



Policy Title: **EQUAL OPPORTUNITIES**

Policy Number: NS6

Version Number: 2.1

Date of Issue: January 2021

Date of Review: January 2023

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Elysium Children and Education is committed to promoting equality in all its activities. We aim to provide an environment free from discrimination and unfair treatment that actively promotes equality and anti-racism.



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## **Introduction**

Cotswold Spa Hospital School believes everyone deserves to be treated equally regardless of

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Gender
- Sexual Orientation

Our Equality Scheme brings together the service's approach for promoting equality in our policies and procedures, curriculum and, most importantly in our day-to-day practices and interactions with our stakeholders and communities.

We regard this policy as being essential for achieving the positive outcomes we desire for our young people.

We acknowledge that it is very important for us all to work together in achieving our aim of being fully inclusive and accessible and ultimately in providing a quality experience for our young people.

## **Our Requirements**

Under the statutory requirements, we have responsibilities to promote race, disability and gender equality. Further to this, we see the promotion of equality as a pivotal part of our school improvement plan to create a positive impact on the local and global community.

Employees have a duty to co-operate with the service to make sure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under Elysium Children & Education's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this Equal Opportunities Policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal.

Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination or harassment, which may include responsibility for payment of any compensation awarded. Employees who commit serious acts of harassment may also be guilty of a criminal offence pursuant to the Protection from Harassment Act 1997.

## **The Law and Discrimination**

The Equality Act 2010 places responsibility on the service in relation to the treatment of individuals within its community on the basis of the following Protected Characteristics – age, disability, gender reassignment, race (including colour, nationality and ethnic or national origins) religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

You should draw the attention of your line manager to suspected discriminatory acts or practices. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or who has

provided information about such discrimination. Such behaviour will be treated as potential gross misconduct in accordance with the disciplinary procedure. You should support colleagues who suffer such treatment and are making a complaint.

### **Discrimination Legislation**

#### **Direct discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

#### **Associative discrimination**

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a young person is harassed or victimised because a sibling is disabled.

#### **Perceptive discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### **Indirect discrimination**

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified only if it is a proportionate means of achieving a legitimate aim. Being proportionate means being fair and reasonable, reviewing any less discriminatory alternatives before any decisions are made.

Cotswold Spa Hospital School will take all reasonable steps to eliminate both direct and indirect discrimination from all aspects of employment.

### **Third Party Harassment**

Workers are sometimes harassed by third parties, such as parents of students, customers or clients.

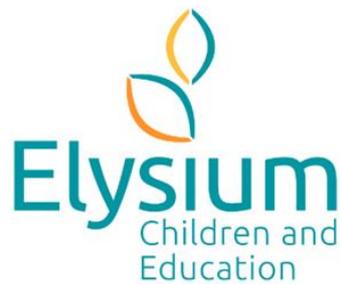
The Equality Act makes employers potentially liable for third party harassment in circumstances where:

- harassment has occurred on two previous occasions; this means that the same employee has been subjected to harassment twice, not necessarily from the same third party
- the employer is aware that it has happened
- the employer has not taken reasonable steps to prevent it from happening again.

Wherever possible Cotswold Spa Hospital School will endeavour to protect its employees from such harassment and will take reasonable steps to deal with any situation.

### **Victimisation**

Victimisation occurs when an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they have raised or supported a grievance or complaint of unlawful discrimination, or because they have issued employment tribunal proceedings for unlawful discrimination or they have given evidence in



connection with unlawful discrimination proceedings brought by another employee. However, an employee is not protected if they give false evidence or information, or make a false allegation, and they do so in bad faith.

Discrimination after employment is also unlawful if it arises out of and is closely connected to the employment relationship, for example refusing to give a reference or providing an unfavourable reference for a reason related to one of the protected characteristics.

Post-employment victimisation is also unlawful, for example refusing to give a reference or providing an unfavourable reference because the former employee has done one of the protected acts set out above.

Cotswold Spa Hospital School will take all reasonable steps to eliminate victimisation in all aspects of employment.

### **Training and Promotion**

Cotswold Spa Hospital School will provide training to all employees to help them understand their rights and responsibilities in relation to equal opportunities and what they can do to create a work environment that is free from discrimination.

### **Equal Pay and Equality of Terms**

Elysium Children & Education and Cotswold Spa Hospital School is committed to equal pay and equality of terms in employment. It believes its male and female employees should receive equal pay where they are carrying out like work, work rated as equivalent or work of equal value.

In order to achieve this, we will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

Wherever possible we will also make reasonable adjustments to our standard working practices to overcome substantial disadvantages or difficulties caused by disability or any other protected characteristic (e.g. pregnancy).

### **Reporting Complaints**

All allegations of discrimination will be dealt with seriously, confidentially and promptly.

Cotswold Spa Hospital School will not ignore or treat lightly grievances or complaints of unlawful discrimination from employees.

If you wish to make a complaint of discrimination, you should do so promptly and use the grievance procedure.

### **The Protected Characteristics: Key Points**

#### **Age**

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim.

Age is the only protected characteristic that allows employers to justify direct discrimination. Age as a protected characteristic does not apply for young people in the service.

#### **Disability**

Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

The Act puts a duty on the employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment. The service also has an on-going duty to make 'reasonable adjustments' for disabled young people and those with special educational needs in respect of the education and associated services provided to ensure that they are not placed at a substantial disadvantage in comparison with others. The service is not legally required to make adjustments which include physical alterations such as the provision of a stair-lift or new ground floor facilities, but will attempt to make every effort to make reasonable adjustments in this area.

The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia).

This type of discrimination is unlawful where Elysium Children and Education or other person acting for the organisation knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination covers disabled people. This means that a job applicant or employee or young person could claim that a particular rule or requirement in place disadvantages people with the same disability and unless this can be justified, it would be unlawful.

Cotswold Spa Hospital School has an Accessibility Plan held within the Equal Opportunities Plan, which is kept under review and revised as necessary. The plan is available on request.

### **Gender reassignment**

A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act does not require a person to be under medical supervision to be protected – so a woman who decides to live permanently as a man but does not undergo any medical procedures would be included.

According to The Act, transgender people such as cross dressers, who are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex, are not protected by the Act. However, Cotswold Spa Hospital School sees discrimination against people of any transgender identity as equally unacceptable.

### **Marriage and civil partnership**

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected. Marriage and civil partnership as a protected characteristic does not apply for young people in the service.

### **Pregnancy and maternity**

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

### **Race**

For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins. The Act makes it illegal to treat a person less favourably than others on racial grounds.

### **Religion or belief**

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers or young people are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Humanism is a protected philosophical belief but political beliefs would not be protected. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

### **Gender**

Both men and women are protected under the Act. Direct discrimination occurs where a woman or a man is treated less favourably than a person of the opposite sex in comparable circumstances because of their sex. Types of sex discrimination include sexual harassment and treating a woman adversely because she is pregnant (in which case there is no need for a male comparator).

### **Sexual orientation**

The Act protects bisexual, gay, heterosexual and lesbian people from discrimination.

### **Part-time Workers Discrimination**

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations make it unlawful to treat part-timers less favourably in their contractual terms and conditions than comparable full-timers.

### **Aims**

- To ensure that young people and staff recognise that discrimination on the basis of any protected characteristic is not acceptable.
- To provide an environment in which all young people and staff feel safe enough to express and question views.
- To ensure that all staff feel valued and supported and have appropriate advice and encouragement for professional development.
- Ensure the principles and practices of equal opportunities are applied to all members of the community: young people; teaching and non-teaching staff; parents; management committee members and visitors.
- Equal Opportunities practices should be evident in
  - a) the formal curriculum (the programme of lessons);
  - b) the informal curriculum (extra-curricular activities); and
  - c) the 'hidden' curriculum (the ethos of the organisation, the quality of personal relationships etc.)
- To educate, develop and prepare all our young people for life whatever their sex, race, religion, origin, culture or ability.
- Young people and employees contribute towards a happy and caring environment by showing respect for, and appreciation of, one another as individuals.
- Young people are seen as individuals and their education and care is to be developed in direct relation to their needs and abilities.

## **Policy into Practice**

### **Admission**

Applications are considered irrespective of their sex, gender reassignment, race, colour, religion or belief, sexual orientation, pregnancy or maternity or disability. Our admissions policy contains further detail.

### **Discrimination**

All forms of discrimination by any person within the organisation's responsibility will be treated seriously as such behaviour is unacceptable. Racist symbols, badges and insignia on clothing and equipment are forbidden. Staff should be aware of possible cultural assumptions and bias within their own attitudes. In all staff appointments the best candidate will be appointed based on strict professional criteria. Parents should be aware of the school's commitment to equal opportunities.

All cases of discrimination or prejudice will be taken seriously and dealt with, as appropriate, according to existing sanction procedures. A record of incidents will be kept.

### **Language**

Cotswold Spa Hospital School views linguistic diversity positively. Young people and staff must feel that their natural language is valued. For those for whom English is an additional language, additional support will be provided if necessary. More detail can be found in our EAL policy.

### **Culture, Class and Race**

We acknowledge that members of the organisation come from diverse cultural, racial and socio-economic backgrounds and we endeavour to foster an atmosphere of mutual respect in order to help to promote an organisation and a society in which there is social, religious and racial harmony.

We also recognise the inequalities of opportunity which exist within society for individuals and groups and are determined to take positive action to enable every individual to raise their self-esteem, expectations and performance so as to have wider choices in life.

We understand the need to be different without being excluded.

The school has a code of conduct which includes guidance about clothing. We will consider all reasonable requests to alter aspects of this, for example for genuine religious requirements and reasonable adjustments for disabled people. It is acceptable for young people and staff to wear special forms of dress where these are an essential part of their religious or cultural background.

This is subject to considerations of safety and welfare and the existing guidance in this area. Where there is uncertainty as to whether an item may be worn under this section, the issue must be referred to the site leader, whose decision will be final, subject to the organisation's complaints procedure.

We value the history, experience and contribution of our multi-cultural community and seek to express this in the life of our organisation and the activities held at each site.

We try to counter negative, patronising and stereotyped views: a prime cause of prejudice is ignorance and misunderstanding.

We will not tolerate racist behaviour in any form.

## **Gender**

We accept that there are gender inequalities in our society which impose limits, particularly on girls' expectations and behaviour, so we constantly examine our curriculum, procedures and materials for gender bias or inequality.

We encourage young people to be aware of the rigid sex stereotypes presented by, for example, the media.

In our school, we are committed to providing a curriculum which avoids unnecessary historical gender divisions. All young people experience subjects previously considered to be suitable for a single sex. We try to ensure:

- that teachers allocate their time fairly between the sexes/ genders,
- that all students have opportunities for working with students of different sexes, genders and gender identities
- that we break down traditional sex stereotypes (for example by not asking boys to move furniture while girls tidy up),
- that students are encouraged to pursue less conventional subjects and interests
- we do not differentiate between the sexes in respect of our school

## **Sexual Orientation**

Cotswold Spa Hospital School is committed to providing a welcoming environment for staff and students of any sexual orientation and to challenging the hetero-centric norms that can prevail in schools and workplaces. We explicitly discuss LGBTQ+ identification in our PSHE and citizenship curricula and celebrate LGBTQ+ history month each February. Outside of this, staff discuss and celebrate LGBTQ+ issues and civil rights developments in international news as well as celebrating LGBTQ+ role models both past and present. More information can be found in our LGBTQ+ policy.

## **Religion**

We acknowledge that members of our community come from diverse backgrounds: some have no religious faith, others are committed to a greater or lesser extent to a variety of religions. We seek to promote an ethos of acceptance based on understanding of and respect for the beliefs and practices of others. With regard to the teaching of RE we consider that the role of the teacher is that of educator and not that of evangelist. We do not seek to make students religious, but to teach them about religion.

Various religious and cultural festivals are discussed and celebrated throughout the year, regardless of the religious beliefs of the staff or student cohort. This is in the interest of inclusivity and broadening the cultural understanding and tolerance of both students and staff.

## **Resources**

Our aim is to provide for all young people and staff according to their needs, irrespective of sex, ability or ethnic origin. Resources are to reflect cultural and racial backgrounds of young people to support positive self-imagery.

We try to ensure that our resources include non-sexist books which value the achievements of women as well as men. Displays will similarly reflect a range of cultures, races, sexual orientations and gender identities. All materials in use at each site will be monitored.

## **Relationships**

Relationships between all members of the organisation should be such that any member acting in a manner contrary to the spirit of this Policy is made aware of the unacceptable nature of their behaviour. This should be done in a

supportive manner to encourage change and reinforce the principles of this policy. When it is uncomfortable or inappropriate to address the issue between staff then management must be made aware of the incident and supervisors address the incident with the staff or young person.

It is up to the individual staff member's own judgement to decide on the most appropriate method for challenging biased views (particularly in cases of more subtle, nuanced biases) but it is advised that having such conversations in private if possible, in a supportive manner can lead to more successful outcomes than "calling someone out" (i.e. challenging an individual in front of others; putting them on the spot) as this can lead to more entrenched views and defensive "doubling down" of the opinion expressed. However, we accept that "calling people out" can sometimes be the most appropriate option, (e.g. outright misinformation or racist comments made in front of others).

### **Recruitment**

The school will ensure that in recruitment procedures any advertisements, shortlisting and interview procedures are without any hint of direct or indirect discrimination. During employment it would be unlawful to discriminate in the way opportunities for promotion, transfer or training were offered. It is also unlawful to discriminate in dismissals, particularly in redundancy dismissals.

### **Awareness of policy**

All stakeholders should be aware the organisation has an Equal Opportunities Policy and is committed to equality of opportunity for all. A copy will be placed on our website.

### **Monitoring and review**

Cotswold Spa Hospital School monitors the impact of its policies and procedures on different groups (by race, gender and disability) and the effectiveness of such policies are assessed through the school's self-evaluation procedures and equal opportunities/accessibility plan.