

# EQUALITY, DIVERSITY AND INCLUSION POLICY

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### **Introduction**

Benenden School (Kent) Limited and its subsidiaries (collectively 'Benenden' or 'the School') is committed to a policy of inclusion that sees the diverse population of its staff, students and governors as one of its greatest strengths. In order to ensure that everyone can thrive and meet their full potential, it is essential that inclusion and equality of opportunity be at the heart of our ethos. By valuing diversity and being intentionally inclusive in our behaviours and culture, we can maximise our impact through meeting individual needs and connecting with the changing societies in which we work.

This policy applies equally to staff, students, parents, volunteers and visitors (including contractors) to the School. It also applies to school community members whilst outside of the school, such as on trips, at conferences or at meetings. It aims to ensure that no-one is treated less favourably than others on the basis of their identity, which could include but is not limited to, gender or sex, race, ethnicity, national origin or cultural heritage, marital status, age, sexual orientation, gender identity, disability, pregnancy, parental status or religious or philosophical beliefs. The wider definitions of these, and the legal framework from which they come from can be found in Annex A

The School adopts a zero-tolerance policy in relation to discrimination on the basis of any protected characteristic. Necessary action will be taken as appropriate.

### **Responsibility**

Benenden School aims to:

- provide a secure environment in which all our students can thrive and achieve all of the outcomes of Keeping Children Safe in Education
- provide a living environment and learning culture where all individuals see themselves reflected and feel a sense of belonging
- prepare students for life in a diverse and inclusive society in which everyone can take their place in the local, regional, national and international community
- include and value the contribution of all families to our understanding of equality and diversity
- provide and promote positive non-stereotyping information about the diversity of our society
- actively challenge discrimination and disadvantage and ensure we learn from these experiences
- embed inclusion through all aspects of school life
- positively influence the wider community around us to tackle inequality and be inclusive

To achieve these aims we will:

- involve members of the community in the development, review, evaluation, and impact assessment of all relevant improvement plans, policies and procedures
- publish and share our policies and progress with the whole community
- collect and analyse data to monitor potential disadvantage or barriers to thriving
- provide for students' diverse needs to overcome any potential barriers to learning and ensure all can participate fully
- make provision in the wider school curriculum to promote and celebrate diversity
- operate a clear zero tolerance policy towards abusive or discriminatory behaviour
- educate and empower our students to be agents of change and inclusive leaders
- work in partnership with families and the wider community to establish, promote and disseminate inclusive practice and tackle discrimination and inequality

Inclusion cannot be realised without the involvement and commitment of all members of the school community.

The Governors and Senior Management Team have responsibility for ensuring that the School operates within the legal framework for equality and for implementing the policy throughout the School.

However, each member of the School community is responsible for preventing discrimination, embracing diversity and upholding equality of opportunity.

### **The School Governors**

It is the School Governors' responsibility to:

- positively role model inclusive behaviour and practice through compliance with their own inclusion objectives
- ensure that the school complies with equality legislation
- ensure that the school's policy, procedures and actions are monitored for effectiveness
- be involved in dealing with serious breaches of the policy.

### **The Head and Senior Management Team**

It is the Head's responsibility to:

- ensure implementation of this policy and its procedures
- ensure that all staff are sufficiently trained in and playing their role in creating an inclusive culture
- actively challenge and take appropriate action in any cases of discriminatory practice
- have procedures in place to deal effectively with any reported incidents of discrimination, victimisation or harassment positively
- ensure that all visitors and contractors are aware of, and comply with this policy

### **All Staff and volunteers**

It is the responsibility of all staff and volunteers to:

- positively role-model inclusive behaviour and practice
- actively challenge any forms of discrimination, victimisation, harassment or bullying, including where it is framed as 'banter'
- actively provide and promote an inclusive curriculum and environment
- identify and challenge inequality, bias and stereotyping within the curriculum and in the school's culture
- commit to broadening their knowledge, confidence and inclusive behaviour by attending relevant training and accessing information from appropriate sources

### **All students**

It is the responsibility of all students to:

- positively role model inclusive behaviours
- comply with the code of conduct and behaviour policy
- address uncomfortable and difficult conversations with courage, empathy, emotional intelligence, respect and resolution driven energy
- Engage and support the schoolwork on inclusion
- Are accountable for becoming agents of change and using their own privilege for societal good

### **What does Discrimination look like?**

It is possible for discrimination to be direct, indirect, or to take the form of harassment, bullying or victimisation, including third party harassment and which may also include the use of electronic technology. (For further information please see B.2.4 Harassment and Bullying in the Workplace).

**Direct Discrimination** - This occurs where a person is treated less favourably than others because of their (or a family members) actual or perceived protected characteristic. (e.g. Physical assault against or online name calling because of a protected characteristic)

**Indirect Discrimination** - This occurs by applying a provision, criterion or practice which disadvantages people on the grounds of a protected characteristic and which cannot be justified as a proportionate or unpreventable way of achieving a legitimate aim. (Holding trials for a sports team or other activity only during a period of required prayer)

**Victimisation** - This occurs where an individual has exercised their rights under equality legislation (or has indicated that they intend to do so) and is treated less favourably as a direct result. It applies equally to a person who is supporting (or indicates that they intend to support) another person who is exercising their rights under the legislation. (e.g. Fusing to work with someone because they have put in a complaint)

**Discrimination by association** – This occurs if people in your life, like family members, have protected characteristics and you are treated unfairly because of that. (e.g. The parent of a child with a disability can make a case for the child, or a volunteer not wanting a student in their activity because they have same sex parents)

**Harassment** – This is defined as unwanted conduct related to a relevant protected characteristic which has the purpose OR effect of violating an individual's dignity or creating a hostile, humiliating or offensive environment for that individual. (e.g sharing derogatory materials about being Transgender people, or purposely starting conversations about personal details of Transgender people with peers because you believe a person in the group may be Transgender)

### **Related School documents**

All school policies and handbooks will take note of the relevant aspects of Equal Opportunities. Those with particular relevance are:

- Accessibility Policy
- Admissions Policy
- Anti-Bullying Policy
- Complaints Procedure
- Department Handbooks
- Student Planners
- Gender Identity Protocol (student)
- Recruitment Policy
- Learning Support Policy
- Staff Handbook

### **Implementation**

Key components of implementation of this policy and bringing inclusion to life include:

#### Training and Development

The success of the policy is closely linked to the provision of relevant training.

The school will endeavour to:

- enhance and develop the skills, knowledge and abilities of existing employees to realise their full potential, irrespective of background or employment status
- provide equal access to training and development opportunities for all staff on the basis of their assessed training needs
- promote greater awareness of equal opportunities and the contribution which staff, governors, parents/guardians and students can make
- equip employees with the skills to provide personal and organisational solutions to discriminatory practices and behaviour and to promote inclusive behaviour generally.

Professional development involves a continuous process of learning involving self-development, encouragement and motivation. The school places great importance on the relationship between heads of department and their teams, as well as links between management and departments and will ensure that employees are encouraged and supported to take responsibility for their own learning and development in the context of the PDR process.

#### Inclusion within the life of the School

No pupil should be made to feel uncomfortable because they differ from the majority, e.g. in ethnic or social background, in being gifted, being from financial disadvantage, having English as an additional language or a special educational need and/or disability.

**Classroom and living arrangements** - the following will be sensitively monitored:

1. Seating arrangements and friendship groups (directed seating and grouping is often very helpful)
2. Living and social arrangements
3. Grouping and leadership of groups for joint work and activities
4. Access to equipment such as electronic equipment e.g. iPads, mini whiteboards etc.

### **Curriculum**

Where possible, relevant aspects of the curriculum will aim to:

1. Normalise and positively represent diversity in the content and examples utilised
2. Stress the contribution of all kinds of individuals and cultures
3. Reinforce the importance of embracing difference, being inclusive and of equality of opportunity as a desirable aim

Resources will be monitored for possible bias, reinforcing stereotypes and representation.

### **Displays/Public reputation and Events**

This policy will be kept in mind when creating displays, media and marketing, deciding on students chosen to represent the school for public events, or to supply work for display.

### **Pastoral Care**

The following areas will be monitored by those responsible:

1. Friendship groups - no individual or group should be isolated as belonging to a minority
2. Rewards and sanctions - should be applied with consistency and impartiality
3. Co-curricular involvements - all students have access to a range of involvements
4. Positions of responsibility - should be awarded to those best qualified, on the grounds of personal qualities only.
5. Links with the wider community
6. Providing support for those impacted by wider societal issues

### **Recruitment and progression**

The School is committed to ensuring that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position. The School has a comprehensive Staff Safer Recruitment and Selection policy which details the recruitment process and covers how barriers are mitigated and how inclusive recruiting best practice is followed.

### **How to raise concerns**

We recognise that inclusion is a continuous chain of constant behaviours and improvements, and that therefore we do not always get it right. It is important that these infringements are addressed appropriately. We have a zero tolerance policy deliberate discrimination as well as a belief that dealing with issues quickly, proactively and positively as possible builds ongoing trust and collaboration.

Therefore, an individual or group who considers that they have been subjected to any form of discrimination may wish to try and resolve the problem informally before or instead of invoking the formal procedure. Where practical, this approach is often very effective and it is recommended as the first step in resolving the problem. The School will provide support throughout this process which may be given by the EDI Co-ordinator, the Head of HR or nominated member of SMT. If such an approach is impractical or unsuccessful the incident should be discussed with the Deputy Head Boarding and Pastoral Care, the Director of Finance and Operations or Head of Human Resources, whomever they feel most comfortable with. They will seek to help the individual or group and consider how the problem may best be resolved on an informal basis. A simple record of this will be kept on file. Wherever possible confidentiality will be maintained.

The procedure for dealing with formal complaints relating to Discrimination, Victimisation or Harassment is outlined below and incidents are recorded in a distinct electronic file, held by the First Deputy.

#### Students

- Minor incidents should be dealt with immediately and informally, where possible taking the opportunity for a teaching or tutorial discussion.
- More serious or consistent problems should be reported through CPOMS

#### Staff

Any staff infringing the guidelines of this policy should be reported. (See relevant Grievance Procedures in staff contracts and the Complaints' Procedures in Staff Handbook). The formal route is likely to make use of the Grievance Policy (see B.2.5 Grievance Policy).

#### Visitors and Parents

Any visitors or parents infringing the guidelines of this policy should be reported to the First Deputy

### What could happen next?

At any time during such process and/or if any informal approach proves unsuccessful in resolving the issue, the individual or group may invoke a formal procedure whereby:

- Any such incident is reported to the Head;
- A member of the Senior Management Team (SMT), to be known as the investigating officer, will interview the individual or group by whom a complaint is made, ideally within 72 hours of the complaint. Written signed statements will be taken at the interview;
- The investigating officer will then interview the individual(s) against whom a complaint is made (including members of staff if appropriate). Written signed statements will be taken at the interview;
- The investigating officer will interview any witnesses to the incident(s) and/or those who may have knowledge of the incident(s). Written signed statements will be taken at the interview;
- Whenever students are involved in an incident, the respective Housemaster/mistress is to be informed and invited to attend the interview involving any child from their House. It is likely that the parents of any students involved will be informed at this stage;
- The investigating officer will prepare a report for consideration by the Head or Director of Finance and Operations (or other person nominated by them). The Head or the Director of Finance and Operations (or other person nominated by them) will decide whether the complaint is upheld or not and on any further action which may be necessary including any suitable sanction;
- Victims or witnesses of harassment/discrimination will receive appropriate support, counselling and protection from any retaliation as well as offered counselling.

### Sanctions

If a pupil or group of students is considered to have committed a breach of this policy then an appropriate sanction which will be applied. Parents and Hms will be informed. Disciplinary procedures for members of staff are referred to in staff contracts of employment and this Staff Handbook.

Monitoring - results and destinations

### Monitoring/Evaluation

This policy will be kept under review and will be evaluated at least annually by SMT. SMT will review any monitoring data, best practice and incidents with a view to informing or amending practices or procedures.

In order to identify where bias may be playing a role in decisions or outcomes, a number of areas will be routinely monitored. These include but are not limited to

- Anonymised student application and admissions data
- Bursary application and admissions data
- Anonymised staff recruitment data
- Parent engagement information
- Wellbeing data
- Complaints and outcome data
- Examination results
- Destinations information

This will be done within the GDPR and confidentiality of personal information protocols and will be reported in such a way that does not identify any individuals.

SMT will also complete an annual review of the Accessibility Plans in respect of both Buildings and Grounds and Admissions and Curriculum. The Accessibility Plans are held by the Deputy Head Boarding and Pastoral Care. The Deputy Head Academic is responsible for the Accessibility Plan relating to Admissions and Curriculum. The Director of Finance and Operations and First Deputy are responsible for the Accessibility Plan for Buildings and Grounds.

**All staff must comply with this policy. Any breach will be regarded as a disciplinary matter.**



### **Annex A – Legal Framework and definitions**

#### Legal Framework

The legal and local framework for this policy is:

- Equality Act 2010
- DfE Guidance on Equality Act 2010
- Children Act 2004
- Education and Inspections Act 2006 (including subsequent amendments)
- Duty to Promote Community Cohesion, Education and Inspections Act 2006

#### Definitions of terms

Gender or Sex - “sex” refers to the biological and physiological characteristics that define men and women, and “gender” refers to the socially constructed roles, behaviours, activities, and attributes that a particular society considers appropriate for men and women. Thus, “sex” is a biological variable, while “gender” is a social, cultural, and psychological variable. To be more specific, sex refers to the classification of living things—generally as male or female—on the basis of their reproductive organs and “gender” refers to a person’s self-representation as male or female, or how that person is responded to by social institutions.

Whilst society uses these interchangeably we include both in our policy as whilst for the majority of our work biological characteristics (sex) has no relevance, as a boarding school we recognise at times it does.

#### Race, ethnicity, national origin and cultural heritage

The concepts of race, ethnicity and cultural heritage fall into a complex discussion about humanity, especially in today’s ever-changing society. All three of them are important and play a major role in the development of the identities of all people.

Race is a socially constructed grouping that often focusses on biological factors such as skin colour. Ethnicity is more complex, relating to the shared cultural, belief and societal behaviours of a culture. Cultural heritage recognises that you may, particularly as a young person, have broad and multiple influences on what defines you and is important to you culturally based on your family heritage, lived experience or personal beliefs.

Their interaction is an important part of our reality and irrevocably shape our social, personal, and cultural experiences.

#### Marital Status

This means whether you are single, cohabiting, in a marriage or civil partnership.

#### Age

This relates to your actual or assumed age. It is equally common for both younger and older generations to be subject to stereotypes.

### Sexual Orientation

Our sexual orientation is who we are sexually, physically or romantically attracted to. This is an ever changing landscape, but currently the legal framework includes :

You are heterosexual (attracted to the opposite sex or gender), gay (attracted to the same sex or gender), lesbian (the same as gay but used for women only) or bisexual (meaning you could be attracted to either sex or gender if considered a binary, or pansexual if you do not).

The law also includes provision for when someone thinks you have a particular sexual orientation (this is known as discrimination by perception) or you are connected to someone who has a particular sexual orientation (this is known as discrimination by association), irrespective of your own actual sexual orientation.

### Gender Identity & gender reassignment

Although often used interchangeably, Gender identity is different from biological sex and from sexuality .Gender identity is a way to describe how someone feels about their gender. For example, some people may identify as a boy or a girl, while others may find neither of these terms feel right for them and identify as neither or somewhere in the middle.

While many people identify with the gender they were assigned at birth, for others gender is more of a spectrum, with lots of different possible identities.

The Equality Act takes gender reassignment to mean when our gender identity is different from the sex assigned to you when you were born. You do not need to have undergone any specific treatment or surgery to change from your birth sex to your preferred gender identity. (This is because changing your physiological or other gender attributes is a personal process rather than a medical one) and you can be at any stage in the transition process – from proposing to reassign your gender, to undergoing a process to reassign your gender, or having completed it.

Non-Binary (people not feeling either binary gender, male or female) and Intersex people (the term used to describe a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't fit the typical definitions of female or male) are not explicitly protected from discrimination by the Equality Act are not explicitly covered within the legislation, but recent legal cases have ruled them within the meaning and intent of the legislation, and at Benenden we consider the full spectrum of gender identity within our policy.

### Disability

A person has a disability if he or she has “a physical or mental impairment which has substantial or long-term adverse effect on their ability to carry out normal day-to-day activities.” (“Mental impairment” includes those with learning disabilities (including those conditions commonly associated with challenges in communication and information processing such as Down’s Syndrome), those with neurodivergent conditions (such as ADHD or Dyslexia) and mental health conditions (such as Depression and Personality Disorders) providing it is clinically diagnosed - and “long term” means at least one year).

### Parental Status

These are separated out in legislation but for our purposes we can look at them as a whole. This covers, (as part of pregnancy and maternity) those people who are pregnant, breastfeeding or recently giving birth. It also covers those who are on parental leave or have young children or children with additional needs in your care.

### Religion and philosophical belief

Religious and philosophical beliefs can be key to the identity of a person and how they live their lives. They can also be interwoven within your cultural heritage or be different to that entirely. These include

- you are (or are not) of a particular religion
- you hold (or do not hold) a particular philosophical belief
- you have no religious belief

A philosophical belief must be genuinely held and more than an opinion. It must be cogent, serious and apply to an important aspect of human life or behaviour. For example:

- an employee believes strongly in man-made climate change and feels that they have a duty to live their life in a way which limits their impact on the earth to help save it for future generations: this would be classed as a belief and protected under legislation

Importantly, the Equality Act also says that a belief must also be worthy of respect in a democratic society and not affect other people's fundamental rights. For example:

- an employee believes that White people are a superior race to others and tells their colleagues so: this would not be classed as a belief protected under the Equality Act