



# London Design & Engineering UTC

## Equality, Diversity and Inclusion Policy

Prepared by	Gloria Gold, Vice-Principal – Personal Development EDI leads Gill Antha and Sabrin Aman
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## Version Control Table

Version	Date	Amended by	Rationale
2.1	10/09/2020	Gloria Gold	Revised draft following scheduled review
3.0	24/09/2020		Version approved by the Board of Directors
3.1	21/06/2021	Gill Lois (Antha) Sabrin Aman	Appointed leads updated policy to reflect changes in law and approval for external accreditation.  <i>Key changes to policy:</i> Page 4, policy statement on equality and community cohesion Page 7, updated policy so that includes all protected characteristics Pages 9-12 updated the characteristics so that all were included Pages 13 and 15 outlined the role of the EDI leads as well as learners Pages 19 Monitoring and Evaluation and references ANNEX A definitions on discrimination, harassment and victimisation
4.0	24/06/2021		Version approved by the Board of Directors

### **Guidance on version Control:**

The above is an example of how to complete the Version control table.

Versions are 0.1, 0.2 etc until such point as the document is approved. Then it becomes version 1.0.

Subsequent edited versions become 1.1, 1.2, or if it's a major update, 2.0. Do not worry about the numbers going up and up its about getting the policy right – it's all fine.

# EQUALITY DIVERSITY AND INCLUSION POLICY

## Policy Coverage

THE POLICY APPLIES OR COVERS THE FOLLOWING GROUPS			
Type of Learner	Tick (✓)	Type of Stakeholder	Tick (✓)
Key Stage 3 (KS3) Carousel	✓	Teaching Staff	✓
Key Stage 4 (KS4) GCSE	✓	Education Support Staff	✓
Key Stage 5 (KS5) Level 2	✓	Administrative Support Staff	✓
Key Stage 5 (KS5) Level 3	✓	Directors	✓
Key Stage 5 (KS5) A Levels	✓	Employers	✓
Apprentices	✓	Visitors / Contractors	✓

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## 1. Policy Aims

At London Design and Engineering (LDE) UTC, we are committed to ensuring equality of education and opportunity for all our stakeholders which include but is not limited to; learners, apprentices, staff, parents and carers irrespective of age, disability, gender reassignment, marriage and civil partners, pregnancy and maternity, race, religion or belief, sex, sexual orientation or socio-economic background. We aim to develop a culture of inclusion and diversity in which all those connected to LDE UTC feel proud of their identity and are able to participate fully in LDE UTC life.

The achievement of learners and apprentices will be monitored anonymously by age, disability, gender reassignment, marriage and civil partners, pregnancy and maternity, race, religion or belief, sex, sexual orientation and socio-economic background. We will use this data to support learners and apprentices, to raise standards and ensure inclusive teaching.

The Equality Act 2010 requires us to publish information that demonstrates that we have due regard for the need to:

- **Eliminate unlawful discrimination, harassment, victimisation** and any other conduct prohibited by the Equality Act 2010
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it
- **Foster good relations** between people who share a protected characteristic and people who do not share it

### Policy statement on equality and community cohesion

LDE UTC promotes a pro-social, fully inclusive co-creational environment. Therefore, we are committed to equality both as an employer and a service-provider.

- We will try to ensure that everyone is treated fairly and with respect.
- We want to make sure that our college is a safe, secure and stimulating place for everyone.
- We recognise that people have different needs, and we understand that treating people equally does not always involve treating them the same.
- We recognise that for some learners extra support is needed to help them to achieve and be successful.
- We will try to make sure that people from different groups are consulted and involved in our decisions, for example through talking to learners and parents/carers, and through our learner voice and steering groups
- We aim to make sure that no one experiences harassment, less favourable treatment or discrimination because of their age, disability, gender reassignment, marriage and civil partners, pregnancy and maternity, race, religion or belief, sex, sexual orientation

Annex A point I provides background information on the Equality Act 2010.

## 2. Mainstreaming Equality into Policy and Practice

As well as the specific actions set out within this policy, LDE UTC operates equality of opportunity in its day-to-day practice in the following ways.

## 2.1 Teaching and Learning

We aim to provide all learners and apprentices with the opportunity to succeed, and to reach the highest level of personal achievement. To do this, we will:

- Use contextual data to improve the ways in which we provide support to individuals and groups of learners / apprentices;
- Monitor achievement data by ethnicity, gender, socio-economic background and disability, and take action to minimise any gaps;
- Take account of the achievement of all learners and apprentices when planning for future learning and setting challenging targets;
- Ensure equality of access for all learners and apprentices and prepare them for life in a diverse society;
- Use materials that reflect the diversity of LDE UTC, population and local community in terms of age, disability, gender reassignment, marriage and civil partners, pregnancy and maternity, race, religion or belief, sex, sexual orientation or socio-economic background without stereotyping;
- Promote attitudes and values that will challenge all discriminatory behaviour or prejudice; .Provide opportunities for learners and apprentices to appreciate their own culture and celebrate the diversity of other cultures;
- Seek to involve all parents in supporting their child's education;
- Seek to involve all employers in supporting their apprentice's training;
- Encouraging classroom and staffroom discussion of equality issues which reflect on social stereotypes, expectations and the impact on learning;
- Including teaching and classroom-based approaches appropriate for the whole UTC population, which are inclusive and reflective of our learners and apprentices.

## 2.2 Admissions and Exclusions

Our admissions arrangements are fair and transparent, and do not discriminate on any of the protected characteristics in the Equality Act 2010 and/or socio-economic status. To minimise the disadvantage that women face in engineering or construction and to improve their access to careers in these sectors. LDE UTC have taken positive action to include a 50% gender oversubscription criterion at LDE UTC admission policy to give priority to girls applying to study at the UTC. At LDE UTC the current ratio is 3:1 for boys to girls.

The Equality Act 2010 protects people from discrimination on the basis of 'protected characteristics. Every person has several of the protected characteristics, so the Act protects everyone against unfair treatment. Therefore, exclusions will always be based on LDE UTC's Behaviour for Learning Policy. We will closely monitor exclusions to avoid any potential adverse impact and ensure any discrepancies are identified and dealt with.

## 3. Equal Opportunities for Staff

This section deals with aspects of equal opportunities relating to staff at London Design and Engineering UTC.

We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment.

All staff appointments and promotions are made on the basis of merit and ability and in compliance with the law. However, wherever possible, we aim for the staffing at the LDE UTC to reflect the diversity of the local community **and in alignment with the Equality Act 2010**.

### 3.1 Employer's Duties

As an employer, the LDE UTC ensures that we eliminate discrimination and harassment in our employment practice and actively promote equality across all groups within our workforce.

We are diligent in our duty, when appointing staff, and particularly when allocating Teaching and Learning Responsibilities (TLR) or re-evaluating staff structures, to ensure decisions are free of discrimination.

Actions to ensure this commitment is met include:

- Monitoring recruitment and retention including bullying and harassment of staff;
- Continued professional development opportunities for all staff;
- Senior Leadership Team support to ensure equality of opportunity for all.

## 4. Equality and the Law

There are a number of statutory duties that must be met by every school in line with legislation from The Equality Act (2010) contained therein.

### 4.1 Public Sector Equality Duty

The Equality Act 2010 refers to the following protected characteristics”:

1. Age
2. disability;
3. gender reassignment;
4. marriage and civil partnership;
5. pregnancy and maternity;
6. race;
7. religion or belief;
8. sex
9. sexual orientation.

Under the Public Sector Equality Duty, the LDE UTC must have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the act.
- Advance equality and opportunity between people who share a prohibited characteristic and people who do not share it.
- Foster good relations across all protected characteristics, between people who share a protected characteristic and people who do not share it.

Having due regard to the need to advance equality of opportunity which is defined further in the Equality Act 2010 Remove or minimize disadvantage

1. Take steps to meet different needs
2. Encourage participation when it is disproportionately low.

For the LDE UTC, having due regard means:

- When making a decision or taking an action a school must assess whether it may have implications for people with particular protected characteristics.
- It should consider equality implications before and at the time it develops policy and takes decisions, not as an afterthought, and it needs to keep them under review.
- It should consciously consider each aspect of the duty (having due regard to the need to eliminate discrimination is not the same thing as having due regard to the need to advance equality of opportunity).
- It should assess the risk and extent of any adverse impact that might result from a policy or decision and the ways in which the risk may be eliminated before the adoption of a proposed policy.
- The equality duty has to be integrated into the carrying out of a school's functions. The analysis necessary to comply with the duty should be carried out rigorously and with an open mind – it is not a question of just ticking boxes.
- Schools need to do this themselves and cannot delegate responsibility for carrying out the duty to anyone else. The steps they take to meet the duty must be recorded.

### **Age (Learners)**

A person's age is also a protected characteristic in relation to employment, and in regard to the provision for goods and services. However, the PSED in respect of age does not apply to functions relating to the provision of education, and so the school is free to arrange learners in classes based on their age group with materials appropriate to them.

### **Age (staff)**

LDE will follow the Equality Act 2010 guidelines that state that you must not be discriminated against because: you are (or are not) a certain age or in a certain age group, or someone thinks you are (or are not) a specific age or age group.

## **4.2 Race Equality**

**Historically, this section of the plan reflects the general and specific duties of schools as detailed in The Race Relations Act 1976 and as amended by The Race Relations (Amendment) Act 2000. This however, has been incorporated in the Equality Act 2010. To address recent developments, a separate anti-racism policy will expand on this further.**

The Equality Act 2010 requires the LDE UTC to have due regard to the need to:

- Eliminate racial discrimination;
- Promote equality of opportunity;
- Promote good relations between people of different racial groups.

Under our specific duty we will:



- Ensure our Equality & Diversity Plan includes our written policy for race equality;
- Assess the impact of our policies, including this Plan, on learners, apprentices, staff and parents by ethnicity including, in particular, the achievement levels of these learners and apprentices;
- Monitor the impact our plans and policies have on such learners, apprentices, staff and parents towards raising the achievement of minority ethnic groups.

### 4.3 Disability

**This section should be read in conjunction with LDE UTC's Special Educational Needs (SEN) Policy.**

#### Definition of disability

The Equality Act 2010 defines a disabled person as someone who has 'a physical or mental impairment which has a substantial or long-term adverse effect on his or her ability to carry out normal day-to-day activities'.

The Equality Act 2010 has also extended the definition of disability as follows:

- People with HIV, multiple sclerosis and cancer (although not all cancers) are deemed disabled before they experience the long-term and substantial adverse effect on their activities;
- Section 18 has been amended so that individuals with a mental illness no longer have to demonstrate that it is "clinically well-recognised", although the person must still demonstrate a long-term and substantial adverse impact on his/her ability to carry out normal day-to-day activities.
- The criteria provides for the inclusion of hidden disabilities under the Equality Act 2010.

#### Legal duties under the Equality Act regarding Disability

The Equality Act 2010 places a general duty on schools, requiring them to have due regard for the following when carrying out and delivering services:

- Promoting equality of opportunity between disabled people and other people;
- Eliminating discrimination and harassment of disabled people that is related to their disability;
- Promoting positive attitudes towards disabled people;
- Encouraging participation in public life by disabled people;
- Taking steps to meet disabled people's needs, even if this requires more favourable treatment. Under our specific duty we will:
- Ensure our Equality & Diversity Plan covers the requirements for a Disability Equality Scheme identifying our disability equality goals and actions to meet them;

### 4.4 Gender Equality

The Equality Act 2010 places a general and specific duty on schools to eliminate unlawful discrimination and harassment on the grounds of gender and to promote equality of

opportunity between female and male learners and staff and between women and men and transgender people.

Under our general duty we will actively seek to:

- Eliminate unlawful discrimination and harassment on grounds of sex and gender reassignment;
- Promote equality between men and women.

Under our specific duty the LDE UTC will:

- Ensure its Equality, Diversity and Inclusion objectives, which cover the requirements for a Gender Equality Scheme identifying our gender equality goals and actions to meet them;

## 4.5 Sexual Orientation

**The Equality Act 2010 made provision for regulations to be introduced to extend protection against discrimination on grounds of religion or belief to sexual orientation.**

The Equality Act 2010 make discrimination unlawful in the area of goods, facilities and services on grounds of sexual orientation. For schools this means admissions, benefits and services for learners/apprentices and treatment of learners/apprentices. This also applies to those employed by LDE UTC.

The new Ofsted inspection framework (2019) noted that LGBT+ learners are more likely to be the subject of bullying or discrimination during their time in education. Therefore, we will implement high – quality ambitious, inclusive, education for all learners. And are committed to creating a positive culture for all learners and staff to eliminate any discrimination around LGBTQ+ issues.

## 4.6 Religion and Belief

The Equalities Act 2010 defines religion and belief as:

- Religion means any religion and a reference to religion includes a reference to a lack of religion.
- Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

In relation to the protected characteristic of religion or belief—

(a) reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;

(b) reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.

- At LDE UTC, we pride ourselves on the teaching of world religions in Learning for Life, believing that it contributes to a positive learning environment and enhances community cohesion.
- We recognise and celebrate diverse religious festivals including college closures allowing staff and learners time off to celebrate religious holidays

#### 4.7 Pregnancy and Maternity (Staff)

- The college will provide sensitive and appropriate support to any member of the college community who is pregnant or who has recently had a baby, including respecting confidentiality when appropriate.
- Follow Health and Safety guidance for pregnancy, undertaking a comprehensive risk assessment
- We follow best practice with regards to information, advice and guidance.
- Provision of college counselling support
- Have due regard for shared parental leave and implement best practice
- Allow for flexible working to accommodate those with parental responsibilities

#### 4.8 Marriage and Civil Partnership (Staff)

The Equality Act says you must not be discriminated against in employment because you are married or in a civil partnership.

In the Equality Act marriage and civil partnership means someone who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex.

People do not have this characteristic if they are:

- single
- living with someone as a couple neither married nor civil partners
- engaged to be married but not married
- divorced or a person whose civil partnership has been dissolved

#### 4.9 Community Cohesion

According to the new Ofsted framework, developing good relations is an important part of school life.

The behaviour and attitudes judgement criteria include:

- 'The extent to which relationships among learners and staff reflect a positive and respectful culture.
- Where leaders, teachers and learners create an environment where bullying, peer-on-peer abuse or discrimination are not tolerated.
- The speed and effectiveness of the response to bullying, peer-on-peer abuse and discrimination if they do occur.
- The personal development judgement criteria include the extent to which the provision is developing learners' understanding and appreciation of diversity – celebrating what we all have in common – promoting respect for all the different protected characteristics as defined in the Equality Act 2010' *Ofsted inspection framework: equality, diversity and inclusion statement May 2019.*

## 5. Consultation and Involvement

It is a requirement that the development of this plan and the actions within it have been informed by the appointment of our EDI Officers Sabrin Birhane and Gill Antha. We will achieve this by using the following to shape the plan:

- Parental questionnaires and progress evenings;
- Input from staff surveys or through staff meetings / INSET;
- Feedback from the learner voice, Learning 4 Life lessons
- Issues raised in annual reviews or reviews of progress on Individual Education Plans/Personalised Provision Maps, mentoring and support;
- Feedback from reports from Pastoral team.
- Feedback from an analysis of data – e.g. half termly data collection, Well-being Meetings.
- Feedback from apprentices and their employers
- Staff EDI steering group
- Learner EDI steering group
- Parent EDI steering group

## 6. Roles and Responsibilities

### 6.1 The Role of the Equality Diversity and Inclusion Lead(s)

These are some of the duties but not limited to:

- It is the role of the Equality Diversity and Inclusion lead(s) to understand the Equality Act 2010 and the different types of protected characteristics and make sure this is translated into practice to ensure LDE meets its statutory requirements.
- Play a key role in understanding and respond the needs of its diverse workforce and communities it serves.
- Be aware of any Equality, Diversity and Inclusion issues on a National/International level that could impact learners and staff at LDE and finding ways to acknowledge and address these with sensitivity.
- Research, apply and promote diversity initiatives and share best practice

### 6.2 The Role of Directors (Governors)

- The governing body has set out its commitment to equal opportunities in this policy and it will continue to do all it can to ensure that LDEUTC is fully inclusive to learners and apprentices, and responsive to their needs based on all protected characteristics.
- The governing body seeks to ensure that people are not discriminated against when applying for jobs at our UTC because of a protected characteristic.
- The governors take all reasonable steps to ensure that LDE UTC environment gives access to people with disabilities, and also strive to make LDE UTC communications as inclusive as possible for parents, carers, learners and apprentices.

- The governors welcome all applications to join LDEUTC, whatever a learner's or an apprentice's protected characteristics.
- The governing body ensures that no learner or apprentice is discriminated against whilst at LDE UTC because of a protected characteristic.

### 6.3 The Role of the CEO/Principal (or Senior Leader Responsible for Equality, Diversity and Inclusion)

- It is the CEO/Principal's role to implement the LDE UTC's Equality, Diversity and inclusion Policy objectives and they are supported by the Board in doing so.
- It is the CEO/Principal's role to ensure that all staff are aware of the Equality, and Diversity and inclusion Policy objectives, and that teachers apply these guidelines fairly in all situations.
- The CEO/Principal ensures that all appointment panels give due regard to the policy objectives, so that no-one is discriminated against when it comes to employment or training opportunities.
- The CEO/Principal promotes the principle of equal opportunity when developing the curriculum, and promotes respect for other people and equal opportunities to participate in all aspects of LDE UTC life.
- The CEO/Principal treats all incidents of unfair treatment and any incidents of bullying or discrimination with due seriousness.

### 6.4 The Role of all Staff: Teaching and Non-Teaching

- All staff will ensure that all learners and apprentices are treated fairly, equally and with respect, and will maintain awareness of LDEUTC's Equality Plan.
- All staff will strive to provide material that gives positive images based on, age, disability, gender reassignment, marriage and civil partners, pregnancy and maternity, race, religion or belief, sex, sexual orientation and challenges stereotypical images.
- All staff will challenge any incidents of prejudice and record any serious incidents, drawing them to the attention of the CEO/Principal.
- Teachers support the work of ancillary or support staff and encourage them to intervene in a positive way against any discriminatory incidents.
- All staff to comply with guidance and procedures and ensure they take the responsibility to read and implement this point in the responding to and reporting incidents section 7.3 of this policy.

### 6.5 The Role of Learners

- Their behaviours and attitudes should show positive relations between one another, especially those who share relevant protected characteristics and those who do not. (*Ofsted inspection framework: equality, diversity and inclusion statement May 2019*)
- Champion equality diversity and inclusion in and around the community and be proud of their college culture.

- All learners will be aware of the protected characteristics and the types of discrimination in schools, and in the workplace to prepare them as part of our careers program.
- Be aware of how to report any incidents of discrimination and victimisation.

## 7. Tackling Discrimination

Any discrimination is unacceptable and is not tolerated within the LDE UTC environment.

All staff are expected to deal with any discriminatory incidents that may occur. They are expected to know how to identify and challenge prejudice and stereotyping; and to support the full range of diverse needs according to a learner's / apprentice's individual circumstances.

All discriminatory incidents and incidents of bullying are dealt with by the member of staff present, escalating to a class teacher / a member of the SLT where necessary. All incidents are reported to the CEO/Principal and racist incidents are reported to the Board of Directors and local authority on a termly basis.

### 7.1 What is a Discriminatory Incident

Discrimination at work can take different forms. The law distinguishes between:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

Please see **Annex A point III**

The law states; If you are an employee, you are protected from discrimination at all stages of employment, including:

- At the recruitment stage – e.g. in relation to how positions are advertised and how interviews are conducted
- During your employment – e.g. in relation to your terms of employment, working conditions opportunities for promotion and transfer or pay
- After your employment has finished – e.g. in relation to dismissal appeals, references

A racist incident is defined by the Stephen Lawrence Inquiry Report (1999) as *“any incident which is perceived to be racist by the victim or any other person”*.

### 7.2 Types of Discriminatory Incidents in Reference to Learners

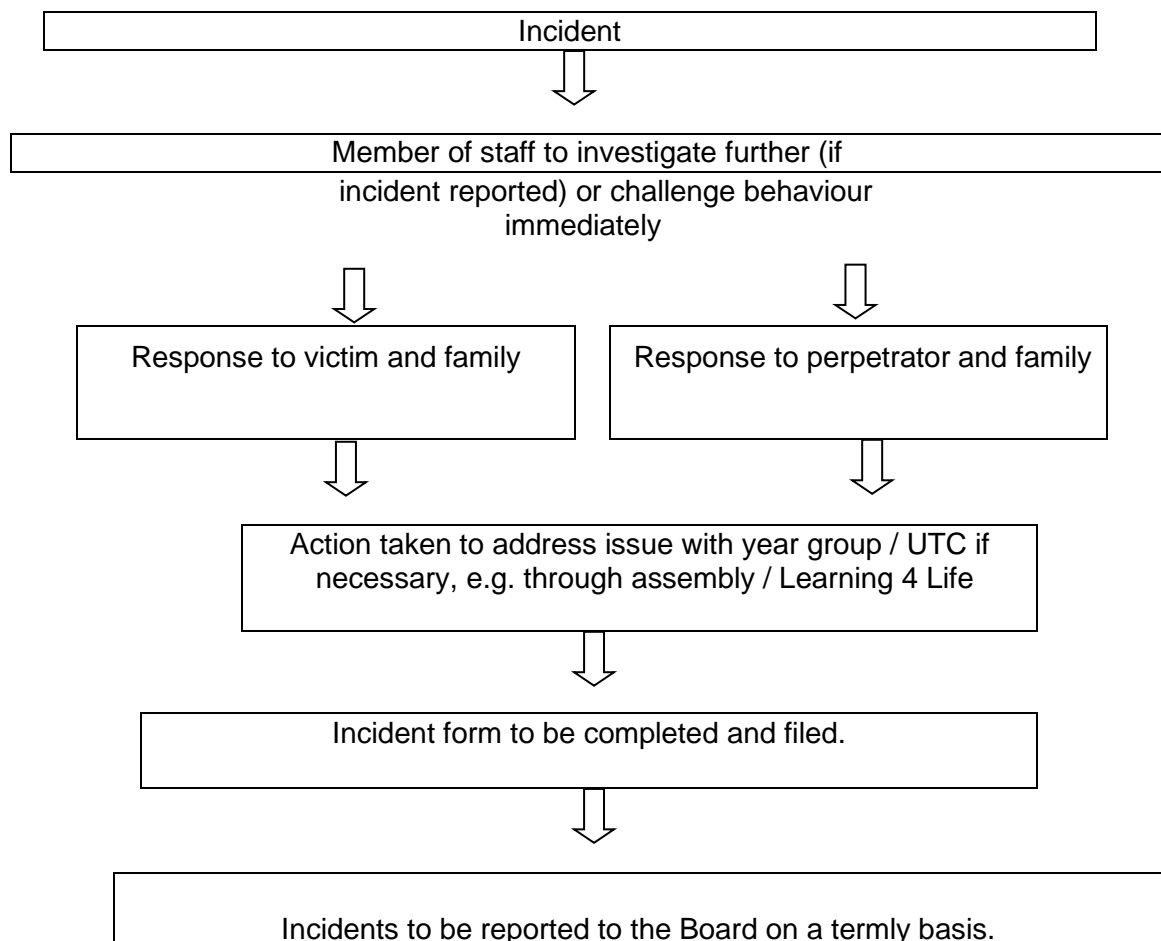
Types of discriminatory incidents that can occur are:

- Physical assault against a person or protected characteristic
- Use of derogatory names, insults and jokes;
- Racist, sexist, homophobic or discriminatory graffiti;
- Provocative behaviour such as wearing racist, sexist, homophobic or discriminatory badges or insignia;
- Bringing discriminatory material into the LDE UTC;

- Verbal abuse and threats;
- Incitement of others to discriminate or bully due to one or more of the protected characteristics;
- Discriminatory comments in the course of discussion;
- Attempts to recruit others to discriminatory organisations and groups;
- Ridicule of an individual for difference e.g. food, music, religion, dress etc;
- Refusal to co-operate with other people on grounds of their protected characteristics.

### 7.3 Responding to and Reporting Incidents

There are clear structures in place for learners, apprentices and staff to report incidents. All staff, teaching and non-teaching, should view dealing with incidents as vital to the well-being of the whole UTC.



Further details of LDE UTC's grievance and disciplinary policies and procedures can be found in the staff grievance policy. When appropriate, these will be in accordance with the Equality Act.

## 8. Review of Progress and Impact

The policy has been agreed by LDE UTC's Board. We have a rolling program for reviewing our policies and their impact. In line with legislative requirements, we will review progress against our Equality & Diversity and Inclusion Policy objectives annually and review the Positioning paper including the objectives on a three-year cycle. If this needs review before the three years due to any changes in the law, then this will be implemented.

We make regular assessments of learners' learning and use this information to track their progress. As part of this process, we regularly monitor achievement by ethnicity, gender and disability, to ensure that all groups of learners and apprentices are making the best possible progress, and take appropriate action to address any gaps.

## 9. Publishing the Plan

We will:

- Publish our plan on the UTC website;
- Raise awareness of the plan through the UTC blog, assemblies, staff meetings and other communications;
- Ensure hard copies are available in staffroom, staff work areas and LDE UTC School Office.

## 10. Monitoring and Evaluation

As part of our external accreditation, we will publish information every year which shows we are paying due regard to our duties to eliminate discrimination, advance equality and foster good relations. We will collect this information and publish on our college website. We will provide demographic information about our service users and show that we are aware of the inequalities amongst them and the different outcomes.

We will set equality objectives that we will monitor, analyse, develop action plans and implement on a one- or two-yearly cycle.

Monitoring will also include assessing how the equality, diversity and inclusion policy and objectives are working in practice, reviewing them annually, and considering and taking action to address any issues.

## 11. References

DfE (2013) <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

Insted Consultancy (2012) The Equality Act 2010: Specific Duties for Schools: <http://www.insted.co.uk/specific-duties.pdf>

Equality and Human Rights Commission (2011) Equality Objectives and the Equality Duty: a guide for public authorities:

[http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/PSED/objectives\\_guide\\_rev.doc](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/PSED/objectives_guide_rev.doc)

ACAS Equality diversity and inclusion template for employers  
<https://www.acas.org.uk/equality-policy-template>



## Annex A: Equalities and the Legal Requirements

The main reason for adopting an Equalities Policy is to identify, prevent and redress unfair discrimination against disadvantaged groups. The Equalities Policy will assist the governing body to address legal, managerial and social issues from the basis of a statement of commitment to equality supported by a more detailed policy and procedures for implementation.

### I The Equality Act 2010

The general thrust of The Equality Act 2010 is to make discrimination 'prohibited conduct' on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity, and marriage and civil partnership unlawful. Discrimination under The Equality Act 2010 can be direct or indirect and the Act also prohibits harassment and victimisation. However, the ways in which discrimination, harassment and victimisation might become illegal depend quite often on the type of protected characteristic – for example, on sex, race disability, religion or belief, sexual orientation. It should also be noted that victimising a learner who has a protected characteristic or their parents or siblings is also regarded as unlawful. Good practice should ensure that teaching and support staff are constantly able to evaluate what they do and to receive appropriate support and training in this area. The school must not discriminate against a child applying to be admitted to the school or to existing learners on the grounds of their protected characteristic.

The Equality Act 2010 combines the various former Acts such as:

#### **Sex Discrimination**

Under the Equality Act 2010, direct sex discrimination means that no one should be treated less favourably according to their gender.

#### **Gender Reassignment Discrimination**

The Equality 2010 Act reminds us that gender reassignment is a process and not an event. Discrimination in connection with the provision of education on grounds of past, present or proposed gender reassignment is in the main unlawful.

#### **Sexual Orientation Discrimination**

Discrimination in connection with the provision of education on grounds of sexual orientation is ordinarily unlawful under the provisions of the Equality Act 2010.

#### **Race Discrimination**

Race as defined in The Equality Act 2010 includes colour, nationality and ethnic or national origins. Race is essentially a group characteristic, although one racial group can be part of a larger racial group.

Discrimination in connection with provision of education on grounds of race is generally unlawful under the Act. Schools have a statutory general duty to promote race equality and eliminate unlawful racial discrimination.

#### **Religion or Belief Discrimination**

In the Equality Act 2010, religion means any religion and reference to religion includes a reference to a lack of religion. Similarly, belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

## Disability Discrimination

The Equality Act 2010 states that schools must make reasonable adjustments for those with disabilities and a more specific requirement for learners with special educational needs.

### Accessibility for Disabled Learners

UTC's are expected to improve the ways in which disabled learners can access the UTC's curriculum. There must be a written accessibility plan which should be implemented within a reasonable time. See school admissions, school inclusion and school exclusion policies. The UTC will publish an annual report about the arrangements for disabled learners.

## II Types of Discrimination

**Direct discrimination** is always unlawful. It occurs when a person is treated less favourably than others in the same circumstances. 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** can occur when a condition or requirement is applied equally yet is such that the proportion of members of one sex, racial groups etc, who can meet it, is considerably smaller than the proportion of members of the other sex or other racial groups. Indirect discrimination is unlawful unless the person imposing the condition can show that it is justified, irrespective of the sex or race of the person to whom it is applied.

**Harassment** is where there is unwanted conduct related to one of the protected characteristics (other than marriage and civil partnership, 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 their association with another individual who has a protected characteristic.

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic.

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic by third parties such as employees, learners, governors, parents / guardians or educational advisors.

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); they must be aware that the previous harassment has taken place; and the employer has 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 they made or supported a complaint or raised a grievance under The Equality Act 2010, or because they are suspected of

doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under The Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

**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.

### **What is direct discrimination?**

Direct discrimination is when you are treated worse than someone else because of a protected characteristic. The Equality Act talks of “less favourable treatment”.

### **What is indirect discrimination?**

Indirect discrimination is when your employer has a policy or practice in place, that they have no objective reason for, that applies equally to everyone in the same way but because of your protected characteristic, it means that you (and anyone else who has the same protected characteristic) suffer a disadvantage compared to others.

### **What is harassment?**

Harassment is unwanted behaviour which you find offensive or hostile, which makes you feel uncomfortable, intimidated or humiliated. The test is whether the behaviour made you feel that way and whether it is reasonable for you to feel that way.

It is unlawful under the Equality Act if it is:

- meant to or has the effect of either:
  - Violating your dignity
  - Creating an intimidating, hostile degrading, humiliating or offensive environment **and**
- because of or connected to most of the protected characteristics above.

Marriage and civil partnership, and pregnancy and maternity, are not relevant protected characteristics for harassment purposes. However, unwanted conduct related to these matters could amount to sex or sexual orientation harassment. You don't need to have previously objected to something for it to be unwanted: a one-off incident can amount to harassment. The person harassing you does not need to be aware that their behaviour is unwanted. It can still be harassment even if no-one actually meant to offend you.

### **What is victimisation?**

Victimisation is where you are treated less favourably because you have complained (or intend to complain) about discrimination or harassment in the workplace, or because you have helped someone who has been discriminated against.

You should not be disciplined or dismissed, or suffer repercussions from colleagues, for complaining about discrimination or harassment at work.