

THE DA  
VINCI

STUDIO SCHOOL  
OF CREATIVE ENTERPRISE

# Equality and Diversity Policy

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**Adopted by the Governing Body –**

**To be reviewed**

## BACKGROUND

The School is committed to providing equal opportunities and to avoiding unlawful discrimination in employment. The School is also committed to ensuring that all students enjoy an education that promotes equality of opportunity and celebration of diversity.

The School will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

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

Every individual employee will receive the support necessary to carry out their work to the best of their ability.

This policy is intended to assist the School to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The School has a separate 'Dignity at Work' policy which deals with these issues.

The general Public Sector Equality Duty came into force on 05 April 2011 and it requires public authorities to have due regard to the need to: eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010; advance equality of opportunity and foster good relations. The Equality Duty covers the following **protected characteristics**:

- Sex
- Disability
- Race
- Gender reassignment
- Sexual orientation
- Age (to a limited extent in respect of Studio Schools/education)
- Religion or belief
- Pregnancy and maternity

## **The Law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of any “**protected characteristics**” as outlined above, which also includes colour, nationality and ethnic or national origins, or in relation to someone’s marital status or civil partnership.

Discrimination after employment may also be unlawful, i.e. refusing to give a reference for a reason related to one of the protected characteristics.

Staff should not discriminate against or harass a member of the public in the provision of services or goods. As a service provider, it is also our responsibility to make reasonable adjustments to overcome barriers to accessing our services due to disability.

The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

It is the responsibility of the School to ensure acts of unlawful discrimination are not committed by employees against other employees or customers in the course of their employment. Any act of unlawful discrimination committed by a member of staff could lead to disciplinary actions taken against them, and all reasonable steps will be taken to ensure discrimination in the workplace is eradicated.

There is no limit on compensation for unlawful discrimination, which includes compensation for injury to feelings and personal injury.

## **DEFINITIONS**

**Direct Discrimination** is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect Discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct related to one of the protected characteristics that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It

does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative Discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

**Perceptive Discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic; when he/she does not, in fact, have that protected characteristic.

**Third Party Harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic by third parties such as clients or customers. For an employer to be liable:

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

**Victimisation** occurs where an employee is subjected to detriment because he/she made or supported a complaint or raised a grievance under the Equality Act 2010 or because he/she is suspected of doing so.

**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.

## **RESPONSIBILITIES**

The School's Senior Leadership team is ultimately responsible for ensuring the planning and provision of our services meet the needs of all our employees. The Principal will initially assume responsibility for the strategic and operational development of the policy.

The School will establish an Equality Forum, which is responsible for monitoring the progress we make on promoting equality in employment.

Every employee is required to assist the School to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the School's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Employee should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

The School will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The School will provide training to all existing and new employees engaged to work at the School to help them understand their rights and responsibilities and what they can do to help create a working environment free of bullying and harassment. The School will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

The School will incorporate an Appreciation of Equality and Diversity into its curriculum with the aim of fostering good relations between students, promoting understanding and tackling prejudice. This will be delivered through assemblies and the Learning 4 Life programme.

## **GRIEVANCES**

If you consider that you may have been unlawfully discriminated against you may use the School's grievance procedure to make a complaint. If your complaint involves bullying or harassment please refer to the procedure as set out in the 'Dignity at Work' policy.

The School will take any complaint seriously and will seek to resolve any grievances that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

## **MONITORING AND REVIEW**

The School will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotions) and the number of people with disabilities within these groups and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The School will also monitor all groups in relation to training opportunities, performance assessments, grievance and disciplinary matters to ensure that outcomes are fair and equitable.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

This policy will be monitored periodically by the School to judge its effectiveness and will be updated in accordance with changes in the law. It will also be reviewed in accordance with the results shown by the monitoring and if changes are required the School will implement them.

## **REPORTING**

The School will report annually on the progress it has made towards promoting equality. To help us do this effectively we will ask staff members and relevant stakeholders for feedback.

## **PROTECTED CHARACTERISTICS**

The School will ensure that all groups have equal opportunity to access all the opportunities we provide. The School will review policies to identify, remove or modify potential barriers to meet the needs of all staff members and will look to plan and provide our services in a fair, inclusive and equitable way.

The School will:

- Assess and consult on the likely impact of its proposed policies in relation to all the protected characteristics
- Monitor its policies for any adverse impact
- Publish the results of such assessments, consultation and monitoring
- Ensure public access to information and services which it provides

The School recognises the importance of ensuring equality of opportunity. We seek to provide and promote equality of opportunity for all, enabling individuals and groups to maximise their achievements without discrimination and with consideration to Human Rights.

The School's Equality Forum acts across the School to actively promote good practice in equality of opportunity through Equality and Diversity champions. The role of Equality and Diversity Champions will be pro-active, embedding equality issues into curriculum and service areas and the Forum will be focused on ensuring the School fulfils its commitments under the General Duty.

The School will:

- Promote equality in employment
- Create an appropriate environment where harassment and incidents can be reported with confidence, recorded, monitored and tackled
- Provide counselling, advocacy and support for those affected
- Ensure full involvement of all groups in consultation

## **Equality Analysis (EqA)**

The purpose of an EqA is to improve the work of the School by making sure it does not discriminate and that, where possible, it promotes equality. It is a way to make sure individuals and teams think carefully about the likely impact of their work on equality target groups and take action to improve policies, services, strategies, procedures and functions. It involves anticipating the consequences of policies and projects on the target groups and making sure that, as far as possible, any negative consequences are eliminated or minimised and opportunities for promoting equality are maximised.

The School will look at two possible impacts in its assessment:

1. A negative or adverse impact
2. A positive impact

An EqA will be carried out when:

- A new policy, service, strategy, procedure or function is developed
- Existing policies, procedures or functions are reviewed
- A policy, procedure, function or strategy has been identified as requiring an EqA

HR will carry out EqA's relating to employment/staff policies.