



## **Equality and Diversity Policy**

Reviewed Sept 2024

## EQUALITY INFORMATION STATEMENT

The Equality Act 2010 introduced a single Public Sector Equality Duty (PSED). The duty replaced previous equality duties on race, disability and gender. In summary, the duty requires public bodies, which includes schools and Pupil Referral Units to have 'due regard' to the need to:

- eliminate unlawful harassment, discrimination and victimisation
- advance equality of opportunity
- foster good relations

The Directors at First Class Tailored Solutions are required to publish information to show that its members have consciously thought about the three aims of the Equality Duty as part of the process of decision-making. The information must include evidence of how the service impacts on people who share a relevant protected characteristic. The protected characteristics are:-

- race
- disability
- gender
- age
- religion or belief
- sexual orientation
- pregnancy and maternity
- gender reassignment
- marriage and civil partnership

### **The 4 types of Discrimination**

There are 4 main types of discrimination under the Equality Act:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

#### **1) Direct discrimination**

There are three different types of direct discrimination.

Direct discrimination occurs when a person is treated less favourably because of:

- A protected characteristic they possess. This is ordinary direct discrimination. It is the only type of direct discrimination which may be lawful, but only if it is 'objectively justifiable'.
- A protected characteristic possessed by someone who they are associated with (such as a member of their family or a colleague). This is direct discrimination by association.
- A protected characteristic they are thought to possess, regardless of whether the perception is correct or not. This is direct discrimination by perception.

Although there is normally a deliberate act or exclusion, direct discrimination does not have to be intentional. This means that even if discrimination occurred unintentionally, a claim can still succeed.

#### **2) Indirect discrimination**

Indirect discrimination is usually less obvious than direct discrimination and is normally unintended. Generally speaking, it occurs when a rule or plan of some sort is put into place which applies to everyone; and is not in itself discriminatory but it could put those with a certain protected characteristic at a disadvantage.

In law, it is where a 'provision, criterion or practice' (PCP) involves all these four things:

1. The 'PCP' is applied equally to a group of people, only some of whom share the protected characteristic
2. It has (or will have) the effect of putting those who share the protected characteristic at a particular disadvantage when compared to others who do not have the characteristic
3. It puts, or would put, the person at that disadvantage
4. The employer is unable to objectively justify it.

### **3) Harassment**

Harassment is 'unwanted conduct' related to a protected characteristic. It must have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Bullying, nicknames, gossip, intrusive or inappropriate questions and comments can be harassment. Excluding someone (not inviting them to meetings or events) may also qualify. To say the behaviour was not meant to cause offence or was 'banter', is not a defence. With harassment, how the victim sees the conduct is more important than how the harasser sees it. Someone who witnesses this type of conduct can claim harassment if it has had a negative impact on their dignity at work, even if they do not share the characteristic as the colleague who was harassed.

### **4) Victimisation**

Victimisation occurs when an employee suffers a 'detriment' because they have done (or because it is suspected that they have done or may do) one of the following things in good faith:

- Make an allegation of discrimination
- Support a complaint of discrimination
- Give evidence relating to a complaint about discrimination
- Raise a grievance concerning equality or discrimination
- Do anything else for the purposes of (or in connection with) the Equality Act, such as bringing an employment tribunal claim of discrimination

A 'detriment' can include a loss, disadvantage, damage or harm. For example, being labelled a 'troublemaker', being left out and ignored, being denied training or promotion, or being made redundant.

The following statement has been approved by the leadership of FCTS.

## **STATEMENT OF EQUALITY INFORMATION**

FCTS provides out of school provision for children and young people aged between 7-18 years who are currently not in other schools for part of the weekly timetable. Whilst children and young people are being taught by FCTS staff, FCTS is committed to ensuring they have access to an appropriate curriculum leading to exciting and challenging learning opportunities which help them to achieve their potential. The provision delivered by FCTS supports all learners to acquire essential skills needed to return successfully to a mainstream setting and/or appropriate alternative provision.

The relevant protected characteristics considered in the planning, provision and policies at FCTS are race, disability, gender, age, religion or belief. FCTS addresses these issues as follows:

### **Race, religion and belief**

FCTS monitors the ethnic make-up of its population continually, ensuring that the cultural and religious needs of its learners are appropriately embraced in all aspects by tutors delivering education on behalf of FCTS.

All staff have a good understanding of the religious, race and cultural differences of the children and young people we serve and they work hard to secure and maintain mutual understanding and respect. As best practice, FCTS is robust in responding to and recording racial incidents and uses education to improve tolerance and understanding through its personalised curriculum.

### **Promoting fundamental British Values**

Staff have an obligation, as part of a broad and balanced curriculum, to promote the spiritual, moral, cultural, mental and physical development of learners. Within this remit, staff should also promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs. Actively promoting the values means challenging opinions or behaviours that are contrary to British values.

The list below describes the understanding and knowledge expected of learners as a result of promoting fundamental British values.

- An understanding of how citizens can influence decision-making through the democratic process.

- An appreciation that living under the rule of law protects individual citizens and is essential for their well-being and safety.
- An understanding that there is a separation of power between the executive and the judiciary, and that while some public bodies such as the police and the army are held to account through Parliament, others such as the courts maintain independence.
- An understanding that the freedom to choose and hold other faiths and beliefs is protected in law.
- An acceptance of the importance of identifying and combating discrimination.

### **Disability and Gender**

A proportion of staff have undergone specialist training in disability and accessed a range of courses in Special Educational Needs (SEN). Every child has a personalised curriculum that takes into account their individual needs and barriers to learning. Each personalised education programme evidences that reasonable adjustments are made to the curriculum, social activities and environment.

### **Equality Objective**

In partnership with locality schools, FCTS will enable young people to be socially included within their community by securing a timely supported re-integration into an appropriate school for as many young people as possible.

### **Complaints / Incidents**

FCTS has not received any complaints in the previous twelve months with regard to equality. No incidents involving racial discrimination have been recorded during the same period. See Complaints Policy.