

## Diversity, Equality and Inclusion Policy

### Executive summary

The ethos of Eastbourne College is one where the individual, both adults and pupils, can prosper in an environment which is big and varied enough to provide a wide diversity of opportunities, support and encouragement for all, regardless of their age, interests, gender, pregnancy or maternity, disability, race, religion or belief, cultural background, linguistic background, special educational need, sexual orientation, gender reassignment or academic, sporting, creative (or any other) ability. Alongside this, for pupils, the pastoral structure, academic organisation and co-curricular provision are staffed by dedicated teams who can and do monitor individual participation, progress and commitment to all aspects of College life. Thus the educational provision is personalised. This applies equally to day and boarding pupils within and outside the formalised curriculum structure.

### Equal Opportunities Statement

We believe that every person has the same rights and is entitled to the same opportunities, regardless of age, gender, pregnancy or maternity, disability, race, religion or belief, cultural background, linguistic background, special educational need, sexual orientation, gender reassignment or academic or sporting (or any other) ability.

Eastbourne College does not discriminate on the grounds of gender, disability, age, sexual orientation, marital status or racial, ethnic or national origin.

We expect everyone involved throughout Eastbourne College to:

1. respect and promote equal opportunities for all people
2. encourage harmony and understanding in society
3. recognise and actively oppose all forms of prejudice and discrimination
4. remove both outward and hidden discrimination
5. enable differences to become positive and enriching attributes
6. develop each person's skills to the highest possible level
7. promote an environment where all can share equally in the opportunities offered
8. help pupils to learn acceptance and tolerance
9. enable pupils and staff to communicate confidently without fear or prejudice
10. encourage pupils to accept responsibility for their behaviour and show they can contribute positively to society
11. further tolerance and harmony between different cultural traditions
12. encourage respect for other people, paying particular regard to the protected characteristics set out in the 2010 Equality Act

Eastbourne College is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against its customers be they parents, visitors, suppliers, contractors or members of the public.

This policy is intended to assist the College to put this commitment into practice.

Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The College has a recruitment, selection and disclosures policy and staff code of conduct / behaviour policy which deals with these issues.

## Roles and Responsibilities

Creating a school environment that promotes equality and denounces discrimination is a whole-college responsibility and requires all members of the college community to be actively involved in breaking down barriers to learning and work, and barriers to social and emotional development that prejudice can create.

Individuals in the college are expected to take responsibility for supporting and promoting equality in College above and beyond the responsibilities listed below. *The Diversity and Equality Champion* has the day-to-day responsibility for coordinating the implementation of this scheme.

### The headmaster and senior management team

The headmaster, with the support of the rest of the senior management team, will:

- promote this policy both within the College and externally to the rest of the community
- ensure that all staff are aware of their role and responsibilities regarding the promotion and delivery of diversity and inclusion in college, and provide training where needed
- challenge inappropriate language and behaviour
- tackle bias and stereotyping
- take appropriate action where discrimination or victimisation occurs.

### Staff

College staff will:

- ensure that they are up to date and aware of the contents of this policy and the College's policy towards all types of discrimination
- challenge inappropriate language and behaviour
- tackle bias and stereotyping
- work to promote anti-bullying strategies as outlined in the College's Code of Behaviour, Rewards, Discipline and Exclusions policy, College Rules and associated policies (eg anti-bullying)
- show a commitment to undertake continuous development and training within this area
- engage with the college in eliminating any discrimination and act as a good example to pupils
- promote a positive working environment
- report back to their managers or a member of SMT (as appropriate) immediately on any incidents relating to discrimination or victimisation, either by staff, pupils, or any other member of the college community, so that these incidents can be reviewed and action taken where necessary.

### Pupils

Pupils at the College will:

- engage with the College in eliminating any discrimination
- promote a positive work environment and a positive attitude towards equality when both in College and off the College site

- report to college staff any incidents of inappropriate language or behaviour, discrimination or victimisation that they know to have occurred
- work to promote the anti-bullying strategies outlined in the college's Code of Behaviour, College Rules and Anti-Bullying policy
- set a good example regarding behaviour and social awareness to younger pupils and their peers.

### Parents, guardians, and visitors

Parents, guardians, and visitors to the college are expected to:

- support the policy by promoting a positive attitude towards equality at home
- attend any relevant meetings / awareness-raising sessions that they are invited to relating to the college's equality plan
- work with the college to resolve any incident relating to discrimination or victimisation that their child is involved in
- respect and follow our equality policy when visiting the college.

### Key groups at risk

While the College recognises that any person or group of people can become victim to discrimination, victimisation or unfair treatment, people may be more at risk of becoming victims of inequality due to:

- Race
- Disability
- Gender and transgender
- Religion or belief
- Sexual orientation

You can find all the information about our college's SEN provision including our provision for inclusion in the college's **Accessibility Policy and Plan 2018-21 including Disability / Equality**.

## Promoting Equality and Social Awareness in College and within the Local Community

### Community cohesion

The College expects all of its pupils and staff to act respectfully towards members of the wider community that the College is part of.

### Inclusion

Promoting and practising inclusion in the workplace, College lessons, around the College site, during all college activities and into the wider community is a key part of developing a positive attitude towards equality and people from different backgrounds. You can find more information regarding our provision for and policy on inclusion for SEN in the college's **Accessibility Policy and Plan 2018-21 including Disability / Equality**.

### Pupil voice

Through our support of pupil voice we encourage our pupils to have confidence in voicing their opinions and taking responsibility for the world around them. It is important that we teach our children how to

engage in mature social interactions and get along with a variety of different types of people. This is developed through pupil voice by interactions between pupils from different year groups, pupils and staff, and pupils and the wider community.

## Religion

Eastbourne College was founded and continues to run in accordance with the principles of the Church of England. One of the most important of these underlying principles is that of tolerance and the College is happy to welcome staff and pupils who subscribe to other Christian denominations or other religions or who have no faith at all. Pupils wishing to worship or observe religious festivals in their own faith are encouraged to do so and the College will make adjustments to cater for specific dietary requirements (including halal and kosher).

On the other hand, all staff and pupils are expected to attend the small number of whole College services each term as well as the short Chapel services during the working week, and services for boarders, as appropriate.

It should be noted though that whatever the customs of their own culture or religion, pupils are expected to wear the College uniform correctly.

## Behaviour, Exclusion and Attendance

The College **Rewards, Discipline and Exclusions Policy** (and related policies) takes full account of the duties under the Equality Act. We make reasonable, appropriate and flexible adjustments for pupils with special educational needs and disabilities. We closely monitor data on exclusions and absence from college for evidence of over-representation of different groups, and will take action to address any concerns that arise in this area.

Read our college **Attendance, Registration and Absentees Policy, Rewards, Discipline and Exclusions Policies** for more information on the processes surrounding these topics.

## The Curriculum

The curriculum in its broadest sense (classroom based as well as on the sports field, in Chapel and assemblies, in houses, in activities) challenges stereotypes and actively promotes diversity and inclusion with materials that reflect and celebrate diversity. Chapel, assemblies and the PSHE programme are key areas where such issues are more overtly and specifically addressed.

## Pupil and Parent Concerns

Any pupil or parent who feels that the College has been discriminating against them should write directly to the Diversity Champion or headmaster explaining the nature of the discrimination or use the complaints procedure for parents to raise their concern.

## Staff

### Equal Opportunities for Staff

As part of our commitment to the implementation of equal opportunities, principles and the monitoring and active promotion of equality in all aspects of staffing and employment, the college will ensure that:

- all staff appointments and promotions are made on the basis of merit and ability and in compliance with the law;
- staffing of the College reflects the diversity of our community wherever possible;
- as an employer we strive to ensure that we eliminate discrimination and harassment in our employment practice and actively promote equality across all groups within our workforce;
- we respect the religious beliefs and practice of all staff, pupils and parents, and comply with reasonable requests relating to religious observance and practice;
- we ensure that all staff, including support and administrative staff, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

### The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, eg refusing to give a reference for a reason related to one of the protected characteristics.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, the College has an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### Types of Unlawful Discrimination

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading,

humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. (Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he / she has a particular protected characteristic when he / she does not, in fact, have that protected characteristic).

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties such as clients or customers.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he / she made or supported a complaint, or raised a grievance under the Equality Act 2010, or because he / she is suspected of doing so. However, an employee is not protected from victimisation if he / she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic, and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

## Equal Opportunities in Employment

We are committed to ensuring that individuals will be treated fairly and we require all members of staff, volunteers, contractors and visitors to act in accordance with the employment legislation and organisational values set out in this policy.

The College will actively seek to recruit diversely and avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Companies were required to publish gender-related pay data for the first time in 2018. As an employer, the Charity takes its responsibilities in this (as with all protected characteristics) seriously. The following points are worth stating:

- the level of pay an employee receives is only related to and determined by the nature of the job itself, job-type, degree of responsibility and whether or not it is full or part time
- it is not related to gender or other protected characteristic
- the current teachers' pay scale does reward experience, subject to satisfactory appraisal

Job descriptions and person specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The College will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked, and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the College considers it has good reasons, unrelated to any

protected characteristic, for doing so. The College will comply with its obligations in relation to statutory requests for contract variations. The College will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## Recruitment

Eastbourne College Inc. is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of race, nationality, gender, religion, age, disability, marital status, pregnancy and maternity or sexual orientation. Eastbourne College Inc. acknowledges that unfair discrimination can arise on occasion and so will ensure that the equal opportunities policy outlined in this plan is the foundation for all its activities.

Where a candidate is known personally to a member of the selection panel it will be declared before shortlisting takes place. It may then be necessary to change the selection panel to ensure that there is no conflict of interest and that equal opportunities principles are adhered to.

(More information about our recruitment procedures can be found in the **College Recruitment Policy**).

## Dignity at Work

The College has a Staff Code of conduct / behaviour policy which sets out expectations in terms of expected standards of conduct. External contractors must abide by a specific code of conduct which covers key areas including safeguarding. Customers, suppliers and other people not employed by the organisation, are expected to operate within the spirit of this policy if they wish to retain a working relationship with the College.

The College will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

## Staff Responsibilities

All members of staff have a duty to support and uphold the principles of our equal opportunities policy and its supporting policies.

Employees can be held personally liable as well as, or instead of, the College for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the College's disciplinary procedure.

Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## Grievances

Any staff member who feels that they have been unlawfully discriminated against may use the College's grievance procedure to make a complaint. The College will take any complaint seriously and will seek to

resolve any grievance that it upholds. Staff will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

### Maintaining this Policy

The College will monitor the effectiveness of this policy and its general compliance within the organisation. This policy will be kept up-to-date and amended to take account of legislative changes.

The College has due regard to the Brown Principles which identify aims as set out in general equality duties:

1. Awareness – all staff know and understand what the law requires.
2. Timeliness – the implications for equalities of new policies and practices should be considered before they are introduced.
3. Rigour – there should be rigorous and open-minded analysis of statistical evidence, and careful attention to the views of staff, and the views of pupils and their parents and guardians.
4. Compliance – by the College cannot be delegated.
5. Continuous – the College has due regard for equalities all of the time.
6. Record-keeping – it is good practice to keep documentary records for example, in the minutes of staff and governor meetings

### Monitor and Review

SMT will review how effective this policy is in tackling discrimination, promoting access and participation, equality and good relationships between different groups, and that it does not disadvantage particular sections of the community. The review shall involve stakeholders including representatives of pupil diversity and inclusion forums.

Evidence will also be reviewed to monitor that it is being put into practice in college by staff and pupils, to identify areas for intervention such as extra training or development sessions across the whole college to ensure it is promoted and implemented as much as possible.

### Information will be gathered through areas which may include the following:

- identification of children and young people, parents, guardians, staff and other users of the college representing the different protected characteristics. This helps us develop and monitor the scheme. Regular, consistent, comprehensive and sensitive efforts are made to collect accurate data and meet security of information requirements, in addition to our duty to secure accurate information relating to ethnicity and first language;
- pupil attainment and progress data relating to different groups;
- children's and young peoples' views, actively sought and incorporated in a way that values their contribution;
- information about how different groups access the whole curriculum and how they make choices between subject options;
- sports and activities choices of all groups;
- exclusions data analysed by group;
- records of bullying and harassment on the grounds of any equality issue;
- data on the recruitment, development, and retention of employees;
- outcomes of activities promoting community engagement and community cohesion;
- outcomes of actions taken to secure the involvement of parents and others who have been identified as difficult to engage.

Date of this policy:	Oct 2020
Policy drawn up by:	LEPS / CWS / Be You Key staff
Date of next policy review:	Oct 2022
Date for publication of revised policy:	Nov 2022

## References:

### External

2010 Equality Act

<https://www.gov.uk/guidance/equality-act-2010-guidance>

2010 Equality Act 2010 (gender Pay Gap Information) Regulations 2017

Dress codes and sex discrimination – what you need to know. May 2018. Government Equalities Office

Race Equality in East Sussex Schools Guidance for Schools 2020: Valuing difference, Challenging racism and prejudice, Promoting resilience

### Internal

ECI Recruitment Policy

Eastbourne College Staff Grievance Policy

Eastbourne College Staff Disciplinary Policy

Eastbourne College Staff Code of Conduct

Disability Equality Policy

Accessibility Policy and Plan 2018-21 including Disability / Equality

Eastbourne College British Values Policy (prevention of radicalisation)

Provision for Pupils with Particular Religious, Dietary, Language and Cultural Needs

Eastbourne College Accessibility Plan

Eastbourne College Code of Behaviour

Eastbourne College Rules

Eastbourne College Anti-bullying Policy

Eastbourne College Rewards, Disciplinary and Exclusions Policy (and related sub-policies referenced therein)

### [The Equality Act 2010 and schools Departmental advice for school leaders, school staff, governing bodies and local authorities May 2014](#)

5.11 The specific duties require schools: (a) to publish information to demonstrate how they are complying with the Public Sector Equality Duty, and (b) to prepare and publish equality objectives. By 6 April 2012 schools were obliged to publish their initial information and first set of objectives demonstrating how it complies with the general duty. Schools have to update the published information at least annually and to publish objectives at least once every four years.

[NB the PSED applies to independent schools]

5.13 Schools must publish information relating to persons who share a relevant protected characteristic who are affected by their policies and practices. However, data about employees will not need to be published where a public authority has fewer than 150 employees. This means that for the great majority of schools, only pupil-related data will need to be published. If a school decides that making public some employee-related statistics would help them to demonstrate that they are complying with the general duty they may choose to do so, so long as this does not conflict with principles of data protection. Broadly speaking, schools must ensure that individuals are not able to be identified through the publication of data. The Department for Education does not generally publish information which relates to fewer than 3 people (school staff or pupils) but it will be for schools to determine whether the data they wish to publish will be suitable or not. The full rules to which DfE adheres on the publication of data can be viewed online at Gov.uk.

5.25 It will be up to schools themselves to decide in what format they publish equality information. For most schools, the simplest approach may be to set up an equalities page on their website where all this information is present or links to it are available. The regulations are not prescriptive and it will be entirely up to schools to decide how they publish the information, so long as it is accessible to those members of the school community and the public who want to see it.

5.26 Schools are free to choose the equality objectives that best suit their individual circumstances and contribute to the welfare of their pupils and the school community. Objectives are not intended to be burdensome or a 'tick box' exercise, but they do need to be specific and measurable. They should be used as a tool to help improve the school experience of a range of different pupils. A school should set as many objectives as it believes are appropriate to its size and circumstances; the objectives should fit the school's needs and should be achievable.

5.28 Equality objectives may arise from analysis schools have carried out on their published data or other information, where they have identified an area where there is potential for improvement on equalities, or they may – for example - be set in anticipation of a change in local circumstances. Some examples might be: • to increase participation by black pupils in after school activities; • to narrow the gap in performance of disabled pupils; 36 • to reduce exclusion rates for black boys; • to increase understanding between religious groups; • to reduce the number of homophobic incidents; • to raise attainment in English for boys; • to encourage girls to consider non-stereotyped career options; • to anticipate the needs of incoming pupils from a new group, such as traveller children.

5.29 Publication of information in future years should include evidence of the steps being taken and progress made towards meeting the equality objectives that the school has already set itself.

## Annexe I: Gender Statement

### I. Introduction

As outlined in this policy, ECI takes all aspects of diversity and inclusion very seriously. We see all protected characteristics as important but in this policy annexe we make specific reference to gender.

We promote respect and kindness, knowing that each individual is unique and is also entitled to equal rights and opportunities.

The purpose of this policy statement is to explain the school's practice regarding the consideration of trans identities, in order to minimise the distress and disruption to any members of our school community:

- ensuring staff and governors are dealing with matters regarding transgender identities inclusively and sensitively
- providing an inclusive environment for any transgender member of staff or pupil
- ensuring pupils are appropriately aware of and educated on issues of gender identity

If a pupil was considering transitioning gender at any stage in their school career, listening to their wishes and expectations of how this might be managed in school would be a priority. In accordance with best practice, we would have discussions with the pupil and their parents at the earliest opportunity to chart a route forward regarding a whole range of practical considerations ranging from school uniform to toilet access. We would also engage outside expert advice to support us in producing an evolving solution which would be to the satisfaction of all parties. For individual cases, there may well be a series of decision-making stages which evolve and further advice would be sought as appropriate and further discussions would take place to best look after the interests of the pupil.

The same would apply for a member of staff in all respects other than the fact that their parents would not be involved.

## 2. The Law

"The Equality Act 2010 applies gender reassignment to anyone who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning their sex by changing physiological or other attributes of sex).

This means that schools must protect any pupil or member of staff taking steps to reassign their sex, whether those steps are social (for example changing their name, the pronoun they prefer and the way they dress or look) or include medical intervention (for example accessing hormone therapy or having surgery)."

## 3. Our practice

It is important to assess the needs of any member of the school community on a case-by-case basis. For a pupil at St Andrews, this is the responsibility of the Head of Department and the Deputy Head (Pastoral); for a pupil at Eastbourne College, this is the responsibility of the Hsm and Deputy Head (Pastoral). For a member of staff, this is the responsibility of the Head.

## Curriculum

Transgender issues (and other issues relating to gender identity or sexual orientation) are considered and discussed within the PSHE and pastoral curriculum. This curriculum is designed to promote understanding and to combat prejudice and discrimination, in line with the school's inclusive ethos.

## Names

A pupil's record on the school database can be changed to reflect their preferred name. However, the gender recorded has to remain as it was when the pupil was assigned their unique pupil number, unless the pupil has been issued with a legal document, such as a passport or driver's license, with a new sex marker\*

\*It is not possible for someone under 18 to change their legal sex or obtain a gender recognition certificate. It is possible for a sex marker on legal documents, such as a passport, to be changed without a gender recognition certificate.

A pupil's legal name and gender will have to be recorded for exam entries and certificates. Unless the pupil has legally changed their name, for example by deed poll, their birth name and gender must be used.

### **Changing facilities**

Wherever possible, transgender pupils may be offered the choice of using single-stall toilets and private facilities. Again, this will be considered on a case-by-case basis, where the school will endeavour to accommodate the requests of each individual circumstance. For example, a pupil may not yet be in a position to declare their gender identity and this point would be taken into account.

### **PE / Games**

Transgender pupils have the same right to participate in PE / Games as other pupils. Where sessions / lessons are segregated by gender, transgender pupils should, in general be allowed to participate in the activity that corresponds to their gender identity, if they wish. Some organisers of some external competitions may stipulate regulations which override this policy and decisions will have to be made on a case by case basis accordingly.

### **Uniform**

St Andrews school has developed a gender neutral school uniform policy, where individuals are free to choose the uniform that suits them. This will include any transgender pupils, who are free to choose the uniform they most identify with. The College's uniform is not fully gender neutral in the same way but again a transgender pupil would be at liberty to choose the uniform they most identify with. College rules on appearance, for example on haircuts, should not automatically be taken to apply where there are authentic issues of personal identity to consider.

### **Privacy**

It is the right of the individuals concerned to choose whether they wish to be open about their gender identity. To 'out' someone, whether staff or pupil, without that person's permission is a form of harassment, and is unacceptable.

### **Boarding**

This is a complex area that would need thoughtful and sensitive management. We would endeavour to ensure that all pupils and parents are comfortable with boarding arrangements, taking into consideration pupil rights, privacy and the physical design of particular buildings. As the needs and wishes of each pupil may be different, open discussion and collaborative decision-making between the school, pupil and parents would be central in working towards a positive outcome for all involved.

## References

### External

- Equality Act 2010
- <https://www.allsortsyouth.org.uk>
- House of Commons Briefing Paper – Provisions to support transgender children in schools  
<https://researchbriefings.files.parliament.uk/documents/CBP-9078/CBP-9078.pdf>