



# Equal Opportunities Policy

**We are committed to reviewing our policy and good practice annually.**

**This policy was last reviewed on: 15<sup>th</sup> February 2021**

At Switch Midlands we are committed to ensuring equality of support and opportunity for all children and young people, staff, parents and carers receiving services from us, irrespective of race, disability, sex, sexual orientation, gender reassignment, religion or belief, pregnancy and maternity and age for staff. We will adhere to the legal definitions of these protected characteristics as set out by the Equality and Human Rights Commission (EHRC) code of practice.

We aim to develop a culture of inclusion and diversity, in which all those connected to Switch Midlands feel proud of their identity and able to participate fully in our services. We will tackle discrimination by the positive promotion of equality, challenging bullying and stereotypes and creating an environment which champions respect for everyone. We believe that diversity is a strength that should be respected and celebrated by all those who come into contact with Switch Midlands.

## **Equal Opportunities for Staff**

We are committed to the implementation of equal opportunities principles and the monitoring and active promotion of equality in all aspects of staffing and employment.

All staff appointments and promotions are made on the basis of merit and ability and in compliance with the Law. However, we are concerned to ensure wherever possible that the staffing of the organisation reflects the diversity of our community.

## **Employer Duties**

As an employer we need to ensure that we eliminate discrimination, victimisation and harassment in our employment practice and advance equality across all groups within our workforce.

Equality aspects such as age, sex, race, disability, sexual orientation, gender reassignment, pregnancy and maternity and religion and belief are considered when appointing staff and particularly when allocating responsibilities or re-evaluating staff structures, to ensure decisions are free of discrimination.

Actions to ensure this commitment is met include:

- Monitoring recruitment and retention including bullying and harassment of staff;

- Continued professional development opportunities for all staff, which are monitored as part of the performance management process;
- Senior Management ensure equality of opportunity for all.

### **Equality and the Law**

Switch Midlands will ensure it does not unlawfully discriminate against its referrals, prospective referrals, staff, job applicants, or parents/carers in the performance of its duties, policies and practices. We recognise that discrimination can occur in the following ways and will actively work to alleviate it;

- Direct discrimination
- Indirect discrimination
- Discrimination arising from disability including failure to make reasonable adjustments and provide auxiliary aids and services
- Harassment (which is one form of discrimination) means violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- Victimisation means discrimination because of a previous complaint.

### **Accessibility**

Switch Midlands will comply with the Building Regulations and the School Premises Regulations 2012 and should be physically accessible to disabled pupils. We will plan to:

- Increase the extent to which disabled pupils can access our support;
- Improve the physical environment of our physical base to increase the extent to which disabled children and young people can access education and associated services; and
- Improve access to written information which is provided to disabled children and young people.

This will be done within a reasonable period of time and in formats which take account of the views expressed by the children and young people and parents/carers about their preferred means of communication.

We will work actively to anticipate the needs of disabled staff and children and young people and will ensure the inclusion of disabled people by making reasonable adjustments. We will consider the following in deciding when a reasonable adjustment can be met;

- How effective the change will be in assisting the disabled person;
- Its practicality;
- The cost;
- The resources
- The availability of any financial support and;
- Any safety issues

### **The Role of the Chief Executive Officer (CEO)**

It is the CEO's role to implement the organisation's Equality Policy and he is supported by the senior management team in doing so. It is the CEO's role to ensure that all staff are aware of the Equality Policy and their responsibilities within it and that all staff are given appropriate training and support to apply this Policy fairly and in all situations.

The CEO ensures that all appointment panels give due regard to the Policy, so that no-one is discriminated against when it comes to employment or training opportunities.

The CEO promotes the principle of equal opportunity when developing the service and promotes respect for other people and equal opportunities to participate in the service.

The CEO treats all incidents of unfair treatment and any incidents of bullying or discrimination, including racist incidents, with due seriousness. If you have any concerns relating to the organisation's policy, or its implementation, please contact the CEO, who will respond to you within 10 working days.

#### **Contact for Switch Midlands CEO:**

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### **The Role of all Staff**

All staff will ensure that all children and young people and other members of staff are treated fairly, equally and with respect and will maintain awareness of the organisations Equality Policy.

All staff will strive to provide a service that gives positive images and challenges stereotypical images.

All staff will challenge any incidents of bullying, prejudice, racism or homophobia and record any serious incidents, drawing them to the attention of the CEO.

Staff are personally responsible for their own acts of discrimination, harassment or victimisation carried out during their employment, whether or not the employer is liable. However, an employee is not liable in relation to disability discrimination in the organisation.

### **Annex A: Protected Characteristics**

The protected characteristics for the services provisions are:

- Disability
- Gender reassignment

- Race
- Religion or belief
- Sex
- Sexual orientation

Age and marriage and civil partnership are NOT protected characteristics for the service provision, but do apply to staff.

## Disability

A person is a disabled person (someone who has the protected characteristic of disability) if they have a physical and/or mental impairment which has what the law calls 'a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. There is no need for a person to have a medically diagnosed cause for their impairment; what matters is the effect of the impairment not the cause. In relation to physical impairment:

- Conditions that affect the body such as arthritis, hearing or sight impairment (unless this is correctable by glasses or contact lenses), diabetes, asthma, epilepsy, conditions such as HIV infection, cancer and multiple sclerosis, as well as loss of limbs or the use of limbs are covered.
- HIV infection, cancer and multiple sclerosis are covered from the point of diagnosis.
- Severe disfigurement (such as scarring) is covered even if it has no physical impact on the person with the disfigurement, provided the long-term requirement is met (see below).
- People who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated as disabled under the Act.

Mental impairment includes conditions such as dyslexia and autism as well as learning disabilities such as Down's syndrome and mental health conditions such as depression and schizophrenia. The other tests to apply to decide if someone has the protected characteristic of disability are:

- The length the effect of the condition has lasted or will continue: it must be long term. 'Long term' means that an impairment is likely to last for the rest of the person's life, or has lasted at least 12 months or where the total period for which it lasts is likely to be at least 12 months. If the person no longer has the condition but it is likely to recur or if the person no longer has the condition, they will be considered to be a disabled person.
- If the activities that are made more difficult are 'normal day-to-day activities'; at work or at home.
- Whether the effect of the impairment is to make it more difficult and/or time-consuming for a person to carry out an activity compared to someone who does not have the impairment and this causes more than minor or trivial inconvenience.
- If the activities that are made more difficult are 'normal day-to-day activities'; at work or at home.

- Whether the condition has this impact without taking into account the effect of any medication the person is taking or any aids or assistance or adaptations they have, like a wheelchair, walking stick, assistance dog or special software on their computer. The exception to this is the wearing of glasses or contact lenses where it is the effect while the person is wearing the glasses or contact lenses, which is taken into account.

*For example:* Someone who has ADHD might be considered to have a disability even if their medication controls their condition so well that they rarely experience any symptoms, if without the medication the ADHD would have long-term adverse effects.

Progressive conditions and those with fluctuating or recurring effects are included, such as depression, provided they meet the test of having a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

### **Gender Re-assignment**

Gender re-assignment is a personal process (rather than a medical process) which involves a person expressing their gender in a way that differs from or is inconsistent with the physical sex they were born with.

This personal process may include undergoing medical procedures or, as is more likely for school pupils, it may simply include choosing to dress in a different way as part of the personal process of change.

A person will be protected because of gender reassignment where they:

- Make their intention known to someone – it does not matter who this is, whether it is someone at school or at home or someone like a doctor.
- Once they have proposed to undergo gender reassignment they are protected, even if they take no further steps or they decide to stop later on.
- They do not have to have reached an irrevocable decision that they will undergo gender reassignment, but as soon as they is a manifestation of this intention they are protected.
- Start or continue to dress, behave or live) full-time or part-time) according to the gender they identify with as a person.
- Undergo treatment related to gender reassignment, such as surgery or hormone therapy, or
- Have received gender recognition under the Gender Recognition Act 2004.

It does not matter which of these applies to a person for them to be protected because of the characteristic of gender reassignment.

The guidance uses the term 'transsexual person' to refer to someone who has the protected characteristic of gender reassignment.

## **Pregnancy and Maternity**

The Act lists pregnancy and maternity as a protected characteristic.

## **Race**

Race means a person's:

- Colour and /or
- Nationality (including citizenship) and /or
- Ethnic or national origin

And a racial group is composed of people who have or share a colour, nationally or ethnic or national origins.

A person has the protected characteristic of race if they belong to a particular racial group, such as 'British people'. Racial groups can comprise two or more racial groups such as 'British Asians'.

## **Religion or Belief**

The protected characteristic of religion or belief includes any religion and any religious or philosophical belief. It also includes a lack of any such religion or belief. A religion need not be mainstream or well known to gain protection as a religion. It must, though, be identifiable and have a clear structure and belief system. Denominations or sects within religions may be considered a religion. Cults and new religious movements may also be considered religions or beliefs. Belief means any religious or philosophical belief and includes a lack of belief. 'Religious belief' goes beyond beliefs about and adherence to a religion or its central articles of faith and may vary from person to person within the same religion.

A belief which is not a religious belief may be a philosophical belief, such as humanism or atheism. A belief need not include faith or worship of a god or gods, but must affect how a person lives their life or perceives the world.

For a belief to be protected by the Equality Act:

- It must be genuinely held
- It must be a belief and not an opinion or viewpoint based on information available at the moment
- It must be a belief as to a weighty and substantial aspect of human life and behaviour.
- It must attain a certain level of cogency, seriousness, cohesion and importance.
- It must be worthy of respect in a democratic society.
- It must be compatible with human dignity and not conflict with the fundamental rights of others.

## **Sex**

A person's sex refers to the fact that they are male or female. In relation to a group of people, it refers to either men or women or to either boys or girls.

## **Sexual orientation**

Sexual orientation means the attraction a person feels towards one sex or another (or both), which determines who they form intimate relationships with or are attracted to.

- People are only attracted to those of the same sex (lesbian women and gay men).
- Some people are attracted to people of both sexes (bisexual people).
- Some people are only attracted to the opposite sex (heterosexual people).

Everyone is protected from being treated worse because of sexual orientation, whether they are bisexual, gay, lesbian or heterosexual.

Sexual orientation discrimination also covers discrimination connected with manifestations of that sexual orientation.