



Phoenix ND Education Ltd Equality and Diversity Policy

Policy written:	May 2023
Policy review date:	May 2026
Signed by Director:	<i>E. Barnett</i>

Review Date	Details of change	Date	Next Review	Reviewed by:
May 2024	Clarity for commitment as an employer and a service provider. Changed from opening statement to introduction. Addition of further protected rights and equal pay statement.	May 2024	May 2025	Eloise Barnett
May 2025	Formatting changes – no details changed	29/05/2025	May 2026	Eloise Barnett

Introduction

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

Phoenix ND Education Ltd are required to publish information to show that its Directors 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 terms equality, inclusion, diversity and equity are at the heart of this policy.

‘Equality’ means ensuring everyone has the same opportunities to fulfil their potential free from discrimination.

‘Inclusion’ means ensuring everyone feels comfortable to be themselves at work and feels the worth of their contribution.

‘Diversity’ means the celebration of individual differences amongst the workforce.

‘Equity’ means recognising barriers and that some groups are more advantaged than others, and putting measures in place to eliminate these barriers, ensuring equal opportunities for all.

We value people as individuals with diverse opinions, cultures, lifestyles and circumstances. This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers and it applies to all areas of employment including recruitment, selection, training, deployment, career development, and promotion. These areas are monitored, and policies and practices are amended if necessary to ensure that no unfair or unlawful discrimination, intentional, unintentional, direct or indirect, overt or latent exists.; it equally applies to the young people in its care.

The success of an Equal Opportunities Policy will involve the commitment and support of all involved with the delivery of the provision.

Our commitment as an employer

We will actively support diversity, equity and inclusion and ensure that our workforce is valued and treated with dignity and respect. We want to encourage everyone in our business to reach their potential.

We are an equal opportunities employer. We are committed to equality of opportunity and to providing a service and following practices which are free from unfair and unlawful discrimination. Phoenix ND Education is committed to improving the diversity of its workforce and will seek to adopt employment practices that ensure

diversity and a flexible approach including positive action which serves to support this objective.

Our Equal Opportunity and Diversity Policy has been designed to ensure that the concept of equal access is integral to the planning and performance process, to allow information to flow both ways - from our higher-level strategy to the individual planning process. It is a clear statement of our intent that all members of the organisation are responsible for the consideration of equality and diversity in the way that they work. This should also be read in conjunction with the company's Disability Discrimination Policy. The company's position in relation to the employment of those who have previous convictions is outlined in our recruitment policy.

Phoenix ND Education Ltd will:

- Create work and learning environments free from unjustified or unfair discrimination - No form of intimidation, bullying or harassment will be tolerated
- Create work and learning environments that enable staff and students to contribute fully and enjoy maximum benefit and enjoyment from their involvement in the life of Phoenix ND Education Ltd
- Be aware of the diverse needs of young people and employees and support them appropriately and fairly
- Offer relevant and appropriate staff development and training opportunities to all colleagues
- Develop and uphold best practice structures, policies, practices and procedures that have the effect of treating people on the basis of their abilities, merit and potential and ensure fairness and inclusion for all
- Recognise that people have different needs, multiple identities and multiple needs and make reasonable adjustments for them in the organisation and provision of services
- Encourage consultation and participation to inform decision making
- Work in partnership with external agencies to identify best practice and use this information to improve the application of this policy
- Ensure that the principles of equality of opportunity are embedded, represented and promoted in corporate and operational plans, publications and communications
- Deal fairly and speedily with any discriminatory issue raised in the course of employment. Providing a clear system of referral for personnel
- Treat colleagues and stakeholders with dignity and respect
- Support and contribute to the monitoring and review process
- Promote diversity, equality and inclusion in the workplace as part of good management practice

All employees, workers or self-employed contractors whether part-time, full time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential

and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Provision.

Employees are invited to comment on this policy and suggest ways in which it might be improved by contacting the Director of Phoenix ND Education Ltd.

Breaches of this policy will be dealt with in accordance with our Disciplinary Procedure. Serious cases of discrimination may amount to gross misconduct resulting in dismissal without notice.

If you believe that you have suffered discrimination you can raise the matter through our Grievance Procedure or through our Anti-harassment and Bullying Policy as appropriate.

Our commitment as a service provider

Phoenix ND Education is a welcoming provision where everyone is valued highly and where tolerance, honesty, co-operation and mutual respect for others are fostered. Phoenix ND Education Ltd provides EOTIS and Alternative Provision for children and young people aged between 8 and 25 years of age who are currently not in school-based education.

We are committed to the development of the whole person within a supportive, secure and creative environment. A flexible and appropriate curriculum provides equal opportunity for all young people to maximise their potential regardless of gender, age, race, colour, religion, sexual orientation, nationality, living with HIV/AIDS or disability. We endeavour to promote positive relationships with parents, partners and other stakeholders, and members of the wider community. At Phoenix ND Education, we aim to promote equality and tackle any form of discrimination and actively promote harmonious relations in all areas of our work. We seek to remove any barriers to access, participation, progression, attainment, and achievement.

The aim of the policy is to ensure that all young people, job applicants and employees receive fair treatment regardless of their gender, sexual orientation, race, nationality, ethnic and national origin, disability, age, religious beliefs, work location and working hours. We do this by embedding policy in our practice. We adhere to all equal opportunities legislation and ensure that we are fair, objective, transparent and free from discrimination in all of our systems, processes, procedures, activities and decisions. Unlawful discrimination will not be tolerated.

Implementation

To effectively implement this policy, Phoenix ND Education Ltd will take steps to ensure that:

- Through our policies, procedures and systems, job applicants or employees will be treated in accordance with this policy and other related policies
- Any employment requirements or conditions will be justifiable and reasonable
- All employment policies, procedures and practices, including this one, will be reviewed and impact-assessed regularly to ensure that they are, and remain, non-discriminatory
- All managers and others involved in the implementation of the organisation's employment policies will receive appropriate training including diversity, recruitment and selection, performance management etc.
- Reasonable adjustments will be made in the workplace to help people with disabilities achieve their full potential
- Employees will receive training during induction and at other appropriate times during their employment to ensure awareness and understanding of this policy and diversity in general
- A diverse workplace is promoted and celebrated through our policies and how we operate

The relevant protected characteristics considered in the planning, provision and policies at Phoenix ND Education Ltd are **race, religion or belief, disability, gender and gender reassignment, age, sexual orientation**. For our staff, this will also include **Pregnancy or maternity and Married or civil partnership**.

Phoenix ND Education Ltd addresses these issues as follows:

Race, religion and belief

Racial Discrimination is discrimination on the grounds of colour, race, nationality (including citizenship), ethnic or national origins. The policy is directed towards the effects of racial discrimination in employment, as set down in the Race Relations Act 1976.

Phoenix ND Education Ltd maintains an active awareness of the ethnic make-up of its population, ensuring that the cultural and religious needs of its learners are appropriately embraced in all aspects by tutors delivering education on behalf of Phoenix ND Education Ltd.

Where the employees have particular cultural or religious needs which may conflict with existing work requirements Phoenix ND Education Ltd will consider whether it is

reasonably practicable to vary or adopt these requirements to enable any such need to be met. Although the Race Relations Act does not specifically cover religious discrimination, such requirements would generally be unlawful if they have a disproportionate adverse effect on particular racial groups and cannot be shown to be justifiable.

All staff have a good understanding of the religious, race and cultural differences of the children and young people we educate, and they work hard to secure and maintain mutual understanding and respect. Staff receive annual Equality and Diversity training.

As best practice, Phoenix ND Education Ltd is committed to responding to and recording racial incidents and uses education to improve tolerance and understanding through its personalised curriculum.

Racial harassment is difficult to define in terms of what is acceptable or unacceptable behaviour but may be defined as a hostile or offensive act or expression by a person or group of one ethnic origin against a person or group of another, or incitement to commit such an act, on racial grounds.

Such behaviour includes:

- Derogatory name-calling
- Insults and racist jokes
- Ridicule of an individual for cultural differences
- Exclusion from conversations, normal work activities or social events
- Unfair allocation of work or responsibilities
- Racist graffiti or insignia
- Displaying abusive writing and pictures
- Verbal abuse or threats
- Physical attack

Racial harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, or for social life. Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as racial harassment by one person may not seem so to another. The defining features, however, are that the behaviour is offensive or intimidating to the recipient and would be regarded as racial harassment by any reasonable person.

Disability

The Disability Discrimination Act 1995 defines a "disabled person" as a person with "a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities".

Our policy seeks to ensure that disabled individuals have equal opportunities to access and engage in education, employment and other areas of public life. This includes reasonable adjustments and accommodations to eliminate barriers and enable full participation.

All Phoenix ND Education Ltd 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.

Gender, gender identity and gender re-assignment

Discrimination on the grounds of a person's sex or marital status.

Phoenix ND Education Ltd is committed to countering discrimination against women in all its forms including the recognition that employment practices should acknowledge the demands of childcare and the care of other dependants.

Sexual harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, or for social life. Sexual harassment is a form of sex discrimination and is unlawful. It occurs in a variety of situations which all share a common aspect, the inappropriate introduction of sexual activities or comments into the work and education situation. All employees and students have the right to work and learn in an environment free from sexual intimidation.

Sexual harassment takes many forms, from relatively mild sexual banter to actual physical violence. Employees and students may not always realise that their behaviour constitutes sexual harassment, but they must recognise that what is acceptable to one person may not be acceptable to another.

Sexual harassment is unwanted behaviour of a sexual nature by one employee or student towards another such as:

- insensitive jokes and pranks
- unnecessary and unwelcome physical contact, touching or patting
- suggestive and unwelcome comments or gestures emphasising the sexual orientation of an individual or of a group
- unwelcome or derogatory remarks regarding the sexual orientation or preference of an individual or a group, including speculation about a person's private life and sexual activities
- unwelcome requests for social-sexual encounters or favours
- display of pornographic pictures
- acts such as indecent exposure or sexual assault

Gender identity

We recognise that gender identity is an integral part of a person's identity and that discrimination against individuals based on their gender identity is unjust and unacceptable. We will not tolerate direct or indirect discrimination, harassment, victimisation, or any other unjust treatment towards students, staff or visitors on the basis of their gender identity. We have a clear procedure for reporting or addressing any incidents of gender identity discrimination. Any reports will be taken seriously, treated confidentially, and promptly investigated.

We encourage all members of our community to respect and affirm the gender identities of others, using preferred names and pronouns, and treating all individuals with dignity and fairness.

Gender reassignment

We recognise and affirm the rights and dignity of individuals who seek gender reassignment as an essential component of their personal autonomy and well-being. Our policy aims to ensure non-discrimination and support for individuals considering or undergoing gender reassignment. We strictly prohibit any form of discrimination, harassment, or stigmatisation against individuals based on their gender identity or expression. We are committed to creating inclusive and supportive environments that affirm and respect the gender identity and expression of all individuals. This involves promoting education and awareness to foster understanding and sensitivity among employees, students and the broader community.

The SDA 1975 outlaws direct and indirect discrimination and victimization on grounds of gender, i.e. male or female and on grounds of marital status. The Act was amended on 1 May 1999 by the Sex Discrimination (Gender Reassignment) Regulations 1999, which make discrimination on the basis of gender reassignment (transsexualism) unlawful in the areas of employment and vocational training.

Transsexualism is a desire to live and be accepted as a member of the opposite sex, usually accompanied by a sense of discomfort with, or inappropriateness of, one's anatomic sex and a wish to have hormonal treatment and surgery to make one's body as congruent as possible with the preferred sex. (International Classification of Disorders)

The procedure of hormonal treatment and surgery that transsexuals seek is called gender reassignment. The condition is to be distinguished from being a transvestite. Transvestites wear the clothes of the opposite sex as a temporary experience but are content with their birth sex and are not accepted for hormone treatment or gender reassignment surgery.

Age

We will:

- ensure that people of all ages are treated with respect and dignity
- ensure that people are given equal access to our employment, training, development and promotion opportunities and
- challenge discriminatory assumptions about younger and older people.

Sexual Orientation

Our policy strictly prohibits any form of discrimination based on sexual orientation. We believe in creating a safe, inclusive and equitable environment for all individuals, regardless of their sexual orientation. Discrimination or harassment based on sexual orientation will not be tolerated, and appropriate actions will be taken to address any incidents that occur.

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.

Pregnancy or maternity

We will:

- ensure that people are treated with respect and dignity during pregnancy or maternity leave
- challenge discriminatory assumptions about pregnancy or maternity and
- ensure that no individual is disadvantaged during pregnancy or maternity leave and that we take account of the needs of our employees' during pregnancy or maternity leave.

Marriage or civil partnership

We will:

- ensure that people are treated with respect and dignity regardless of marriage or civil partnership status
- challenge discriminatory assumptions about the marriage or civil partnership of our employees and
- ensure that no individual is disadvantaged as a result of their marriage or civil partnership status.

Part-time and fixed-term work

Part-time and fixed-term colleagues should be treated the same as comparable full-time or permanent colleagues and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate) unless different treatment is justified.

Equal pay

We will ensure that all employees have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

Responsibility

The Director of Phoenix ND Education Ltd has particular responsibility for implementing and monitoring the Equality and diversity policy and, as part of this process, all personnel policies and procedures are administered to promote equality of opportunity and eliminate unfair or unlawful discrimination.

All managers have a responsibility to:

- Ensure the non-discriminatory treatment of all young people, job applicants and employees and promote equality of opportunity
- Identify and remove discriminatory attitudes and practices within the organisation
- Raise the level of employee awareness of the policy's existence through inclusion in all induction meetings and regular training updates at the start of each term. By giving CPD opportunity to pursue specific areas of interest further
- Deal fairly and speedily with any discriminatory issue raised in the course of employment
- Support and contribute to the monitoring and review process
- Be aware of the diverse needs of employees and support them appropriately and fairly

All employees have a responsibility to:

- Support this vision and continue to ensure that the principles of equal opportunities and diversity in the workplace are upheld
- Treat colleagues and stakeholders with dignity and respect
- Have due regard to equal opportunities in the work they do and the decisions they make
- Promote diversity in the workplace

Any Phoenix ND Education Ltd employees, students and visitors who suffer harassment will have the full support of the company in putting a stop to it.

Anyone who experiences or witnesses an incident of harassment should not wait until the situation reaches an intolerable level - action taken at once can be effective.

Phoenix ND Education Ltd will also support members staff and students against false accusations of harassment, bullying, intimidation and unfairness.