

THE GILLFORD CENTRE

EQUAL OPPORTUNITIES POLICY

1.0 INTRODUCTION

- 1.1 Schools have a number of responsibilities and duties under legislation relating to equality and diversity. Legislation covers equality issues in relation to gender, age, race, disability, religion or belief, sexual orientation and gender reassignment.

2.0 BACKGROUND

- 2.1 The Gillford Centre, as a matter of course, does a great deal to promote a positive and welcoming culture to ensure that all children and young people in its care are safe and are supported to fulfil their potential. There is now a significant amount of legislation relating to equality, ranging from the Sex Discrimination Act 1975 to the Equality Act 2010. Schools, like any other organisation, need to ensure they comply with this legislation.
- 2.2 Legislation requires schools both to avoid discrimination and to promote equality for students, staff and others using school facilities. This policy sets out what the Gillford Centre will do to ensure compliance in meeting its legal obligations in respect of equal opportunities.

3.0 DEFINITIONS OF DISCRIMINATION

- 3.1 Under the new equality Act 2010 there are different categories of discrimination. These are:

- Direct discrimination:

Section 13 of the Equality Act 2010 states that direct discrimination occurs when a person treats one person less favourably than they would another because of a protected characteristic.

- Direct discrimination by association

The Act makes it clear that discrimination occurs if an employer discriminates against an employee because of a protected characteristic, whether or not the employee possesses that characteristic. This means, for example, that it will be unlawful to discriminate against someone because they associate with a person who possesses a protected characteristic.

This kind of discrimination is already applicable to race, sexual orientation and religion or belief, and the same principle will also apply to age, disability, gender reassignment, sex and pregnancy and maternity. (Evershed, 2010)

- Discrimination by perception

The Act makes it unlawful to discriminate against someone because they are perceived to possess a particular protected characteristic, even if the employer is mistaken. This sort of

discrimination by perception is already prohibited where discrimination is on the grounds of sexual orientation, age or race. The same principle will also apply to sex, pregnancy, gender reassignment, and age and disability discrimination.

- Combined discrimination

Individuals who consider that they have been discriminated against because of a combination of protected characteristics can bring a claim of dual discrimination (Section 14, Equality Act 2010). The new concept applies to claims brought based on only a combination of two (2) protected characteristics.

- Indirect discrimination

Indirect discrimination occurs when a provision, criterion or practice is neutral on the face of it, but its impact particularly disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim. Ultimately, if tested, it will be for a court of law or tribunal to determine what is justifiable.

Indirect discrimination is unlawful in relation to the protected characteristics of age, marriage and civil partnership, race, religion or belief, sex, and sexual orientation, but not pregnancy and maternity. The Equality Act 2010 extends protection against unjustifiable indirect discrimination to gender reassignment and, more significantly disability.

- Harassment

According to the Equality Act 2010, there are three types of harassment:

1. Unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity
2. Unwanted conduct of a sexual nature (sexual harassment)
3. Treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment
4. The perceptions of the recipient of the harassment are very important and harassment can be deemed to have occurred even if the intention was not present, but the recipient felt they were being harassed. A person can also make a complaint of harassment even if it is not directed at them. (Equality Challenge Unit, Evershed, 2010)

- Victimisation

According to the Equality Act 2010, victimisation takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Act or helped someone else to do so.

4.0 ACTION THE GILLFORD CENTRE WILL TAKE REGARDING:

4.1 Employment

- 4.1.1 The Gillford Centre will not discriminate in the employment of staff on grounds of gender, transsexual status, race, disability, sexual orientation, religion or belief, or age. With regard to disability The Gillford Centre will make such reasonable adjustments as are necessary to prevent

a disabled person being at a substantial disadvantage in comparison with people who are not disabled.

4.1.2 This includes discrimination in relation to recruitment, terms and conditions, transfers, dismissals, training and employment practices such as dress codes and disciplinary procedures.

4.2 Students (and by extension their Parents/Carers where applicable)

4.2.1 The Gillford Centre will not discriminate against children seeking admission or with regard to how students are treated, on grounds of sex, race, disability, religion or belief. This includes discrimination in provision of teaching or allocating the student to certain groups, applying different standards of behaviour, dress and appearance, excluding students or subjecting them to any other detriment or conferring benefits, facilities or services.

4.2.2 There are some limited exceptions to this:

- With regard to disability schools must make such reasonable adjustments as are necessary to prevent disabled students being at a substantial disadvantage in comparison with people who are not disabled, even if it means treating them more favourably.
- Age discrimination does not apply to the treatment of students or the delivery of education.

5.0 THE GILLFORD CENTRE'S DUTY TO PROMOTE EQUALITY

5.1 Race

5.1.1 The Gillford Centre will promote equality of opportunity and promote good relations between persons of a different race and nationality. This will be through its written equality plan (race section) identifying aspects such as action to be taken to tackle discrimination and to promote equality and good race relations across the whole area of school activity.

5.1.2 The Gillford Centre will assess and monitor the impact of policies on students, staff and parents, in particular the attainment levels of students from different racial groups. Such steps as are reasonably practicable will be taken to publish annually the results of the monitoring as Ofsted will inspect and report on whether schools are meeting their general and specific duties.

5.1.3 The Gillford Centre will record racial incidents and report them to the local authority on a regular basis.

5.2 Disability

5.2.1 The Gillford Centre will, when carrying out its functions, have regard for the need to:

- a. Promote equality of opportunity between disabled and other people.
- b. Eliminate discrimination and harassment; promote positive attitudes towards disabled people.
- c. Encourage participation by disabled people in public life; and
- d. Take steps to meet disabled people's needs, even if this requires favourable treatment.

5.2.2 The Gillford Centre will show how it is meeting its general duty to promote disability equality across all of its areas of responsibility through its equality plan (disability scheme section).

5.3 Gender (sex)

5.3.1 The Gillford Centre will promote equality of opportunity between men and women (including boys and girls) and publish an equality plan (gender equality scheme section) showing how the school intends to fulfil its general and specific duties. Review of the plan will take place every three years with progress reviewed annually.

5.3.2 There are no specific duties or requirements on schools in relation to gender reassignment beyond the requirement not to discriminate in terms of employment of staff.

6.0 PROMOTION AND MONITORING

6.1 The Gillford Centre is under a number of duties through legislation on equality to promote and monitor equality and discrimination, including gathering specified evidence and publishing plans. Taken together, the requirements are to:

- a. Produce a written race equality policy identifying action to be taken to tackle discrimination and promote equality and good race relations across school activity.
- b. Assess and monitor the impact of race equality policies on students, staff and parents, in particular the attainment levels of students from different racial groups, and take such steps as are reasonably practical to publish the results of this monitoring annually.
- c. Record racist incidents and report them to the local authority on a regular basis.

Existing Promotion and Monitoring Policy entries to be considered...

- d. Publish a Disability Equality Scheme showing how the school is meeting its general duty to promote disability equality across all its areas of responsibility.
- e. Publish a Gender Equality Scheme showing how the school intends to fulfil its general and specific duties, such as setting out gender equality objectives. This will be reviewed every three years by the Management Committee in order to meet the review schedule requirements of specific aspects of the plan.

Reviewed and approved by the Management Committee