by, for example, devising and approving alternative strategies where this is within the scope of the organisation, and seeking approval or advising external bodies where this seems appropriate.
- g. As far as possible Treloar's will monitor learner achievement to ensure that the various aspects of inequality do not adversely affect this.
- h. Specifically, in relation to 3a above, tutors will seek to ensure that every reasonable effort is made to avoid a format, language or approach which, in relation to student's protected characteristics:
  - is offensive to members of particular groups
  - is not capable of being readily understood by some candidates
  - does not have the same meaning for all candidates
  - implies stereotyped or biased attitudes
  - assumes experiences which not all candidates have had
  - describes contexts which are not equally meaningful to all candidates
  - includes terms or concepts or forms of presentation which are unfamiliar to some groups of students
  - employs techniques that are easier for some groups of students to use
  - requires activities which cannot be performed by all students

#### 4. Care, Therapy, Medical Treatment and other services

- a. Treloar's therapy, rehabilitation engineering, medical and care services conform to the Equality and Diversity Policy and will be provided equitably to all students according to their individual needs and within the context of the funding agreement.

- b. Where a treatment or service cannot be provided for any reason, e.g., because it falls outside of the funding agreement, or would infringe the rights of other students, this will be clearly explained and alternatives explored with the student and/or parents/guardians.
- c. the provision of therapy, medical treatment, care and other services will be monitored and reviewed to ensure that it complies with the Equality and Diversity Policy and relevant legislation.
- d. Guidance, counselling and careers services offered to all students will apply principles of equality and anti-discriminatory practice, confidentiality and respect for the individual and their right to make an informed, autonomous choice.
- e. As far as possible, students should have the opportunity to gain work experience. Staff should seek actively to encourage employers to adopt a positive approach to students on work placement regardless of a student's protected characteristics.
- f. Where work experience cannot be made available, for whatever reason, the student should be informed promptly and clearly in the appropriate way, and alternatives should be explored and provided which simulate aspects of the world of work.
- g. Learning support should be available to each student on the basis of need. Support should reflect respect for the individual's protected characteristics. This applies to referral, assessment, provision and the speed of procedures for identifying need.
- h. Off-site curricular activities, such as transport training, residential periods or field trips will be provided equitably to all students unless reasonable adjustment cannot be made, for example where health and safety considerations cannot be overcome.
- i. Treloar's will provide equal access to appropriate social, cultural, creative, sports and leisure experiences for all students and wherever possible will seek integration with students' peers and the wider community.

## 5. Anti-Bullying and Harassment

Treloar's is committed to providing a caring, friendly and safe environment for all of our students so they can learn and live in a relaxed secure atmosphere. Therefore, we operate a zero tolerance policy to any form of bullying or harassment. If bullying does occur, all students should be able to tell someone and know that incidents will be dealt with promptly and effectively. Please see our Anti-Bullying and Harassment Policy for more information.

## 6. Complaints

- a. All staff are responsible for recognising and dealing with incidents of harassment or discrimination.
- b. Treloar's will seek to provide a supportive environment for students who make claims of discrimination or harassment.
- c. Staff must follow up disclosures/observations of discrimination or harassment by completion of an incident form and by informing their Manager
- d. Students can also follow the Student Complaints Procedure
- e. Student concerns must be acknowledged and taken seriously
- f. Managers/Safeguarding Officer will investigate all allegations
- g. Students will be offered support to understand their actions and any consequences these actions might bring
- h. Action to be taken will be decided by the Principal and explained to the student

## D. Staff

Treloar's is committed to eliminating discrimination and encouraging diversity amongst our workforce by

- a. providing equality and fairness for all in our employment and not discriminating on the grounds of any protected characteristic.
- b. opposing all forms of unlawful and unfair discrimination
- c. ensuring that an individual's criminal record should not lead to less favourable treatment unless it can be shown to be clearly related to the duties or role expected of the employee.
- d. ensuring that all employees, whether part-time, full-time or temporary, will be treated fairly and with respect and the individual differences and contributions of all staff are recognised and valued.
- e. ensuring that selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability
- f. helping and encouraging all employees to develop their full potential and fully utilising the talents and resources of the workforce to maximise the efficiency of the organisation.

- g. Reviewing all our employment practices and procedures to ensure fairness.

## 1. Disability in Employment

### Treloar's

- a. celebrates and values the diversity brought to its workforce by individuals.
- b. believes that we benefit from employing both disabled and non-disabled people at all levels of responsibility, and across all areas of work. This will also provide role models for its students in all areas of the curriculum.
- c. is committed to equality of treatment for all employees regardless of whether they have a physical or mental impairment. This will apply to the implementation of all its employment policies.
- d. will treat all employees with respect and dignity, and seek to provide a positive working environment free from disability discrimination, harassment or victimisation.
- e. is committed to eliminating discrimination in the field of employment against disabled persons or person who have had a disability by
  - i. fulfilling our duty to make reasonable adjustments to enable staff to do their work, and not to treat staff with a disability less favourably than those without.
  - ii. ensuring that there is no discrimination against staff on grounds of disability in access to employment , training, working conditions, terms of employment, treatment at work, promotion or dismissal.
- f. will seek to fulfil its duty to staff who have declared a disability, as well as staff who do not declare a disability but whom Treloar's, as an employer, could reasonably have been expected to know of the existence of a disability.
- g. will accept all recommendations made after an assessment carried out under the Access to Work Scheme, and will make all the required contributions towards the cost of providing the recommended reasonable adjustments, for example:
  - i. Adjusting the premises
  - ii. Allocating some of the duties to another person

- iii. Altering working hours
- iv. Allowing time off for treatment
- v. Making Treloar materials available in the preferred format
- vi. Acquiring or modifying equipment

## 2. Employment- Recruitment

- a. Applicants will be selected on the basis of defined criteria and specifications describing appropriate qualifications and experience.
- b. Job titles and roles will not convey stereotypes, eg House Master, except where there is a genuine occupational qualification.
- c. No-one will be discriminated against, directly or indirectly, on grounds of any protected characteristic, except where current legislation requires such treatment or permits less favourable treatment where it can be justified. An example of a requirement to discriminate would be where legislation bars employment of certain categories of offenders. Less favourable treatment can be justified, for example, when gender may be a 'genuine occupational qualification' for care of a particular group, or where adjustments to overcome the discrimination cannot be made.
- d. Advertisements for posts will positively encourage applications from all suitable qualified and experienced people, including those who may be members of an under-represented group.
- e. Treloar's will ensure that job descriptions are drafted to ensure that they do not unreasonably exclude people with a protected characteristic.
- f. Recruitment materials will be fully accessible, and made available in a range of alternative formats.
- g. Every effort will be made to redress any under-representation of people with protected characteristics by positive action.
- h. All applicants for a vacant post who indicate on their application form that they have a disability, and who meet the essential criteria in the person specification, shall be guaranteed to be short-listed as stated in the advertisement.

### 3. Employment- Selection Procedures and Criteria

- a. Details of all posts will include Treloar's Equality and Diversity Policy Statement. A commitment to equality and diversity will be included in every person specification.
- b. Application forms will include only those questions relevant to the process of selecting applicants for interview. Questions about personal or domestic circumstances will not be asked unless accommodation is offered/required with the post.
- c. Interviews will be carried out by at least two appropriately qualified members of staff who have received training in selection and interviewing. The interviewing panel and at least one other member of staff with a management role will carry out short-listing of candidates.
- d. Treloar's will ensure that interviews are fully accessible, and reasonable adjustments made to allow candidates with a disability to attend the interview without being placed at a disadvantage.
- e. Monitoring of equality and diversity issues such as ethnic origin and disability will be carried out separately from the selection processes.
- f. The selection criteria, and procedures are intended to ensure that individuals are selected, promoted and in all other ways treated on the basis of their relevant skills, experience and qualifications. Criteria will be scrutinised to ensure that *essential* qualifications or experience are genuinely required for satisfactory performance, and that these are distinguished from desirable or preferred attributes.
- g. Impairments will not be used to excuse the non-recruitment of candidates who meet the minimum criteria.
- h. Where candidates have particular needs, consideration will be given to the adaptations needed to enable the candidate to do the job, assuming they meet the essential criteria in the person specification.

### 4. Employment – Staff Development and Appraisal

- a. Induction of new staff will include familiarisation with Treloar's Equality and Diversity Policy
- b. All staff will be kept informed and updated on Treloar's Equality and Diversity Policy and their part in its implementation.
- c. Treloar's will monitor the take-up of training courses and investigate any discrepancies between groups.

- d. Criteria for eligibility or selection for training and qualification opportunities (eg. NVQs) will be clear and avoid indirect discrimination.
- e. Treloar's undertakes that all the training and staff development that it provides will be fully accessible to all, including venues, materials and provision of support staff if required.
- f. Appraisal of staff will be in a manner in keeping with Treloar's Equality and Diversity Policy.
- f. Appraisal will include aspects of performance which relate to the Equality and Diversity Policy.

#### 5. Retention (Disability)

- a. Treloar's undertakes to make every effort to ensure that an employee who becomes disabled and who wishes to remain in employment is enabled to do so.
- b. An employee who becomes disabled and declares this to the Trust should have the right to a meeting with their line manager, their union representative, and a member of HR staff. At this meeting, the needs of the employee should be discussed and agreed. Medical advice might also be sought about the employee's needs, which might include a period of paid disability leave to adjust to changed circumstances [the amount of time to be agreed at the meeting] adaptations to the work environment, job redesign or training.
- c. An employee who requests a transfer to part-time work, or alternative duties, on the grounds of disability, whether on a short-term or permanent basis, should have their request sympathetically considered. Please see the Absence Policy for more information.
- d. If an employee develops an impairment which makes it impossible for them to do their existing job, but they wish to be redeployed to a job they can do, Treloar's undertakes to make every effort to redeploy them, including providing training where necessary.

#### 6. Dismissal

- a. Treloar's will ensure that there is no discrimination in relation to dismissal of staff in regards to the protected characteristics.
- b. For staff who have declared a disability, sick leave shall not be used as a criteria for selecting for redundancy.

## 7. Bullying and Harassment in the Workplace

Bullying and harassment are behaviours which adversely affect the dignity of women and men at work, cause offence or make a person feel uncomfortable. This may also be a form of discrimination. For more information please refer to the Anti-Bullying and Harassment Policy

## 8. Complaints

- a. Treloar's will seek to provide a supportive environment for staff who make claims of discrimination or harassment.
- b. Acts of discrimination (direct or indirect), harassment, victimisation or abuse will be treated as a serious disciplinary offence.
- c. Staff who feel they are being discriminated against on grounds of one of the protected characteristics by other members of staff should raise the matter under the Disciplinary and Grievance Procedure, which will, if the accusation is upheld, be treated as a serious disciplinary offence.
- d. If, in the course of their work, staff suffer discrimination from members of the public, the Trust will take appropriate action and provide appropriate support.
- e. Any discriminatory behaviour directed against staff by students will be dealt with under the student disciplinary procedure.

## E. Treloar's Publicity and External Relations

1. Treloar's publicity material will reflect positive images of differing abilities, gender and ethnic origin.
2. Every effort will be made to make Treloar's information available to all sectors of the community.
3. Relationships with external agencies such as recruitment and volunteer agencies, careers services, colleges, schools, local education authorities, health and social services and voluntary agencies and funding authorities will conform to this policy.
4. An equal opportunities statement will appear in the Treloar's prospectus, advertisements and student handbook.
5. Extra-curricular activities including promotional events will reflect positively the diversity of the Treloar's community.
6. Treloar's will actively seek closer links with those groups in society who may be disadvantaged or under-represented in their access to further education.

## F. Treloar's Environment and Facilities

1. All areas of the organisation will be accessible to people with disabilities.
2. Images displayed in the establishment will reflect positively the social and cultural diversity of the organisation and will counteract stereotypes.
3. Offensive or stereotypical images will not be displayed in any area of Treloar's although the Residential Manager may determine what is acceptable in the privacy of students' bedrooms.
4. An area will be provided for religious worship or observance, and as far as possible will be made available and acceptable to students of various faiths.
5. The physical environment of Treloar's will be maintained so that a sense of inclusive well-being, confidence and security will be ensured for students, staff, volunteers and visitors. For example, exterior lighting should enhance the security of women on the campus, and lighting, paving and signs should not disadvantage students with visual disabilities or learning difficulties.
6. Catering services will reflect and recognise diverse dietary and cultural needs and preferences, and will be accessible to all users.
7. Treloar's environment and facilities will be audited and an action plan prepared, implemented and monitored to ensure compliance with the relevant legislation.

## III. MONITORING AND REVIEW

### A. Monitoring

1. Treloar's is committed to monitoring the implementation of its Equality and Diversity Policy.
2. Data on implementation will be presented to the Management teams and Governing Bodies and will be made available to staff and students.
3. To inform the setting of targets and the measurement of progress in achieving them, Treloar's will collect and analyse the following information about different protected characteristics:

### Staff:

- a. Profile of employees by grade/salary scale and type of work
- b. Job application and selection success rates
- c. Type of contract (permanent, fixed-term, full-time and part-time)
- d. Training/Staff Development
- e. Staff recruitment, development and promotion
- f. Grievances, disciplinary and capability proceedings
- g. Satisfaction Surveys and Exit Interviews.

### Students:

- a. Recruitment and admissions
- b. Induction, initial assessment and curriculum options
- c. Learning materials
- d. Learner achievement
- e. Access to care, therapy, medical treatment, work experience and other services

## B. Equality Impact Assessments

1. All relevant policies, procedures and practices will be assessed for their impact on different groups of people with protected characteristics.
2. The purpose of equality impact assessments is to ensure that Treloar's decisions and activities do not disadvantage protected groups, and to identify opportunities to promote equality.
3. Information from impact assessments will be presented to the Management teams and Governing Bodies and will be made available to staff and students.
4. The equality impact assessment form, along with guidance, can be found as an appendix to this policy.

## IV. KEY CONCEPTS

### 1. Protected characteristics:

Throughout the policy you will see reference to 'protected characteristics'. These are:

#### a. Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

#### b. Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

#### c. Gender reassignment

The process of transitioning from one gender to another.

#### d. Marriage and civil partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

#### e. Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

#### f. Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

#### g. Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

#### h. Sex

A man or a woman.

## i. Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

## 2. Bullying

Bullying is the use of aggression with the intention of hurting another person. Bullying results in pain and distress to the victim.

Bullying can be:

- |                      |   |
|----------------------|---|
| a. <b>Emotional</b>  | being unfriendly, excluding, tormenting (e.g. hiding books, threatening gestures)   |
| b. <b>Physical</b>   | pushing, kicking, hitting, punching or any use of violence  |
| c. <b>Racist</b>     | racial taunts, graffiti, gestures   |
| d. <b>Sexual</b>     | unwanted physical contact or sexually abusive comments  |
| e. <b>Homophobic</b> | because of, or focussing on the issue of sexuality  |
| f. <b>Verbal</b>     | name-calling, sarcasm, spreading rumours, teasing   |
| g. <b>Cyber</b>      | All areas of internet, such as email & internet chat room misuse, mobile threats by text messaging & calls, misuse of associated technology , i.e. camera & video facilities (ref: Kidscape). |

## 3. Dignity

Your inherent worthiness and self-respect.

## 4. Discrimination

The law describes discrimination as:

- using inappropriate, biased or prejudiced criteria.
- choosing on the basis of subjective or irrelevant judgements which result in unfair treatment.

Discrimination is not necessarily deliberate. Sometimes it happens because of long-standing habits or behaviour which have not been questioned. Whatever our personal biases or prejudices, we need to be aware of the way in which they can affect others.

a. **Direct discrimination** occurs when you treat one person less favourably than you treat (or would treat) another because of a protected characteristic. So a very basic example would be refusing to admit a student because of their race, for example because they are Roma.

b. **Discrimination based on association:** Direct discrimination also occurs when you treat a person less favourably because of their association with another person who has a protected characteristic. This might occur when you treat someone less favourably because their sibling, parent, carer or friend has a protected characteristic.

c. **Discrimination based on perception:** Direct discrimination also occurs when you treat a person less favourably because you mistakenly think that they have a protected characteristic.

d. **Discrimination because of pregnancy and maternity:** It is discrimination to treat a woman (including a female student of any age) less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby who is 26 weeks or younger.

e. **Indirect discrimination** occurs when you apply a provision, criteria or practice in the same way for all people, but this has the effect of putting persons sharing a protected characteristic within the group at a particular disadvantage. It doesn't matter that you did not intend to disadvantage the person with a particular protected characteristic in this way. What does matter is whether your action does or would disadvantage such persons compared with people who do not share that characteristic.

Indirect discrimination can be justified if you can show that you acted reasonably, ie that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make. One way to show this is by completing an Equality Impact Assessment.

## 5. Harassment

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. People are able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

a. **Third Party Harassment:** The Equality Act makes employers potentially liable for harassment of their employees by people (third parties) who are not employees of the organisation, such as customers or clients. Employers will only be liable when harassment has occurred on at least two previous occasions, they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

b. **Victimisation:** when someone is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. A person is not protected from victimisation if they have maliciously made or supported an untrue complaint.

## 6. Positive action:

In recruitment, equality law allows positive action before or at the application stage. At this stage, the steps could include encouraging particular groups to apply, or helping people with particular protected characteristics to perform to the best of their

ability (for example, by giving them training or support not available to other applicants).

An example of when an employer might decide to take positive action is if they find that the make up of their workforce is different to the make up of the local population, so they decide to encourage people who share particular under-represented protected characteristics to apply for vacancies.

This is not the same as 'positive discrimination' or 'affirmative action' which equality law does not allow.

**7. Reasonable adjustments:** These are changes an employer or someone providing a service has to make so that disabled people can do something, like getting into a shop to do their shopping or a bank sending information in the best way for them to use, like in large print or in easy to read words.

## **8. Respect**

To show consideration for another's feelings or interests, even when these may not be shared feelings. To treat others with due regard for their inherent dignity.

## Policy/Procedure Communication and Implementation Action Plan

|    | ACTION   | RESPONSIBILITY |
|----|--|----------------|
| 1  | Ensuring that Treloar's complies with legal requirements and meets all duties, including general and specific duties   | Governors      |
| 2  | Making sure that the Single Equality and Diversity Policy and its procedures are followed  | Governors      |
| 3  | Giving a consistent and high-profile lead on equality and diversity issues   | The Principal  |
| 4  | Promoting the Equality & Diversity Policy both inside and outside Treloar's.   | The Principal  |
| 5  | Making sure the Equality & Diversity Policy is applied and its procedures are followed.  | The Principal  |
| 6  | Regularly review Treloar's policies and procedures to ensure that selection, promotion, development and training, grievance and discipline processes are fair and based on justifiable criteria. | HR Director    |
| 7  | Continually monitor the workforce to measure the progress of equality of opportunity and the implementation of this policy.  | HR Director    |
| 8  | Provide facilities and procedures to enable staff and volunteers to challenge situations in which they feel equality of opportunity has been denied.   | HR Director    |
| 9  | Putting the policy and its strategies and procedures into practice.  | Line Managers  |
| 10 | Ensuring that the principles of equality and diversity are fully incorporated into Area and Department Reviews, Quality Improvement Plans, and any other document with a defining influence.     | Line Managers  |
| 11 | Making sure all staff know their responsibilities with regard to equality and diversity, and receive support and training in carrying these out.   | Line Managers  |
| 12 | Following the relevant procedures and taking action against students and staff who unlawfully discriminate against others.   | Line Managers  |
| 13 | Dealing with discriminatory incidents, and being able to recognise and tackle bias and stereotyping.   | All Staff      |
| 14 | Actively promoting equality of opportunity and good relations, and avoiding unlawful discrimination against others.  | All Staff      |
| 15 | Keeping up-to-date with the Equality & Diversity Policy, and taking up training and learning opportunities.  | All Staff      |

Policy/Procedure Name: Single Equality and Diversity Policy

Policy/Procedure No: ED001

Revised Date: September 2011

Review by Date: April 2012

### **Links to other related policies and procedures:**

1. Anti-Bullying and Harassment Policy
2. Treloar's Safeguarding Policy and Procedure
3. Student Complaint Procedure
4. Treloar's Grievance Policy
5. Recruitment policies and procedures
6. Absence Policy
7. Equality Impact Assessments (see attached form and guidance)
8. Treloar's Equality Framework and Action Plan

### **Further sources of information:**

Notes and guidance on the Equality Act 2010 can be found here:

- [http://www.equalities.gov.uk/equality\\_act\\_2010.aspx](http://www.equalities.gov.uk/equality_act_2010.aspx) (Equality Act)
- [www.equalityhumanrights.com](http://www.equalityhumanrights.com) (Guidance for employees, employers, service providers, service users and education providers)

Additional notes for completing Equality Impact Assessments:

- Equality Impact Assessment Quick Start Guide from [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **IMPORTANT NOTES:**

It is essential for those with designated responsibilities to familiarise themselves with the sources of information, referred to above.

Policy documents describe mandatory minimum standards and will be subject to audit and review. Line managers are required to ensure suitable and sufficient arrangements are in place to meet policy requirements, including the provision of information and instruction to staff.