

Equality and Diversity Policy

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Contents:

- Introduction
- Statement of Intent
- Roles and responsibilities
- Admissions policy
- Exclusion policy
- Duty to make reasonable adjustments
- Recruitment and selection
- Staff induction and training
- Reporting and recording incidents of discrimination and harassment
- Staff concerns about practice
- Seeking the views of children, parents, carers, local authorities and staff
- Police involvement
- Complaints and grievances
- Implementation, monitoring, evaluation and review

APPENDIX 1 - Types of prohibited discrimination

Introduction

Myles Academy is committed to creating and promoting a positive and diverse culture in which all staff and children are valued and supported to fulfil their potential irrespective of their age, disability, race, religion, belief, sex or sexual orientation. In addition, all members of Myles Academy's community have a right to learn and work in a safe, secure and positive environment.

Discriminatory treatment, victimisation, bullying or harassment of any kind is wholly unacceptable and will not be tolerated. We recognise our obligations under the Equality Act 2010 and are committed to promoting the equality and diversity of all those we work with especially our employees, pupils, children and visitors. (The categories of people covered by the school's provisions include prospective, current and former pupils.)

We oppose all forms of unlawful and unfair discrimination, bullying and harassment and will make every effort to comply with the requirements of the Act and its subsequent provisions. This policy and all associated procedures apply to all staff (including consultants, agency staff, volunteers, students on placement and any other individual working for, or on behalf of Myles Academy) children and visitors and should be read in conjunction with other safeguarding and employment policies.

Failure to comply with these policies and procedures may result in disciplinary action, which might include summary dismissal (and referral to the Disclosure and Barring Service and the Teacher Regulation Agency (TRA), where appropriate) or termination of agreement or contract.

Statement of Intent

Myles Academy is committed to equality and valuing diversity and actively supports practices that promote genuine equality of opportunity for all potential employees, current staff and children. Myles Academy will not discriminate against any job applicant, employee or child because of any protected characteristic, namely:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Compliance with the Equality Act 2010 is the responsibility of all members of staff. Myles Academy does not condone any act of direct discrimination, indirect discrimination, harassment or victimisation. Discriminatory treatment, bullying or harassment of staff or children by visitors will also not be tolerated. For further information on types of prohibited discrimination, see Appendix 1.

Roles and responsibilities

The proprietor endorses this policy and has delegated responsibility for its effective operation to the Head Teacher. It is the responsibility of all staff to:

- Treat colleagues, children and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation.
- Support and participate in any measures introduced to promote equality and diversity.
- Actively challenge discrimination, victimisation, harassment and disadvantage both at Myles Academy and in other work-related circumstances, in accordance with their responsibilities.
- Report any issues associated with equality and diversity, in accordance with this policy.

Staff are responsible and accountable for their own conduct at all times and this includes when attending work-related meetings, functions and events. Employees' behaviour must always conform to the setting's high expectations, irrespective of the day, time or location of the engagement. You must not behave in a way that could lead a reasonable person to question your conduct, intentions or suitability to care for other people's children; or bring Myles Academy into disrepute, whether in front of colleagues, clients or members of the public.

It is important to appreciate that employees are *personally responsible* for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable. Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee doing so will be subject to disciplinary action.

Admissions policy

Our admissions criteria are defined under the admissions policy and are applied consistently to every child, irrespective of any protected characteristic.

Exclusion policy

The decision to exclude a child for a fixed period or permanently is a last resort. Our exclusion criteria are defined under the exclusion policy and are applied consistently to every child, irrespective of any protected characteristic.

Duty to make reasonable adjustments

We will actively seek to make reasonable adjustments, where there is a need to ensure that a disabled person has the same access to everything as a non-disabled person, as far as is reasonable. We will take positive and proactive steps to remove, reduce or prevent the obstacles faced by a disabled individual, as far as is reasonable. For further information, visit the Equality and Human Rights Commission website at www.equalityhumanrights.com

Recruitment and selection

Myles Academy will carry out recruitment and selection processes, in accordance with our Recruitment and Selection Policy, which adheres to the principles of the Equality Act 2010. Where recruitment and selection are carried out by a third party, on behalf of Myles Academy, we will take all reasonable steps to ensure they adhere to the principles of this policy.

Staff induction and training

All staff are required to undertake a basic equality and diversity course, as part of their induction. Advanced training is made available to those with specific roles associated with equality and diversity. For example, all managers and supervisors are provided with more detailed training, on how to manage equality and diversity issues in the workplace. We recognise the importance of relationships between staff and children being based on mutual respect, dignity, tolerance and understanding, and there being clear boundaries regarding acceptable behaviour on both sides.

Staff are required to read and sign the following documents, as part of their basic equality and diversity training, to ensure they have understood our expectations:

- Myles Academy's 'Equality and Diversity Policy', which includes information regarding the roles and responsibilities of staff.
- Myles Academy's Staff Code of Conduct.

All staff receive high-quality support, advice and individual supervision meetings with

a member of senior staff. In addition, all staff receive regular equality and diversity updates (for example, via email and staff meetings), as required, but at least annually, to provide them with relevant skills and knowledge to promote equality and diversity effectively. Staff knowledge and understanding of equality and diversity matters are regularly monitored and assessed through a combination of observation, questioning and reflections on practice issues. Temporary staff, including agency workers, volunteers and students on placement must read and countersign Myles Academy Code of Conduct, before working directly with children.

Reporting and recording incidents of discrimination and harassment

All incidents of discriminatory treatment, bullying and harassment must be reported to senior staff and recorded as soon as is reasonably possible (and normally within 24 hours of the incident). All bullying-related incidents (confirmed or otherwise), will be addressed in accordance with our Anti-Bullying Policy.

Staff concerns about practice

If you have any concerns about practice at Myles Academy which you feel may compromise equality and diversity you should raise these with your supervisor or line manager. If you are unwilling or unable to discuss the situation with your supervisor or line manager, you should approach the Head Teacher. Any concern regarding the Head Teacher must be referred to the Proprietor Susan Lau.

If as a member of staff, you are not satisfied with our response and feel it is right to take the matter outside of Myles Academy, the following are possible contact points, some or all of which may be appropriate:

- ‘Safecall’ (an independent whistle blowing company) can be contacted on 0800 915 1571 or online at <https://www.safecall.co.uk/file-a-report/>, where an anonymous report can be made detailing any concerns raised.
- The Office for Standards in Education, Children’s Services and Skills (Ofsted) at Piccadilly Gate, Store Street. Manchester. M1 2WD. Telephone 0300 123 1231 Email enquiries@ofsted.gov.uk
- Relevant professional bodies or trade unions

Seeking the views of children, parents, carers, local authorities and staff

Regular enquires are made of all children as to how safe they feel at Myles Academy and ways in which services and outcomes can be improved. The views of parents, carers, local authorities and staff are also sought through existing mechanisms for consultation and feedback. Records are kept of these enquiries as well as any associated actions.

Police involvement

Careful, child-centred decision-making is made about reporting their behaviour to the police, though appropriate notifications are always made and clearly documented. If the behaviour could be criminal or poses a serious threat to a member of the public, the police should always be informed. “*NPCC When to call the police: Guidance for schools and colleges*” should help senior staff understand when they should consider calling the police and what to expect when they do. A decision whether or not to involve the police in an equality and diversity-related incident will be made by the Head Teacher.

Complaints and grievances

If any individual, including a child, parent, carer, visitor or member of staff, believes that they have been discriminated against, harassed or victimised, they are asked to follow our ‘Compliments and Complaints Policy’.

Implementation, monitoring, evaluation and review

The designated senior member of staff with overall responsibility for the implementation, monitoring and evaluation of the ‘Equality and Diversity Policy’ is the Head Teacher. The designated member of staff is also responsible for ensuring that all children, staff, parents, carers and placing local authorities are aware of our policy. Additional support would also be provided to any parent or significant person, wishing to know more about the policy and procedures outlined above.

A copy of this policy document is available for inspection on the premises during office hours (term time only). This policy document will be reviewed and publicised in writing, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policy, guidance and practice.

The proprietor will also undertake an annual review of the school’s policies and procedures relating to safeguarding, and ensure that all duties have been discharged in accordance with current legislation, regulations and statutory guidance; as well as local authority procedures and practice, including the relevant Local Safeguarding Children Partnership(s). The proprietor stringently holds senior leaders to account for all aspects of the school’s performance through robust systems of reporting and monitoring.

APPENDIX 1 - Types of prohibited discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic e.g., age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex sexual orientation.

An example of this would be paying someone less because of their sex or because they belong to a particular racial group. 'Because of' is very wide; and will cover behaviour that takes place, for example, because of sexual orientation, even if the person is not, in fact, gay, and even if the perpetrator knows that they are not gay. It also includes less favourable treatment because someone is associated with another person who has a protected characteristic, e.g., because a worker is the primary carer for a disabled child. Such treatment is unlawful unless, in relation to age only, it can be objectively justified, i.e., the employer can show that it is a proportionate means of achieving a legitimate aim.

Indirect Discrimination occurs when a condition, provision, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim. An example of this would be telling all employees that they have to work late at night— although applied to everyone, it will adversely affect those employees with childcare responsibilities, and these tend to be women. Such treatment is unlawful unless it can be objectively justified. Discrimination arising from disability occurs when you treat a disabled person unfavourably because of something connected with their disability and cannot justify such treatment objectively.

Discrimination arising from disability is different from direct and indirect discrimination. In the case of discrimination arising from disability, the duty to make

reasonable adjustments consists of three requirements:

- Where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to a relevant matter, in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take, to avoid the disadvantage
- Where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter, in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take, to avoid the disadvantage
- Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter, in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take, to provide the auxiliary aid.

Harassment occurs when a person is subject to “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”. Harassment may be of a sexual nature. It may also occur where someone harasses the victim, the victim either rejects or submits to the harassment and, because of that rejection or submission, that person then treats the victim, less favourably. the victim, the victim either rejects or submits to the harassment and, because of that rejection or submission, that person then treats the victim, less favourably.

Third-party harassment occurs where, during the course of their duties, an employee is harassed by an individual or individuals who are not under the direct control of Myles Academy and the harassment relates to a protected characteristic.

Victimisation occurs when an individual is subject to a detriment (treated less favourably) because they have made an allegation of, or given evidence about, the treatment of any individual (including themselves) who has been subject to any of the above. Victimisation may also occur when an individual asserts their right not to be discriminated against because of a protected characteristic.

An example of this would be a disabled employee claiming that they had been discriminated against, who is then refused a reference by their manager because of that claim.