

This policy applies to:

1. BCAA Whole College

Policy owner:	Oliver Bromley Hall
Frequency of review:	At least annually
Dates of previous review:	August 2021
<b>Date of current review:</b>	August 2022
Date of next formal review:	August 2023
Linked policies/documents:	Bloom Staff Handbook, Code of Conduct, Safeguarding Policy, Feedback & Marking Policy, Curriculum Policy, Assessment Policy
Comments:	

## Preamble to full policy document

The ethos of Brighton College is one where the individual can prosper in an environment which is big enough and varied enough to provide a wide diversity of opportunities for all staff and pupils, regardless of their interests, gender, pregnancy or maternity, disability, race, religion or belief, cultural background, linguistic background, special educational need or academic or sporting ability. Alongside this, the pastoral structure, academic organisation and co-curricular provision are staffed by dedicated teams who can and do monitor individual participation, progress and commitment to all aspects of school life. Thus the educational provision is personalised. This applies equally to all staff and pupils within and outside the formalised curriculum structure.

## Equal opportunities statement

We believe that every person has the same rights and is entitled to the same opportunities, regardless of gender, pregnancy or maternity, disability, race, religion or belief, cultural background, linguistic background, special educational need or academic or sporting ability. Brighton College does not discriminate on the grounds of gender, disability, age, marital status or racial, ethnic or national origin.

We expect everyone involved throughout the schools of Brighton College to:

1. respect and promote equal opportunities for all people
2. encourage harmony and understanding in society
3. recognise and oppose all forms of prejudice and discrimination
4. remove both outward and hidden discrimination
5. enable differences to become positive and enriching attributes
6. develop each person's skills to the highest possible level
7. promote an environment where all can share equally in the opportunities offered
8. help pupils to learn acceptance and tolerance
9. enable pupils to communicate confidently without fear or prejudice

This statement is supported by a detailed policy with regard to employment and by statements to parents and pupils (in their respective handbooks) which direct pupil behaviour and encourages, we hope, the right attitude amongst the whole school community. Brighton College is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against its customers be they parents, visitors, suppliers, contractors or members of the public. This policy is intended to assist the College to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The College has a separate dignity at work policy which deals with these issues.

## The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics". Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, the College has an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

## Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that 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 or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers.

For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

## Equal opportunities in employment

We are committed to ensuring that individuals will be treated fairly and we require all members of staff, volunteers, contractors and visitors to act in accordance the employment legislation and organisational values set out in this policy. The College will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Job descriptions and person specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking

account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The College will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the College considers it has good reasons, unrelated to any protected characteristic, for doing so. The College will comply with its obligations in relation to statutory requests for contract variations. The College will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## **Dignity at work**

The College has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with. Customers, suppliers and other people not employed by the organisation. The College will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation. Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

## **Your responsibilities**

All members of staff have a duty to support and uphold the principles of our equal opportunities policy and its supporting policies. Employees can be held personally liable as well as, or instead of, the College 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 against employees or customers are disciplinary offences and will be dealt with under the College's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## **Grievances**

If you consider that you may have been unlawfully discriminated against, you may use the College's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy. The College will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

## **Maintaining this policy**

The College will monitor the effectiveness of this policy and its general compliance within the organisation. This policy will be kept up-to-date and amended to take account of legislative changes.