EQUAL OPPORTUNITIES POLICY

September 2018

Review date: August 2019

This Equal Opportunities Policy makes reference to the Equality Act 2010

The Equalities Act 2010 provides a structure to prevent discrimination and promote equality. This policy provides the College commitments in relation to equality and diversity and reflects the changes in equality legislation including the Equalities Act 2010.

It is unlawful to treat someone less favourably or discriminate directly or indirectly in recruitment or employment because of a protected characteristic.

These protected characteristics are:

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

However, other aspects of a person's identity, background or circumstances can cause them to experience discrimination, for example a person's socio-economic status, class or background. The college is committed to advancing equality and eliminating discrimination on these and other backgrounds.

The Equalities Act 2010 recognises the following types of discrimination:

- Direct discrimination, including associative and perception discrimination
- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from a disability
- Failure to make reasonable adjustments

These are explained in Appendix A to this policy.

Scope of the Policy

This policy applies to all staff, students, visitors, contractors and sub-contractors to the College. Where staff or students are working or studying in locations other than College premises they will be subject to the policy.

Policy Statement

Promoting equal opportunities is fundamental to the aims and ethos of Oxford Tutorial College. We welcome applications from staff and students with as diverse a range of backgrounds as possible. This enriches our community and is vital in preparing our students for today's world. We concentrate on educating the individual, to provide a comfortable and welcoming atmosphere where each individual feels valued and can flourish.

The College is committed to equal treatment for all, regardless of an individual's race, ethnicity, religion, sexual orientation, disability, learning difficulty, body image or social background. We believe that the educational experience can only be enriched if students are exposed to as wide a range of cultural experiences as possible whilst they are developing.

We also welcome applications from students with special needs and disabilities, and refer parents to our policies covering Special Education Needs and Disabilities (SEND Policy)

CODE OF CONDUCT

The Management Teams, Boarding Staff and Senior Tutors play an active role in monitoring the implementation of the College policy on equal opportunities. Use is made of Student Voice, PSHE, the social programme and tutorials, English and other lessons to:

- Embed equality and diversity in teaching and learning
- Celebrate equality and diversity through College wide events and activities
- Promote tolerance of each other and respect for each other's position within the College community.
- Promote positive images and role models to avoid prejudice and raise awareness of related issues.
- Foster an open-minded approach and encourage pupils to recognise the contributions made by different cultures. Bias should be recognised.
- Understand why and how we will deal with offensive language and behaviour.
- Understand why we will deal with any incidents promptly and in a sensitive manner.

Tackling discrimination, harassment and victimisation

We will:

- Actively challenge and tackle all forms of prejudice, discrimination and stereotypical attitudes
- Deal with all allegations of discrimination, harassment and victimisation sensitively and investigate fairly and thoroughly
- Treat any form of discrimination, harassment or victimisation carried out by an individual as a matter for possible disciplinary action (see Good Behaviour and Anti-bullying Policies).

A successful equal opportunities policy requires strong and positive support from parents and guardians, and full acceptance of the school's ethos of tolerance and respect.

Where sensitive data is used, the College will always comply with the Data Protection Act (1998) and the College's Data Protection Policy.

Appendix A

Definitions of Discrimination

The Equality Act 2010 recognises the following types of discrimination:

- Direct discrimination, including associative and perception discrimination
- Indirect discrimination
- Harassment
- Victimisation
- Discrimination arising from a disability
- Failure to make reasonable adjustments

Direct discrimination occurs when someone is treated unfairly, or less favourably than another person, because they have a protected characteristic. This often arises because of assumptions, stereotyping or prejudice.

The Equality Act 2010 (the Act) extends the definition of direct discrimination to cover **association discrimination**. This is direct discrimination against someone because they associate with another person who has the protected characteristic. The Act also extends the definition of direct discrimination to cover **perception discrimination**. This is direct discrimination against someone because they are perceived to have a protected characteristic.

Indirect discrimination happens when a 'provision, criterion or practice' is applied that appears to affect everyone equally but which in fact puts people who share a protected characteristic at a disadvantage. The Act harmonises the definition of indirect discrimination across protected characteristics (with the exception of pregnancy / maternity). Although pregnancy and maternity are not covered by indirect discrimination, policy and practice that disadvantages pregnant women and new mothers could constitute indirect gender discrimination

Harassment occurs when someone behaves in such a way that a person's dignity is violated, or behaves in such a way that they create an environment that is offensive, hostile, degrading, humiliating or intimidating for a person, where this is

- related to a protected characteristic (except pregnancy / maternity or marriage/ civil partnerships), or
- of a sexual nature (sexual harassment), or
- where a person is treated less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or to gender reassignment (this is known as 'consequential harassment')

The Act does not specifically cover harassment on the grounds of pregnancy / maternity or marriage / civil partnerships. However, direct discrimination prohibits treatment such as bullying or harassment which results in a person being treated less favourably.

The Act changes the definition of harassment from unwanted conduct 'on the grounds of' to unwanted conduct 'related to'. This subtle change has two benefits. Firstly, it will protect people who are offended by conduct even if it is not specifically directed at them. Explanatory notes to the Act provide the following examples:

- A white worker sees a person from a black and minority ethnic background being subjected to racially abusive language, and complains that this has caused her environment to be offensive, even though she is white and not the subject of the abuse
- An employer displays a topless calendar in the workplace. A male worker complains as he finds this offensive.

Secondly, the definition protects in relation to association or perception. For example protection for someone who experiences harassment because their partner or their son is a disabled person, or because they are perceived to be gay.

Victimisation happens when someone is treated unfairly, or less favourably because they have supported someone in making a complaint or an allegation of discrimination, or because they personally have made an allegation of discrimination.

Previous equality legislation recognised disability-related discrimination. The Act replaces this with two new causes of action in relation to disability – indirect discrimination (see above) and **discrimination arising from a disability**. The latter occurs when a disabled person is treated less favourably because of something connected to their impairment, medical condition or specific learning difficulty.

Failure to make reasonable adjustments happens when an organisation fails to make reasonable adjustments for a disabled person, to avoid the disabled person being placed at a substantial disadvantage when compared to a non-disabled person.

Direct discrimination (with the exception of age), harassment, victimisation and failure to make reasonable adjustments can never be justified. Indirect discrimination and discrimination arising from a disability may be permissible if an organisation can ‘objectively justify’ that their actions are a proportionate means of achieving a legitimate aim.