



<b>Headstart School Equality and Diversity Policy</b>	
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**Rationale**



In a changing society it is essential that school provides an active model in effective multi-cultural education, employment and social interaction. This policy will identify the legal responsibilities of the school regarding this and the active role in which the school will support a culture of active equality and a culture in which diversity is supported and celebrated

### **The Legal responsibility of Headstart School**

Headstart School is committed to equality of opportunity in every aspect of its activities.

Headstart School will ensure equality of opportunity both as employer and as a provider of education and training. In accordance with the Equality Act 2006, the school encourages and supports the development of a society in which:

- People's ability to achieve their potential is not limited by prejudice or discrimination
- There is respect for and protection of each individual's human rights
- There is respect for the dignity and worth of each individual
- Each individual has an equal opportunity to participate in society, and
- There is mutual respect between groups based on understanding and
- valuing of diversity and on shared respect for equality and human rights

### **It is the Headstart School policy to provide equality for all, irrespective of:**

- Age
- Gender, Sexuality or family status
- Disability or learning difficulty
- Ethnicity, Nationality or personal identity
- Religious or Philosophical belief
- Working hours
- Membership/non-membership of trade unions
- Or any other cause leading to unfair discrimination

### **The Role of Headstart School**

Headstart is a provider of education, and a significant employer and has a duty to ensure that people from different sections of the community have equal and fair access to its services.

Within the Headstart students, staff, employers, sub-contractors and service providers will be made aware of this policy and of their obligations. This policy places a contractual obligation on staff and students to treat all with dignity and respect.

### **Implementing the Policy**

The Senior Management Team is responsible for ensuring that all staff, students, subcontractors and service providers are aware of their rights and responsibilities with regard to equality.

Headstart School is committed to the following actions in order to fulfil this policy:

- Promoting an organisation where people are treated with respect and dignity and where no form of intimidation or harassment is or will be tolerated
- Taking reasonable steps to prevent any form of harassment, direct or indirect discrimination or victimisation



- Taking reasonable steps to make sure that no student, staff or applicant is placed at a disadvantage by stipulated requirements or conditions
- Keeping records of age, ethnic origin, gender, social inclusion and disabilities of all those seeking education, training, employment or other services. Furthermore, staff will be required to complete Criminal Records Bureau processes to ensure their suitability for post

### **Considering the Dignity of Others**

Equal opportunities is about treating everyone fairly and ensuring that Services' and facilities are accessible to all. It encompasses the methods of work, attitude and behaviour of all individuals within Headstart School and on school activities whether they are students, staff, employers, sub-contractors or visitors. Headstart School operates a 'zero tolerance' to any infringement of its equality and diversity policy and procedures.

### **Students**

Headstart School will treat all students with dignity, respect and as individuals in the provision of access to facilities, learning opportunities and support.

### **Staff Training**

All Headstart School staff will be required to undertake appropriate training for equality and diversity some time during their employment.

### **Trade Union Membership**

Employees may join a relevant union of their choice provided they are eligible to do so under the union's rules.

### **Contractors, Sub Contractors and Service Providers**

Headstart School has contracts with many organisations and individuals other than staff or students. Examples include: suppliers, contractors engaged to carry out work for Headstart School and employers offering work experience/opportunities to students. This list is neither exclusive nor exhaustive.

(i) Headstart School will ensure those suppliers, contractors, employers or others who provide a service to the college receive a copy of this policy and acknowledge the receipt.

(ii) All contractors will be required to comply, in full, with this policy Failure to do so will result in an investigation which could result in the termination of their contract or service provision.

### **Dealing with Discrimination**

Headstart School will ensure that every support and assistance is provided to students, staff, contractors or other users who consider they have been a victim of discrimination, or victimisation. (i) All acts of unlawful discrimination or victimisation by staff or students shall be treated as disciplinary offences. Individuals can be held personally liable for acts of discrimination and/or victimisation which they commit, authorise, contribute to or condone. In serious cases, this may lead to dismissal with or without notice or payment in lieu of notice.

### **Dealing with Harassment and Bullying**

Harassment and bullying can make the working and learning environment for students, staff, contractors and visitors intolerable.



- All visitors, students and staff have the right to enjoy their visits, studies, work and leisure time free from any form of bullying or harassment. Headstart School will not tolerate bullying or harassment even if it was not intended
- All staff should be aware that they may bring a friend, colleague or trade union representative to any interview, as a result of a complaint being made

### **Data and Target Setting**

The Senior Management Team will collect data relating to the age, gender, ethnicity and disability and social inclusion of individuals, in the following areas:

- Relating to Students
- Student progress rates
- Satisfaction
- Student achievement levels
- Relating to Staff
- Applications for employment
- Successful and rejected candidates
- Staff surveys
- Exit interviews
- Disciplinary, Grievance and Complaints

All personal information collected for the purpose of equality and diversity monitoring will be treated as confidential and not misused, in accordance with the Data Protection Act 1998.



## Appendix 1

### EQUALITY & DIVERSITY GUIDANCE NOTES

This document is prepared as a guide for all members of staff, students and contractors to assist them in understanding what is meant by the term “equality and diversity” and in making College Centrals commitment to equal opportunities a reality. The document includes the following:

- What is discrimination
- What is the law relating to equal opportunities
- What are the responsibilities of all parties concerned

It is hoped that this document will give all concerned a greater understanding of equal opportunities and encourage everyone to participate actively in implementing and monitoring the success or otherwise of College Centrals’s Equality and Diversity Policy.

#### Types of Discrimination

1. Sex discrimination is unlawful unless the job is covered by an exemption such as a genuine occupational qualification.

(i) Direct sex discrimination occurs when an employer treats someone (ie a worker or prospective worker) less favourably on grounds of his or her gender, marital status or sexual orientation in terms of, for example, recruitment and offers of employment, terms and conditions of employment, access to or denial of opportunities including promotion and training, dismissal or subjecting them to some other detriment.

(ii) Indirect discrimination occurs when an unjustifiable requirement or condition is applied equally to both sexes but has a disproportionately adverse effect on one sex (because the proportion of one sex that can comply with it is much smaller than the proportion of the other sex that can comply with it).

Indirect sex discrimination has been proven in less favourable treatment of part-time workers, imposing age limits and changes in hours of work that do not recognise caring responsibilities.

(iii) Sexual harassment is unlawful discrimination and, in some circumstances, can be a criminal offence.

Harassment is any behaviour that is unwanted by the recipient/complainant, where it is used as the basis for an employment decision or where it creates a hostile working environment. It is the impact of the behaviour which is relevant and not the motive or intent behind it. Harassment covers a wide range of behaviour including (but not limited to): physical contact ranging from unnecessary touching or brushing against a person, to actual physical contact or serious assault; verbal and written harassment through making derogatory remarks or jokes, or sexist remarks, expression of discriminatory views and intimidating comments, obscene gestures, pin ups, graffiti, using e-mail to send suggestive and unwanted remarks and/or graphics (including pornography) or other offensive material; victimising an

individual who makes a complaint in good faith under the Sex Discrimination Act, or who gives evidence in connection with proceedings brought under that Act.

2. Equal pay entitles women to equal pay with men (and vice versa) if they do the same or broadly similar work, if their jobs are rated equivalent under a valid job evaluation scheme, or if their work is of equal value when compared in terms of the demands made on the worker in the job.

3. Racial Discrimination is unlawful unless the job is covered by an exemption such as a genuine occupational qualification.



(i) Direct race discrimination occurs when an employer treats someone less favourably on racial grounds (i.e. discrimination on grounds of race, colour, nationality, ethnic or national origin) than they would treat someone else, in terms of recruitment and offers of employment, terms and conditions of employment, access to or denial of opportunities including promotion and training, dismissal or subjecting them to some other detriment.

(ii) Indirect discrimination on racial grounds has been proven to exist in cases of less favourable treatment arising from dress codes/uniforms and qualification requirements.

(iii) Victimising an individual who makes a complaint in good faith under the Race Relations Act, or who gives evidence in connection with proceedings brought under that Act.

(iv) Racial harassment is unlawful discrimination and, in some circumstances,, can be a criminal offence. See paragraph 1(iii) above for further details of what constitutes harassment.

4. A disability is a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities. Disability discrimination is unlawful where there is unjustified less favourable treatment of a disabled person (including a person who has had a disability in the past) in relation to employment (including contract workers), employment practices and premises, including selection arrangements, recruitment, opportunities for promotion, transfer, training or receipt of other employee benefits or refusal of such opportunities, terms and conditions of employment, pensions, benefits and working conditions (including relating to workers who have become disabled or whose disability has got worse).

(i) Employers also have a duty to consider and to make reasonable adjustments to help disabled people overcome any practical difficulties that they may face during recruitment or in their work. For example, adjusting premises, altering working hours, providing training or a reader or an interpreter, acquiring or modifying equipment, modifying procedures for testing or assessment or allowing absence during working hours for rehabilitation.

(ii) It is also unlawful when providing goods, facilities or services to the public to discriminate against disabled people in certain circumstances. As a service provider, College Central has to consider and make reasonable adjustments for disabled people such as providing extra help or making changes to the way in which we provide our services.

(iii) Harassment on grounds of disability is unlawful discrimination.

(iv) Victimising an individual who makes a complaint in good faith under the Disability Discrimination Act, or who gives evidence in connection with proceedings brought under that Act.

5. Discrimination against part-time workers is unlawful when treatment of part-time workers is less favourable than that of comparable full-timers, unless the different treatment is justified on objective grounds. Less favourable treatment will include, different terms and conditions of employment (i.e. not pro-rata entitlements), hourly rates and overtime rates (once the part-timer has worked more than the normal full time hours), exclusion



from training because they work part-time, different entitlements to annual leave and maternity/parental leave entitlements not on a pro-rata basis.

6. Age – The law will state that it will be an offence to recruit, train, promote or retire people on the basis of their age, unless it can be 'objectively justified'. It will be an offence to discriminate or harass on the grounds of age. It is likely that people will not be able to put age limits onto training programmes, into work vacancy adverts, in membership ages, and in retirement dates.

Other definitions

- Bullying – is often associated with the workplace or learning environment. Anyone can be a bully. The essence of bullying is taking advantage of weakness. Bullying is unacceptable; it devalues individuals and as such is completely against the ethos of equal opportunities.

- Positive Action - The Sex Discrimination and the Race Relations Acts, both enable employers/service providers to encourage applications/participation from a particular gender (sex) or racial group because they are under-represented in specific occupations or activity. Legislation also enables organisations to seek or establish training courses exclusively for existing employees from under represented groups. These measures are known as 'Positive Action'. However, it would be unlawful for applicants to receive favourable treatment during the recruitment process.

- Genuine Occupational Qualification - When recruiting, an employer can discriminate in favour of a person from a particular ethnic or gender group where a person's ethnicity or gender is a genuine occupational qualification (GOQ) for a particular job. GOQs can be claimed in very limited circumstances, for example where considerations of privacy and decency or authenticity are involved. (For example, a woman working in the female changing facilities of a college.)

## EQUALITY AND DIVERSITY LEGISLATION

An overview of the changes to equality legislation since 1970.

### Introduction

Both UK and European law has been extensively revised and improved.

#### In the 1970s

- Equal Pay Act 1970
- Health and Safety at Work Act 1974
- Rehabilitation of Offenders Act 1974
- Sex Discrimination Act 1975
- Race Relations Act 1976
- European Equal Treatment Directive 1976

#### In the 1980s

- Copyright, Designs and Patents Act 1988
- Children Act 1989



In the 1990s

- Disability Discrimination Acts 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Treaty of Amsterdam 1997
- Public Interest Disclosures Act 1998
- Data Protection Act 1998
- Working Time Regulations 1998
- Human Rights Act 1998
- Sex Discrimination (Gender Reassignment) Regulations 1999

In 2000

- Part Time Workers Regulations 2000
- Race Relations (Amendment) Act 2000

In 2001

- Special Education Needs and Disability Act (SENDA) 2001

In 2003

- The Race Relations Act 1976 (Amendment) Regulations 2003\*
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003\*
- The Disability Discrimination Act 1995 (Amendment) Regulations 2003\*

In 2004

- Gender Recognition Act 2004
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Children Act 2004

In 2005

- Discrimination Act 2005
- Employment Equality (Sex Discrimination) Regulations 2005\*

In 2006

- Equality and Human Rights Act – due in summer of 2006
- Age – Employment and Vocational Training Law – 1st October 2006
- Disability – Public Duty Code of Practice – 1st December 2006
- Single Equalities Act – under consideration and in consultation now

Please Note: For these regulations starred above\* an accused person is considered to be automatically liable unless they can show they have acted reasonably. Furthermore, harassment becomes discrimination automatically.

Because these laws are based on European Law, the principle of innocence until proven guilty no longer applies. Sexual harassment has been defined for the first time.

What are the responsibilities of all parties concerned?



Personal Liability – If a member of staff, in the course of their employment, discriminates unlawfully against any individual on the grounds of race, gender or disability they may be personally liable.

Vicarious Liability – ESCC/College Central, as an employer, is liable for any discriminatory act carried out, with or without its knowledge or approval, by an employee in the course of his or her work unless it can demonstrate that all practicable steps were taken to prevent the employee discriminating.

All full-time and part-time employees and job applicants (actual or potential) will be treated fairly and selection for employment, promotion, training or any other benefit will be on the basis of his or her relevant merits, aptitude and ability. All positions (except those subject to legal exemption) will be equally open to all members of the community.

#### Complaints and Grievances

Any student, member of staff, sub-contractor or visitor who believes they have been treated less fairly than others, discriminated against or victimised should make a formal written complaint to the Headteacher or Executive Headteacher. Complaints will be dealt with under the published Complaints Procedure