

EQUAL OPPORTUNITIES POLICY

1 Introduction

1.1 Malvern College is an independent boarding and day College for girls and boys aged from 13 to 18 years. The College is a registered charity with a Christian ethos and welcomes staff, workers, volunteers, pupils, parents, applicants and governors from all different ethnic groups, backgrounds and creeds. The term **College Community** includes staff, governors, pupils, parents, visitors and volunteers.

1.2 **College's position:** The College recognises the benefits of having a diverse College Community, with individuals who value one another, and the different contributions everyone can make. Pupils will be taught to value and respect others. The College is committed to being an equal opportunities education provider and is committed to equality of opportunity for all members of the College Community. In the provision of equal opportunities, the College recognises and accepts its responsibilities under the law and opposes discrimination on the basis of:

- disability
- gender reassignment
- pregnancy and maternity
- race
- religion or belief (including lack of religion or belief)
- gender
- sexual orientation and (in the case of adult members of the College Community)
- marital or civil partnership status and
- age.

These can be called the **Protected Characteristics**. The College also opposes all bullying and unlawful discrimination on the basis that a person has a special educational need (**SEN**) or learning difficulty, or because English is an additional language.

The College aims to ensure that all policies and practices conform with the principle of equal opportunities. The College will tackle inappropriate attitudes and practices through staff leading by example, through the life skills and key skills programme, through the supportive College culture and through the College's policies.

1.3 **Related policies:** This Equal Opportunities Policy is consistent with all of the College's policies, including the Admissions Policy, Policy on Discipline and Behaviour, Exclusions, the College Rules, Uniform Policy, Anti-Bullying Policy, Disability Policy, Accessibility Plan and the Special Educational Needs Policy.

1.4 All policies can be made available in large print or other accessible format if required.

2 Policy statement

2.1 **Scope:** This policy applies to all members of the current and prospective College Community.

2.2 **Policy aims:** Through the operation of this policy we aim to:

- communicate the commitment of the College to the promotion of equal opportunities
- promote equal treatment within the College for all members of the College Community

- create and maintain an open and supportive environment which is free from discrimination
- foster mutual tolerance and positive attitudes so that everyone can feel valued within the College
- be alert to the early signs of needs that could lead to later difficulties, and respond as appropriate
- remove or help to overcome barriers for pupils where they already exist
- ensure that there is no unlawful discrimination against any person on any ground listed at paragraph 1.2
- make it clear that, and ensure, that all discriminatory words, behaviour and images are treated as unacceptable
- take reasonable steps to avoid putting disabled people at a substantial disadvantage (the 'reasonable adjustments' duty).

3 Forms of discrimination

3.1 **Types:** Discrimination may be direct or indirect, or arising from disability and it may occur intentionally or unintentionally.

3.2 **Direct discrimination:** Direct discrimination occurs when a person is treated less favourably than another person because of a protected characteristic as set out in paragraph 1.2 above. For example, rejecting an applicant of one race because it is considered they would not "fit in". This would be a decision based on grounds of their race and would be direct discrimination.

Direct discrimination also occurs when a person is treated less favourably because of their association with another person who has a protected characteristic (other than pregnancy or maternity). For example, if a pupil is harassed or victimised because a sibling is disabled, this would be direct discrimination against that pupil.

3.3 **Indirect discrimination:** Indirect discrimination occurs where an individual is subject to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of, for example, their sex or race. For example, a minimum height requirement would be likely to eliminate proportionately more women than men. If these criteria cannot be objectively justified for a reason unconnected with gender, they would be indirectly discriminatory on the grounds of gender.

3.4 **Discrimination arising from disability:** Discrimination arising from disability occurs when a disabled person is treated unfavourably because of something connected with their disability and the treatment cannot be shown to be a proportionate means of achieving a legitimate aim. For example, where a pupil with cerebral palsy who is a wheelchair user is told they will be unable to attend a College trip because there is no wheelchair access available and other options are not investigated.

4 Admission

4.1 **Applicants:** The College accepts applications from, and admits pupils irrespective of their gender, gender reassignment, race, disability, sexual orientation, pregnancy or maternity, religion or belief or special educational needs and will not discriminate on these grounds in the terms on which a place is offered, subject to section 8, below. The College will treat every application in a fair, open-minded way.

4.2 **Selection:** Every application will be considered on its merits within the College's criteria for selection on grounds of the pupil's ability and aptitude, but this will not be done as a way of excluding pupils with a disability or special educational needs, subject to section 8 below.

4.3 **Admissions Policy:** The College's Admissions Policy reflects the College's approach towards equal opportunities and is consistent with this policy.

5 Education and associated services

5.1 **Equal access:** The College will afford all pupils equal access to all benefits, services, facilities, classes and subjects including all sports, irrespective of their gender, gender reassignment, race, disability, sexual orientation, pregnancy or maternity, religion or belief or special educational needs, subject to considerations of safety and welfare, paragraph 5.2 and section 8, below.

5.2 **Positive action:** The College may afford pupils of a particular racial group, or pupils with a disability or special educational needs, access to additional education or training to meet the special needs of the pupils in that group, for example, special language training for groups whose first language is not English.

5.3 **Exclusions:** The College will not discriminate against any pupil by excluding him or her from the College, or by subjecting him or her to any other detriment, on the grounds of his or her gender, gender reassignment, race, disability, sexual orientation, pregnancy or maternity, religion or belief, or special educational needs, subject to section 8 of this Policy.

5.4 **Teaching and College materials:** Efforts are made to recognise and be aware of the possibility of bias (for example, gender or racial), so that this can be eliminated in both the College's teaching and learning materials and teaching styles. Materials are carefully selected for all areas of the curriculum so as to avoid stereotypes and bias.

5.5 **Pupil interaction:** All pupils are encouraged to work and play freely with, and have respect for, all other pupils, irrespective of their gender, gender reassignment, race, disability, sexual orientation, religion, belief, pregnancy or maternity or special educational needs, subject to considerations of safety and welfare. Positive attitudes are fostered towards all groups in society through the curriculum and ethos of the College, and pupils will be encouraged to question assumptions and stereotypes. The College's Life Skills and Key Skills curriculum encourages respect for other people, with particular regard to the Protected Characteristics.

5.6 **Bullying:** The College will not tolerate bullying or cyberbullying for any reason. Specific types of bullying include:

- bullying relating to race, religion, belief or culture
- bullying related to SEN, learning difficulties or disabilities
- bullying related to appearance or health conditions
- bullying relating to sexual orientation
- bullying of young carers or looked after children or otherwise related to home circumstances
- sexist or sexual bullying.

The College's Anti-bullying Policy contains more details about the College's anti-bullying practices.

6 College uniform

6.1 **The College Uniform Policy is consistent with this policy.** The same College Uniform Policy applies equally to all pupils, irrespective of their gender, gender reassignment, race, disability, sexual orientation, pregnancy or maternity, religion or belief or special educational needs, subject to considerations of safety and welfare. However, the College will consider reasonable requests to alter the College Uniform, for example, for genuine religious requirements and reasonable adjustments for disabled children.

6.2 **Symbols of faith:** Certain items of jewellery, such as the Kara bangle worn by Sikhs, and certain items of headwear, such as the turban and headscarves may be worn by pupils when doing so is genuinely based on manifesting religious or racial beliefs or identity. This is subject to considerations of safety and welfare and the College's existing College Uniform Policy principles (in regards to, for example, the College colours). Where there is uncertainty as to whether an item may be worn under this section, the issue must be referred by the pupil or his or her parents to the Head, whose decision will be final, subject to the Complaints procedure.

6.3 **Disabled pupils:** Reasonable adjustments may be required to the College Uniform for disabled pupils who require them. The pupil or his or her parents should refer the matter to the Head to ensure all reasonable adjustments are made to accommodate the pupil.

7 **Religious belief**

7.1 **Religion:** The College's religious ethos, services and College timetable are set in accordance with the Christian tradition, but the College respects the right and freedom of individuals to worship in accordance with other faiths, or no faith, subject always to their respecting the rights and freedoms of the College Community as a whole and considerations of safety and welfare.

The College expects pupils to attend its Chapel Services which, while rooted in the Anglican (Church of England) tradition are inclusive and make frequent references to both other denominations and other religions' traditions.

8 **Disability and special educational needs**

8.1 **Our approach:** We are an inclusive College which welcomes members of the College Community with disabilities and special educational needs. We maintain and drive a positive culture towards inclusion of disabled people and those with special educational needs in all the activities of the College and we will not treat a member of the College Community less favourably on these grounds without justification. At present, our facilities, physical and otherwise, for the disabled and those with special educational needs are limited. However, we will do all that is reasonable to ensure that the College's curriculum, ethos, culture, policies, procedures and premises are made accessible to everyone. Our Disability Policy and Policy on Special Educational Needs are consistent with this policy. For a copy of these policies, please contact the Senior Deputy Head.

8.2 **Definitions:** Children have **Special Educational Needs** if they have a learning difficulty which calls for special educational provision to be made for them. A disability is a physical or mental impairment which has a "*substantial and long-term adverse effect*" on a person's ability to carry out normal day-to-day activity (Equality Act 2010). For further clarification, please refer to the policies mentioned in paragraph 8.1 above.

8.3 **Reasonable adjustments:** The College has an on-going duty to make 'reasonable adjustments' for disabled pupils and pupils with special educational needs in respect of the education and associated services provided to ensure that such pupils are not placed at a substantial disadvantage in comparison with other pupils. This is a broad expression that covers all aspects of College life, for example:

- the curriculum
- classroom organisation and timetabling
- access to College facilities
- clubs and visits
- College sports and
- College policies.

Reasonable adjustments may typically include:

- making arrangements for a child in a wheelchair to attend an interview in an accessible ground floor room
- allowing extra time for a dyslexic child to complete an entrance exam
- providing examination papers in larger print for a child with a visual impairment
- rearranging the timetable to allow a pupil to attend a class in an accessible part of the building
- arranging a variety of accessible sports activities.

The College is not legally required to make adjustments which include:

- physical alterations such as the provision of a stair-lift or new ground floor facilities, or a new library.

In making "reasonable adjustments" the College is required to provide auxiliary aids and services for disabled pupils where to do so would be reasonable. The College will carefully consider any proposals made by parents and will not unreasonably refuse any requests for such aids and services.

8.4 Informing the College: In accordance with the College's terms and conditions, parents of pupils must notify the Head in writing if they are aware or suspect that the pupil (or prospective pupil) has a disability or if they (either parent), the pupil (or prospective pupil), or any close relations have at any time had, or has a learning difficulty. The registration form enables prospective parents to give details of their child's disability when applying for a place at the College. Parents must provide copies of all written reports and other relevant information upon request. Providing the College with such information will enable the College to support the pupil as much as possible. Confidential information of this kind will only be communicated on a "need to know" basis. The College will have due regard to any request made by a parent or pupil (who has sufficient understanding of the nature and effect of the request) to treat the nature or existence of the person's disability as confidential.

8.5 Admission of children with special educational needs and / or a disability: Applications for a place at the College will be considered on the basis that reasonable adjustments (see definition above) have been made by the College in order to cater for the child's special educational needs and / or disability. The College will not offer a place if, after all reasonable adjustments have been made, the College will not be able to provide adequately for the pupil's physical, educational, emotional or psychological needs. The College shall inform the parents of their decision and give details of the reasonable adjustments they are going to make or give reasons why an offer of a place has not been made.

8.6 Existing pupils: Where the College becomes aware of a disability or special educational need of an existing pupil, the College will do all that is reasonable to assist the pupil whilst at the College, which may include making reasonable adjustments. If in the professional judgement of the Head, and after consultation with the parents and the pupil (where appropriate), the College cannot provide adequately for the pupil's physical, educational, emotional or psychological needs after all reasonable adjustments have been made, parents will be asked to withdraw the pupil, without being charged fees in lieu of notice and with the acceptance deposit returned. The College will do what is reasonable to help parents to find an alternative placement which will provide their child with the necessary environment and level of teaching and support.

8.7 Access: The College will monitor the physical features of its premises to consider whether disabled users of the premises are placed at a substantial disadvantage compared to other users. Where possible and proportionate, the College will take steps to improve access for disabled users of the premises. The College has an Accessibility Plan, which is kept under review and revised as necessary. The Plan is available on request from the Senior Deputy Head.

8.8 SENCo: The College's Special Educational Needs Co-ordinator is Richard Whitehead.

9 Pupils with statements of special educational needs and Education, Health and Care (EHC) plans

9.1 The College's Policy on Special Educational Needs includes details about the welfare and educational provision for pupils with Statements of Special Educational Needs and EHC plans.

10 Pupils with English as an additional language

10.1 Pupils with English as an Additional Language (EAL) will receive additional learning support if necessary. The College will consult with the pupil and the parents as appropriate. The College has appropriate welfare support for all such pupils through a combination of House tutors, House 'buddies' and peer mentors.

11 Provision for pupils with particular religious, dietary, language or cultural needs

11.1 Reasonable provision is made for pupils with the above needs wherever appropriate.

12 Responsibilities

12.1 All members of the College Community are expected to comply with this policy and therefore to treat others with dignity at all times.

12.2 **Overall responsibility:** The **College Council** has overall responsibility for the effective operation of the College's Equal Opportunities Policy and for ensuring compliance with the relevant statutory framework prohibiting discrimination. The Board of Governors has delegated to the Bursar day-to-day responsibility for operating the policy and ensuring its accessibility, availability, maintenance and review.

12.3 **Management:** Those working at a management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote the aims and objectives of the College with regard to equal opportunities.

13 Review

13.1 **Review:** The Senior Deputy Head, liaising with the Head of EAL, is responsible for the ongoing monitoring and regular analysis of the data monitored under paragraph 10 above and under paragraph 14.4 below and will arrange for the taking of appropriate positive steps to eliminate unlawful direct and indirect discrimination where necessary. The Senior Deputy Head is also responsible for reviewing whether the aims of this Policy are carried out throughout all areas of the College and taking appropriate action where necessary.

14 Reporting and recording incidents of discrimination

14.1 **Questions about this policy:** If you have any questions about the content or application of this policy, you should contact the Senior Deputy Head.

14.2 **Complaints:** If you believe that you have received less favourable treatment on any of the unlawful grounds listed in paragraph 1.2 above, or if you feel that this policy has been breached in any way to your detriment you are encouraged to raise the matter through the College's formal Complaints Procedure. For a copy of the College's Complaints Policy, please contact the Senior Deputy Head. Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the complaints procedure.

14.3 **Reports:** If you would like to report a breach of this policy that does not constitute a complaint under paragraph 14.2 above, please contact the Headmaster.

- 14.4 **Enforcement:** We will treat seriously and urgently investigate every complaint and report. Disciplinary action may be taken against any member of the College Community who is found to have acted in contravention of this policy.

15 **Publication**

- 15.1 This policy is available on the College's website, in the Staff Handbook and on request from the Senior Deputy Head.

Revised: 22 February 2016