

THE FORTUNE CENTRE OF RIDING THERAPY

The Equality & Diversity Policy for Staff (Last updated 30 October 2006)

CONTENTS

Introduction	page 2
Policy Statement	page 2
Behaviour	page 3
Implementation	page 4

Appendices

A The Disability Discrimination Act	page 5
B The Relations Act	page 6
C The Sex Discrimination Act	page 7
D Various Employee Regulations:	page 8
• Equal Pay Act	
• Employment Equality (Sexual Orientation) Regulations	
• Employment Equality (Religion or Belief) Regulations	
• Legislation that impacts on Equality	

Other References

The FCRT Race Equality Policy
General Policies File
The Equality and Diversity Policy for students

Introduction

The Fortune Centre of Riding Therapy (the FCRT) recognises its responsibilities for setting standards of fair treatment and affirms its support for principles that create a fully inclusive social and educational environment.

The purpose of the Equality & Diversity Policy is to ensure that all staff are aware of both the FCRT's responsibility to them as their employer, and their own responsibilities under the following legislation:

- A. The Disability Discrimination Act (2005) & Special Educational Needs & Disability Act (2001)
- B. The Race Relations (Amendment) Act 2000
- C. The Sex Discrimination Acts (1975 & 1986)
- D. Various Employee Regulations

(Refer to Appendices)

All staff are expected to also be fully conversant with the Equality & Diversity Policy for students and the commitments the FCRT has made to them.

Policy Statement

The FCRT is committed to Equality of Opportunity through all the activities it undertakes to support education, training and employment. This commitment extends to applicants, students, staff, volunteers and visitors regardless of gender, age, ethnicity, sexual orientation, employment status, marital status, or any disability.

The FCRT is also committed to the promotion of practices and procedures, which will ensure equality of opportunity and aims to eliminate any which unfairly discriminate, directly or indirectly.

These commitments demonstrate the FCRT's goal to provide an environment where equality of opportunity prevails, and discrimination is challenged in order to allow all staff and students to achieve their full potential.

Behaviour

The FCRT is committed to the eradication of discriminatory behaviour. Unacceptable behaviour will not be tolerated and all complaints will be investigated and treated seriously according to the FCRT's grievance procedure.

Unacceptable behaviour that is targeted at a person/ group's gender, colour, race, nationality, ethnic or national origins, disability, sexual preference etc. includes:

- *Unwanted physical contact* eg touching, patting, pinching, brushing against another person's body, insulting or abusive behaviour or gestures, physical threats, assault, coerced sexual intercourse or rape
- *Unwanted verbal conduct* eg unwelcome advances, patronizing titles or nicknames, propositions or remarks, innuendos, lewd comments, jokes, banter or abusive language, repeated suggestions for unwanted social activities inside or outside the FCRT
- *Unwanted non-verbal conduct* eg offensive graffiti, abusive or offensive gestures, leering, whistling, display of pornographic or suggestive literature, pictures or films/videos or inappropriate use of visual display units (VDUs) or network systems for this purpose
- *Bullying*, including persistent criticism, personal abuse and/ or ridicule, which humiliates or demeans the individual involved, gradually eroding his/ her self confidence.

Implementation

In order to achieve the successful implementation of this policy in all areas, the FCRT seeks to ensure the following actions are taken:

ACTION	RESPONSIBILITY
Give a consistent lead on Equality and Diversity issues, promoting the policy both internally and externally	The Director
Implement the policy throughout the centre, taking action against both students and staff who unlawfully discriminate against other. Lead by example	Heads of Department
Full guidance, training and support is given to all employees to make them aware of their personal responsibility for the practical application of the policy within their day to day work	Heads of Department
Employees with staff responsibilities fully understand they are each accountable for ensuring that no form of discrimination occurs in the recruitment, selection, promotion and training of employees	All employees with staff responsibility
The style and language of all documentation promotes a positive perception of both staff and students' ethnicity, faiths, cultures, disabilities and does not reflect stereotyped or biased attitudes	Trustees, Director, College Co-ordinator, Heads of Department
All Policies and Procedures are annually reviewed to ensure that all are fair and equitable, readily available and consistently applied	Heads of Department, College Co-ordinator
Monitor effectiveness of Policy by analysing and evaluating relevant information gathered	Observation of staff – Director Daily Staff Update – Staff Development Co-ordinator Staff Records – Personnel Administration
Implement Action Plans to address issues identified by the monitoring activities	As immediately above
The policy statement is issued to all staff, prominently displayed and made available to job applicants and other interested parties on request.	College Co-ordinator Personnel Administrator

Appendix A

The Disability Discrimination Act (DDA) (2005) & Special Educational Needs & Disability Act (SENDA) (2001)

The DDA 2005 amends the original Act passed 1995 to introduce new measures aimed at ending the discrimination which many disabled people face. One of the specific areas it covers is employment whereby it makes it unlawful for an employer to treat a disabled person less favorably due to their disability.

The SENDA extended the DDA 1995 (known as part 4) to education with effect from September 2002.

Legal Implications

The FCRT is legally liable for the institution as a whole and the actions of all individual employees.

Under SENDA (2001) – The FCRT has the following legal responsibilities:

- not to treat disabled students less favourably, without justification, for a reason which relates to their disability
- to provide reasonable adjustments for disabled students to ensure they are not put at a substantial disadvantage compared to people who are not disabled in accessing further education.

These responsibilities are not just restricted to teaching and learning, but to any service which is provided specific to the students. They are anticipatory, ie the FCRT will need to anticipate the likely needs of disabled learners rather than just respond to individual needs as they arise.

If complaints cannot be satisfactorily resolved through internal procedures, the Disability Rights Commission offers a conciliation service for students and institutions to resolve any differences formally. If both parties do not agree to conciliation or it fails, a student or applicant can take a case to County Court.

Disclosure of Disability

The FCRT are expected to take reasonable steps to encourage staff and students to disclose a disability. Both staff and students have the right to request that this information remains confidential.

Reasonable Adjustments

If a student or member of staff has disclosed a disability, the FCRT (and staff of) are expected to make reasonable adjustments to ensure the student has access to the curriculum.

Appendix B

The Race Relations (Amendment) Act 2000

The amended Race Relations Act 1976 gives further and higher education institutions a statutory *general* duty to promote race equality. The aim of the duty is to:

- Eliminate unlawful racial discrimination
- Promote race equality
- Promote good relations between people of different racial groups.

The focus of the amendment is on performance improvements, transparency and accountability.

Legal Implications

Under the Act, the FCRT is given *specific duties* to help them meet the *general duty*.

The *specific duties* are as follows:

Prepare and publish a Race Equality scheme/policy (see separate document) Set out arrangements within the policy to:

- assess, and consult on, the likely impact proposed policies will have on promoting race equality
- monitor policies for any adverse impact on promoting race equality
- publish the results of assessments, consultation, and monitoring
- make sure the public have access to information and services provided
- train staff to carry out the general duty and the specific duties
- monitor by racial group, student admission and progress, and staff recruitment and career progress

The Commission for Racial Equality (CRE) has powers under the Act to enforce the *specific duties*.

Appendix C

The Sex Discrimination Act (1975)

The Act applies equally to women and men and makes sex discrimination unlawful in employment and vocational training, education, the provision and sale of goods, facilities and services and premises.

In employment and vocational training, it is also unlawful to discriminate on the grounds of:

- being married or
- gender reassignment

Legal Implications

There are 2 kinds of unlawful sex discrimination: 1) direct and 2) indirect.

Direct discrimination – is where a person is or would be treated less favourably than another on the grounds of his or her sex.

Indirect discrimination – consists of treatment which although apparently neutral, in practice disproportionately disadvantages one sex more than the other.

There are some exceptions, eg being a woman or man can be a genuine Occupational Qualification for a job such as modeling or an acting role.

Victimisation – it is unlawful to treat a person less favourably because they have made allegations or brought proceedings under either the SDA or Equal Pay Act (see Appendix D). or because they have helped another person to do so.

Sexual Harassment – although not mentioned in the SDA, case law has established that sexual harassment is unlawful as it constitutes a detriment under the SDA.

Pregnant Women – although not mentioned in the SDA, discrimination because of pregnancy is regarded as direct discrimination and is unlawful.

Making a complaint

The complaint should initially follow the FCRT grievance procedure.

A claim must be made to an employment tribunal within 3 months of the act complained of. The SDA provides for a questions procedure to help a person consider whether legal proceedings should be initiated, and present the complaint in the most effective way.

Appendix D

Equal Pay Act 1970 (as amended)

The EqPA gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing:

- Like work or
- Work rated as equivalent under an analytical job evaluation study or
- Work that is proved to be of equal value

Employment Equality (Sexual Orientation) Regulations 2003

These regulations outlaw discrimination (direct discrimination, harassment and victimisation) in employment and vocational training on the grounds of sexual orientation. The regulations apply to discrimination on grounds of orientation towards persons of the same sex (lesbians and gays), the opposite sex (heterosexuals) and the same and opposite sex (bisexuals).

Employment Equality (Religion or Belief) Regulations 2003

These regulations outlaw discrimination (direct discrimination, harassment and victimisation) in employment and vocational training on the grounds of religion or belief. The regulations apply to discrimination on grounds of religion, religious belief or similar philosophical belief.

Legislation that Impacts on Equality – please see attached list taken from the Department of Trade & Industry web site – Women & Equality Unit