

Policy / Procedure Cover Sheet

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S/01	Child Protection and Safeguarding	OP/17	RSE
OP/02	Admissions	OP/28	SEND
OP/09	Complaints Policy and Procedure	OP/10	Curriculum
OP/06	Behaviour for Learning	OP/04	Anti-bullying
OP/15	Educational Visits	OP/45	Staff Behaviour (Code of Conduct)
OP/14	Equal Opportunities	OP/07	Careers
HS/06	Positive Mental Health and Wellbeing	OP/19	Exclusion
HS/01	Health and Safety	HS/03	First Aid
S/05	Whistleblowing		
S/06	Child Missing from Education	S/03	Recruitment and Selection

OP16	PSHE	OP/18	Searching, Screening and Confiscation
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Equality and Diversity Policy

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This policy and all associated procedures apply to all staff (including volunteers and students on placement), young people and visitors and should be read in conjunction with the following policies:

- i. Anti-Bullying and Harassment Policy
- ii. Responding to prejudice related incidents
- iii. Complaints Policy
- iv. E-Safety Policy
- v. Health and Safety Policy
- vi. Behaviour Policy
- vii. Educational Visits Policy
- viii. Privacy Policy
- ix. Recruitment and Selection Policy
- x. Restrictive Physical Intervention (RPI) Policy
- xi. Child Missing Education Policy
- xii. Child Protection and Safeguarding Policy
- xiii. Whistle Blowing Policy

Failure to comply with these policies and procedures may result in disciplinary action. Discriminatory treatment, bullying or harassment of staff or young people by visitors will also not be tolerated.

1 Statement of intent

- 1.1 Watermelon Independent Schools promotes equality, supports diversity and encourages practices that promote equality of opportunity for all potential employees, current staff and pupils.
- 1.2 Watermelon Independent Schools will not discriminate against any job applicant, employee or child because of any protected characteristic. namely:
 - i. age
 - ii. disability
 - iii. gender reassignment
 - iv. marriage and civil partnership
 - v. pregnancy and maternity
 - vi. race
 - vii. religion or belief
 - viii. sex
 - ix. sexual orientation
- 1.3 We recognise our obligations under the Equality Act 2010 and are committed to promoting the equality and diversity of all employees, pupils, visitors and volunteers. We oppose all forms of unlawful and unfair discrimination, bullying and harassment and will make every effort to comply with the requirements of the Act and its subsequent provisions.
- 1.4 This policy applies to all staff (including consultants, agency staff, volunteers, and any other individual working for, or on behalf of Special Educational Services), children and visitors.

1.5 This policy should be read in conjunction with other safeguarding and employment policies including as specified above.

1.6 For further information regarding **types of unlawful discrimination**, see Appendix 2.

2. Introduction

2.1 The school is committed to creating and promoting a positive and diverse culture in which all staff and children feel valued and supported to fulfil their potential irrespective of their age, disability, race, religion, belief, sex or sexual orientation.

2.2 All members of the school community are entitled to work in a safe, secure and positive environment. Any act of discrimination, harassment or victimisation will not be tolerated.

2.3 Watermelon Independent Schools promotes a culture of equality and diversity; all those connected to the school are encouraged to feel proud of their identity and to participate fully in school life.

3. Roles and responsibilities

3.1 The proprietor of the school endorses this policy and has delegated responsibility for its effective operation to the headteacher.

3.1 The role of the headteacher

The headteacher is responsible for implementation of the school Equality and Diversity policy. They should ensure that:

- i. Watermelon Independent Schools complies with equality legislation
- ii. all policies, procedures and systems associated with equality and diversity are applied consistently
- iii. all staff are aware of the Equality and Diversity policy and procedures and undertake appropriate training
- iv. make reasonable adjustments where appropriate to meet individual need
- v. any incidents of unfair treatment, of discrimination, harassment or victimisation are treated as a serious breach of conduct.

3.2 The role of teaching and non-teaching staff

All staff are responsible for:

- i. treating colleagues, pupils and visitors fairly, equally and with respect
- ii. supporting and upholding school policies and procedures which are designed to promote equality and diversity
- iii. actively challenging any incidents of discrimination, victimisation, harassment
- iv. reporting any instances of discrimination, victimisation and harassment to a member of the senior leadership team

- v. maintaining a professional, and appropriate, code of conduct at all times (both within and without the school setting) in line with the school ethos.
- 3.3 Staff are responsible and accountable for their own conduct at all times, and this includes when attending work-related meetings, functions and events. Employees' behaviour must always conform to the school's high expectations.
- 3.4 Employees are *personally responsible* for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable.
- 3.5 Should any employee attempt to instruct, cause or encourage another person to discriminate, harass or victimise a third person, this will also constitute unlawful discrimination and any employee doing so will be subject to disciplinary action.

For further information on roles and responsibilities see Appendix 3.

4. Admissions policy

- 4.1 The admissions arrangements, as outlined in our admissions policy, are fair and transparent and are applied consistently to every child, irrespective of any protected characteristic.

5. Curriculum

- 5.1 The principles of equality and diversity are rooted in our academic and social curriculum. We seek to provide opportunities for pupils to appreciate their own culture and celebrate the diversity of others and promote attitudes and values that will challenge any discriminatory behaviour or prejudice.
- 5.2 The curriculum is crucial to tackling inequalities for pupils including gender stereotyping, preventing bullying and raising attainment for certain groups.
- 5.3 Positive and proactive steps will be taken to prevent discrimination against, or victimisation of, any young person in the provision of education or access to any benefit, facility or service including educational trips, work experience and leisure activities.

6. Exclusion policy

- 6.1 Exclusions will always be based on Watermelon Independent Schools's Behaviour Policy. The decision to exclude a child for a fixed period or permanently is always taken as a **last resort**. Our exclusion policy outlines our exclusion procedures, and these are applied consistently to every child, irrespective of any protected characteristic.

7. Recruitment and selection

- 7.1 Our recruitment and selection procedures, outlined in Watermelon Independent Schools's Recruitment and Selection Policy, observes the principles of the Equality Act 2010. All employees, whether part-time, full-time, temporary or permanent will be treated fairly and equally.

7.2 We will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Selections will be made on the basis of aptitude, ability and/or merit, where appropriate.

7.3 Where appropriate, Watermelon Independent Schools will endeavour to make all reasonable and effective adjustments during the recruitment and selection process. Where recruitment and selection is carried out by a third party, on behalf of Watermelon Independent Schools, we will take all reasonable steps to ensure they adhere to the principles of this policy.

8. Staff induction and training

8.1 We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment.

8.2 The staff induction programme, requires all staff to undertake a concise equality and diversity course. Members of staff who have specific responsibilities for equality and diversity will be given more in-depth training.

8.3 The following documents, should be read and signed by all members of staff, as part of their equality and diversity training, to ensure that they understand their roles and responsibilities in upholding the named policies:

- i Watermelon Independent Schools's Equality and Diversity Policy
- ii Watermelon Independent Schools's Staff Code of Conduct Policy.

8.4 Ongoing training and updates with regard to equality and diversity will be given to all staff as required, but at least annually.

8.5 Temporary staff, including agency workers and volunteers must read and sign Watermelon Independent Schools's Staff Code of Conduct Policy before working with pupils.

8.6 Staff knowledge and understanding of equality and diversity matters are regularly monitored and assessed through a combination of observation, questioning and reflections on practice issues.

9. Reporting and recording incidents

9.1 Incidents of discriminatory treatment, bullying and harassment must be reported to a member of the senior leadership team, and recorded, within 24 hours of the incident.

9.2 All bullying-related incidents (confirmed or otherwise), will be addressed in accordance with our Anti-bullying and Harassment Policy.

10. Consultation and Feedback

10.1 The development of this policy and the actions within it, will be informed by the input of staff, students and parents/carers. Consultation is achieved through:

- i. feedback from parent questionnaires, parents' evenings, report acknowledgements and review days
- ii. feedback from staff surveys and staff meetings
- iii. feedback from the School Council, PSHE lessons, and whole school surveys on children's attitudes to self and school
- iv. INSET days
- v. Discussions arising from annual reviews or reviews of progress on Individual Education Plans, mentoring and support.

11. Staff concerns about practice

- 11.1 Should you have any concerns about practice at Watermelon Independent Schools which you may feel compromise equality and diversity, you should raise these with your line manager. If you are unwilling, or unable, to discuss the situation with your line manager, you should approach the headteacher.
- 11.2 Any concern regarding the headteacher may be referred to the LADO.

12. Complaints

- 12.1 Should any member of the school community (pupil, staff, visitor, volunteer, parent/carer) believe they have been discriminated against, harassed or victimised, they are advised to follow our Complaints Policy.

13. Police involvement

- 13.1 Child-centred decision making is made about reporting behaviour to police. Appropriate notifications are always made and clearly documented.
- 13.2 Should behaviour be considered criminal or should behaviour pose a serious threat to a member of the public, the police should always be informed.
- 13.3 NSPCC When to call the police: Guidance for schools and colleges should help senior staff understand when they should consider calling the police and what to expect when they do.
- 13.4 A decision whether or not to involve the police in an equality and diversity-related incident will be made by the headteacher.

14. Duty to make reasonable adjustments

- 14.1 We will actively seek to make reasonable adjustments, where there is a need to ensure that a disabled person has the same access to everything as a non-disabled person, as far as is reasonable.
- 14.2 We will take steps to remove, reduce or prevent obstacles faced by a disabled individual, as far as is reasonable.

Further information is available from the Equality and Human Rights Commission website at www.equalityhumanrights.com

15. Implementation, monitoring, evaluation and review

- 15.1 The Equality and Diversity Policy has been agreed by the headteacher/proprietor. In line with legislative requirements this policy document will be reviewed and publicised in writing, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policy, guidance and practice.
- 15.2 Students' progress and attainment data will be regularly monitored, including achievement by ethnicity and disability to ensure that all groups of students are making the best possible progress. Appropriate action to address any gaps in learning will be taken.
- 15.3 The designated member of staff with overall responsibility for the implementation, monitoring and evaluation of the 'Equality and Diversity Policy' is the headteacher.
- 15.4 The designated member of staff is also responsible for ensuring that all young people, staff, parents/carers and placing local authorities are aware of our policy. Additional support would also be provided to any parent or significant person, wishing to know more about the policy and procedures outlined above.
- 15.5 A copy of this policy document is available for inspection on the premises during office hours and an electronic copy is posted on our website.

Appendix 1 What is discrimination?

Discrimination

Harassment on account of race, gender, disability or sexual orientation is unacceptable and is not tolerated within the school environment. All staff are expected to deal with any discriminatory incidents that may occur. They are expected to know how to identify and challenge prejudice and stereotyping; and to support the full range of diverse needs according to a student's individual circumstances. Racist and homophobic incidents and other incidents of harassment or bullying are dealt with by the member of staff present, escalating to the pastoral leader / senior leader where necessary. All incidents are reported to the headteacher and recorded in the book held by in the school office.

What is a discriminatory incident?

Harassment on grounds of race, gender, disability, sexual orientation or other factors such as socio - economic status, can take many forms including verbal or physical abuse, name calling, exclusion from groups and games, unwanted looks or comments, jokes and graffiti. A racist incident was defined by the Stephen Lawrence Inquiry Report (1999) as: 'Any incident which is perceived to be racist by the victim or any other person'.

Types of discriminatory incidents

Types of discriminatory incidents that can occur include:

- i physical assault against a person or group because of their colour, ethnicity, nationality, disability, sexual orientation or gender
- ii use of derogatory names, insults and jokes
- iii racist, sexist, homophobic or discriminatory graffiti
- iv provocative behaviour such as wearing racist, sexist, homophobic or discriminatory badges or insignia
- v bringing discriminatory material into school
- vi verbal abuse and threats
- vii incitement of others to discriminate or bully due to victim's race, disability, gender or sexual orientation
- viii discriminatory comments in the course of discussion
- ix attempts to recruit others to discriminatory organisations and groups
- x ridicule of an individual for difference e.g., food, music, religion, dress etc
- xi refusal to co-operate with other people on grounds of race, gender, disability or sexual orientation

Appendix 2

Types of unlawful discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic e.g., age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation.

An example of this would be paying someone less because of their sex or because they belong to a particular racial group. 'Because of' is very wide; and will cover behaviour that takes place, for example because of sexual orientation, even if the person is not in fact gay, and even if the perpetrator knows that they are not gay. It also includes less favourable treatment because someone is associated with another person who has a protected characteristic, e.g., because a worker is the primary carer for a disabled child. Such treatment is unlawful unless, in relation to age only, it can be objectively justified, i.e.

the employer can show that it is a proportionate means of achieving a legitimate aim.

Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination occurs when a condition, provision, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.

An example of this would be telling all employees that they have to work late at night— although applied to everyone, it will adversely affect those employees with childcare responsibilities, and these tend to be women. Such treatment is unlawful unless it can be objectively justified.

Discrimination arising from disability occurs when you treat a disabled person unfavourably because of something connected with their disability and cannot justify such treatment objectively. Discrimination arising from disability is different from direct and indirect discrimination.

In the case of discrimination arising from disability, the duty to make reasonable adjustments consists of three requirements:

- i where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to a relevant matter, in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take, to avoid the disadvantage
- ii where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter, in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take, to avoid the disadvantage
- iii where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter, in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take, to provide the auxiliary aid

Harassment occurs when a person is subject to “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

Harassment may be of a sexual nature. It may also occur where someone harasses the victim, the victim either rejects or submits to the harassment and, because of that rejection or submission, that person then treats the victim less favourably.

Third-party harassment occurs where, during the course of their duties, an employee is harassed by an individual or individuals who are not under the direct control of Watermelon Independent Schools and the harassment relates to a protected characteristic.

Victimisation occurs when an individual is subject to a detriment (treated less favourably) because they have made an allegation of, or given evidence about, the treatment of any individual (including themselves) who has been subject to any of the above. Victimisation may also occur when an individual asserts their right not to be discriminated against because of a protected characteristic. An example of this would be a disabled employee claiming that they had been discriminated against, who is then refused a reference by their manager because of that claim.

Any individual making allegations of a false, malicious or vexatious nature would not be protected against victimisation and will be subject to disciplinary action.

Appendix 3

Roles and responsibilities

The designated senior member of staff with overall responsibility for all equality and diversity matters at Watermelon Independent Schools is the headteacher.

The role of the Designated Person is to:

- Create an environment in which all members of the community are expected to treat one another with mutual respect, dignity and tolerance.
- Ensure that Watermelon Independent Schools complies with equality legislation.
- Ensure all policies, practices and procedures, associated with equality and diversity, including admissions, curriculum, recruitment and selection are implemented.
- To make effective and reasonable adjustments where appropriate to meet the individual needs of staff, young people and others who may have business with Watermelon Independent Schools.
- Ensure that all staff are aware of and follow Watermelon Independent Schools's policy; and receive appropriate equality and diversity training, in accordance with their roles and responsibilities.
- Take 'all reasonable steps' to prevent discrimination, harassment and victimisation from taking place.
- Take responsibility for recording, managing and analysing incidents of discrimination, harassment and victimisation in accordance with Watermelon Independent Schools's policies, procedures and guidance.

It is the responsibility of all staff to:

- Treat colleagues, young people and visitors with dignity and respect; and avoid behaving in any manner that may give rise to claims of discrimination, harassment or victimisation.
- Support and participate in any measures introduced to promote equality and diversity.
- Actively challenge discrimination and disadvantage in accordance with their responsibilities.
- Report any issues associated with equality and diversity in accordance with this policy.

It is important to appreciate that an employee is personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is also liable.

Any attempt to instruct, cause or induce another person to discriminate, harass or victimise a third person will also amount to unlawful discrimination and any employee caught doing so will be subject to disciplinary action.