

# Pathways School

## **Equality and Diversity** **Policy**

### **Policy Monitoring**

Date of last review: September 2022

Reviewed by: Saima Ali Majid, Chair of Trustees

Neil Jones, Headteacher

Date of next review: September 2023

This policy will be reviewed at least annually and following any concerns and/or updates to national/local guidance or procedure.

## **1. Policy Statement**

Pathways School is committed to equality, diversity, and inclusion. As a disability organisation, we believe in the social model of disability and provide a working and learning environment in which the rights and dignity of all our members are respected.

The social model of disability states that disability is caused by the way society is organised, rather than by a person's impairment or difference. It looks at ways of removing barriers that restrict life choices for people with disabilities. When barriers are removed, people with disabilities can be independent and equal in society, with choice and control over their own lives.

We are committed to implementing the Equality Act 2010, and to proactively making reasonable adjustments to enable everyone we work with to participate fully in all aspects of our organisation.

One of our core values is supporting young people with autism to learn, thrive and achieve. We believe that embedding the views and voices of young people and adults with autism and their family members throughout our school and in wider society is crucial to making this a reality.

We are proud to be a diverse and inclusive school where individual differences are valued and where everyone can fulfil their potential. Any complaints of discrimination or harassment or bullying will be treated seriously, and fully investigated and appropriate action will be taken in accordance with the relevant policies in place.

We strive for high standards. In so doing, we recognise the need for encouraging diversity, and we wholeheartedly support a policy of equal opportunities in all areas of our work and responsibilities.

This Policy sets out our approach to equality and diversity and our commitment to non-discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

We will not unlawfully discriminate because of race, colour, nationality, ethnic or national origin, gender, marital status, having or not having caring responsibility or dependents, civil partnership, sexual orientation, gender reassignment, age, physical, sensory, or learning disability, mental health, political or religious beliefs or non beliefs, class, HIV status, employment status, unrelated or spent criminal convictions, and trade union activities.

## **2. Scope**

All staff are responsible for the promotion and advancement of this policy. Behaviour, actions, or words that transgress the Policy will not be tolerated and will be dealt with in line with our Disciplinary Policy.

This Policy is applicable to all members of staff whether permanent or temporary, full-time, or part-time or employed on a casual/contract basis. The policy also embraces our students, their parents or carers, trustees, volunteers, suppliers, and partner organisations.

### **3. Links to other school policies and practices.**

- Discipline, conduct and Grievance Policy;
- Staff Code of Conduct;
- Safeguarding and Child Protection Policy;
- Restrictive Physical Intervention Policy;
- Recruitment Policy;
- SEN Policy;
- Curriculum Policy;
- Teaching and Learning Policy;
- Admissions Policy.

### **4. Implementation and monitoring**

Our aims and objectives will be achieved through action planning, effective monitoring, and a willingness to tackle problems where they arise.

We are committed to reviewing this Policy on an on-going basis to reflect changes in the law, demographics, and organisational requirements.

An equality and diversity report will be presented to the Board of Trustees annually at the end of each Academic Year.

### **5. Aims**

- To encourage, promote and celebrate diversity in all our activities;
- To ensure equal access to jobs, volunteering opportunities and services;
- To ensure compliance with legislation on discrimination and equality including Equality Act 2010, Employment Rights Act 1996, Protection from Harassment Act 1997, Employment Relations Act 1999, Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, Special Educational Needs and Disability Act 2001;
- To promote equal opportunities in other areas not currently covered by legislation;
- To create environments free from harassment and discrimination;
- To maximise the use of resources in the best interests of individuals;
- To confront and challenge discrimination where and whenever it arises whether it is between colleagues, or in any other area relating to our work;
- To make a willingness to accept and implement this policy a necessary condition

for any person collaborating with us;

- To ensure, through positive action and reasonable adjustments, that our premises and services are accessible to all people;
- To ensure that employment and advancement with us is determined by objective criteria and personal merit.

## **6. Our Commitments**

### **6.1 Raising awareness:**

We recognise that awareness of the education on offer within Pathways School may not be equally available to all groups within society and that many of the groups identified have traditionally been discriminated against or excluded from access to services. Pathways School undertakes to ensure that availability of places is advertised through local authorities, which will have contact with parents from all groups, as well as through networks of groups concerned with autism and general publicity. Pathways School, via the Board of Trustees, will also consider how best to make its services known across other cultural and racial groups and networks.

### **6.2 Clear accessible communication:**

We recognise that teaching; information about the work of Pathways School; the role of parents and all communication with parents needs to be in language that is accessible to the identified groups. Pathways School therefore undertakes to address the language needs of children and parents in order that all groups can understand fully and participate in the life of the school. This includes translation of written materials and giving verbal explanations as needed.

### **6.3 Parent Education:**

Pathways School identifies parent education as a vitally essential element of our work. We also recognise that participation will not be equally easy or possible for all parents. Pathways School therefore undertakes to consider and adopt appropriate measures that will enable parents to participate fully in any Parent Education programme, including issues such as time, literacy levels, language, family responsibilities, and transport.

### **6.4 Anti-discriminatory practice:**

We will not tolerate discriminatory behaviour, victimisation, or harassment of any sort. Pathways School will investigate and deal swiftly and firmly with any person – employee, student, parent, or trustee where such discrimination or victimisation is alleged or known to have occurred. Procedures in place include Staff Code of Conduct, Disciplinary Policy and Procedure, Whistleblowing Policy and Behaviour Policy. If a situation occurs which is not covered by an existing procedure the Chair of Trustees will consult Trustees regarding a reasonable process.

Pathways School will take steps to ensure that all those involved in our school understand this zero-acceptance policy and how to act if they feel a student has been treated inappropriately within the context of our Equality and Diversity Policy.

## 7. Equal Opportunities in Employment

Pathways School recognises the importance of its workforce reflecting all groups within society and the local community within which we operate.

We are therefore committed to the development and use of standardised recruitment and employment practices, which do not discriminate, and which provide genuine equality of opportunity. Pathways School will further consider ways in which to actively seek recruitment of staff who reflect the community from which students will be drawn. Recruitment of all staff will be open, unbiased, and standardised and selection will be based on objective criteria set out in a person specification drawn from the job description. Qualifications and requirements will be considered to ensure that they do not inhibit applications from certain groups; without comprising the expertise and aptitude required to deliver our service. Staff training and development will assist in enabling all members of the staff team to learn, develop and progress.

We are committed to the fair treatment of its staff, potential staff, or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability, or offending background

### *Recruitment of Ex-Offenders*

The Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders. This Equality and Diversity Policy sets out these employer requirements:

- as an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Pathways School complies fully with the code and undertakes to treat all applicants for positions fairly.
- Pathways School undertakes not to discriminate unfairly against any subject of a criminal record check based on a conviction or other information revealed
- We only ask an individual to provide details of convictions and cautions that Pathways School are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).
- Our policy on the recruitment of ex-offenders is made available to all DBS applicants at the start of the recruitment process.
- We actively promote equality of opportunity for all with the right mix of talent,

skills, and potential and welcome applications from a wide range of candidates, including those with criminal records

- We select all candidates for interview based on their skills, qualifications, and experience.
- We ensure that all those in Pathways School who engage in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- We ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g., the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, Pathways School ensures that an open and measured discussion takes place about any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- Pathways School makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.
- We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.
- We only ask an individual about convictions and cautions that are not protected.

## **8. Discrimination**

Under the Equality Act 2010, protection from unlawful discrimination is provided to the following nine Protected Characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race, colour, nationality, ethnic or national origin
- religion and belief
- sex
- sexual orientation.

Direct Discrimination occurs when an individual is dealt with less favourably than another because of a Protected Characteristic.

Indirect Discrimination means applying a provision, criterion or practice which applies to everyone in the workplace, but disadvantages or has an adverse impact on certain groups of people who share a Protected Characteristic. However, indirect

discrimination can be objectively justified where it can be shown that the provision, criterion, or practice was a proportionate means of achieving a legitimate aim.

Harassment is unwanted conduct that relates to a Protected Characteristic which has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether this effect was intended by the person responsible for the conduct.

Victimisation occurs when an individual is treated less favourably because he/she has made or supported a discrimination complaint under the Equality Act 2010, or he/she is suspected of doing so.

Associative Discrimination is where an individual is dealt with less favourably for being associated with another person who has a Protected Characteristic.

Perceptive Discrimination is where an individual is dealt with less favourably based on a perception that s/he has a particular Protected Characteristic when s/he does not in fact have that protected characteristic.

Occupational Requirement is where the law recognises that there will be occasions when it is necessary to restrict certain jobs to certain categories or groups of people. This is rare and an employer would have to demonstrate that they have researched the requirement thoroughly before setting it.

Failure to make Reasonable Adjustments is where a physical feature or a provision or practice or measure puts a person with a disability at a substantial disadvantage compared with an individual who is not, and the organisation has failed to make reasonable adjustments to enable the person with a disability to overcome the disadvantage.

Positive Action refers to measures or initiatives taken to address underrepresentation of groups of people who share a protected characteristic. Specific initiatives could include training and development activities or welcome statements in recruitment literature.

The following groups/individuals may be particularly likely to face disadvantage or discrimination, and be under-represented in Pathways School

- People whose first language is not English
- People recently arrived in this country (e.g., refugees)
- People from black and ethnic groups
- People with disabilities
- People with little or no literacy
- Older people
- Lesbian, gay, bisexual, or transgender people

The right to education is set out by the United Nations. In the UK, that right is now seen as a right to an effective education, i.e., taking account of learners' circumstances and needs in helping them to fulfil their potential.

Pathways School acknowledges that children have the right not to be discriminated against when at school. We also acknowledge that all learners are entitled to the opportunity to fulfil their potential and we promote equality of opportunity and ensure the elimination of unlawful discrimination. We must be fair about who we admit to the school and allocate students fairly to teaching groups, assess them fairly and provide guidance and support fairly.

Admission to Pathways School is based on each child having a diagnosis of autism reflected in their Education, Health and Care Plan.

## **9. Responsibility**

It is essential that staff at all levels are totally committed to the development and implementation of this Equality and Diversity Policy. Every employee is required to assist Pathways School to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, Pathways School for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation by employees against employees, students or their families are disciplinary offences and will be dealt with under the Pathways School Disciplinary Policy and Procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Overall responsibility for the implementation of this policy is taken by the Headteacher and the Chair of Trustees. They will regularly report to the Board of Trustees on the development and implementation of the policy.