

## D.2 Student Equal Opportunities Policy

### Rationale

Padworth College is committed to equality of opportunity for all its students regardless of sex, race, disability, religion or belief or sexual orientation. The College endorses good practice with regards to the access and progress of students and undertakes to ensure that all students realise their potential.

The Equality Act (2010) makes it unlawful to discriminate against, harass or victimise a student or potential student:

- in relation to admissions,
- in the way it provides education for students,
- in the way it provides students access to any benefit, facility or service, or
- by excluding a student or subjecting them to any other detriment.

### Protected characteristics

The term “protected characteristics” refers to the personal characteristics to which the law applies. The College recognises that it is unlawful to discriminate against a student or prospective student by treating them less favourably because of their:

- sex
- race
- disability
- religion or belief
- sexual orientation
- gender reassignment
- pregnancy or maternity

The Equality Act extends protection against discrimination on grounds of pregnancy or maternity to students, so it will be unlawful – as well as against education policy – for the college to treat a student unfavourably because she is pregnant or a new mother.

Protection for transgender students against gender reassignment discrimination is also included in this Act.

Age as a protected characteristic does not apply to students in schools and college. The college therefore remains free to admit and organise children in age groups and to treat students in ways appropriate to their age and stage of development without risk of legal challenge.

### Association

The college also recognises that it is unlawful to discriminate because of the sex, race, disability, religion or belief, sexual orientation or gender reassignment of another person with whom the student is associated e.g. parent or family member.

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### Perception

The College recognises it is also unlawful to discriminate because of a characteristic which you think a person has, even if you are mistaken. So a teacher who consistently picks on a student for being gay will be discriminating because of sexual orientation whether or not the student is in fact gay.

### Unlawful Behaviour

The College is committed to ensuring that all staff and students treat each other with respect as individuals. Any incidents or forms of discrimination (direct or indirect), harassment or victimisation will be dealt with immediately (See Behaviour policy, Manual Section D.4).

### Direct Discrimination

Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if the college were to refuse to let a student be a Student Leader or Head of House because she is a lesbian.

### Indirect Discrimination

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. An example might be holding a parents’ meeting on a Friday evening, which could make it difficult for observant Jewish parents to attend. It is a defence against a claim of indirect discrimination if it can be shown to be “a proportionate means of achieving a legitimate aim”. This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

### Harassment

Harassment has a specific legal definition in the Act - it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic. Where the college is concerned, the offence of harassment as defined in this way in the Act applies only to harassment because of disability, race, sex or pregnancy and maternity, and not to religion or belief, sexual orientation or gender reassignment. It is very important to recognise that this does not mean that the college is free to bully or harass students on these other grounds - to do so would still be unlawful as well as unacceptable. Any case against the college would be on grounds of direct discrimination rather than harassment.

Thus, if a teacher belittles a student and holds her up to ridicule in class because of a disability she has, this could lead to a court case alleging unlawful harassment. The same unacceptable treatment directed at a lesbian student, or based on a student’s religion, could lead to a case claiming direct discrimination. The practical consequences for the college, and the penalties, would be no different.

### Victimisation

Victimisation occurs when a person is treated less favourably than they otherwise would have

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been because of something they have done (“a protected act”) in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person’s complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.

As well as it being unlawful to victimise a person who does a protected act, a child must not be victimised because of something done by their parent or a sibling in relation to the Act. This means that a child must not be made to suffer in any way because, for example, her mother has made a complaint of sex discrimination against the college, or her brother has claimed that a teacher is bullying him because he is gay, whether or not the mother or brother was acting in good faith.

If a student has himself or herself done a protected act – such as making a complaint of discrimination against a teacher – then the child’s own good faith will be relevant. For example, if the parent’s complaint is based on information from her son and the son was deliberately lying, it is not victimisation for the college to punish him in the same way as it might do any other dishonest student. Unless it can be clear that the mother was also acting in bad faith (for example that she knew her son was lying) it would still be unlawful to victimise her for pursuing the complaint.

### Admissions

1. Applications from all students will be considered on individual merit.
2. Application procedures will encourage the parents of prospective students to provide information concerning specific needs, and to supply appropriate documentation.
3. Admissions procedures will provide opportunities for prospective parents to discuss specific support requirements in detail, and assess the suitability of the College's provision.
4. Clear information will be available regarding support facilities and physical access to buildings.
5. If for any reason the College is unable to meet a student's requirements, the parents will be given essential feedback to facilitate an alternative choice of College or Institution. In such a case, a record will be kept by the College of any reasons and this record will be used to inform future policy and development within the College.

The Principal has decided that students with special educational needs will be admitted to the College in line with the College’s agreed Terms and Conditions provided that we can meet their physical, educational, emotional and behavioural needs at the College.

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## **Dietary Needs**

Students are asked for any special dietary requirements or any food allergies in the pre-entry documentation. This information is passed onto the Senior Chef who notifies all chefs and FSAs of any special requirements. Students enjoy a healthy, well balanced and high-quality diet supported by an active leisure programme. All food is freshly prepared in a well-equipped professional kitchen. The cuisine is international to appeal to all tastes.

## **Religious and Cultural Needs**

Our community reflects and celebrates religious and cultural diversity. Students are able to attend religious services outside College such as a Buddhist Temple or church. A place of quiet reflection and prayer is available on request. Events and days important in the cultural heritage of our students are recognized and celebrated frequently.

## **Disability**

The overriding principle of equality legislation is generally one of equal treatment - i.e. that you must treat a black person no less well than a white person, or a man as favourably as a woman. However, the provisions relating to disability discrimination are different in that the College may, and often must, treat a disabled person more favourably than a person who is not disabled and may have to make changes to practices to ensure, as far as is reasonably possible, that a disabled person can benefit from what we offer to the same extent that a person without that disability can. Discrimination is also defined rather differently in relation to disability.

The Act defines disability as when a person has a 'physical or mental impairment which has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities.' Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

The Act sets out details of matters that may be relevant when determining whether a person meets the definition of disability. Long term is defined as lasting, or likely to last, for at least 12 months.

## **Unlawful behaviour with regard to disabled**

### **Students direct discrimination**

The College must not treat a disabled student less favourably simply because that student is disabled – for example by having an admission bar on disabled applicants.

### **Indirect discrimination**

The college must not do something which applies to all students but which is more likely to have an adverse effect on disabled students only – for example having a rule that all students must demonstrate physical fitness levels before being admitted to the college – unless they can show that it is done for a legitimate reason, and is a proportionate way of achieving that legitimate aim.

### **Discrimination arising from disability**

The college must not discriminate against a disabled student because of something that is a consequence of their disability – for example by not allowing a disabled student on crutches outside at break time because it would take too long for her to get out and back. Like indirect

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discrimination, discrimination arising from disability can potentially be justified.

### Harassment

The college must not harass a student because of his disability – for example, a teacher shouting at the student because the disability means that he is constantly struggling with class-work or unable to concentrate.

### Reasonable Adjustments

The College understands its duty to make reasonable adjustments for any disabled students

- By ensuring that the disabled student is not placed at a disadvantage compared to other students in the College.
- By providing an auxiliary aid or service for a disabled student when reasonable to do so if such an aid would alleviate any substantial disadvantage that the student would face in comparison to non-disabled students.

This policy has been updated in line with current DfE guidance: The Equality Act 2010 and college s: Departmental advice for school leaders, school staff, governing bodies and local authorities (May 2014).

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