

SES Kite

Supported Accommodation

Equality and Diversity Policy and Practice

(Incorporating the Public Sector Equality Duty)

Date created or revised: 1025

Date of next review: 1027

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1 INTRODUCTION

This policy applies to all adults who work at SES Kite supported accommodation provision on a paid or voluntary basis, all young people cared for and their families, together with any visitors or contractors who visit the sites.

The following policies should be read in relation to this document as they contain relevant additional information:

- Equality Information and Equality Objectives
- Development Planning documentation
- Referrals and Admissions Policy and Practice
- Recruitment and Selection Policy and Practice
- Grievance, Capability and Discipline Policy and Practice
- Staff Support and Development Policy and Practice
- Safeguarding Policy and Practice
- SES Kite Brochure
- Anti-Bullying Policy and Practice
- Communication Policy and Practice
- Complaints and Representations Policy and Practice
- Health and Safety Policy and Practice
- Partnership with Families Policy and Practice
- Positive Management of Behaviour Policy and Practice
- Promoting Positive Health
- The Management of Allegations and Concerns Regarding the Professional Conduct of Adults in Relation to Child Protection: Policy and Practice
- Data Protection Policy and Practice
- Policy and Practice for the Disclosure of Information in the Public Interest (Whistleblowing)

All SES Kite documents are available on the internal network and all staff are issued with a personal copy.

2 RATIONALE

The Equality Act came into force on 1 October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up the Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. The Act provides a discrimination law that protects individuals from unfair treatment and promotes a fair and more equal society.

The Equality Act 2010 provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful. It simplifies the law by removing anomalies and inconsistencies that had developed over time in the existing legislation, and it extends the protection from discrimination in certain areas.

As far as schools are concerned, for the most part, the effect of the law is the same as it has been in the past – meaning that schools cannot unlawfully discriminate

against young people because of their sex, race, disability, religion or belief, gender and sexual orientation. Protection is also extended to young people who are pregnant or undergoing gender reassignment (a person has the protected characteristic of gender reassignment if a person is proposing to undergo, undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex).

The exceptions to the discrimination provisions for schools that existed under previous legislation – such as the content of the curriculum, collective worship and admissions to single-sex schools and schools of a religious character, are all replicated in the act.

Some changes will have an impact on schools as follows:

- Introduction of a single equality duty to replace the previous three separate duties. This includes specific duties which are less bureaucratic and more light-touch than previous duties, requiring schools to publish equality information and objectives.
- It is now unlawful for employers to ask health-related questions of applicants before job offer, unless the questions are specifically related to an intrinsic function of the work. This means that schools should no longer, as a matter of course, require job applicants to complete a generic health questionnaire as part of the application procedure. Schools are advised to review their existing practices to ensure they are complying with both the Health Standards Regulations and Section 60 of the Equality Act. Schools may decide to ask necessary health questions after job offer. In any case, they should ensure that any health-related questions are targeted, necessary and relevant to the job applied for.
- It is unlawful to discriminate against young person based on their gender identity.
- It is unlawful to discriminate against a young person who is pregnant or has recently had a baby.
- Positive Action provisions will allow schools to target measures that are designed to alleviate disadvantages experienced by, or to meet the particular needs of, pupils with particular protected characteristics.

The combined equality duty which came into effect in April 2011 requires schools, when carrying out their functions, to have due regard to the need to:

- Eliminate discrimination and other conduct that is prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- Foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it;

With the PSED (Public Sector Equality Duty), as with the previous general duties, schools are subject to the need to have due regard to the three elements outlined above. What having “due regard” means in practice has been defined in case law and means giving relevant and proportionate consideration to the duty. For schools this means:

- Decision makers in schools must be aware of the duty to have “due regard” when making a decision or taking an action and must assess whether it may have particular implications for people with particular protected characteristics.
- Schools should consider equality implications before and at the time that they develop policy and take decisions, not as an afterthought, and they need to keep them under review on a continuing basis.
- The PSED has to be integrated into the carrying out of the school’s functions, and the analysis necessary to comply with the duty has to be carried out seriously, rigorously and with an open mind – it is not just a question of ticking boxes or following a particular process (SES Kite integrate the PSED within the establishment Development Plans).
- Schools can’t delegate responsibility for carrying out the duty to anyone else.

The Public Sector Equality Duty (PSED), as outlined by Ofsted, applies to supported accommodation services. Consequently, the aforementioned legal requirements are applicable to SES Kite’s supported accommodation provision.

3 DISABILITY

The disability provisions in the Equality Act mainly replicate those in the former Disability Discrimination Act (DDA).

The law on disability discrimination is different from the rest of the Act in a number of ways. In particular, it works in only one direction – that is to say, it protects disabled people but not people who are not disabled. This means that schools are allowed to treat disabled pupils more favourably than non-disabled young people, and in some cases are required to do so, by making reasonable adjustments to put them on a more level footing with young people without disabilities. The definition of what constitutes discrimination is more complex. Provision for disabled pupils is closely connected with the regime for children with special educational needs.

The DDA defines a disabled person as someone who has:

‘a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.’

Definition of the terms:

- ‘physical impairment’ includes sensory impairments;
- ‘mental impairment’ includes learning difficulties and an impairment resulting from or consisting of a mental illness;

- ‘substantial’ means ‘more than minor or trivial’; and
- ‘long-term’ is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the person’s ability to carry out normal day-to-day activities is substantial and long-term, as defined above.

The effect on normal day-to-day activities is on one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk of physical danger.

Students with SES are more thoroughly involved in discussion about themselves and their needs than in virtually any other environment, because of their low numbers, high staffing ratio and personalisation practiced about their learning needs and their lives. Some students may and do fall into the definition of disability. Reasonable adjustments are made for them.

The aforementioned legal requirements are applicable to SES Kite’s supported accommodation provision.

4 SES KITE VALUES AND PRINCIPLES

SES Kite is a forward-looking company. It expects its establishments to be forward looking and adopt a “learning without limits” philosophy. This means that staff in those establishments have a passionate conviction that all our young people are able to achieve, staff are optimistic about success and accept no restriction on what is possible with the young people in our care.

As the children and young people being supported by SES Kite are all stated as having special educational needs and the whole philosophy is one of personalised and bespoke responses to these needs it is felt that we already respond very clearly and in a specific way to the principles outlined in the Equality Duty, in relation to our children.

5 SPECIALIST EDUCATION SERVICES VISION

In the SES Vision Statement our stated values underpin our approach to both the adults and young people who work and live at SES Kite.

SES Kite provisions:

- ✓ *we believe in a 'no limits' approach to helping children and young adults*
- ✓ *we believe in children's and young adults' abilities and potential*
- ✓ *we believe in unconditional positive regard*
- ✓ *we believe our young adults deserve fun and happiness in life*
- ✓ *we believe in a 'can do' philosophy*
- ✓ *we believe in success and learning from mistakes*
- ✓ *we believe intelligence is multifaceted*
- ✓ *we believe learning is a lifelong process*
- ✓ *we believe creativity and imagination are the keys to developing passions and talents, and preparing for life in a rapidly changing world*
- ✓ *we believe assessment of progress is based on improvements on 'previous best'*
- ✓ *we are future orientated*

6 SPECIALIST EDUCATION SERVICES ETHOS

Our guiding community beliefs are captured in our SES Way ethos statement that drives our daily culture:

Be Curious, Show Love, Build Connections

Be Curious (Learning without limits)

- **Ask Lots of Questions:** It's great to be curious! We all ask questions to learn more.
- **Explore New Things:** We help each other to try new activities and discover exciting things.
- **Find Your Own Answers:** It's fun to figure things out by ourselves, we always have people around to help us all explore.
- **Keep Wondering:** We all keep wondering about the world and never stop learning.
- **Enjoy the Journey:** Learning is like an adventure. We are always excited to see where our curiosity will take us.

Show Love (Unconditional positive regard)

- **Be Kind to Others:** We share kindness and go out of our way to make others feel happy.
- **Help When You Can:** We encourage each other to help each other and show we care.
- **Show Appreciation:** We all show gratitude; it promotes love and makes everyone feel valued.
- **Listen and Care:** We all listen to and help each other; random acts of kindness are great!
- **Spread Love Everywhere:** We all spread love by being caring and understanding to everyone around us.

Build Connections (Every interaction is an intervention)

- **Make Friends:** We all reach out and develop strong enabling relationships and friendships, building strong connections with others.
- **Work Together:** We all work together, because teamwork helps us all grow.
- **Share and Listen:** We share our thoughts and listen to others, creating understanding and trust.
- **Help Each Other:** We believe in helping each other, because that's how we build a caring and connected community.
- **Stay Connected:** We stay connected by checking in and supporting each other every day.

7 POLICY RELATING TO YOUNG PEOPLE

SES Kite caters for a very specific group of the population who have a complexity of needs including social, emotional, mental, behavioural and learning difficulties. There is no clear distinct social category within which these young people lie; however, there are clear factors that will have a bearing upon issues relating to equality of regard and opportunity within the environment.

Children and young people are exposed to a number of broad experiences in both their home and learning environments. These experiences are a direct product of:

- the learning curriculum
- adults in their learning environment or home
- their peers
- members of their family and extended family
- other adults in the wider society
- society's agreed rules and codes of conduct.

The nature and quality of these experiences are to a large extent, influenced by:

- Ability
- Age
- Appearance
- Sex
- Gender identity
- Disability
- Racial or ethnic group
- Religious and spiritual beliefs
- Socio-economic circumstance

SES Kite provides places for children and young people from a broad geographical area, predominantly, but not exclusively the Eastern Region. In Norfolk and Suffolk, three significant factors influence equality of regard and opportunity:

- Norfolk and Suffolk have a mix of typical rural and urban communities, some with high social deprivation
- The majority of the county's residents are white and born in Britain
- Social attitudes among the majority of the population tend to be traditional

At SES Kite we feel it is important to have a clear view of the social and geographical backgrounds of our children and young adults in relation to each other, our approach, our ethos and culture, and the wider community. This is fundamental to our ability to provide an equality of opportunity and regard for the children and young people in our care.

8 POLICY RELATING TO STAFF

We provide all staff with an equal opportunity and equality of esteem to develop their potential personally, professionally and socially:

- to develop skills, attitudes and knowledge sufficient to adapt to an ever-changing educational and social environment;
- to create a staff body which works co-operatively, supports the educational, social and health care philosophy and objectives of SES Kite, is free from harassment and bullying, accepts individual differences within the staff and has, as its first priority, the needs of the children and young people in its charge.

SES Kite is committed to promoting equal opportunities in employment for all staff so that potential and existing employees are not disadvantaged because of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

It is the prime concern of SES Kite that statutory responsibilities are fully met in such matters. At SES Kite all staff are selected, trained and promoted on the basis of the requirements of the post, individual capabilities and other similar objective and relevant criteria. The sex, gender identity, marital status, race, ethnic origin, religion etc. of an applicant or existing member of staff shall not affect the employment opportunities made available, except as permitted within the terms outlined below.

8.1 POSITIVE ACTION

SES Kite may from time to time take positive action in respect of recruitment where specific groups are under-represented. This will be in the form of encouragement to apply for posts. The selection for appointment however will only be made on the basis of merit.

9 PRACTICE

9.1 THE SES DIRECTORS

Are responsible for:

- making sure the equality policy is readily available and that directors, staff, placing authorities, young people and their parents/carers know about it.
- making sure the equality policy and its procedures are followed

- monitoring the policy and how it is working
- making sure all staff know their responsibilities and receive training and support in carrying these out.
- ensuring that staff recruitment arrangements conform to policy.
- ensuring that strategies are in place and communicated to all staff for dealing with breaches of the Equality Policy, and that racist incidents are recorded
- nominating a Lead Manager at their establishment who will be responsible for receiving information about alleged discriminatory incidents in the home, undertaking an investigation and producing a written report using the Discriminatory Incident Form, immediately triggering Stage 2 of the SES Kite Complaints and Representations Policy and Practice document;
- a procedure triggered via the Discriminatory Incident Form to inform placing authorities, parents and carers (where appropriate) where their children are involved in an incident as a victim, witness or perpetrator;
- taking appropriate action where required.

9.2 REGISTERED SERVICE MANAGER

Are responsible for:

- differentiated personalised programmes of care and education for all young people at SES Kite with the aim of promoting respect for equality and diversity;
- ensuring all who work at SES Kite on a paid or voluntary basis are aware of this policy as part of their induction programme and that any additional training and development is provided as required;
- all associated with SES Kite are made aware of the identity of the lead manager and the procedures in place for progressing discriminatory and potential discriminatory issues;

9.3 STAFF, VISITORS AND CONTRACTORS

SES Kite expects that **all staff** who work at the home on a paid or voluntary basis, together with any visitors or contractors who visit the site are responsible for:

- dealing with discriminatory incidents, and being able to recognise and tackle discrimination.
- promoting equal opportunities and avoiding discrimination.
- keeping up to date with the law on discrimination and taking up training and learning opportunities.
- adhering to this policy at all times in their work within and for SES Kite;
- positively examining and seeking ways to promote equality;
- challenging any behaviour which may be perceived as discriminatory; and
- reporting discriminatory incidents to the nominated member of staff within the home.

9.4 YOUNG PEOPLE

SES Kite expects **young people** to:

- show respect for others irrespective of their age, disability, sex, gender identity, sexual orientation, culture, ethnic or religious background;
- report discriminatory incidents to the nominated member of staff within the home
- be prepared to act as a witness for any discriminatory incident that they experience.

9.5 PARENTS AND CARERS

SES Kite expects **parents, carers** and **external professionals** to:

- show respect for others irrespective of their age, disability, sex, gender identity, sexual orientation, culture, ethnic or religious background;
- report discriminatory incidents to the nominated member of staff within the home;
- be prepared to act as a witness for any discriminatory incident that they experience.

10 **BREACH OF THIS POLICY**

Breaches of this policy will be treated as a serious matter and dealt with through the Grievance and Disciplinary Procedures as appropriate.