



# IV: EQUALITY & DIVERSITY POLICY AND GUIDANCE

## 2023 - 2025

*Reviewed by: EDI Workgroup/BA June-Nov 2023 (every 2 years)*

*Ratified by SSET Board: December 2023*

*Next Review date: Summer Term 2025 (as agreed by Trustees in 08/03/24 Board meeting)*

## Introduction

The Sheiling Ringwood's mission statement clearly demonstrates commitment to equality at the highest level:

*"To create an educational therapeutic community and environment, which upholds each person's human integrity and spiritual wholeness and where every child and young person, both because of and despite their individual challenges, has something to give and something to learn through all of their relationships with others."*

- This policy sets out how we will meet our Single Equality Duty unifying our approach to treat everyone equally regardless of any protected characteristic. It will be regularly reviewed and updated.
- We aim to be an organisation that prides itself on equality of opportunity for all and deeply values diversity.
- We seek to ensure that everyone is able to reach their full potential and to do this we will strive to create a working and learning environment where we are equality confident. This means that everyone is encouraged to participate and feels that their contribution is valued. We are committed to supporting and actively encouraging a diverse community.
- It is the responsibility of every person involved in The Sheiling Ringwood to ensure that the policy is implemented fully by making sure that they do not discriminate in their daily contact with each other. In addition, all members of The Sheiling Ringwood community should be aware that they have a duty to uphold equal opportunities principles.
- The Sheiling Ringwood will work towards the elimination of prejudice and discrimination, whether overt or covert and will seek to ensure that all staff have equal access to the range of Sheiling Ringwood facilities.

## Principles

The commitment to delivering our Equality and Diversity policy is embodied in the following principles:

- a) Discrimination or harassment, direct or indirect, based on a person's age, disability, gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex and sexual orientation (**the protected characteristics**) is unlawful. It is the right of all individuals to expect fair and equal treatment.
- b) Treating anybody differently due to any characteristic, actual or perceived, or by association, is unjust.
- c) All members of The Sheiling Ringwood – student, trustee, staff or visitor - will be respected, valued equally and treated considerately.
- d) The social model of disability will be promoted across The Sheiling Ringwood.
- e) The promotion of excellent practice in equality will be central to all aspects of The Sheiling Ringwood life: learning, teaching, employment, environment, student services.
- f) All students are entitled to an inclusive learning environment and the provision of an accessible curriculum.
- g) Staff and students are entitled to dignity and respect in the workplace and learning environment.
- h) The commitment and involvement of staff and students is essential to the implementation and review of our Equality and Diversity policy.

## Diversity

- Diversity is the celebration of the differences between people regardless of their particular protected characteristics.
- Diverse means different. We view difference as a reason for celebration. We are all different and therefore, diversity includes us all.

## Equality

- Equity is ensuring every person has access to equality of opportunity – by not '*treating everyone the same*'. We will need to treat people differently in order to give them more equal opportunity
- We understand that to have effective, day to day equality and diversity in our organisation, we are required to take steps to ensure that this vision becomes a reality.

## **Our Commitment**

- The Sheiling Ringwood will focus on securing high standards of attainment for all students from all ethnic backgrounds, and of different socio-economic statuses, abilities and interests, ensuring that students are treated with respect and supported to achieve their full potential.
- Equality and diversity will be promoted strongly throughout The Sheiling Ringwood. Promotional literature portrays students and staff in a positive non-stereotypical manner. All staff receive training in equality and diversity underpinning the establishment of a safe, non-discriminatory Sheiling Ringwood environment. The Sheiling Ringwood monitors student attainment by gender, age, ethnicity and disability. This rigorous analysis and evaluations of students' performance ensures barriers to learning are recognised and surmounted.
- An active Equality and Diversity Working Group meets termly and is responsible for the promotion, development, monitoring and review of equal opportunities policies generally within The Sheiling Ringwood.
- The Equality and Diversity Working Group will ensure the effectiveness of the policies relating to equality of opportunity by:
  - Taking into serious consideration any complaints regarding equal opportunity issues.
  - Analyse information gathered with regard to equal opportunities issues and specific areas of under-representation.
  - Relate this evidence to marketing, recruitment and selection procedures.
  - Review The Sheiling Ringwood's procedures and publications to remove any conscious and unconscious bias.
  - Making recommendations on best practise

## **Staff Training and Development**

- We provide an integrated programme of training to ensure that all staff have a clear awareness of issues relating to equality and diversity in general. This includes the incorporation of equality and diversity issues into Staff Induction training, and the provision of mandatory specific equality and diversity training.

## **Consultation**

It is recognised that the involvement of all groups of people is critical to the success of this Equality and Diversity policy and encouraging and supporting all stakeholders to take part and have a meaningful impact on The Sheiling Ringwood's equality planning will be an ongoing activity. The Sheiling Ringwood is responsive to the views of students, parents, staff, trustees, other stakeholders and collaborative partners.

### **Monitoring, Reporting**

- The Sheiling Ringwood collects and keeps records of equality and diversity in a systematic and coordinated way to enable efficient analysis and review. Training and efficient administration supports this strategy. Information on equality and diversity is gathered at enrolment (for students) and on recruitment (for staff).
- Monitoring and evaluation is carried out through collecting and analysing:

#### **For students**

- Profile of students (protected characteristics).
- Achievement rates.
- Complaints by students (or on behalf of students) and their response.
- Student surveys.

#### **For employees**

- Profile of employees (protected characteristics)
- Recruitment and selection by application, shortlisting, interview and appointment.
- Type of contract (permanent, temporary).
- Training.
- Promotion application and success rates.
- Disciplinary proceedings.
- Grievances/complaints.
- Reviews of formal complaints received.
- Staff surveys.

## Analysis and Action Planning

Rigorous analysis and evaluation of students' performance ensures barriers to learning are recognised. Progress can be evaluated by analysing assessment results to keep track of the relative performance of different groups and to tackle underperformance by any particular group. In line with existing duties, Gap analysis will inform action planning in order that gaps can be reduced and ultimately eliminated.

### This analysis includes:

- Benchmarking data against local and national data from the most recent national census.
- Comparing analysis of monitoring with previous years' - progress check.
- Reviews of formal complaints received.
- Monitoring reports to the board of trustees.

## General Duties

There is a general duty placed upon The Sheiling Ringwood to eliminate unlawful discrimination and harassment, to promote equality of opportunity, to encourage good relations and positive attitude between all groups and to take positive action where appropriate.

The Sheiling Ringwood will achieve this through the following actions:

<b>Eliminate unlawful discrimination</b>	<ul style="list-style-type: none"> <li>• Through policies and procedures.</li> </ul>
<b>Promote equality of opportunity</b>	<ul style="list-style-type: none"> <li>• Through policies &amp; procedures.</li> <li>• Staff CPD events.</li> <li>• Equality and Diversity celebration events.</li> <li>• Equality and Diversity Working Group.</li> </ul>
<b>Encourage good relations and positive attitude between all groups</b>	<ul style="list-style-type: none"> <li>• Community involvement.</li> <li>• Staff CPD events.</li> <li>• Invited speakers.</li> </ul>
<b>Eliminate harassment</b>	<ul style="list-style-type: none"> <li>• The Sheiling Ringwood ethos.</li> <li>• Disciplinary process.</li> </ul>
<b>Take positive action where appropriate</b>	<ul style="list-style-type: none"> <li>• Student support.</li> <li>• Staff CPD events.</li> </ul>

## Specific Duties

There are a number of specific duties relating to existing legislation which we have applied to all components of our Single Equality Scheme. They are intended to eliminate unlawful discrimination, promote equality of opportunity and to monitor and assess the impact of activities upon students, staff and visitors.

<b>Prepare and monitor specific policies</b>	<ul style="list-style-type: none"> <li>• All policies related directly &amp; indirectly to the Equality &amp; Diversity Policy are reviewed regularly.</li> </ul>
<b>Assess the impact of existing and proposed relevant policies and procedures</b>	<ul style="list-style-type: none"> <li>• Equality analysis undertaken at the time of all policy reviews.</li> </ul>
<b>Monitor the achievement and progress of students</b>	<ul style="list-style-type: none"> <li>• All student data is reviewed &amp; analysed according to equality groups</li> <li>• Monitoring and reporting of data is through the Self-Assessment Processes.</li> </ul>
<b>Monitor the arrangements for the appointment and progression of staff</b>	<ul style="list-style-type: none"> <li>• Human Resources monitor and track all recruitment and promotion of staff and will record plans for addressing issues affecting any pertinent minority group.</li> </ul>
<b>Consult staff, students and shareholders from minority groups</b>	<ul style="list-style-type: none"> <li>• The Sheiling Ringwood has mechanisms for consulting with students (student council, house meetings, student surveys), and staff (staff forum, and Emotional Wellbeing, Green Strategy, and Festival Groups, staff survey)</li> </ul>
<b>Outcome</b>	
An organisation where people from different minorities can come together in learning and work. Action is taken where appropriate, to overcome long term disadvantages and where achievement and progress is based upon equality, endeavour and without prejudice.	

# 1U: EQUALITY & DIVERSITY GUIDANCE

## THE EQUALITY ACT 2010

The **Equality Act 2010** protects all individuals from discrimination.

There are nine **protected characteristics** in the Equality Act. Discrimination which happens because of one or more of these characteristics is unlawful under the Act. We all have some of these characteristics - for example, sex or age - so the Act protects everyone from discrimination.

The Act also protects individuals from discrimination and unfair treatment due to a protected characteristic of someone in their life, like a family member or friend; this is called **discrimination by association**.

Our Equality and Diversity policy details how The Sheiling Ringwood will respect all protected characteristics:

- Age.
- Disability.
- Gender reassignment.
- Marriage / civil partnership.
- Pregnancy / maternity
- Race
- Religion or Belief.
- Sex
- Sexual orientation.

## THE PROTECTED CHARACTERISTICS

### AGE

Age discrimination is when someone is treated differently because of their age, in one of the situations covered by the Equality Act.

The Equality Act has some exceptions pertinent to the Sheiling Ringwood. For example, students are not protected from age discrimination at school.

The Equality Act 2010 advises on rights and responsibilities:

In accordance with the Act, The Sheiling Ringwood will:

- Eliminate unlawful discrimination on the basis of age.
- Promote equality of opportunity regardless of age.
- Support the training and professional development of employees regardless of age.
- Promote and encourage lifelong learning.
- Monitor and report on the age profile of our learners and our staff.
- Monitor practices and procedures to ensure that we do not discriminate on the basis of age.

The Sheiling Ringwood is committed to eliminating discrimination against staff on the grounds of age.

Actions include:

- Date of birth are excluded from job application forms.
- Job adverts should avoid words that may be deemed as age discrimination.
- All staff should be aware that is a breach of legislation to discriminate, harass or victimise someone on the grounds of age.
- Employees should be informed of the action they could take if they consider they are subject to age discrimination, harassment or victimisation at work.
- Training and promotion opportunities should not be denied to employees on the basis of age.

- Employers should maintain records to monitor the effectiveness of their Single Equality Policy (including age data).
- Compulsory retirement (unless objectively justified) is banned.
- Length of service must not be used as the sole/primary selection criteria in redundancy exercises.
- The upper age limit for unfair dismissal has been removed.

## DISABILITY

The Disability Discrimination Act (DDA Part 4) 1995 (**now incorporated into the Equality Act 2010**) and SENDA 2001 was framed to ensure that young people with learning difficulties and disabilities have equal access to further education and are not discriminated against due to their disability.

In the Equality Act a disability means a physical or a mental condition which has a substantial and long-term impact on an individual's ability to do normal day to day activities.

They are covered by the Equality Act if they have a progressive condition like HIV, cancer or multiple sclerosis, even if they are currently able to carry out normal day to day activities. Protection starts as soon as they are diagnosed with a progressive condition.

They are also covered by the Equality Act if they had a disability in the past. For example, if they had a mental health condition in the past which lasted for over 12 months, but they have now recovered, they are still protected from discrimination relating to that disability.

All students at The Sheiling Ringwood have learning difficulties and/or physical disabilities. The Sheiling Ringwood maintains a rigorous assessment process which enables all enrolled students to access the full curriculum of The Sheiling Ringwood by providing appropriate support.

The main objective in promoting equality of opportunity for disabled people is for them to have full opportunities and choices to improve the quality of their lives, and be respected and included as equal members of society.

### Disability Discrimination Act – definition of disability:

Disability is defined by the DDA as:

“A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.”

This is known as the **medical model** of disability.

The Sheiling Ringwood prefers the **social model** of disability to the **medical model** of disability. It may be helpful first to outline why. Disability equality means different things to different people. Disability occurs because barriers hinder disabled people from taking a full part in the community.

The **social model** of disability is defined as:

*“The recognition that primarily it is the loss or limitation of opportunities, due to environmental and social barriers, that prevents people who have impairments from participating in society on an equal level with others.”*

The **social model** begins with the understanding that disabled people face exclusion and discrimination because barriers are placed in the way of their full participation in society.

*“The social model identifies the barriers, behaviours and attitudes that cause problems for disabled people. Disabled people are empowered by the social model because it helps them to recognise and overcome the barriers of society.”*

(Disability Rights Commission)

The **social model** of disability makes the important distinction between 'impairment' and 'disability' and has been worked out by disabled people who feel that the **medical model** does not provide an adequate explanation for their exclusion from mainstream society - because their experiences have shown them that in reality most of their problems are not caused by their impairments, but by the way society is organised.

It follows that if disabled people are to be able to join in mainstream society, the way society is organised must be changed. Removing the barriers which exclude (disable) people who have impairments can bring about this change.

*"...disabled people do not face disadvantage because of their impairments but experience discrimination in the way we organise society. This includes failing to make education, work, leisure and public services accessible, failing to remove barriers of assumption, stereotype and prejudice and failing to outlaw unfair treatment in our daily lives."*

Disability Rights Commission

The Sheiling Ringwood has embraced the changes required by the Disability Discrimination Act and is committed to the 'Social Disability Model'.

### **Employment and Reasonable Adjustments**

With regards to supporting people with disabilities, The Sheiling Ringwood commits to the following to demonstrate we are being positive about disability:

- To take action to ensure that all employees develop the appropriate level of disability awareness needed to make our commitments work.
- To consider all suitable applicants who apply for job vacancies that meet the minimum requirements of the post, including those with declared disabilities.
- To offer relevant reasonable adjustments where required for interviews for candidates who have declared a disability on their application
- To create space whenever possible for disabled employees to discuss what might be done to make sure they develop and use their abilities
- To consider all options available when an employee suffers a long term illness or becomes disabled and put in place recommended, reasonable adjustments to ensure they can remain in employment, wherever possible.

The Sheiling Ringwood will pay due regard to the reasonable adjustments set out in the Equality Act 2010, by considering, for example:

- Adjusting the premises.
- Re-allocating some of the duties to another person.
- Altering working hours.
- Allowing time off for treatment.
- Making The Sheiling Ringwood materials available in the preferred format.
- Acquiring or modifying equipment.
- Rehabilitation leave.
- Training.
- Providing a reader or interpreter.
- Providing supervision.

The Sheiling Ringwood will discuss with appropriate and qualified professionals to identify what relevant reasonable adjustments might be needed for an individual – this holds true for students and members of staff. The Sheiling Ringwood will seek the advice of the Disability Employment Adviser under the Access to Work scheme. The Government's Access to Work programme can assist with the costs of providing reasonable adjustments to disabled people in employment.

- Each year to review these commitments and what has been achieved, to plan ways to improve on them and let employees know about progress and future plans.

### **GENDER REASSIGNMENT**

Gender reassignment discrimination is when somebody is treated differently because they are transsexual, in one of the situations covered by the Equality Act. The Sheiling Ringwood celebrates and values the diversity of its workforce. The Sheiling Ringwood will work towards the elimination of discrimination

whether overt or covert and will seek to ensure that all employees and students have equal access to all learning programmes and facilities.

The Equality Act 2010 says that somebody must not be discriminated against because they are transsexual; when their gender identity is different from their sex when they were born. *For example:*

- a person who was born female decides to spend the rest of their life as a man

In the Equality Act it is known as gender reassignment. All transsexual people share the common characteristic of gender reassignment.

To be protected from gender reassignment discrimination, somebody does not need to have undergone any specific treatment or surgery to change from their birth sex to their preferred gender. This is because changing physiological or other gender attributes is a personal process rather than a medical one.

An individual can be at any stage in the transition process – from proposing to reassign their gender, to undergoing a process to reassign their gender, to having completed it.

The Equality Act says that an individual must not be discriminated against because:

- of their gender reassignment as a transsexual. They may prefer the description transgender person or trans male or female. A wide range of people are included in the terms 'trans' or 'transgender' but to be considered under the Equality Act an individual is only considered as transgender if they propose to change their gender or have done so. For example, a group of men on a stag do who put on fancy dress as women are turned away from a restaurant. They are not transsexual so not protected from discrimination
- they are thought to be transsexual, for example because they occasionally cross-dress or are gender variant (this is known as discrimination by perception)
- they are connected to a transsexual person, or someone thought to be transsexual (this is known as discrimination by association)

The Sheiling Ringwood recognises that there are differences between physical sex and gender identity. The Sheiling Ringwood will at no time discriminate against people on the grounds of sexuality, transvestitism, transsexualism, intersex conditions or any process of gender re-assignment, begun or complete.

Circumstances when being treated differently due to gender reassignment is lawful.

A difference in treatment may be lawful if:

- the circumstances fall under one of the exceptions to the Equality Act that allow organisations to provide different treatment or services
- a service provider provides single-sex services. If a service is provided for men-only or women-only, in restricted circumstances it is lawful for an organisation to provide a different service or to refuse the service to someone who is undergoing, intends to undergo or has undergone gender reassignment

## **MARRIAGE AND CIVIL PARTNERSHIP**

Marriage and civil partnership discrimination is when somebody is treated differently at work because they 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



There are three types of marriage and civil partnership discrimination.

#### Direct discrimination

This happens when somebody is treated differently at work because they are married or in a civil partnership. For example:

- a woman works night shifts in a distribution warehouse but is dismissed when she gets married because her employer thinks a married woman should be at home in the evening

#### Indirect discrimination

Indirect discrimination happens when an employer has a policy or way of working that puts people who are married or in a civil partnership at a disadvantage. Such a policy is only permitted if the employer is able to show that there is a good reason for it and if the implementation of the policy is appropriate and necessary.

#### Victimisation

This is when somebody is treated badly because they have made a complaint of marriage or civil partnership related discrimination. It can also occur if an individual is supporting someone who has made a complaint of marriage or civil partnership related discrimination.

## **PREGNANCY AND MATERNITY**

Pregnancy discrimination is treating people less favourably, and also denying statutory pregnancy and maternity rights and can include denial of time off or reasonable accommodations for pregnant employees, firing or demoting a pregnant employee, forced time off or restrictions on work, and any other negative employment action taken because of an employee's pregnancy or related medical condition.

To claim pregnancy or maternity discrimination a female must show that she has been treated unfavourably because of her pregnancy or maternity and does not have to compare her treatment to the treatment of someone who was not pregnant or a new mother.

- It is not direct discrimination against a male member of staff or student to offer a female special treatment in connection with her pregnancy or childbirth.
- It is discrimination to treat a woman (including a female staff or student of any age) less favourably because she is or has been pregnant, has given birth in the last 26 weeks or is breastfeeding a baby.
- It is direct sex discrimination to treat a woman less favourably because she is breastfeeding a child.

More detailed information on pregnancy & maternity rights can be found in The Sheiling Ringwood Staff Handbook Section 16.

## **RACE**

Racial discrimination happens when an employee feels disadvantaged because of their nationality, colour or ethnic origin. When a person is treated less favourably than another person in a similar situation because of their race or descent, this is classed as racial discrimination. The definition of race includes colour, nationality, or ethnic origin.

**Direct racial discrimination** happens when an employee receives poor treatment because of their race or perceived race. It can be a one-off occurrence, or a situation that continues over time. If the working environment is consistently hostile, offensive or degrading to that employee, that's racial harassment.

#### **Indirect discrimination**

Organisations sometimes also disadvantage certain racial groups through their policies or procedures. For example, they might require educational qualifications that are not available outside the UK. This is indirect discrimination, even when the bias is unconscious.

#### **Harassment**

Harassment occurs when someone is made to feel humiliated, offended or degraded by someone else. For example:

- a young British Asian man at work keeps being called a racist name by colleagues. His colleagues say it is just banter, but the employee is insulted and offended by the language being used. Harassment can never be justified. However, if an organisation or employer can show it did everything it could to prevent behaviour like this, a claim for harassment against the employer may not be possible, although a claim against the harasser themselves might be possible.

### **Victimisation**

This is when somebody is treated badly because they have made a complaint of race related discrimination under the Equality Act. It can also occur if an individual is supporting someone who has made a complaint of race related discrimination. For example:

- the young man in the example above wants to make a formal complaint about his treatment. His manager threatens to sack him unless he drops the complaint

The Sheiling Ringwood will seek to address inequalities due to race by a proactive programme of staff training, including training on unconscious bias and consultation and training from organisations specialising in racial equality

The Sheiling Ringwood will ensure:

- recruitment processes treat applicants of all races and nationalities equally
- line managers are culturally aware and know how to respond to issues
- materials can be provided in languages other than English, where necessary

### **RELIGION AND BELIEF**

It is unlawful to discriminate because of religion or belief or lack of religion or belief.

The definition of 'religion' in the Employment Equality (Religion or Belief) Regulations 2003 is very wide in its scope and states that religion and belief include:

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

A number of factors apply when deciding what is a 'religion or belief' for example collective worship, clear belief system or a profound belief affecting a way of life or view of the world. Political beliefs are expressly excluded.

Amendments were made to these regulations substituting a new regulation 2(1) by clause 77 of the Equality Act 2006. It is now clear that:

- Non-believers are expressly covered by the 2003 Regulations.
- A reference to religion or belief will encompass a reference to lack of religion or belief.
- A philosophical belief (e.g. climate change) does not have to be 'similar' to a religious belief.

There are other religions but these twelve are the most recognised:

- Baha'i, Buddhism\*, Christianity \*, Confucianism, Hinduism\*, Islam \*
- Jainism, Judaism\*, Shinto, Sikhism, Taoism, Zoroastrianism

The religions marked with an asterisk \*are considered to be the five most popular religions of the world.

The Sheiling Ringwood seeks to promote equality of opportunity between all students and staff and is committed to ensuring fairness and equal access to all whatever their faith or beliefs. The Sheiling Ringwood maintains its policy of not to discriminate against staff or students due to their religion or belief.

The Sheiling Ringwood recognises that many religions and beliefs are represented in our multi-cultural society and that staff may wish to observe the requirements of their chosen religion or belief system while at work. We aim to ensure a fair and consistent approach in the management of such requests (e.g. time off for religious festivals, Sunday working etc.), so that no employee is discriminated against on the basis of his or her religion, belief or absence of religion or belief.

All employees have a right to equal access to opportunities for promotion, transfer and training, and to any other benefits, facilities or services irrespective of their religion or belief or absence of religion or belief.

The Sheiling Ringwood takes positive steps to ensure that our equal opportunities policies are put into practice in every aspect of recruitment and employment. The Sheiling Ringwood ensures to prevent discrimination, harassment and victimisation on the basis of religion and belief or absence of religion or belief.

The Sheiling Ringwood takes into consideration the aspects of religion and belief and ensure that people of any particular religion are not put at a disadvantage.

The Sheiling Ringwood celebrates religious, cultural and other festivals throughout the year and will ensure that students and staff are provided with an understanding and appreciation of different religions and their contribution to our society.

The Sheiling Ringwood provides access and information to all staff and students regarding different religions and beliefs as part of its equality and diversity promotion. The Sheiling Ringwood has introduced an equality and diversity monitoring form (which new employees are asked to complete; existing staff are also periodically asked to check their information and update/complete if appropriate) to gain an improved understanding of the individual's orientation and the information provided will allow The Sheiling Ringwood to make necessary adjustments to support the member of staff if necessary (e.g. compulsory training not to be held on days of religious rest days/festivals).

The Sheiling Ringwood will upon request make available private space for multi faith purposes or special requirements associated with protected characteristic available for students and staff.

## **SEX**

Sex discrimination is when somebody is treated differently because of their sex, in certain situations covered by the Equality Act 2010. The treatment could be a one-off action or could be caused by a rule or policy. It doesn't have to be intentional to be unlawful.

The Equality Act 2010 says an individual must not be discriminated against because:

- they are (or are not) a particular sex
- someone thinks they are (or are not) a particular sex (this is known as discrimination by perception)
- they are connected to someone of a particular sex (this is known as discrimination by association)

In the Equality Act, sex can mean either male or female, or a group of people like men or boys, or women or girls.

People with Differences/Disorders of Sex Development (DSD; the term used to describe a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't fit the typical definitions of female or male) are not explicitly protected from discrimination by the Equality Act, but they must not be discriminated against because of their sex/disability or perceived sex/disability. For example:

- if a woman with a DSD condition is refused entry to a women-only swimming pool because the attendants think her to be a man, this could be sex discrimination or disability discrimination

Different types of sex discrimination

### **Direct discrimination**

This happens when, because of their sex, someone treats an individual worse than someone of the opposite sex who is in a similar situation. For example:

- a nightclub offers free entry to women but charges men to get in

### **Indirect discrimination**

Indirect discrimination happens when an organisation has a particular policy or way of working that applies in the same way to both sexes, but which puts somebody at a disadvantage because of their sex. For example:

- An employer decides to change shift patterns for staff so that they finish at 5pm instead of 3pm. Female employees with caring responsibilities could be at a disadvantage if the new shift pattern means they cannot collect their children from school or childcare.

Indirect sex discrimination can be permitted if the organisation or employer is able to show that there is a good reason for the policy. This is known as objective justification.

## Harassment

There are three types of harassment relating to sex.

**The first type of harassment** is the same for all of the protected characteristics. It is when someone makes an individual feel humiliated, offended, or degraded.

For example:

- A manager makes comments that there is no point promoting women because they go off to have children. Even though he doesn't direct these comments at a particular female employee, one of his staff is very upset by this and worries about her career. This could be considered harassment.

**The second type of harassment** is called sexual harassment. This is when someone makes an individual feel humiliated, offended or degraded by treating them in a sexual way. This is known as 'unwanted conduct of a sexual nature' and covers verbal and physical treatment, like sexual comments or jokes, touching, or assault. It also covers sending emails of a sexual nature or putting up pornographic pictures.

For example:

- A university lecturer makes sexual jokes to one of his female students and implies that she will pass her exams if she sleeps with him.

**The third type of harassment** is when someone treats an individual unfairly because they refused to put up with sexual harassment.

For example:

- A manager invites one of his female employees home after they have been out for a drink. She declines. A couple of weeks later she is turned down for a promotion. She believes this is because she turned down her boss's proposition.

It can also cover unfair treatment even if an individual had previously accepted sexual harassment.

For example:

- The employee above did have a brief relationship with her boss. After it ended, she applied for a promotion but was turned down. She believes this is because the relationship with her manager had ended.

Harassment can never be justified. However, if an organisation or employer can show it did everything it could to prevent behaviour like this, a claim for harassment against the employer may not be possible, although a claim against the harasser themselves might be possible.

## Victimisation

This is when somebody is treated badly because they have made a complaint of sex related discrimination under the Equality Act. It can also occur if they are supporting someone else who has made a complaint of sex discrimination. For example:

- A male colleague is helping a female co-worker with their claim of sex discrimination and makes a statement at an Employment Tribunal. The male colleague is then sacked or treated badly by their employer. This is victimisation because of sex.

The Equality Act has some exceptions that allow employers or organisations to discriminate because of sex. A difference in treatment may be lawful if:

- ***Being a particular sex is essential for a job***  
This is called an occupational requirement. This includes some jobs which require someone of a particular sex for reasons of privacy and decency or where personal services are provided. For example, a gym could employ a changing room attendant that is the same sex as the users of that room.
- ***An organisation is taking positive action***  
Positive action might be used to encourage or develop people of a sex that is under-represented or disadvantaged in a role or activity. For example, an engineering firm places a job advert for a trainee engineer stating that applications from women are welcome.

## The Gender Pay Gap

The Sheiling Ringwood have eliminated any gender bias in our pay systems. We understand that equal pay between men and women is a legal right under domestic and European law.

It is in the interest of The Sheiling Ringwood to ensure that we maintain a fair and just pay system. We believe that in eliminating gender bias in our pay system we are sending a positive message to our staff. Annual Pay reviews are embedded into the pay scale.

- Staff are remunerated in accordance with their post and relevant qualifications.
- Staff are entitled to a contract and are employed subject to the terms and conditions outlined.
- Permanent staff are entitled to join a Sheiling Ringwood pension scheme.
- The Sheiling Ringwood is committed to the principle of equal pay for all of our employees.
- Our pay policy provides clear guidance on how to progress through pay scales. This is based on the level of the role and qualifications.

## SEXUAL ORIENTATION

The Sheiling Ringwood is committed not to discriminate against staff on account of their sexual orientation.

The Equality Act 2010 says individuals must not be discriminated against because:

- of their sexual orientation
- someone thinks they are of a particular sexual orientation (this is known as discrimination by perception)
- they are connected to someone who is of a particular sexual orientation (this is known as discrimination by association)

In the Equality Act, sexual orientation includes how an individual chooses to express their sexual orientation, such as through their appearance or the places they visit.

### Direct discrimination

This happens when someone treats an individual worse than another person in a similar situation because of their sexual orientation. For example:

- at a job interview, a woman makes a reference to her girlfriend. The employer decides not to offer her the job, even though she is the best candidate they have interviewed
- a hotel owner refuses to provide a double bedroom to two men

### Indirect discrimination

Indirect discrimination happens when an organisation has a particular policy or way of working that applies to everyone, but which puts people of a particular sexual orientation at a disadvantage.

Indirect discrimination can be permitted if the organisation or employer is able to show that there is a good reason for the policy. This is known as objective justification.

### Harassment

Harassment in the workplace occurs when someone makes another person feel humiliated, offended or degraded. For example:

- colleagues keep greeting a male worker by the feminine version of his name although he has asked them to use his proper name. The colleagues say this is just banter, but the worker is upset and offended by the language used

Harassment can never be justified. However, if an organisation or employer can show it did everything it could to prevent behaviour like this, a claim for harassment against the employer may not be possible, although a claim against the harasser themselves might be possible.

Outside the workplace, if an individual is harassed or receives offensive treatment because of their sexual orientation, this may be direct discrimination.

### Victimisation

This is when somebody is treated badly because they have made a complaint of sexual orientation related discrimination under the Equality Act. It can also occur if they are supporting someone else who has made a complaint of sexual orientation related discrimination under the Equality Act. For example:

- a gay worker complains that he has been 'outed' by his manager against his wishes and his employer sacks him

National research indicates that homophobic bullying is a particular issue within schools and colleges and as such The Sheiling Ringwood intends to work proactively to prevent bullying.

The Sheiling Ringwood will ensure it uses a range of resources that contradict stereotyping across educational and communications resources

## **RECRUITMENT AND SELECTION**

- We strive to recruit, retain, and develop high quality staff and we will only achieve this vision if we embrace equality of opportunity and promote diversity and difference within our staff group.
- The Sheiling Ringwood has developed its recruitment and selection process over recent years to include a standard application form and job packs which include job descriptions and person specifications. The selection process is structured in such a way as to test skills and experiences of candidates using a competency-based approach. This helps to encourage the short listing and selection of candidates on the basis of skills and relevant experience and reduces the potential for discrimination.

## **OUR APPROACH TO EQUALITY IMPACT ASSESSMENTS (EIAs)**

- The Sheiling Ringwood has adopted best practice of implementing EIAs for all equality areas rather than the current legal minimum of EIAs, in the areas of race, disability and gender. This means that our EIAs also cover gender reassignment, age, sexual orientation and religion and belief.
- The Equality and Diversity Working Group provides the strategic overview of the EIA work and acts as the validating body for completed EIAs before publication of the outcomes.
- The Equality and Diversity Working Group leads the development of and support for the EIA work across The Sheiling Ringwood. This includes producing guidance, delivery of training and provision of ongoing support to those carrying out EIAs.
- Policies will be listed for review and a process will be in place to ensure that all reviews of policies or procedures have an EIA carried out as part of this process.

## **Legal Responsibilities**

- The Sheiling Ringwood has a duty to ensure compliance with various pieces of equalities legislation **which are now all incorporated into The Equality Act 2010**

### **These include:-**

*Age Discrimination Act 2006*

*Civil Partnerships Act 2004*

*Disability Discrimination Act 1995*

*Disability Discrimination Amendment Act 2005*

*Employment Equality Regulations 2003 – Sexual Orientation and Religion & Belief*

*Employment Equality Regulations 2005 – Sex Discrimination*

*Employment Equality Regulations 2006 – Age*

*Equal Pay Act 1970 (+ 1983 amendments)*

*Equality Act 2006*

*Equality Act 2010*

*Fixed-term Employees Regulations 2002*

*Gender Recognition Act 2004*

*Human Rights Act 2000*

*Part-time Workers Regulations 2006*

*Race Relations Act 1976*

*Race Relations Amendment Act 2000*

*Race Relations Act 1976 (Amendment) Regulation 2003*

*Racial and Religious Hatred Act 2006*

*Rehabilitation of Offenders Act 1974*

*Sex Discrimination Acts 1975, 1986 (including 2005 amendments)*

*Special Educational Needs and Disability Amendment Act 2001*

*The Sex Discrimination (Gender Reassignment) Regulations 1999*