

# Policy / Procedure Cover Sheet

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Type	Equality and Diversity		
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## Related policies:

Policy Ref No.	Policy Name	Policy Ref No.	Policy Name
S/01	Child Protection and Safeguarding	OP/14	RSE
OP/01	Admissions	OP/28	SEND
OP/06	Complaints Policy and Procedure	OP/05	Curriculum
	Behaviour for Learning	OP/04	Anti-bullying
OP/08	Educational Visits	OP/12	Staff Behaviour (Code of Conduct)
OP/12	Equal Opportunities	OP/20	Careers Education and Guidance
HS/06	Positive Mental Health and Wellbeing	OP/15	Exclusion
OP/31	Teaching and Learning	HS/03	First Aid
HS/01	Health and Safety	S/07	Whistleblowing
OP/03	Behaviour for Learning	S/03	Recruitment and Selection
OP/11	PSHE	S/06	Child Missing from Education
OP/22	Searching, screening and confiscation policy		

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## **Equality and Diversity Policy**

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## 1 Statement of intent

- 1.1 Bright Sparks Learning Centre promotes equality, supports diversity and encourages practices that promote equality of opportunity for all potential employees, current staff and pupils.
- 1.2 Bright Sparks Learning Centre will not discriminate against any job applicant, employee or child because of any protected characteristic, namely:
  - i. age
  - ii. disability
  - iii. gender reassignment
  - iv. marriage and civil partnership
  - v. pregnancy and maternity
  - vi. race
  - vii. religion or belief
  - viii. sex
  - ix. sexual orientation
- 1.3. We recognise our obligations under the Equality Act 2010 (see Appendix 1) and support the equality and diversity of all employees, pupils, visitors and volunteers. We oppose all forms of unlawful and unfair discrimination, bullying and harassment.
- 1.4 This policy applies to all staff (including consultants, agency staff, volunteers, and any other individual working for, or on behalf of Bright Sparks Learning Centre), children and visitors.
- 1.5 This policy should be read in conjunction with other safeguarding and employment policies including as specified above.

## 2 Introduction

- 2.1 All members of the centre's community are entitled to work in a safe, secure and positive environment. Any act of discrimination, harassment or victimisation will not be tolerated.
- 2.2 Bright Sparks Learning Centre promotes a culture of equality and diversity; all those connected to the centre are encouraged to feel proud of their identity and to participate fully in 'school' life.

## 3 Roles and responsibilities

### 3.1 The role of the headteacher

The headteacher is responsible for implementation of the centre's Equality and Diversity policy. They should ensure that:

- i. Bright Sparks Learning Centre complies with equality legislation

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- ii. all policies, procedures and systems associated with equality and diversity are applied consistently
- iii. all staff are aware of the Equality and Diversity policy and procedures and undertake appropriate training
- iv. make reasonable adjustments where appropriate to meet individual need
- v. any incidents of unfair treatment, of discrimination, harassment or victimisation are treated as a serious breach of conduct.

### **3.2 The role of teaching and non-teaching staff**

All staff are responsible for:

- i. treating colleagues, pupils and visitors fairly, equally and with respect
- ii. supporting and upholding the centre's procedures which are designed to promote equality and diversity
- iii. challenging any incidents of discrimination, victimisation, harassment
- iv. reporting any instances of discrimination, victimisation and harassment to a member of the senior leadership team
- v. maintaining a professional, and appropriate, code of conduct at all times (both within and without the setting) in line with the centre's ethos.

3.3 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

3.4 Should any employee attempt to instruct or encourage another person to discriminate, harass or victimise they will be subject to disciplinary action

## **4. Admissions policy**

4.1 The admissions arrangements, as outlined in our admissions policy, are fair and transparent and are applied consistently to every child, irrespective of any protected characteristic.

## **5. Curriculum**

5.1 The principles of equality and diversity are rooted in our academic and social curriculum. We seek to provide opportunities for pupils to appreciate their own culture and celebrate the diversity of others and promote attitudes and values that will challenge any discriminatory behaviour or prejudice.

## **6. Exclusion policy**

6.1 Exclusions will always be based on the Bright Sparks Learning Centre's Behaviour for Learning Policy. The decision to exclude a child for a fixed period or permanently is always taken as a last resort. Our exclusion policy outlines our exclusion procedures and these are applied consistently to every child, irrespective of any protected characteristic.

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## 7. Recruitment and selection

Our recruitment and selection procedures, outlined in Bright Sparks Learning Centre's Recruitment and Selection Policy, observes the principles of the Equality Act 2010.

## 8. Staff training

- 8.1 We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment.
- 8.2 The staff induction programme, requires all staff to undertake a concise equality and diversity course. Members of staff who have specific responsibilities for equality and diversity will be given more in-depth training.
- 8.3 The following documents, should be read and signed by all members of staff to ensure that they understand their roles and responsibilities in upholding the named policies:
  - i. Bright Sparks Learning Centre's Equality and Diversity Policy
  - ii. Bright Sparks Learning Centre's Staff Code of Conduct Policy
- 8.4 Ongoing training and updates with regard to equality and diversity will be given to all staff as required, but at least annually.
- 8.5 Temporary staff, including agency workers and volunteers must read and sign Bright Sparks Learning Centre's Staff Code of Conduct Policy before working with pupils.

## 9 Reporting and recording incidents

- 9.1 Incidents of discriminatory treatment, bullying and harassment must be reported to a member of the senior leadership team, and recorded, within 24 hours of the incident.

## 10 Consultation and Feedback

- 10.1 It is a requirement that the development of this policy and the actions within it, have been informed by the input of staff, students and parents/carers. Consultation is achieved through:
  - i. feedback from parent questionnaires, parents' evenings, report acknowledgements and review days
  - ii. feedback from staff surveys and staff meetings
  - iii. feedback from PSHE lessons, and whole 'school surveys' on children's attitudes to self and setting
  - iv. INSET days
  - I. Discussions arising from annual reviews or reviews of progress on Individual Education Plans, mentoring and support

## 11 Monitoring and review

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- 11.1 The Equality and Diversity Policy has been agreed by the headteacher/proprietor. In line with legislative requirements, we will review progress against our Equality and Diversity Policy annually.
- 11.2 Students' progress and attainment data will be regularly monitored, including achievement by ethnicity and disability to ensure that all groups of students are making the best possible progress. Appropriate action to address any gaps in learning will be taken.

## **12 Complaints and grievances**

- 12.1 Should any member of the centre community (pupil, staff, visitor, volunteer, parent/carer) believe they have been discriminated against, harassed or victimised, they are advised to follow our Complaints Policy.

## **Appendix 1**

### **Equality and the Law**

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The Equality Act (2010) introduced a single equality duty for all public sector organisations including schools: known as the “public sector equality duty”.

The public sector duty requires all schools to show how they are meeting the aims of the Equality Act by giving due regard to the need to:

- I. eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- II. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- III. foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Bright Sparks Learning Centre’s Equality and Diversity Policy demonstrates that we have due regard for the three aims above.

### Race Equality

The General Race Equality Duty requires us to have due regard to the need to:

- I. eliminate racial discrimination
- II. promote equality of opportunity
- III. promote good relations between people of different racial groups.

Under our specific duty we will:

- I. prepare and publish an Equality and Diversity Policy which includes our written policy for race equality
- II. assess the impact of our policies and procedures on students, staff and parents/carers by ethnicity including, in particular, the achievement levels of these students
- III. monitor the impact of our policies and procedures on such students, staff and parents towards raising the achievement of minority ethnic groups

### Disability

#### Definition of disability

Disability legislation has defined a disabled person as someone who has “a physical or mental impairment which has a substantial or long-term adverse effect on his or her ability to carry out normal day-to-day activities”. The definition of disability has also been extended as follows: - people with HIV, multiple sclerosis and cancer (although not all cancers) are deemed disabled before they experience the long-term and substantial adverse effect on their activities; - individuals with a mental illness no longer have to demonstrate that it is “clinically well- recognised”, although the person must still demonstrate a long-term and substantial adverse impact on his/her ability to carry out normal day-to-day activities.

### Legal duties

Legislation places a general duty on schools, requiring them to have due regard for the following when carrying out and delivering services:

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- I. promoting equality of opportunity between disabled people and other people
- II. eliminating discrimination and harassment of disabled people that is related to their disability
- III. promoting positive attitudes towards disabled people
- IV. encouraging participation in public life by disabled people
- V. taking steps to meet disabled people's needs, even if this requires more favourable treatment

Under our specific duty we will:

- i. prepare and publish an Equality and Diversity Policy which covers the requirements for a Disability Equality Scheme identifying our disability equality goals and actions to meet them
- ii. review and revise this policy annually

### Gender Equality

Legislation places a general and specific duty on schools to eliminate unlawful discrimination and harassment on the grounds of gender and to promote equality of opportunity between female and male students and between women and men and transgender people.

Under our general duty we will actively seek to:

- i. eliminate unlawful discrimination and harassment on grounds of sex and gender reassignment
- ii. promote equality between men and women
- iii. prepare and publish an Equality and Diversity Policy which covers the requirements for a Gender Equality Scheme identifying our gender equality goals and actions to meet them
- iv. review and revise this policy annually

### Sexual Orientation

Legislation makes discrimination unlawful in the area of goods, facilities and services on grounds of sexual orientation. For schools this means admissions, benefits and services for students and treatment of students.

### Age Discrimination

Legislation makes discrimination on grounds of age. For schools this has particular relevance in the appointment and treatment of staff.

### Community Cohesion

The Education and Inspections Act 2006 inserted a new section 21(5) to the Education Act 2002, introducing a duty on the governing bodies of state schools to promote community cohesion. Community cohesion encompasses promoting good relations between students from different races, faiths/ beliefs and socio-economic backgrounds. The duty came into force on 1 September 2007.

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## Appendix 2

### Discrimination

Harassment on account of race, gender, disability or sexual orientation is unacceptable and is not tolerated within the school environment. All staff are expected to deal with any discriminatory incidents that may occur. They are expected to know how to identify and challenge prejudice and stereotyping; and to support the full range of diverse needs according to a student's individual circumstances. Racist and homophobic incidents and other incidents of harassment or bullying are dealt with by the member of staff present, escalating to the pastoral leader / senior leader where

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necessary. All incidents are reported to the headteacher and recorded in the book held by in the main office.

### What is a discriminatory incident?

Harassment on grounds of race, gender, disability, sexual orientation or other factors such as socio-economic status, can take many forms including verbal or physical abuse, name calling, exclusion from groups and games, unwanted looks or comments, jokes and graffiti. A racist incident was defined by the Stephen Lawrence Inquiry Report (1999) as: 'Any incident which is perceived to be racist by the victim or any other person'.

### Types of discriminatory incidents

Types of discriminatory incidents that can occur include:

- i. physical assault against a person or group because of their colour, ethnicity, nationality, disability, sexual orientation or gender
- ii. use of derogatory names, insults and jokes
- iii. racist, sexist, homophobic or discriminatory graffiti
- iv. provocative behaviour such as wearing racist, sexist, homophobic or discriminatory badges or insignia
- v. bringing discriminatory material into the centre
- vi. verbal abuse and threats
- vii. incitement of others to discriminate or bully due to victim's race, disability, gender or sexual orientation
- viii. discriminatory comments in the course of discussion
- ix. attempts to recruit others to discriminatory organisations and groups
- x. ridicule of an individual for difference e.g. food, music, religion, dress etc
- xi. refusal to co-operate with other people on grounds of race, gender, disability or sexual orientation

### **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, 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.

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**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:

- i. 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
- ii. 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
- iii. 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.

**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 Bright Sparks Learning Centre 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.

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