

EQUAL OPPORTUNITIES

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1. The Select English Cambridge Equal Opportunities Policy Statement

2. Values Statement

3. The Legal Framework

4. Broad Principles

5. Specific Principles:

5.1 Access to and Participation in Education

5.2 Recruitment and Selection of Staff

5.3 Marketing, Publicity and External Liaison

5.4 Curriculum 5.5 Support Services

5.5 The School Environment

5.6 Staff Training and Development

5.7 Structure

EQUAL OPPORTUNITIES POLICY STATEMENT

Select English, Cambridge promotes equal opportunities for all and works toward bringing down the barriers to participation and progression. We value the diversity of the communities we serve and recognise differences.

The School is opposed to all discriminatory attitudes and behaviours, particularly in relation to ability, age, colour, educational needs, ethnic origin, gender, marital status, race religion, sexual orientation, social background and trade union membership.

The active implementation of the Equal Opportunities Policy and associated policies works continuously to combat discrimination and promote positive action for disadvantaged and underrepresented groups.

VALUES STATEMENT

Select English, Cambridge believes that the following values lie at the heart of the organisation and its success. These values are fundamental and integral to everything that it does.

Respect and recognition

Development of both staff and the values

Serving students

Accountability

Equal opportunities

Fairness

All staff are expected to integrate the values into all aspects of the School's work. Decisions will be tested against the values.

Select English, Cambridge believes that the expression of these values will fundamentally transform the organisation and relationships within the organisation.

THE LEGAL FRAMEWORK

The School will comply with the legal framework in both its spirit and letter.

3.1 The Sex Discrimination Act (1975) and the Race Relations Act (1976) make unlawful discrimination in employment, training and related matters on the grounds of sex, marital status, religion, colour, race, nationality, and ethnic or national origins. It is reinforced by the Race relations Amendment Act 2000, placing a public duty upon the institution to provide an inclusive non discriminatory environment.

3.2 A Code of Practice, issued by the Equal Opportunities Commission, gives guidance on the elimination of discrimination on the grounds of sex and marriage and the promotion of equality of opportunity in employment.

3.3 A Code of Practice, issued by the Commission for Racial Equality, provides guidance on the elimination of racial discrimination and the promotion of equal opportunities in employment.

3.4 Whilst the primary responsibility for the eradication of discrimination and the promotion of equal opportunities lies with employers, it is also the responsibility of employees to promote equal opportunities and avoid unlawful discrimination.

3.5 Both Acts permit an employer to take positive steps to encourage applications for employment from members of a particular sex or racial group, if it has been under-represented in the workforce in the previous twelve months. Discrimination in favour of an applicant from a particular sex or racial group at the point of selection is, however, unlawful (i.e. quotas are not lawful).

3.6 Special education provision under the Acts can also be made in those areas of the curriculum where members of a particular sex or racial group are under-represented (e.g. women's and men's only courses and special access courses for black students are permitted).

3.7 Race Relations Amendment Act

The Race Relations Amendment Act (2000) places a duty on public authorities to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good race relations between people of different racial groups

Our Statutory Duties

The Race Relations (Amendment) Act 2000 is built on the findings of the Stephen Lawrence Inquiry, extending the protection against racial discrimination found in the Race Relations Act 1976, by placing an enforceable general duty upon on the College, to:

- ★ eliminate unlawful race discrimination
- ★ to promote equality of opportunity
- ★ to promote good relations between people from different racial groups.

The School is also required to:

- ★ Prepare a written statement of its policy for promoting race equality.
- ★ Put in place arrangements for implementing the policy, publicising its contents and the results of monitoring its effectiveness.
- ★ Assess the impact of its policies on students and staff of different racial groups
- ★ Monitor by reference to those racial groups, the admission and progress of students and the recruitment and career progress of staff.

3.8 A number of Acts of Parliament, including the Disabled Persons (Employment) Acts of 1944 and 1958, apply to the education, training and employment of people with disabilities. Employers are required under the law to employ a minimum number of people with disabilities, and "special needs" are an established part of the education system.

3.9 The Equal Pay Act guarantees equal pay between men and women for work that is the same and in its amended form (1984) for work of equal worth.

3.10 The maternity provision in The Employment Protection (Consolidation) Act 1978 offers rights, subject to service and qualifications, to women in three areas:

3.10.1 The right not to be dismissed because of pregnancy.

3.10.2 The right to maternity pay

3.10.3 The right to take maternity leave and return to work.

In addition, the Social Security Act 1986 introduced statutory maternity pay.

3.11 On 29 November 1991 the European Community issued a Council Declaration and Code of Practice on the protection of the dignity of men and women at work. Conduct falling within the definition of sexual harassment at work "may be contrary to the principle of equal treatment laid down in the Treaty of Rome".

3.12 The Disability Discrimination Act 1995 includes:

- ★ A right of non-discrimination against disabled people in the field of employment;
- ★ A requirement for employers to provide a "reasonable adjustment" to working conditions or environment to overcome the practical effects of a disability;
- ★ A right of access to goods and services;
- ★ A right of access to transport infrastructure;

- ★ A requirement that schools, colleges and universities provide information about the accessibility of their services.

3.13 Special Educational Needs Disability Act (SENDA)

SENDA came into effect from 1 September 2002. The Act removes the previous exemption of education from the Disability Discrimination Act (1995), ensuring that discrimination against disabled students will be unlawful. Institutions incurred additional responsibilities in 2003, with the final sections of legislation coming into effect in 2005.

As the Act is an amendment to the existing Disability Discrimination Act 1995 (DDA), it only protects people defined as disabled according to that legislation. This definition is based on an individual's ability to carry out 'normal day-to-day' activities, and so may exclude some students who are usually considered disabled by the support systems within their institutions.

It is unlawful for institutions to treat a disabled person 'less favourably' than they treat, or would treat non-disabled people for a reason, which relates to the person's disability.

Adjustments

Part of not discriminating is making reasonable 'adjustments'. If any arrangements at the institution place a disabled person at a 'substantial disadvantage', the institution is required to take such steps as are reasonable to prevent that disadvantage.

From 2005 institutions need to make physical adjustments. All institutional services except for education must make physical adjustments from 2004 because they are already covered by Part III of the DDA. The main implication of the 2005 date, therefore, will be for education itself, which is exempt from the 2004 requirements.

The new provisions do not require institutions to lower academic or other standards to accommodate disabled students. An institution would be 'justified' in discriminating in such circumstances.

Institutions will also only be required to make adjustments where these are considered 'reasonable'.

Whether an adjustment is reasonable will depend on:

- ★ Academic standards
- ★ The institutions' resources
- ★ Other financial resources or services available to the student (institutions will not, for example, have to replicate the services that some higher education students may get from disabled students' allowances)
- ★ Cost
- ★ Practicality
- ★ The availability of services/aids from other sources
- ★ Health and Safety
- ★ The interests of other students

The duty to make reasonable adjustments is a duty to disabled people generally, not just too particular individuals. The 'anticipatory' aspect of this duty means that institutions need to consider what sort of adjustments may be necessary for disabled people in the future, and where appropriate make these adjustments in advance.

3.14 Other legislation such as the Employment Rights Act (1996), the Employment Relations Act (1999) and the Working Time Directive (1999) have introduced new rights such as parental leave and protection for part-time workers.

3.15 The Human Rights Act 2000 requires all legislation to be interpreted so as to be compatible with Convention rights. Whilst the Act requires all public authorities (e.g. the courts, police, central and local government) to act compatibly with protecting Convention rights, the impact on the FE sector is yet to be determined and will be informed by case law.

The main Convention rights are:

- ★ freedom from torture and inhuman or degrading treatment or punishment;
- ★ freedom from slavery and forced or compulsory labour;
- ★ right to liberty and security of person;
- ★ right to a fair and public trial within a reasonable time;
- ★ freedom from retrospective criminal law and no punishment without law;
- ★ right to respect for private and family life, home and correspondence;
- ★ freedom of thought, conscience and religion;
- ★ freedom of expression;
- ★ freedom of assembly and association;
- ★ right to marry and found a family;
- ★ prohibition of discrimination in the enjoyment of Convention rights.

3.16 EU codes of practice (December 2003) governing anti discrimination practice over religion and sexual orientation, employment rights concerned with discrimination on grounds of religion, belief and sexual orientation.

3.17 EU codes of practice and proposed legislation relating to age to come into practice in 2006.

BROAD PRINCIPLES

4.1 The School will implement policies, procedures and practices that will ensure equality of opportunity for present and potential students, staff and visitors.

4.2 The School believes that education is a right for all.

4.3 The School will actively work towards offering equality of opportunity to all students, staff and visitors, irrespective of ability, age, colour, educational needs, ethnic origin, gender, marital status, race, religion, sexual orientation, social background, political persuasion and trade union affiliation.

4.4 All participants in the educational process will be aware that they have a legal and moral responsibility to support equality of opportunity.

4.5 The School will take positive steps to eliminate all forms of discrimination, whether direct or indirect.

4.6 Discriminatory behaviour will not be acceptable.

SPECIFIC PRINCIPLES

5.1 Access to and Participation in Education

5.1.1 A clear statement of the School's commitment to equality of opportunity will be given in relevant School publications.

5.1.2 The School will work to ensure that there is no discrimination of any kind in relation to the recruitment and admission of students to courses.

5.1.3 The School will work to ensure that all students have physical access to teaching, support and social areas within the School.

5.2 Recruitment and Selection of Staff

5.2.1 Recruitment for all positions within the School will be carried out in a manner which accords with Equal Opportunities practice. The School has a detailed Code of Practice for staff recruitment and appointment.

5.2.2 The long-term aim of the Policy is that the School establishment should broadly reflect the make-up of the available-for-work population of Cambridgeshire. Positive action targets will be set.

5.2.3 Members of interviewing panels will be made familiar with the School's Equal Opportunities Policy and the Recruitment Code of Practice. Training in appropriate procedures and practices will be given.

5.2.4 The criteria for selection and progression of existing employees will be determined solely on the basis of the requirements of the job.

5.2.5 The Director of Studies will be responsible for the maintenance of statistical information relating to the Equal Opportunities Policy in employment.

5.3 Curriculum

5.3.1 It is the legal and ethical responsibility of all staff to conduct their teaching and learning activities in a non-discriminatory manner.

5.3.2 All students will be provided with an effective induction programme that familiarises them with the College's Equal Opportunities Policy and helps them to recognise their own rights and responsibilities, as well as those of others in relation to equality of opportunity.

5.3.3 The School will seek to ensure that resource materials and learning activities are free from discriminatory assumptions, images and language, and will act upon any that are brought to the School's attention. Exceptions may be made where such materials and activities are required for specific learning purposes.

5.3.4 Curriculum design will be sufficiently flexible, and the curriculum offer sufficiently broad, to take account of the needs of all learners, with the objective of providing easy access to the curriculum for non-traditional learners.

5.3.5 Inclusive learning and widening participation initiatives will be explored and supported to maximise learning opportunities for all.

5.3.6 The School will provide appropriate facilities to support students in becoming independent learners.

5.4 Support Services

5.4.1 Personal support will be provided by the Director of Studies in the first instance for any student who has been the recipient of harassment, bullying or any other form of discrimination.

5.4.2 The Director of Studies and/ or Deputy Director will provide unbiased advice and guidance to employees on all issues connected with their employment and their personal and professional development.

5.4.3 The Director of Studies and/ or Deputy Director will provide appropriate impartial advice and guidance to all students.

5.5 The School Environment

5.5.1 The School seeks to create an environment in which all students, staff and visitors feel comfortable, irrespective of race, gender, class ability etc.

5.5.2 The School will respond positively and courteously to all its students, staff and visitors from the first point of contact.

5.5.3 School facilities will be reviewed regularly to ensure that the needs of particular groups receive attention.

5.5.4 The School will cater for special dietary requirements at its boarding houses where possible.

5.6 Staff Training and Development

5.6.1 The School will make all employees aware of their responsibility for the implementation of the Equal Opportunities Policy.

5.6.2 The School will provide training for employees where and when applicable in respect of equality of opportunity and implementation of the School Policy.

5.6.3 Staff training and development opportunities will be available for all staff, both teaching and support, full-time and part-time.

Select English, Cambridge is committed to promoting an inclusive environment for all our students. The School welcomes the Special Educational Needs and Disability Act 2001 and will make reasonable adjustments to all aspects of the School in order to ensure that disabled students and other disabled people are not substantially disadvantaged.