



# EQUALITY, DIVERSITY & INCLUSION POLICY

## **1.0 STATEMENT OF POLICY**

1.1 APTCOO recognises that discrimination is unacceptable and have codified its views and actions in this Equality, Diversity & Inclusion Policy. Breaches of the policy will lead to disciplinary proceedings and, if appropriate, disciplinary action.

1.2 The aim of the policy is to ensure no job applicant, employee or worker is discriminated against either directly or indirectly on the grounds of age, disability, **neurodiversity**, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or (non-)belief, sex or sexual orientation.

1.3 We will ensure that the policy is circulated to any agencies responsible for our recruitment and a copy of the policy will be made available for all employees and made known to all applicants for employment.

1.4 The policy will be communicated to all private contractors reminding them of their responsibilities towards the equality of opportunity.

1.5 The policy will be implemented in accordance with the appropriate statutory requirements and full account will be taken of all available guidance and in particular any relevant Codes of Practice. The statutory guidance we reference is as follows:

- Race Relations Act (1976),
- The Sex Discrimination Act (1984),
- The Children Act (1989; 2004),
- Disability Discrimination Act (1995)
- Special Educational Needs and Disability Act (2001),
- Employment Equality Regulations (2003).
- The Equality Act (2010),

1.6 We will maintain a neutral working environment in which no employee or worker feels under threat or intimidated.

### **APTCOO Principles**

1. APTCOO values all young people as individuals and aims to facilitate learning and development through the promotion of self-esteem and self-identity.
2. APTCOO recognises the importance of the learning environment to scaffold learning, facilitate progress and development, but also to provide opportunities for compensatory and remedial education.
3. APTCOO intends to support all young people in their development of autonomy, independence, competency, confidence and pride irrespective of gender, race, culture or social class.

## **Aims and Objectives – Staff and Trustees**

The Trustees and APTCOO, through the Equality, Diversion & Inclusion Policy aims to:

- carry out its legal duty regarding legislation
- reinforce APTCOO's position as a provider of high-quality provision and as a good employer providing development opportunities
- ensure that equality remains high on the APTCOO's strategic agenda
- establish good people management practice to enforce said strategic agenda
- achieve a staffing composition that attempts to reflect the composition of the wider local community and child profile
- ensure all staff work together with a shared sense of purpose to meet the needs of every young person
- ensure that young people and staff contribute towards a happy and caring environment by showing respect for, and appreciation of, one another as individuals
- ensure that complaints or evidence of failure to comply with the APTCOO's equal opportunities policy will be dealt with promptly and fully investigated according to the relevant procedure (e.g., complaints relating to staff may be investigated either under the disciplinary, grievance or anti-bullying policy/procedure as appropriate).

All forms of discrimination by any person within the organisation's responsibility will be considered unacceptable and treated seriously.

### **Equality, Diversity & Inclusion Statement of Commitment - APTCOO Workforce**

The Trustees and APTCOO are committed to a policy of equality and aims to ensure that no employee, job applicant or other member of the wider community is treated less favourably on grounds of sex, race, colour, ethnic or national origin, marital status, age, sexual orientation, disability or religious belief. Any behaviour, comments or attitudes that undermine or threaten an individual's self-esteem on these grounds will not be tolerated.

We aim to provide equal access to high quality educational opportunities and to ensure that everyone feels that they are a valued member of APTCOO.

We seek to provide a safe and happy environment where all can flourish and where cultural diversity is celebrated.

APTCOO recognises that the role of all staff is crucial in the successful delivery of this policy. Therefore, all APTCOO personnel are responsible for promoting the equal opportunities policy and are obliged to respect and act in accordance with the policy.

Individuals who consider they have been discriminated against should in the first instance discuss the situation with the person concerned, the member of staff most directly concerned, or their allocated tutors. If the informal approach does not resolve the situation, or it is felt this is not the most appropriate method, a formal approach should be conducted as set out in the APTCOO Complaints Procedure.

## **Policy and planning**

Equal opportunities implications will be considered and recorded whenever organisational policies are developed or reviewed. **All policies will be regularly reviewed to provide a comprehensive and consistent process of monitoring and evaluation.**

### **Aims and Objectives – Young People and Families**

#### **Young People – General**

1. To provide a rich, accurate, non-stereotypical record of a young person's gender, race, culture and special needs.
2. To provide opportunity for young people to become familiar with differences in gender roles, racial characteristics and language of themselves and others.
3. To provide all young people with accurate, developmentally appropriate information about their own and others' special needs, as well as their rights and responsibilities as part of both APTCOO and wider community.
4. To educate young people with SEND how to handle and challenge name-calling, stereotypic attitudes and physical, social, emotional and behavioural barriers.
5. To help young people change discomfort and feelings of 'separateness' about differences into respectful, comfortable interaction.
6. To expand young people's developing concept of fairness and feelings of empathy for each other.
7. To foster young people's critical thinking about stereotyping.
8. To enable young people to gain the tools and self-confidence to appropriately stand up for themselves and others against biased ideas and discriminatory behaviour.
9. To provide an environment in which all young people can succeed.
10. To empower young people to make informed choices so that they are better prepared for the opportunities, responsibilities and experiences of life within their community.

## **Young People - Gender**

1. To free young people from constraining, stereotyping definitions of gender role, so that no aspects of learning and development will be closed off simply because of a child's sex/gender and sexual preferences.
2. To help young people to become aware of decisions that are made about their own body and how they use it, helping them to make their own informed decisions about issues such as forced marriage; female genital mutilation; circumcision etc.
3. To foster young people's healthy gender identity by enabling them to gain clarity about the relationship between biological identity and gender roles in society.
4. To promote equality of development for our male young people by facilitating participation in a wide range of learning activities necessary for physical, cognitive, emotional, and social growth, irrespective of societal stereotypes.
5. To develop young people's skills for challenging sexist stereotypes and behaviours.

## **Young People - Multi-Cultural**

1. To affirm and foster young people's knowledge and pride in their cultural identity and to incorporate British values into their ethos.
2. To foster young people's curiosity, enjoyment and empathetic awareness of cultural differences and similarities.
3. To teach young people to overcome any stereotypical or prejudicial responses caused by cultural differences.
4. To give young people the confidence to identify and resist coercion and exploitation by others with extremist views.
5. To ensure that young people and their families who use English for speakers of other languages (ESOL) have their communication needs met in both paper and digital formats. This policy also extends to people who communicate using British Sign Language (BSL).

## **Parents and Carers**

1. To promote parental acceptance and support for the equal opportunities policies and practices employed by APTCOO.
2. To establish ongoing parent-staff dialogue that opens discussion of each other's points of view and seeks to gain clarity, understanding and solutions agreeable to both staff and parent carer.

3. To provide information that increases parental awareness of how their young person's identity is formed, and how prejudice and discrimination negatively affect personal and emotional growth.
4. To create safe settings for parents and carers to discuss with each other, their young person or staff the issues raised by EDI work and to increase their ability to integrate EDI perspectives in their relationships with their young person in the home environment.
5. To facilitate development of young people through joint parent- carer-teacher problem solving and mutual support.
6. To involve parents and carers in curriculum-development implementation and evaluation about their individual young person's needs.

### **Implementation Strategy**

APTCOO aims to create and maintain an environment in which the individual is valued regardless of gender, race, culture, age, personal or social disadvantage. We aim to create such an environment through:

1. Individual and small group discussions – both informal and formal, as the need arises and through planned intervention.
2. Avoiding stereotypes. Each young person, regardless of gender or race, can take part in all areas of the curriculum without stereotyping. Activities may be modified to make allowances for individual needs, but access is not denied where safety or wellbeing isn't a legitimate concern.
3. Giving young people the opportunity to observe adults in a variety of non-stereotypical roles. The role of the adult will vary according to the situation and each adult holds authority within and responsibility for certain areas of APTCOO. This will provide a large and diverse selection of role models for young people.
4. APTCOO offers provision to young people who are academically and socially disadvantaged. Individually designed programmes of work, access to therapeutic support, 1-1 support and frequent experience of success are means of redressing an imbalance of opportunity.
5. Encouraging tolerance of differences and identification of "sameness" by the fostering of community feeling and group identity through activities and friendship opportunities.
6. The provision of frequent opportunities for young people's success and a thoughtful approach to behaviour / discipline and pastoral care policies, promoting in young people the self-confidence and self-esteem to speak out against injustice and to speak out in such a manner that they will have a voice that instigates change without fear of discrimination.
7. Conversing with parents and carers in an open, non-challenging manner with a view to mutual understanding and tolerance.

8. Facilitating the development of young people through joint parent- carer-staff problem-solving and mutual support.

In the provision of APTCOO services, we recognise that young people are often curious about the world and different social and ethnic minorities. Many young people have genuine questions about issues relating to minority groups, such as faith teachings or political ideas.

For the most part, this is not the same as hate speech. Hate speech aims to incite violence, hostility, or discrimination against a protected characteristic, whereas acceptable speech aims to discuss or challenge theory, practice, legislation, policy, or religious teachings, without attacking individuals.

Occasionally, the difference between acceptable speech and hate speech is more nuanced; for example, when people from certain social groups make jokes about themselves and 'reclaim' slurs to describe one another.

Another example is when someone quotes or repeats hateful or discriminatory comments made by someone else, not in support of those comments, but as context to form part of a conversation, debate, or article.

APTCOO staff and volunteers aim to exercise their best judgement on whether something was communicated to incite hostility or discrimination towards a group, or not. We consider this the simplest measure of whether something is 'hate' speech.

### **Young person admission policy**

APTCOO follows a pupil admission policy that does not permit sexual orientation, race, or colour or disability to be used as criteria for admission.

### **Family-friendly policies**

APTCOO is a family-friendly employer and will do its best to respond to the changing needs of all staff.

### **LGBT employees and gender reassignment**

APTCOO will ensure that, in carrying out its duties, lesbian, gay, bisexual and transgender people are given equal and unprejudiced treatment. To achieve this objective APTCOO will:

- Ensure that policies, procedures and practices are not based on the assumption that everyone is, or should be, heterosexual.
- Acknowledge same sex relationships and ensure that, wherever possible, the partners of same sex or transgender couples have equal access to the services and benefits available to heterosexual couples.
- Encourage a culture in which people feel able to be open about sexual orientation with their work colleagues, and ensure that lesbian, gay, bisexual and

transgender employees have a safe and supportive environment in which to work.

- Ensure that recruitment and selection is carried out in accordance with corporate standards and best practice.
- Provide appropriate development opportunities to assist with the implementation of this policy and ensure that employees are aware of their individual responsibilities and APTCOO's commitment.
- Handle allegations of discrimination and harassment sensitively, providing appropriate support to the alleged victim(s), in accordance with organisational policy and procedure.
- Manage employees fairly and appropriately, ensuring there is no discrimination in terms of:
  - attitude,
  - work allocations,
  - consultation,
  - communication,
  - promotion,
  - development and training opportunities,
  - employee appraisals,
  - granting of leave: including maternity/paternity/adoption leave,
  - grievance and disciplinary matters, or other conditions of employment in the work environment,
  - reward,
  - retirement,
  - redundancy,
  - transfer.

## **2.0 RECRUITMENT AND SELECTION**

2.1 The recruitment and selection process is crucially important to any equal opportunities policy. We will endeavour through appropriate training to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously, in making these decisions.

2.2 Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.

2.3 Job descriptions, where used, will be revised to ensure that they are in line with our equal opportunities policy. Job requirements will be reflected accurately in any personnel specifications.

2.4 We will adopt a consistent, non-discriminatory approach to the advertising of vacancies.



2.5 We will not confine our recruitment to areas or media sources which provide only, or mainly, applicants of a particular group.

2.6 All applicants who apply for jobs with us will receive fair treatment and will be considered solely on their ability to do the job.

2.7 All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate.

2.8 Short listing and interviewing will be carried out by a panel of at least two people, and three where possible.

2.9 The recruitment panel should be determined having regard to gender and ethnicity of the panel and will have relevantly trained members in safer recruitment

2.10 Interview questions will be related to the requirements of the job and will not be of a discriminatory nature.

2.11 We will not disqualify any applicant because he/she is unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for the safe and effective performance of the job.

2.12 Selection decisions will not be influenced by any perceived prejudices of other staff.

- Giving full consideration to all job applicants.
- To ensure that all people with a disability are interviewed for any employment vacancy for which they meet the essential criteria of that position.
- To follow the government's voluntary code of practice for age diversity in employment.
- Creating an environment which is free from racial harassment and racist behaviour.
- Recognising and respecting individuals' religious beliefs and that they are free from discrimination.
- Creating an environment free from sexual harassment and sexist language and behaviour.
- Creating a flexible working environment where work and home life balance requirements are recognized and supported in all areas and levels.
- Ensuring that our policies and procedures do not discriminate against employees or their sexuality.

- Within business constraints, to modify equipment or facilities to make full use of a person's ability.
- Continue employment, whenever practicable, for those who become disabled during their employment.
- Create an environment whereby the needs of employees with HIV are understood and free from ignorance and harassment.

### **3.0 TRAINING AND PROMOTION**

3.1 Staff will receive training in the application of this policy to ensure that they are aware of its contents and provisions.

- Ensuring that quality training is available to all employees to enhance their skill base.
- Ensure all employees realise their potential for growth through support and appraisal.

3.2 All promotion will be in line with this policy.

### **4.0 MONITORING**

4.1 We will maintain and review the employment records of all employees in order to monitor the progress of this policy.

4.2 Monitoring may involve: -

- the collection and classification of information regarding the race in terms of ethnic/national origin and sex of all applicants and current employees.
- the examination by ethnic/national origin and sex of the distribution of employees and the success rate of the applicants; and
- recording recruitment, training and promotional records of all employees, the decisions reached and the reason for those decisions.

4.3 The results of any monitoring procedure will be reviewed at regular intervals to assess the effectiveness of the implementation of this policy. Consideration will be given, if necessary, to adjusting this policy to afford greater equality of opportunities to all applicants and staff.

- Maintain records of recruitment to identify any areas of inequality.
- Review recruitment and selection processes regularly
- Wherever possible, modify employment practice and procedures to reduce barriers to members of disadvantaged social groups within their employment.
- Enforce and monitor our internal harassment policy to ensure employees work in a safe environment.

Other policies that may need to be taken into account are:

- Recruitment & Selection
- Admissions

**Appendix 1:** Terminology

**Appendix 2:** Protected Characteristics

**Appendix 3:** Record of Changes

**Appendix 4:** Record of Employee having read the Policy

## Terminology

**Disability:** a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

- Substantial is defined as being more than minor or trivial;
- long-term is defined as a year or more.

**Prohibited conduct:** Four main forms of disallowed conduct against those with protected characteristics. They are:

- direct discrimination;
- indirect discrimination;
- harassment; and
- victimisation.

### Discrimination:

**Direct discrimination:** when someone is treated unfairly because of a protected characteristic, such as sex or race. For example, someone is not offered a promotion because they're a woman and the job goes to a less qualified man. One type of direct discrimination is when someone is treated unfairly because of the protected characteristic of either:

- someone they know
- someone they're associated with

The legal term is '**discrimination by association**', also known as '**associative discrimination**'.

**Indirect discrimination:** Indirect discrimination can happen when there are rules or arrangements that apply to a group of employees or job applicants, but in practice are less fair to a certain protected characteristic. The employee or applicant must be able to prove both of the following about the rule or arrangement:

it's unfair to them and to others with the same protected characteristic, for example a woman believes she's experiencing sex discrimination against women  
it's unfair compared with those who do not have the protected characteristic, for example, it's unfair to employees who are women, but not to men.

**Positive discrimination:** Preferential treatment given to someone purely because they have a protected characteristic, rather than based on merit.

**Stereotype:** a generalised belief that is held by someone against a group of people, expecting them to embody certain traits or behaviors. A stereotype is slightly different from a prejudice, as it is a thought whereas prejudice involves feelings and attitudes. Stereotypes can be 'positive' or 'negative' but both have harmful results.

**Prejudice:** a preconceived opinion that is not based on reason or actual experience. Prejudices are always negative opinions or beliefs.

## Protected Characteristics

The Equality Act 2010 defines nine protected characteristics. These are:

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

### **Age**

Age discrimination is either direct or indirect. It involves unfair or unfavourable treatment of staff members due to how old they are, or the peer they are associated with. It is important to remember that in situations where people fall into the same age range, they share the “age” protected characteristic.

### **Disability**

The Equality Act 2010 defines a disabled person as someone with a physical or mental injury. It must be substantial or long-term (likely to last more than 12 months) and affect their ability to conduct day-to-day activities. The Act outlines APTCOO’s duty of care towards disabled employees. Under the legislation, APTCOO must make reasonable adjustments to remove barriers caused by a disability.

Although the regulation provides a definition of disability, the issue is more complex than the Act initially clarifies. While some impairments are immediate and identifiable, it can be difficult to work out if some disabilities qualify.

The level of support or adjustments an affected employee needs depends on where they sit on the spectrum (of their particular needs). APTCOO will make every attempt to meet people’s additional needs where it can be reasonably done.

Examples of impairments considered as disabilities from diagnoses include:

- Cancer.
- Multiple sclerosis (MS).
- HIV/AIDS.

Under section 15 of the Equality Act, there is a special provision for disability which protects employees against discrimination for something arising because of their disability.

## **Gender reassignment**

This is the process of changing from one sexual category to another. The Equality Act 2010, it is illegal to discriminate against a member of staff if it is thought they are transgender (or know someone who is).

Individuals are not required to undergo surgery or treatment to change their gender. They will still receive discrimination protection if they have reassigned their identity without any medical processes.

In some circumstances, treating a transgender employee differently is not necessarily unlawful. An example would be taking constructive steps to include transgender employees in organisational activities in which they are not represented. The key is they do not experience a detriment because of the decision to treat them differently.

Examples of gender reassignment discrimination include:

- Reassigning an employee to an alternate role to remove them from public view.
- Unfair treatment of sick days compared to other employees.
- Having policies in place that put your transgender employees at a disadvantage.
- Comments that offend or degrade.

## **Marriage or civil partnership**

This is treating an employee differently on account of their relationship status. This can be either between a man and a woman or between members of the same sex. Employees are not protected under this characteristic if they are:

- Living with their partner but not married or in a civil relationship.
- Engaged but not married yet.
- Divorced or if they have dissolved their civil partnership.

Examples of discrimination under this characteristic include:

- Having policies in place that put married employees (or those in a civil relationship) at a disadvantage— this may be different if you can show a good reason otherwise.
- Dismissing or reducing the working hours of an employee after marriage as you think they will need to spend more time with their family (unless requested).
- Treating an employee differently for supporting a colleague facing discrimination for their marriage or civil partnership. This type of discrimination is 'victimisation.'

## **Pregnancy and maternity**

This spans from the period of pregnancy through to birth and the period of maternity leave (the protected period). Discrimination in this regard involves treating a woman differently for being pregnant or on maternity leave. The Act defines two types of pregnancy and maternity discrimination:

**Unfavourable treatment:** This is putting employees or job applicants at a disadvantage because of pregnancy or maternity. Employers cannot subject them to unfair treatment. Policies and procedures should not put them at a disadvantage, and employees should not experience unwanted behaviour because of their pregnancy or maternity leave requirements.

**Victimisation:** This involves treating an employee unfairly because they have made, or supported, an allegation (or complaint) of discrimination. It also relates to employees giving evidence relating to a complaint from another staff member.

When deciding on an employee's position in the organisation, it is unlawful to take into account periods where they were off sick due to pregnancy-related illnesses.

## **Race**

The Act protects groups of employees defined by their race, colour or nationality. Discrimination occurs when they are treated differently because of these characteristics.

Examples include:

**Direct:** For example, rejecting a job application from a candidate of a different nationality not based on skills but because it is thought they will not fit in with existing staff.

**Indirect:** Having policies or procedures that while it applies to all workers, only puts a person or group of people of the same race at a disadvantage.

For example, during the recruitment process, it is unlawful to require all applicants to have a certain qualification that is only available to people in the UK, as this discriminates against applicants from other countries.

## **Religion or belief**

This characteristic covers individuals or groups with certain religious or philosophical beliefs. Employees have a legal protection from discrimination because of their religion or belief (or the lack thereof).

According to the Act, a religion must have a clear structure and belief system. This belief must be genuine and not simply an opinion. To consider a belief genuine, it must be a weighty and substantial aspect of human life.

Examples of religion or belief discrimination include:

- Refusing to hire an individual or a particular group of people because of their religion or philosophical beliefs.
- Dismissing a member of staff because of their belief or religion.

- A form of indirect discrimination could be enforcing inconvenient working hours. For example, setting a meeting at 3 pm on Fridays when it is known some employees attend religious meetings. It is not discrimination if there is an objective and justifiable reason for scheduling the meeting for that time. It is important to be consistent when dealing with religious holiday requests to avoid allegations of discrimination.

## **Sex**

This involves the unfair treatment of an employee based on being either a man or woman. The Equality Act 2010 protects individuals from prejudice based on their sex. Discrimination in the following categories against an employee include:

- Of a particular sex.
- That is thought baselessly to be of the opposite sex (discrimination by perception).
- Or that is associated with someone of a specific sex.

APTCOO also recognises that the law does not allow for **positive discrimination** in favour of either sex as it does in other instances such as disability. Examples of prejudice at work include:

- Asking female job applicants questions that would not be asked of male applicants.
- Promoting only women (or men) for specific roles due to previous discrimination when applying for that role.
- Rejecting a male candidate's application for a particular role because it is thought that he would not fit in with female staff.
- Not promoting women due to concerns about their plans for motherhood.

## **Sexual orientation**

The Equality Act protects individuals from discrimination on the grounds of their sexual preferences. That includes any employee who is:

- Bisexual.
- Gay.
- Heterosexual.
- Asexual.

Examples of sexual orientation discrimination include:

- Not promoting a staff member solely based on their sexual preference.
- Maintaining policies or business practices that put an employee of the same sexual identity at a disadvantage.
- Harassing, degrading, intimidating, offending or general unwanted conduct relating to their sexual identity



**Policy/ procedure for: Equality, Diversity & Inclusion Policy**

**RECORD OF CHANGES**

<b>DATE</b>	<b>AUTHOR</b>	<b>PROCEDURE</b>	<b>DETAILS OF CHANGE</b>
May 2022	M. Holmes	Review & Update	Merging of Equal Opportunities and Equality & Diversity into one policy called Equality, Diversity & Inclusion. Adding separate and distinct, but interrelated statements of intent for young people and staff including specific aims and objectives in fulfilling these goals
May 2022	M. Holmes	Review & Update	Added an appendix outlining the nine protected characteristics
June 2022	K. Kilner	Update	Addition in relation to ESOL and BSL offer

