

Equal Opportunities and Diversity Policy

The R.E.A.L. Foundation Trust
(the Trust)

Context

The legal framework for this policy is:

Race Relations Act 1976 (as amended in 2000)
Disability Discrimination Act 1995 (as amended in 2005)
Children Act 2004
Equality Act 2006
Education and Inspections Act 2006
Duty to Promote Community Cohesion, Education and Inspections Act 2006
Sex Discrimination Act 1975
Employment Equality (Age) Regulations 2006
Rehabilitation of Offenders Act 1994
The Asylum and Immigration Act 1996

The policy also embodies aspects of the Equality Bill (2009) due to be in force Autumn 2010. In creating and embedding good practice within the organisation, R.E.A.L. Education has sought to encompass the core aspects of this legal framework in ensuring its provision delivers an effective and meaningful approach to equal opportunity and diversity.

Our Environment

The R.E.A.L. Foundation Trust is a welcoming charity where everyone is valued highly and where tolerance, honesty, co-operation and mutual respect for others are fostered. We endeavour to promote positive relationships with young people, parents, partners and other stakeholders, and members of the wider community. We promote equality and harmonious relations in all areas of our work. We tackle any form of discrimination. We seek to remove any barriers to access, participation, progression, attainment and achievement. We take seriously our contribution towards community cohesion.

We aim to:

- provide a secure environment in which young people can flourish and achieve all five outcomes of 'Every Child Matters' (be healthy, stay safe, enjoy and achieve, make a positive contribution, and enjoy economic well-being)
- provide environments where all individuals see themselves reflected and feel a sense of belonging

- prepare young people for life in a diverse society in which they are able to see their place in the local, regional, national and international community
- include and value the contribution of all families to our understanding of equality and diversity;
- provide positive non-stereotyping information about different groups of people regardless of gender, ethnicity, disability, sexual orientation, religion and age
- plan systematically to improve our understanding and promotion of diversity
- actively challenge discrimination and disadvantage
- make inclusion a thread which runs through all our activities

To achieve these aims we will:

- involve all stakeholders in the development, review, evaluation, and impact assessment of all relevant improvement plans, policies and procedures
- publish and share our policies and impact assessments with stakeholders
- use all available information to set suitable challenges for everyone.
- have high expectations of behaviour which demonstrates respect to others

Policy statement

The success of the R.E.A.L. Foundation Trust depends on our people. We are committed to valuing diversity and promoting equality for everyone at the Trust. Competent and motivated employees are essential in today's competitive environment and therefore the Trust needs to ensure the best use of human resources in its workforce. We recognise the varied contributions that a diverse workforce brings to the organisation and we are committed to drawing on the different perspectives and experiences of individuals which will add value to the way we operate; and produce broader opportunities and perspectives for the young people and wider communities with whom we wish to engage.

The aim of the policy is to ensure that all young people, participants, job applicants and employees receive fair treatment regardless of their gender, sexual orientation, race, nationality, ethnic and national origin, disability, age, religious beliefs, work location and working hours. We do this by embedding policy in our practice. We adhere to all equal opportunities legislation and ensure that we are fair, objective, transparent and free from discrimination in all of our systems, processes, procedures, activities and decisions. Unlawful discrimination will not be tolerated.

The Trust aims to develop partnerships and recruit, retain and develop employees based on merit, competence and potential. We are committed to promoting a positive work environment for our employees and ensuring employees are given every opportunity to fulfil their potential. The Trust has procedures for dealing with any discrimination, harassment, bullying and victimisation, which may occur in the workplace. We also carry out assessments on all our

policies to ensure they are compliant with legislation and adhere to the spirit of this policy.

Policy scope

This policy applies to all employees, agency workers and visitors to the Trust; it equally applies to the young people and members of the community in its care. The success of an Equal Opportunities Policy will involve the commitment and support of all involved with the delivery of charitable activity.

Responsibilities

The Trustees/Directors and their representatives, as champions of equal opportunities and diversity, have overall responsibility for ensuring the correct application and implementation of the policy.

Managing diversity

The R.E.A.L. Foundation Trust is committed to improving the diversity of its workforce and will seek to adopt employment practices that ensure diversity and a flexible approach including positive action which serves to support this objective. Our Equal Opportunity and Diversity Policy has been designed to ensure that the concept of equal access is integral to the planning and performance process, to allow information to flow both ways - from our higher level strategy to the individual planning process. It is a clear statement of our intent that all members of the organisation are responsible for the consideration of equality and diversity in the way that they work. This should also be read in conjunction with the company's Disability Discrimination Policy. The company's position in relation to the employment of those who have previous convictions is outlined in our recruitment policy.

R.E.A.L. Education will:

- Create activities and environments free from unjustified or unfair discrimination
- Create activities and environments that enable staff and students to contribute fully and enjoy maximum benefit and enjoyment from their involvement with the Trust
- Be aware of the diverse needs of people in our care and employees and support them appropriately and fairly
- Offer relevant and appropriate staff development and training opportunities
- Develop and uphold best practice structures, policies, practices and procedures that have the effect of treating people on the basis of their abilities, merit and potential

- Recognise that people have different needs, multiple identities and multiple needs and make reasonable adjustments for them in the organisation and provision of services
- Encourage consultation and participation to inform decision making
- Work in partnership with external agencies to identify best practice and use this information to improve the application of this Policy
- Ensure that the principles of equality of opportunity are embedded, represented and promoted in corporate and operational plans, publications and communications
- Deal fairly and speedily with any discriminatory issue raised in the course of employment. Providing a clear system of referral for personnel
- Treat colleagues and stakeholders with dignity and respect
- Support and contribute to the monitoring and review process
- Promote diversity in the workplace

Implementation

To effectively implement this policy, the Trust will take steps to ensure that:

- Through our policies, procedures and systems, job applicants or employees will be treated in accordance with this policy and other related policies
- Any employment requirements or conditions will be justifiable and reasonable
- All employment policies, procedures and practices, including this one, will be reviewed and impact-assessed regularly to ensure that they are, and remain, non-discriminatory
- All managers and others involved in the implementation of the organisation's employment policies will receive appropriate training including diversity, recruitment and selection, performance management etc.
- Reasonable adjustments will be made in the workplace to help people with disabilities achieve their full potential
- Employees will receive training during induction and at other appropriate times during their employment to ensure awareness and understanding of this policy and diversity in general
- A diverse workplace is promoted and celebrated through our policies and how we operate

The Equal Opportunities and Diversity Policy will be reviewed every 2 years, unless new legislation is introduced that needs to be reflected within it.

All managers have a responsibility to:

- Ensure the non-discriminatory treatment of all young people, job applicants and employees and promote equality of opportunity
- Identify and remove discriminatory attitudes and practices within the organisation
- Raise the level of employee awareness of the policy's existence through inclusion in all induction meetings and regular training updates at the start of each term. By giving CPD opportunity to pursue specific areas of interest further
- Deal fairly and speedily with any discriminatory issue raised in the course of employment
- Support and contribute to the monitoring and review process
- Be aware of the diverse needs of employees and support them appropriately and fairly

All employees have a responsibility to:

- Support this vision and continue to ensure that the principles of equal opportunities and diversity in the workplace are upheld
- Treat colleagues and stakeholders with dignity and respect
- Have due regard to equal opportunities in the work they do and the decisions they make
- Promote diversity in the workplace

Equal Opportunities Definitions

- **Direct Discrimination**

Direct discrimination takes place when a person is treated less favourably than another (in the same circumstances) on grounds such as but not limited to race, colour, national or ethnic origin, sex, marital status, sexual orientation, disability, class, age or religious belief.

- **Indirect Discrimination**

Indirect discrimination means applying a condition, requirement, or policy which adversely affects one particular group considerably more than another, and cannot be strictly justified in terms of the requirements for performing the job.

- **Racial discrimination**

Discrimination on the grounds of colour, race, nationality (including citizenship), ethnic or national origins. The policy is directed towards the effects of racial discrimination in employment, as set down in the Race Relations Act 1976.

- **Sex Discrimination**

Discrimination on the grounds of a person's sex or marital status. The Trust is committed to countering discrimination against women in all its forms including the recognition that employment practices should acknowledge the demands of childcare and the care of other dependants.

- **Discrimination on the Grounds of Sexual Orientation**

Discrimination on the grounds of not being heterosexual. The Trust acknowledges that discrimination against those individuals who identify as LGBTQ+. We remain committed to acknowledging different sexualities and supporting job applicants and employees to feel confident and open about their sexual orientation.

- **Discrimination on the Grounds of Religion**

Where the employees have particular cultural or religious needs which may conflict with existing work requirements the Trust will consider whether it is reasonably practicable to vary or adopt these requirements to enable any such need to be met.

Although the Race Relations Act does not specifically cover religious discrimination, such requirements would generally be unlawful if they have a disproportionate adverse effect on particular racial groups and cannot be shown to be justifiable.

- **Discrimination on the Grounds of Class**

In the area of recruitment and promotion, all stated entry requirements must be clearly justifiable in terms of the principal functions of the post. Any skills specified should be strictly relevant to the requirements of the job. These should not be unnecessarily restrictive so as to exclude any disadvantaged group or class.

Equal Opportunities Definitions

Harassment

The R.E.A.L Foundation Trust is committed to providing a work environment free from unlawful harassment. Harassment on grounds of sex, sexual orientation, gender reassignment, marital or civil partnership status, disability, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs or any other basis protected by legislation is unlawful and will not be tolerated by the company.

Harassment is defined as: unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment for that person. The courts have provided three further guidelines, as follows.

1. Harassment is normally characterized by more than one incident of unacceptable behaviour, particularly if it reoccurs once it has been made clear that the recipient regards the behaviour as offensive. However, just one incident may constitute harassment if it is sufficiently serious.
2. Each employee is free to decide what behaviour is acceptable or unacceptable. So, it does not matter what the harasser thinks, or indeed what other colleagues may think. If the employee being subjected to the behaviour finds it unacceptable and she or he feels damaged or harmed by it, this constitutes harassment.
3. Silence is not necessarily acceptance of one individual's behaviour towards another. In many cases, victims may be reluctant to complain because, for example, of the seniority of the harasser, fear of the consequences in terms of their job security or the fear that no one will believe them.

This policy prohibits unlawful harassment by any representative of the R.E.A.L. Foundation Trust in the capacity in which they are engaged in the work of the company.

Examples of prohibited harassment are:-

- Verbal or written conduct containing derogatory jokes or comments
- Slurs or unwanted sexual advances
- Visual conduct such as derogatory or sexually orientated posters
- Photographs, cartoons, drawings or gestures
- Physical conduct such as assault, unwanted touching, or any interference because of sex, race or any other protected basis
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favours
- Retaliation for having reported or threatened to report harassment

If you believe that you have been unlawfully harassed, you should make an immediate report to your line manager, or Head of People as soon as possible after the incident.

Sexual harassment

Sexual harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, or for social life. Sexual harassment is a form of sex discrimination and is unlawful. It occurs in a variety of situations which all share a common aspect, the inappropriate introduction of sexual activities or comments into the work situation. All employees have the right to work in an environment free from sexual intimidation.

Sexual harassment takes many forms, from relatively mild sexual banter to actual physical violence. Employees may not always realise that their behaviour constitutes sexual harassment but they must recognise that what is acceptable to one person may not be acceptable to another. Sexual harassment is unwanted behaviour of a sexual nature by one employee towards another such as:

- insensitive jokes and pranks
- unnecessary and unwelcome physical contact, touching or patting
- suggestive and unwelcome comments or gestures emphasising the sexual orientation of an individual or of a group
- unwelcome or derogatory remarks regarding the sexual orientation or preference of an individual or a group, including speculation about a person's private life and sexual activities
- unwelcome requests for social-sexual encounters or favours
- display of pornographic pictures
- acts such as indecent exposure or sexual assault

Racial harassment

Racial harassment is difficult to define in terms of what is acceptable or unacceptable behaviour, but may be defined as a hostile or offensive act or expression by a person or group of one ethnic origin against a person or group of another, or incitement to commit such an act, on racial grounds. Such behaviour includes:

- Derogatory name-calling
- Insults and racist jokes
- Ridicule of an individual for cultural differences
- Exclusion from conversations, normal work activities or social events
- Unfair allocation of work or responsibilities
- Racist graffiti or insignia
- Displaying abusive writing and pictures
- Verbal abuse or threats
- Physical attack

Racial harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, or for social life. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as racial harassment by one person may not seem so to another. The defining features, however, are that the behaviour is offensive or intimidating to the recipient and would be regarded as racial harassment by any reasonable person.

Gender Reassignment

The SDA 1975 outlaws direct and indirect discrimination and victimization on grounds of gender, i.e. male or female and on grounds of marital status. The Act was amended on 1 May 1999 by the Sex Discrimination (Gender Reassignment) Regulations 1999, which make discrimination on the basis of gender reassignment (transsexualism) unlawful in the areas of employment and vocational training.

Transsexualism is a desire to live and be accepted as a member of the opposite sex, usually accompanied by a sense of discomfort with, or inappropriateness of, one's anatomic sex and a wish to have hormonal treatment and surgery to make one's body as congruent as possible with the preferred sex. (International Classification of Disorders)

The procedure of hormonal treatment and surgery that transsexuals seek is called gender reassignment. The condition is to be distinguished from being a transvestite. Transvestites wear the clothes of the opposite sex as a temporary experience, but are content with their birth sex and are not accepted for hormone treatment or gender reassignment surgery.

Bullying

Although there is no specific legislation outlawing bullying in the UK, bullying can lead to claims of unfair constructive dismissal against the employer. Bullying is a gradual wearing down process that makes individuals feel demeaned and inadequate. In order to solve the problem of workplace bullying, it has to be recognized. A working definition of bullying is:

Any unsolicited or unwelcome act, which humiliates, intimidates or undermines the individual involved and which is aimed at making that person feel worthless.

It is for each individual to determine what is acceptable to him or her and what he or she regards as offensive. The R.E.A.L. Foundation Trust will not condone any harassment/bullying of any employee and is committed to grievance and disciplinary procedures that will provide the appropriate redress.

Disability

The Disability Discrimination Act 1995 defines a "disabled person" as a person with "a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities" (S1).

Responsibility

Any Trust employee who suffers harassment will have the full support of the company in putting a stop to it. Anyone who experiences or witnesses an incident of harassment should not wait until the situation reaches an intolerable level - action taken at once can be quickly effective. The Trust will also support members and staff against false accusations of harassment, bullying, intimidation and unfairness.