

SPECIALIST EDUCATION SERVICES

Equality and Diversity Policy and Practice

(Incorporating the Public Sector Equality Duty)

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*SES Avocet Ltd (4926028) and SES Turnstone Ltd (7972485)
are subsidiary companies of Specialist Education Services Holdings Ltd (7970185)*

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1 **INTRODUCTION**

This policy applies to all adults who work at Avocet and Turnstone House on a paid or voluntary basis, all young people cared for and their families, together with any visitors or contractors who visit the sites.

The following policies should be read in relation to this document as they contain relevant additional information:

- Equality Information and Equality Objectives
- Development Planning documentation
- General Curriculum Statement and separate subject policies
- Referrals and Admissions Policy and Practice
- Recruitment and Selection Policy and Practice
- Grievance, Capability and Discipline Policy and Practice
- Staff Support and Development Policy and Practice
- Safeguarding and Child Protection Policy and Practice
- Avocet House and Turnstone House Brochures
- Anti-Bullying Policy and Practice
- Communication Policy and Practice
- Complaints and Representations Policy and Practice
- Health and Safety Policy and Practice
- Partnership with Families Policy and Practice
- Positive Management of Behaviour Policy and Practice
- The Management of Allegations and Concerns Regarding the Professional Conduct of Adults in Relation to Child Protection: Policy and Practice
- Data Protection Policy and Practice
- Supporting Induction and Professional Practice in Care Roles
- Policy and Practice for the Disclosure of Information in the Public Interest (Whistleblowing)

All SES documents appear on the internal network and all staff are issued with a personal copy.

2 **RATIONALE**

A new Equality Act came into force on 1 October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Act provides a new discrimination law that protects individuals from unfair treatment and promotes a fair and more equal society.

The Equality Act 2010 provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. It simplifies the law by removing anomalies and inconsistencies that had developed over time in the existing legislation, and it extends the protection from discrimination in certain areas.

As far as schools are concerned, for the most part, the effect of the new law is the

same as it has been in the past – meaning that schools cannot unlawfully discriminate against pupils because of their sex, race, disability, religion or belief and sexual orientation. Protection is now extended to pupils who are pregnant or undergoing gender reassignment.

The exceptions to the discrimination provisions for schools that existed under previous legislation – such as the content of the curriculum, collective worship and admissions to single-sex schools and schools of a religious character, are all replicated in the new act.

However, there are some changes that will have an impact on schools as follows:

- Introduction of a new single equality duty to replace the previous three separate duties. This includes new specific duties which are less bureaucratic and more light-touch than previous duties, requiring schools to publish equality information and objectives.
- It is now unlawful for employers to ask health-related questions of applicants before job offer, unless the questions are specifically related to an intrinsic function of the work. This means that schools should no longer, as a matter of course, require job applicants to complete a generic health questionnaire as part of the application procedure. Schools are advised to review their existing practices to ensure they are complying with both the Health Standards Regulations and Section 60 of the Equality Act. Schools may decide to ask necessary health questions after job offer. In any case, they should ensure that any health-related questions are targeted, necessary and relevant to the job applied for.
- It is now unlawful to discriminate against a transgender pupil.
- It is now unlawful to discriminate against a pupil who is pregnant or has recently had a baby.
- New Positive Action provisions will allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics.

The combined equality duty which came into effect in April 2011 requires schools, when carrying out their functions, to have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- Foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it;

With the PSED (Public Sector Equality Duty), as with the previous general duties, schools are subject to the need to have due regard to the three elements outlined above. What having “due regard” means in practice has been defined in case law

and means giving relevant and proportionate consideration to the duty. For schools this means:

- Decision makers in schools must be aware of the duty to have “due regard” when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics.
- Schools should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis.
- The PSED has to be integrated into the carrying out of the school’s functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes or following a particular process.
- Schools can’t delegate responsibility for carrying out the duty to anyone else.

3 DISABILITY

The disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA).

The law on disability discrimination is different from the rest of the Act in a number of ways. In particular, it works in only one direction – that is to say, it protects disabled people but not people who are not disabled. This means that schools are allowed to treat disabled pupils more favourably than non-disabled pupils, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with pupils without disabilities. The definition of what constitutes discrimination is more complex. Provision for disabled pupils is closely connected with the regime for children with special educational needs.

The DDA defines a disabled person as someone who has:

‘a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.’

Definition of the terms:

- ‘physical impairment’ includes sensory impairments;
- ‘mental impairment’ includes learning difficulties and an impairment resulting from or consisting of a mental illness;
- ‘substantial’ means ‘more than minor or trivial’; and
- ‘long-term’ is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the person’s ability to carry out normal day-to-day activities is substantial and long-term, as defined above.

The effect on normal day-to-day activities is on one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

Students with SES are more thoroughly involved in discussion about themselves and their needs than in virtually any other environment, because of their low numbers, high staffing ratio and personalisation practiced about their learning needs and their lives. Some students may and do fall into the definition of disability. Reasonable adjustments are made for them.

4 SPECIALIST EDUCATION SERVICES VALUES AND PRINCIPLES

Specialist Education Services is a forward-looking company. It expects its establishments to be forward looking and adopt a “learning without limits” philosophy. This means that staff in those establishments have a passionate conviction that all our students are able to achieve, staff are optimistic about success and accept no restriction on what is possible with the young people in our care, and whose education is in our hands.

As the children being educated and cared for by SES are all stated as having special educational needs and the whole philosophy is one of personalised and bespoke responses to these needs it is felt that we already respond very clearly and in a specific way to the principles outlined in the Equality Duty, in relation to our children.

5 SPECIALIST EDUCATION SERVICES VISION

In the SES Vision Statement our stated values underpin our approach to both the adults and children who work and live at Avocet House and Turnstone House.

- ✓ We believe in a “no limits’ approach to helping children
- ✓ we believe in success not failure
- ✓ we believe learning is a lifelong process
- ✓ we believe in being inclusive not exclusive
- ✓ we believe intelligence is multifaceted
- ✓ we believe creativity and imagination are the keys to developing passions and talents, and preparing for life in a rapidly changing world
- ✓ we believe assessment of progress is based on improvements on ‘previous best’
- ✓ we believe in a ‘can do’ philosophy
- ✓ we believe in children’s abilities and potential
- ✓ we are future orientated.

6 POLICY RELATING TO PUPILS

SES caters for a very specific group of the population who have a complexity of needs including social, emotional, behavioural and learning difficulties. There is no clear distinct social category within which these children lie; however, there are clear factors that will have a bearing upon issues relating to equality of regard and opportunity within the environment.

Children are exposed to a number of broad experiences in both their home and school environments. These experiences are a direct product of:

- the school curriculum
- adults in their school or home
- their peers
- members of their family and extended family
- other adults in the wider society
- society's agreed rules and codes of conduct.

The nature and quality of these experiences are to a large extent, influenced by:

- Ability
- Age
- Appearance
- Gender
- Disability
- Racial or ethnic group
- Religious and spiritual beliefs
- Socio-economic circumstance

SES provides places for children from a broad geographical area, predominantly, but not exclusively the Eastern Region. In Norfolk, three significant factors influence equality of regard and opportunity:

- Norfolk has a mix of typical rural and urban communities, some with high social deprivation
- The majority of the county's residents are white and born in Britain
- Social attitudes among the majority of the population tend to be traditional

At SES we feel it is important to have a clear view of the social and geographical backgrounds of our children in relation to each other, our approach, our ethos and culture, and the wider community. This is fundamental to our ability to provide an equality of opportunity and regard for the children in our care.

7 POLICY RELATING TO STAFF

We provide all staff with an equal opportunity and equality of esteem to develop their potential personally, professionally and socially:

- to develop skills, attitudes and knowledge sufficient to adapt to an ever-changing educational and social environment;
- to create a staff body which works co-operatively, supports the educational, social and health care philosophy and objectives of SES, is free from harassment and bullying, accepts individual differences within the staff and has, as its first priority, the needs of the children in its charge.

SES is committed to promoting equal opportunities in employment for all staff so that potential and existing employees are not disadvantaged because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

It is the prime concern of Specialist Education Services that statutory responsibilities are fully met in such matters. At SES all staff are selected, trained and promoted on the basis of the requirements of the post, individual capabilities and other similar objective and relevant criteria. The sex, marital status, race, ethnic origin, religion etc. of an applicant or existing member of staff shall not affect the employment opportunities made available, except as permitted within the terms outlined below.

7.1 POSITIVE ACTION

SES may from time to time take positive action in respect of recruitment where specific groups are under-represented. This will be in the form of encouragement to apply for posts. The selection for appointment however will only be made on the basis of merit.

8 **PRACTICE**

8.1 THE PRINCIPAL

Is responsible for:

- making sure the equality policy is readily available and that directors, staff, placing authorities, young people and their parents/carers know about it.
- making sure the equality policy and its procedures are followed
- monitoring the policy and how it is working
- making sure all staff know their responsibilities and receive training and support in carrying these out.
- ensuring that staff recruitment arrangements conform to policy.
- ensuring that strategies are in place and communicated to all staff for dealing with breaches of the Equality Policy, and that racist incidents are recorded
- nominating a Deputy Care Manager at their establishment who will be responsible for receiving information about alleged discriminatory incidents in the home, undertaking an investigation and producing a written report using the Discriminatory Incident Form, immediately triggering Stage 2 of the SES Complaints and Representations Policy and Practice document;

- a procedure triggered via the Discriminatory Incident Form to inform placing authorities, parents and carers (where appropriate) where their children are involved in an incident as a victim, witness or perpetrator;
- taking appropriate action where required.

8.2 REGISTERED MANAGER AND HEAD OF EDUCATION

Are responsible for:

- differentiated personalised programmes of care and education for all young people at SES with the aim of promoting respect for equality and diversity;
- ensuring all who work at SES on a paid or voluntary basis are aware of this policy as part of their induction programme and that any additional training and development is provided as required;
- all associated with SES are made aware of the identity of the nominated DCM and the procedures in place for progressing discriminatory and potential discriminatory issues;

8.3 STAFF, VISITORS AND CONTRACTORS

SES expects that **all staff** who work at the home on a paid or voluntary basis, together with any visitors or contractors who visit the site are responsible for:

- dealing with discriminatory incidents, and being able to recognise and tackle discrimination.
- promoting equal opportunities and avoiding discrimination.
- keeping up to date with the law on discrimination and taking up training and learning opportunities.
- adhering to this policy at all times in their work within and for SES;
- positively examining and seeking ways to promote equality;
- challenging any behaviour which may be perceived as discriminatory; and
- reporting discriminatory incidents to the nominated member of staff within the home.

8.4 YOUNG PEOPLE

SES expects **young people** to:

- show respect for others irrespective of their age, disability, gender, sexual orientation, culture, ethnic or religious background;
- report discriminatory incidents to the nominated member of staff within the home;
- be prepared to act as a witness for any discriminatory incident that they experience.

8.5 PARENTS AND CARERS

SES expects **parents and carers** to:

- show respect for others irrespective of their age, disability, gender, sexual orientation, culture, ethnic or religious background;

- report discriminatory incidents to the nominated member of staff within the home;
- be prepared to act as a witness for any discriminatory incident that they experience.

9 BREACH OF THIS POLICY

Breaches of this policy will be treated as a serious matter and dealt with through the Grievance and Disciplinary Procedures as appropriate.