

Newton Abbot College

Equality Policy

This single policy replaces separate policies the college has on race, disability and gender to eliminate discrimination, advance equality of opportunity and foster good relations. It reflects the legal duties set out in the [Equality Act 2010](#) and [non-statutory guidance](#) set out by the government in December 2011 and March 2012. Part One sets out the college's aims to promote equality of opportunity and comply with the Act; Part Two sets out the legal duties which are referred to in Part One.

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Part 1

The primary aim of Newton Abbot College is to enable all students to take part as fully as possible in every part of college life by developing each child's self-confidence, recognising their strengths and encouraging them to achieve their full potential.

At Newton Abbot College we will take steps to advance equality of opportunity, foster good relations and eliminate discrimination or harassment across all the protected characteristics (age, race, gender reassignment, disability, marriage and civil partnership, religion and belief, pregnancy and maternity, gender, sexual orientation) within the college community.

This means:

- We will take reasonable and necessary steps to meet students' needs by using a variety of approaches and planning [reasonable adjustments](#) for disabled students, enabling our students to take as full a part as possible in all the activities of the college. We will make reasonable adjustments to ensure the college environment and its activities are as accessible and welcoming as possible for students, staff and visitors to the college. We are also committed to ensuring staff with a disability have equality of opportunity.
- We will actively encourage positive attitudes towards students and staff and expect everyone to treat others with dignity and respect.
- We will regularly consider the ways in which the taught and wider curricula will help to promote awareness of the rights of individuals and develop the skills of participation and responsible action.
- We will regularly consider the ways in which our teaching and the curriculum provision will support high standards of attainment, promote common values, and help students

understand and value the diversity that surrounds them, and challenge prejudice and stereotyping.

- We will monitor the progress and achievement of students by the relevant and appropriate protected characteristics. This information will help the college to ensure that individual students are achieving their potential, the college is being inclusive in practice, and trends are identified which inform the setting of our equality objectives in the [college improvement plan](#).
- We will collect and analyse information about protected characteristics in relation to staff recruitment, retention, training opportunities and promotions to ensure all staff have equality of opportunity. We will not ask [health-related questions](#) to job applicants before offering a job, unless it relates to an intrinsic function of the work they do. We will make reasonable adjustments such as providing auxiliary aids for our disabled staff.
- We will ensure the curriculum is accessible to all students with special educational needs and disabilities (SEND) or those for whom English is not their first language. Auxiliary aids and services will be provided for them, where reasonable adjustments are required. By planning ahead, we will ensure that all students are able to take part in extra-curricular activities and residential visits, and we will monitor the uptake of these to ensure no one is disadvantaged on the grounds of a protected characteristic. Please refer to our SEND Policy for detailed information in this regard.
- We will seek the views of advisory staff and outside agencies and partnerships with other schools where this is needed. In planning the curriculum and resources we will take every opportunity to [promote and advance equality](#).
- Bullying and Prejudice Related Incidents will be carefully monitored and dealt with effectively. Regular training will be given to both existing and new staff to ensure that they are aware of the process for reporting and following up incidents of [prejudice-related bullying](#) (follow link to new DCC guidance).
- We expect that all staff will be role-models for equal opportunities, deal with bullying and discriminatory incidents and be able to identify and challenge prejudice and stereotyping.
- Throughout the year, we will plan on-going events to raise awareness of equality and diversity. This may include a focus on disability, respect for other cultures, religions and beliefs, anti-homophobia/gay pride, gender equality, developing [community cohesion](#) and an understanding of the effects of discrimination. This will be set out as equality objectives in the [college improvement plan](#).
- We will ensure student/parent/staff consultation is regularly sought in the development and review of this policy.
- We will regularly seek the views of students, parents, advisory staff and visitors to the college, to ensure that the college environment is as safe and accessible as possible to all college users. We will regularly review our [accessibility plans](#).
- We welcome a diverse range of candidates and encourage those who are currently under-represented to apply.

- We will ensure that all staff are aware of their [legal duties](#) under the Equality Act 2010, the different forms of [discrimination](#) and what '[reasonable adjustments](#)' mean in practice.
- We will set out training and awareness sessions in the college improvement plan.
- We will consult with stakeholders, i.e. students, parents/carers, staff and relevant community groups, to establish [equality objectives](#) and draw up a plan based on information collected on protected groups and accessibility planning. These equality objectives will be reviewed and reported on annually.
- When drawing up policies, we will carry out an [equality impact assessment](#) (EIA) to ensure a policy does not, even inadvertently, disadvantage groups of students with protected characteristics. We will consider to what extent a new/revised policy, practice or plan meets the Public Sector Equality Duties (eliminates discrimination, advances equality and fosters good relations for all the protected characteristics) and recommend changes/mitigations where necessary (DCC policies will have already had EIAs carried out).

Policy agreed and adopted by the Governing Body: 17th January 2017

Date of next review: Jan 2018

Part 2: Our Legal Duties

Legislation relating to equality and discrimination is laid out in the Equality Act 2010.

This legislation covers employment (work), the provision of services and public functions, and education.

Employers (schools) are liable for discriminatory acts of their employees if they did not take reasonable steps to prevent such acts. Employees can be liable for acts (where an employer took reasonable steps to prevent such acts).

The 'Protected Characteristics' within equality law are:

- **Age** - A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). Age discrimination does not apply to the provision of education, but it does apply to work.
- **Disability** - A person has a disability if s/he has, or has had, 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. It includes discrimination arising from something connected with their disability such as use of aids or medical conditions. HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.
- **Gender reassignment** - A person (usually with 'gender dysphoria') who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male). 'Trans' is an umbrella term to describe people with this 'Gender Identity'. 'Intersex' or 'Third Sex' is not covered by the Act but the college will treat Intersex children with the same degree of equality as children with gender dysphoria. Children as young as five may begin to show signs of [gender dysphoria](#) and therefore it is relevant in any college environment. ([The Intercom Trust](#) in Devon supports schools in supporting children undergoing gender reassignment).
- **Marriage and civil partnership** – Marriage and civil partnership discrimination does not apply to the provision of education, but it does apply to work.
- **Pregnancy and maternity** - Maternity refers to the period of 26 weeks after the birth (including stillbirths), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.
- **Race** - A person's colour, nationality, ethnic or national origin. It includes Travellers and Gypsies as well as White British people.
- **Religion and belief** - Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. Religion and belief discrimination does not prevent a school from carrying out collective worship or other curriculum-based activities, but students may withdraw from acts of collective worship.
- **Sex** - A man or a woman.
- **Sexual orientation** - A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). Although children may not identify as gay or lesbian when very young, promotion of sexual orientation equality is as

relevant in a primary school environment as it is in a secondary school. For example, a child may have an older sibling or parent who is gay. Children may experience friends 'questioning' or 'coming out' when they are in secondary school or college. Schools with a particular religious ethos cannot discriminate against lesbian, gay or bisexual students.

It is also unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the student is associated. So, for example, a school must not discriminate by refusing to admit a student because his parents are gay men or lesbians. It would be race discrimination to treat a white student less favourably because she has a black boyfriend.

'Prohibited Conduct' (acts that are unlawful):

- **Direct discrimination** - Less favourable treatment because of a protected characteristic.
- **Indirect discrimination** - A provision, criteria or practice that puts a person at a particular disadvantage and is not a proportionate means of achieving a legitimate aim.
- **Harassment** - Conduct which has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It includes harassment by a third party (e.g. customer or contractor) in the employment context.
- **Victimisation** - Subjecting a person to a detriment because of their involvement with proceedings (a complaint) brought in connection with this Act.
- **Discrimination arising from disability** - Treating someone unfavourably because of something connected with their disability (such as periods of absence from work or medical conditions) **and failure to make reasonable adjustments.**
- **Gender re-assignment discrimination** - Not allowing reasonable absence from work for the purpose of gender-reassignment in line with normal provision such as sick leave).
- **Pregnancy/maternity related discrimination** - Unfavourable treatment because of pregnancy or maternity. It includes unfavourable treatment of a woman or girl because she is breastfeeding.
- **Discrimination by association or perception** - For example, discriminating against someone because they "look gay", or because they have a gay brother; discriminating against someone because they care for a disabled relative.

Schools are allowed to treat disabled students more favourably than non-disabled students, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with students without disabilities.

Public Sector Duties (applies to schools):

A school must, in the exercise of its functions, give due regard to the need to (in relation to protected characteristics above):

1. Eliminate discrimination, harassment, victimisation and any other prohibited conduct.
2. Advance equality of opportunity (remove or minimise disadvantage; meet people's needs; take account of disabilities; encourage participation in public life).
3. Foster good relations between people (tackle prejudice and promote understanding).

In practice, 'due regard' means giving relevant and proportionate consideration to the duty, so decision makers in schools must have due regard when making a decision, developing a policy or taking an action as to whether it may have implications for people because of their protected characteristics.

Reasonable Adjustments and Accessibility Plans (Schedule 10)

Schools are required to:

- Take reasonable steps to avoid disadvantage caused by a provision, criteria or practice or a physical feature that puts a disabled person at a substantial disadvantage compared to a non-disabled person. This involves removing or avoiding a physical feature, for example steps and lifts.
- Take reasonable steps to provide auxiliary aids/services.
- Provide information in an accessible format.
- Develop and implement (by allocating appropriate resources) Accessibility Plans which will
 - Increase disabled students' access to the college curriculum
 - Improve the physical environment
 - Improve provision of information.

The duty is an anticipatory and continuing one that schools owe to disabled students generally, regardless of whether the school knows that a particular student is disabled or whether the school currently has disabled students. The college will need to plan ahead for the reasonable adjustments that it may need to make, working with the **relevant admissions authority** as appropriate.

For more information download guidance from the DfE:

<http://www.education.gov.uk/aboutdfe/policiesandprocedures/equalityanddiversity/a0064570/the-equality-act-2010>

and ***Equality Human Rights website:***

<http://www.equalityhumanrights.com> which includes the guidance for education providers (schools)

or Devon County Council at <http://www.devon.gov.uk/equalitylegislation.htm>

The Education and Inspections Act 2006 introduced a duty on all maintained schools in England to promote community cohesion.

Aspects of educational legislation have also promoted equal opportunities, for example the Education Act includes a duty for local authorities to educate children with special educational needs in mainstream schools wherever possible.

Responsibilities

Governing Body

- Ensure that the college complies with equality-related legislation.
- Ensure that the policy and its procedures are implemented by the Principal.
- Ensure all other college policies promote equality.
- Give due regard to the Public Sector Equality Duty when making decisions.

Principal

- Implement the policy and its related procedures.
- Make all staff aware of their responsibilities and provide training as appropriate to enable them to effectively deliver this policy.
- Take appropriate action in any case of actual or potential discrimination.
- Ensure that all staff understand their duties regarding recruitment and providing reasonable adjustments to staff. It is unlawful for an employer to enquire about the health of an applicant for a job until a job offer has been made, unless the questions are specifically related to an intrinsic function of the work - for example ensuring that applicants for a PE teaching post have the physical capability to carry out the duties. Schools should no longer require job applicants to complete a generic health questionnaire. Neither should a school seek out past sickness records until they have made a job offer.
- Ensure that all staff and students are aware of the process for reporting and following up bullying and prejudice-related incidents.

All staff

- Enact this policy, its commitments and procedures, and their responsibilities associated with this policy.
- Deal with bullying and discriminatory incidents, and know how to identify and challenge prejudice and stereotyping.
- Promote equality and good relations and not discriminate on any grounds.
- Attend such training and information opportunities as necessary to enact this policy and keep up to date with equality legislation.
- To be models of equal opportunities through their words and actions.

Students

- Refrain from engaging in discriminatory behaviour or any other behaviour that contravenes this policy.

Visitors (e.g. parent helpers, contractors)

- To be aware of, and comply with, the college's equality policy.
- To refrain from engaging in discriminatory behaviour (for example, racist language) on college premises.

Appendix

Definitions

Equality	This is more clearly defined as equality of opportunity and outcome, rather than equality of treatment. This means treating people fairly and according to their needs as some people may need to be treated differently in order to achieve an equal outcome.
Inclusive	Making sure everyone can participate, whatever their background or circumstances.
Diversity	Recognising that we are all different. Diversity is an outcome of equality and inclusion.
Cohesion	People from different backgrounds getting on well together (good community relations). There is a shared vision and sense of purpose or belonging. Diversity is valued. Relationships are strong, supportive and sustainable. Cohesion is an outcome of equality and inclusion.
Community	<p>From the college's perspective, the term "community" has a number of meanings:</p> <ul style="list-style-type: none">• The college community – the students we serve, their families and the college's staff.• The community within which the college is located – in its geographical community, and the people who live and/or work in that area.• The community of Britain – all schools by definition are part of it.• The global community – formed by European and international links.
Gender Dysphoria	<p>Gender dysphoria is a recognised condition in which a person feels that there is a mismatch between their biological sex and their gender identity.</p> <p>Biological sex is assigned at birth, depending on the appearance of the infant. Gender identity is the gender that a person "identifies" with, or feels themselves to be.</p>