

# EQUAL OPPORTUNITIES POLICY

## Equal Opportunities Policy

### General Statement of intent

BeyondAutism recognises that certain groups or individuals within society can be disadvantaged in obtaining educational services and information about these and in obtaining employment.

BeyondAutism is committed to ensuring that it offers equality of opportunity in its governance, service provision and employment practices.

### 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, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

You should not discriminate against or harass a member of the public or service user in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments may include 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, service providers have 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.

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 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 (other than marriage and civil partnership, and pregnancy and maternity) 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. An employer can potentially be

liable for harassment of its employees by third parties but only if it is aware of harassment in the course of employment on at least two occasions by a third party.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and ACAS) pregnancy and maternity).

**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 (other than marriage and civil partnership, and pregnancy and maternity).

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as service users.

**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, has accused someone of breaching that Act 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.

## Definition of a Potentially Disadvantaged Group

The following groups/individuals may be particularly likely to face disadvantage or discrimination, and be under-represented in BeyondAutism Schools and BeyondAutism:

- People whose first language is not English
- People recently arrived in this country (e.g. refugees)
- People from black and ethnic groups
- People with disabilities
- People with little or no literacy
- Older people
- Lesbian, gay, bisexual or transgender people

## Governance

BeyondAutism recognises that Trustees, Governors and the Leadership are not representative of society as a whole, and is under-representative of some of the above listed groups. BeyondAutism undertakes to consider how best to improve this representation, and how to develop mechanisms for extending representation and will seek to ensure that, so far as possible, there is appropriate diversity at all levels.

Trustees are recruited using recruitment consultants, personal contacts and via specialist referrals. Whilst recruited primarily for specific skills Trustees also need to demonstrate an

understanding of autism and in 2014 two Trustees had direct experience via their children. Trustees conduct an annual skills appraisal and self-assessment.

Governors are recruited from across the school community including parents, staff and members of the local community. Parent Governors are elected by the parents and parents from minority groups are encouraged to stand. Staff Governors are elected by the staff and staff from across the school are encouraged to stand.

## Service Provision

- Awareness/access: BeyondAutism recognises that awareness of the education on offer within BeyondAutism Schools may not be equally available to all groups within society and that many of the groups identified have traditionally been discriminated against or excluded from access to services. BeyondAutism undertakes to ensure that availability of places is advertised through local authorities, which will have contact with parents from all groups, as well as through networks of groups concerned with autism and general publicity. BeyondAutism, via the Board of Trustees, will also consider how best to make its services known across other cultural and racial groups and networks.
- Language: BeyondAutism recognises that teaching; information about the work of BeyondAutism Schools; the role of parents and all communication with parents needs to be in language that is accessible to the identified groups. BeyondAutism therefore undertakes to address the language needs of children and parents in order that all groups are able to understand fully and participate in the life of the school.
- This includes translation of written materials and giving verbal explanations as needed.
- Parent Education: BeyondAutism identifies parent education as a vitally important element of our education. We also recognise that participation in the programme will not be equally easy or possible for all parents. BeyondAutism Schools therefore undertakes to consider and adopt appropriate measures that will enable parents to participate in the programme, including issues such as time, literacy levels, language, family responsibilities, and transport.
- Discrimination: BeyondAutism will not tolerate discriminatory behaviour, victimisation or harassment of any sort. BeyondAutism will investigate and deal swiftly and firmly with any person – employee, pupil, parent or trustee where such discrimination or victimisation is alleged or known to have occurred. Procedures in place include: Disciplinary Procedure, Dignity at Work Policy, Whistleblowing Policy, School Discipline Policy and Governors / Trustee codes of conduct. If a situation occurs which is not covered by an existing procedure the CEO will consult Trustees regarding a reasonable process.
- BeyondAutism will take steps to ensure that all those involved in the delivery or use of our services understand this zero-acceptance policy and how to take action if they feel a pupil has been treated inappropriately within the context of our Equal Opportunities Policy.

## Equal Opportunities in Employment

BeyondAutism recognises the importance of its workforce reflecting all groups within society and the local community within which we operate. BeyondAutism is therefore committed to the development and use of standardised recruitment and employment practices, which do not discriminate and which provide genuine equality of opportunity. BeyondAutism will

further consider ways in which to actively seek recruitment of staff who reflect the community from which pupils will be drawn. Recruitment of all staff will be open, unbiased and standardised and selection will be based on objective criteria set out in a person specification drawn from the job description. Qualifications and requirements will be considered to ensure that they do not inhibit applications from certain groups; without comprising the expertise and aptitude required to deliver BeyondAutism Schools' education. Staff training and development will assist in enabling all members of the staff team to learn, develop and progress.

### Recruitment of ex-offenders

The code of practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

The code also obliges registered bodies to have a written policy on the recruitment of ex-offenders. The Equal Opportunities policy sets out these employer requirements:

- as an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), BeyondAutism complies fully with the code of practice and undertakes to treat all applicants for positions fairly
- BeyondAutism undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- BeyondAutism can only ask an individual to provide details of convictions and cautions that BeyondAutism are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
- BeyondAutism can only ask an individual about convictions and cautions that are not protected
- BeyondAutism is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background
- BeyondAutism has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process available on the website
- BeyondAutism actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records
- BeyondAutism select all candidates for interview based on their skills, qualifications and experience
- an application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position

- BeyondAutism ensures that all those in BeyondAutism who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences
- BeyondAutism also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- at interview, or in a separate discussion, BeyondAutism ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- BeyondAutism makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request
- BeyondAutism undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

## Responsibility

It is essential that all levels of BeyondAutism are totally committed to the development and implementation of this Equal Opportunities Policy.

Every employee is required to assist BeyondAutism to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, BeyondAutism 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 by employees against employees, pupils or their families are disciplinary offences and will be dealt with under the BeyondAutism's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Overall responsibility for its implementation is taken jointly by the Heads of Schools and the CEO (within their own areas of responsibility). They will regularly report to the Chair of Board of Trustees on the development and implementation of the policy.

## Development and Monitoring

This policy statement is an outline of the broad areas and issues within BeyondAutism's Equal Opportunities Policy. It is recognised that there are limited resources of staff and money, and that BeyondAutism is still at an early developmental stage. This does not alleviate the responsibility to practice equal opportunities. Nonetheless, in reality BeyondAutism may not be able to implement all areas of our policy immediately, and sees Equal Opportunities as an important issue that will be addressed, monitored and developed over the coming years.

## Priorities

BeyondAutism's immediate priorities will be:

- To continue to implement equal opportunities employment practices

- To produce a timetable and action plan for addressing and monitoring the policy as a whole, within the strategic plan for the next 2-3 years.
- To immediately consider ways to ensure open access to the services available

## Disability Discrimination

The right to education is set out by the United Nations. In the UK, that right is now seen as a right to an effective education – i.e. taking account of learners' circumstances and needs in helping them to fulfil their potential.

BeyondAutism acknowledges that children have the right not to be discriminated against when at school. We also acknowledge that all learners are entitled to the opportunity to fulfil their potential and we promote equality of opportunity and ensure the elimination of unlawful discrimination. We must be fair about who we admit to the school and allocate children fairly to teaching groups, assess them fairly and provide guidance and support fairly.

Admission to BeyondAutism Schools is based on each child having a diagnosis of autism reflected in their Statement of Special Educational Needs or Education, Health and Care Plan.

The Lower School at 520 Garratt Lane is wheelchair accessible to all levels.

The Upper School at Spencer Park has facilities to accommodate admission of a pupil/member of staff with a physical disability to access the entire ground floor and all external buildings

If required, a room would be nominated for physiotherapy treatment. Additional Occupational therapy would be provided and the services of a physiotherapist would be bought in as required within a pupil's EHCP.

BeyondAutism has cognisance of other aspects of the Equality Act:

- Being treated with respect – this includes respect for religion and belief, as well as things like school uniform and bullying (refer to the anti-bullying policy)
- Having the opportunity to reach your potential – this includes access to specific courses or subjects, being allocated to teaching groups fairly, being assessed fairly and having equal access to extracurricular activities (refer to the Policy on Curriculum and SEN)

Whilst, as an independent school, we are not required to comply with the equality duties, we consider it to be good practice to promote equality. We are aware that it is unlawful for independent schools to discriminate on grounds of any of the protected characteristics (i.e. 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) in admission, access to benefits or services, exclusions, and in the employment of staff.

## Other Relevant Policies

Accessibility Policy and Plan

Last review: August 2017

Date of next review: August 2020

Review group: Audit and Governance Committee