

# UTC BOLTON

## EQUALITY AND DIVERSITY POLICY

2016-2018



Sponsors



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## **Introduction**

UTC Bolton is committed to providing equality and excellence for all members of the College community, governors and visitors in order to secure the highest possible standards of well-being, progress and attainment.

### **Obligations under the Equality Act (2010)**

'All schools, regardless of how they are funded have obligations under the Equality Act (2010). Avoiding discrimination and promoting equality supports the agenda of improving attainment and progression for all students. Good education and skills are crucial for opening up opportunities and increasing the chance of a successful life. In addition, in England, equality and diversity are specified factors that must be taken into account in Ofsted inspections. This means that if equality measures are not implemented effectively this may restrict the overall inspection grade.

*Equality and Human Rights Commission Guidance (2014).*

### **UTC Bolton Vision**

An outstanding technical and academic education for 14-19 year olds where every student, through personalised learning and clear goals, will stretch their boundaries and learn more than they thought possible in order to create the next generation of scientists, healthcare practitioners, engineers and entrepreneurs.

### **UTC Bolton Mission**

Our mission is to:

Prepare tomorrow's citizens today;

Broker student aspirations to achieve the promise of a job, apprenticeship or university place available to all students when they successfully complete their programme of study at the UTC;

Venture above and beyond outstanding towards a genuine 'World Class' status.

### **UTC Bolton Ethos**

- 'Every Day is an Interview'
- A 'can do, will do' attitude
- Successful teams and team leadership
- Confident and resilient learners, ready for the world of work
- Creative, caring and enterprising
- Pursuit of technical and academic excellence
- Equality of opportunity for all

UTC Bolton supports diversity and promotes equality of opportunity for all staff, students and visitors regardless of their:

- Protected Characteristic:
  - ✓ Age
  - ✓ Disability
  - ✓ Gender Re-assignment
  - ✓ Marriage and Civil partnership

- ✓ Pregnancy and Maternity (including Paternity)
- ✓ Race (colour, ethnic or national background)
- ✓ Religion or Belief (including non-belief)
- ✓ Sex/Gender
- ✓ Sexual Orientation
- Caring responsibilities for a 'Protected Characteristic' including dependants
- Socio-economic background/grouping
- Union activity
- Unrelated spent criminal convictions

## **The Equality Act (2010)**

The categories of people covered by the schools' provisions in the Act are:

- Prospective students (in relation to admissions arrangements).
- Students at the UTC (including those absent or temporarily excluded).
- Former students (in respect of conduct closely associated with their former relationship with the UTC).

## **Definitions**

### **Public Sector Duties**

This means the UTC must have 'due regard' to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between people who have particular protected characteristics and those who do not. Where schools/Colleges are concerned, age is only a relevant protected characteristic in considering the UTC's duties as an employer but not in relation to providing education to students

### **Unlawful Discrimination**

Unlawful discrimination is defined in the Act as:

- Direct discrimination (including discrimination based on perception or association).
- Indirect discrimination.
- Discrimination arising from disability.
- Failure to make reasonable adjustments (for disabled people).

### **Victimisation**

The Equality Act (2010) also prohibits schools from victimising:

- Prospective students
- Students at the UTC

- In some limited circumstances, former students.

The UTC must also not victimise parents/carers who make complaints.

**Victimisation is defined in the Act as:**

‘Treating someone badly because they have done a protected act’ (or because the College believes that a person has done or is going to do a protected act).

**A ‘protected act’ is:**

- Making a claim or complaint of discrimination (under the Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that the school or someone else has breached the Act.
- Doing anything else in connection with the Act.

There is also protection for students who are victimised because their parent/carer or sibling has carried out a protected act.

**Reasonable Adjustments**

The object of the duty under the Equality Act (2010) is to avoid as far as possible by reasonable means, the disadvantage which a disabled student experiences because of their disability.

The Equality Act (2010) requires the UTC to take reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts disabled students at a substantial disadvantage.

This duty applies to existing students, applicants and, in limited circumstances, to disabled former students in relation to the following areas:

- Deciding who is offered admission as a student;
- The provision of education;
- Access to any benefit, service or facility.

The duty does not require reasonable adjustments to be made to avoid the disadvantage caused by physical features as this is covered by the planning duties.

A failure to make a reasonable adjustment cannot be justified in law: where the duty arises, the issue will be whether or not making the adjustment is ‘reasonable’ and this is an objective question for a tribunal to determine.

The duty is an anticipatory and continuing one that applies to disabled students generally, regardless of whether it is known that a particular student is disabled or whether the UTC currently has any disabled students. It is incumbent on the UTC to plan ahead for the reasonable adjustments which may need to be made, regardless of whether there are any disabled students. The UTC is not required to anticipate the needs of every prospective student, but is required to think about and take reasonable and proportionate steps to overcome barriers that may impede students with different kinds of disabilities.

## **A Substantial Disadvantage**

A disadvantage that is more than minor or trivial is called a 'substantial disadvantage'. The level of disadvantage created by a lack of reasonable adjustments is measured in comparison with what the position would be if the disabled student in question did not have a disability.

A number of factors need to be taken into account when considering whether or not the disadvantage is substantial such as:

- The time and effort that might need to be expended by a disabled student.
- The inconvenience, indignity or discomfort a disabled student might suffer.
- The loss of opportunity, or the diminished progress a disabled student might make in comparison with his or her peers who are not disabled.

## **When is it reasonable for a school/college to have to make adjustments?**

The Equality and Human Rights Commission Guidance (2014) considers a useful starting point when determining what a reasonable adjustment might be is for the UTC to think through how to ensure that disabled students can be involved in every aspect of College life.

Where disabled students are placed at a substantial disadvantage by a provision, criterion or practice or the absence of an auxiliary aid, the UTC must consider whether any reasonable adjustment can be made to overcome that disadvantage.

The onus of responsibility is on the UTC to suggest adjustments, however, if a student suggests adjustments, consideration should be given as to whether the adjustments would help to overcome the disadvantage and whether the suggestions are reasonable. The UTC would always aim to work with students and their parents/carers in determining what reasonable adjustments can be made.

## **Harassment**

There are three types of harassment which are unlawful under the Equality Act (2010):

- Harassment related to a relevant protected characteristic.
- Sexual harassment.
- Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex.

The relevant protected characteristics for the provisions in relation to the UTC are:

- Disability.
- Race.
- Sex.

'The harassment provisions do not explicitly apply to the protected characteristics of gender re-assignment, sexual orientation or religion or belief in relation to schools. However, where unwanted

conduct related to any of these protected characteristics results in a student suffering disadvantage, that would constitute direct discrimination.'

### **Harassment Related to a Protected Characteristic**

Harassment occurs when someone engages in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- Violating a student's dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.

The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for the student to say that they object to the behaviour for it to be unwanted.

In this context 'related to' has a broad meaning and includes situations where the student who is on the receiving end of the unwanted behaviour does not have the protected characteristic himself or herself, provided there is a connection between the behaviour and a protected characteristic. This would also include situations where the student is associated with someone who has a protected characteristic, or is wrongly perceived as having a particular protected characteristic.

The definition of harassment as described above does not apply to the protected characteristics of gender re-assignment, sexual orientation or religion or belief in relation to schools. However, where unwanted conduct related to any of these protected characteristics results in a student suffering disadvantage, that would constitute direct discrimination.

### **Sexual Harassment**

Sexual harassment occurs when someone engages in unwanted behaviour which is of a sexual nature and which has the purpose or effect of:

- Violating a student's dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for the student.

'Of a sexual nature' can cover verbal, non-verbal or physical conduct including unwelcome sexual advances, inappropriate touching, forms of sexual assault, sexual jokes, displaying pornographic photographs or drawings, or sending emails with material of a sexual nature.

Less favourable treatment of a student because they submit to or reject sexual harassment or harassment related to sex. It is unlawful to treat a student less favourably because they either submit to, or reject, sexual harassment or harassment related to their sex.

### **Obligations to Former Students**

The Equality Act (2010) makes clear that even after a person has left the UTC there must not be any form of discrimination, harassment or victimisation. This only applies if the discrimination or harassment arises out of and is closely connected to their previous relationship with the UTC and would have been unlawful if they were still a student. This obligation to former students would



include the duty to make reasonable adjustments for disabled former students if they continue to be at a substantial disadvantage in comparison to former students without a disability. This obligation only applies if the substantial disadvantage arises out of and is closely connected with them having been a student at the UTC.

If someone believes that they are being discriminated against after they have stopped studying with the UTC, they can take the same steps to have things put right as if they were still a student.

## **Aims of the UTC Equality and Diversity Policy**

The UTC Equality and Diversity Policy is designed to ensure that the College provides equality of education and opportunity for all. The UTC meets the needs of all, taking account of learning ability, disability, ethnicity, culture, gender, language, race, faith or belief, or none, sexual orientation and socio-economic factors.

### **Aims:**

- To ensure all students and staff have high aspirations and are encouraged to achieve to their full potential;
- To ensure that reasonable adjustments are made for disability;
- To proactively demonstrate respect for all those who are part of the UTC community;
- To prepare students for life in a diverse society, including Fundamental British Values;
- To acknowledge and actively address prejudice and prejudice-based incidents;
- To ensure that an inclusive ethos is established and maintained;
- To increase participation and foster good relations between different groups within the UTC and within the wider community.

The UTC aims operate within clear national expectations of standards towards students, including:

- Treating students with dignity, building relationships rooted in mutual respect, and at all times observing professional boundaries;
- Having regard for the need to safeguard the well-being of students, in accordance with statutory provisions;
- Showing tolerance of, and respect for, the rights of others;
- Upholding Fundamental British Values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs;
- Ensuring that personal beliefs are not expressed in ways which exploit students' vulnerability or might lead them to break the law.

This policy, and its associated policies, procedures and protocols, is based on these key principles.

## **Leadership and Management**

The commitment of the UTC to inclusion and equality is manifest in policies and procedures and a clear ethos is set by the CEO, the Governing Body, the Headteacher and SLT. The UTC advances equalities of opportunity through positive and proactive approaches to valuing and respecting diversity. The design of the building ensures that the College environment gives access to students, staff, parents/carers, governors and members of the community with disabilities. The Governing Body regularly reviews all policies.

## **Roles and Responsibilities**

The Governing Body and Headteacher ensure that the UTC complies with all relevant equalities legislation and ensures that the policy, related procedures and strategies are implemented. The Headteacher also ensures that all staff are aware of their responsibilities under the policy.

The Headteacher will also ensure that students are involved in the review of the Equality and Diversity Policy.

## **The Governing Body**

The Governing Body of the UTC has agreed this policy and will take responsibility for assessing and monitoring the impact of the policy by obtaining regular reports, dealing with inequality issues.

The Governing Body will make every effort to ensure its membership is representative of the UTC Bolton community.

## **The Governing Body and its sub-committees has responsibility in relation to:**

- Attainment and progress;
- Learning and teaching, including setting targets for student achievement;
- Provision of a broad and balanced curriculum;
- Personal development and well-being;
- Behaviour, discipline and exclusion;
- Admissions and attendance;
- Staff recruitment and professional development;
- Staff treatment at work;
- Reviewing staff performance and pay;

## **The Headteacher**

The Headteacher will:

- Demonstrate through personal leadership the importance of the policy;
- Ensure that all staff are aware of the policy and understand their roles and responsibilities;
- Include equality issues as part of the Headteacher's report to the Governing Body on at least an annual basis;
- Include equality and diversity in recruitment, selection and induction arrangements for all new staff to the UTC. The induction procedures will highlight the duties defined by this policy

in the same way as Safeguarding and Child Protection, Health and Safety and Behaviour policies form part of the induction process.

## **All Staff**

It is the responsibility of all staff to:

- Be vigilant in all areas of the UTC for any type of harassment and bullying;
- Deal effectively with all incidents from overt name-calling to the more subtle forms of victimisation caused by perceived differences;
- Identify and challenge bias and stereotyping within the curriculum and in the culture of the UTC;
- Actively promote equality, and good relations and not discriminate on the grounds of any protected characteristics;
- Actively promote Fundamental British Values;
- Promote an inclusive curriculum and whole College ethos which reflects our diverse society;
- Keep up-to-date with equality legislation, development and issues by attending relevant training and accessing information from appropriate sources.

## **Students**

Groups of students will be consulted in the drafting of Equality and Diversity Policy and all students will be made aware of how the policy applies to them. This will be consolidated through the Culture Curriculum, peer mentoring and assembly programmes. Students are encouraged to treat each other with respect and empowered to report incidences of discrimination, harassment or victimisation nature to an appropriate adult.

## **Equal Opportunities in Employment**

The UTC is fully committed to equal opportunities in employment and opposes any form of unfair discrimination on grounds of gender, marital status, race, colour, nationality, ethnic origin, disability, criminal record, age, sexuality, religious or political belief, membership or non-membership of a trade union, or HIV status.

The UTC follows the Safer Recruitment Policy and practice:

- Posts are advertised formally and open to the widest pool of applicants;
- All those involved in recruitment and selection are trained and aware of what they should do to avoid discrimination and ensure equality good practice throughout the recruitment and selection process;
- Equalities policies and practices are covered in staff.

## **Complaints Procedure**

Any member of the UTC community who believes the policy is not being adhered to should raise the matter with the Headteacher and/or the Chair of the Governing Body who will facilitate the appropriate action. If there is a formal complaint the UTC Complaints Procedure will be implemented.

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