



EQUAL OPPORTUNITIES

This guidance is designed to support agreements on equal opportunities procedures outlined in Section 2 & 3 of this manual, the Partnership and Service Agreements

1. Legal Requirements

In meeting the requirements under various acts to provide for equal treatment, there are several areas for which all the institutions involved in the education and training of young people must make arrangements. These include:

- Gender Issues – Sexual Harassment , Sex Discrimination, Sexual Orientation
- Disability Access
- Racial Discrimination
- Discrimination on grounds of Religion or Belief
- Special Education Needs

There are specific duties for schools and public bodies in terms of policies, access, provision and promotion of equality which they are required to discharge. Where collaborative working arrangements for 14-19 Education is school-to-school, or school-to-college, it is likely that all the appropriate policies and procedures are in place.

The growth of collaborative working between educational institutions and Learning Providers or employers may pose problems, especially for small employers who are not necessarily used to dealing with a wide range of people and issues. It is important therefore that staff arranging placements with Learning Providers ensure that the Learning Providers are briefed on their responsibilities to promote equal treatment.

References

Additional information concerning these areas is available in **Appendix 12a: SEN and Disability** and **Appendix 12b: Race Equality**

See also the websites:

www.disability.gov.uk/legislation

www.natdisteam.ac.uk

National Disability Team

www.disability.gov.uk/policy/sen



--

EQUAL OPPORTUNITIES CHECKLIST

Name: Role: Date:

		Yes	No	Don't know	Action needed
1	Has the Learning Base ensured that all students have access to appropriate learning provision, without prejudice, on grounds of special educational need, disability, race, gender, sexual identity, sexual orientation, religion or belief?				
2	Does the Learning Provider have an Equal Opportunities policy?				
3	If there is no official policy, has the Learning Provider been apprised of the need to take account of Equal Opportunities in their dealings with students on placement?				
4	Is the Learning Provider aware of the need to inform or train their staff in Equal Opportunities issues?				
5	In the cases where an enterprise may not be up-to-speed on Equal Opportunities issues, has the Learning Provider been provided with appropriate information outlining the various students' rights and possible areas of discrimination?				
6	Under the induction process at the Learning Base have the students been made aware of their rights to equal treatment?				
7	Under the induction process at the Learning Base do the students know to whom they should refer in the case of problems?				
9	Is the member of staff organising placements aware that there is a specific duty to record and report racist incidents to parents/carers, school governors and Local Education Authority?				

Special Educational Needs and Disability

SEN and Disability Act 2001

The requirements of the 2001 Act and subsequent amendments of 2003 place duties on LEAs, schools, and providers of further and higher education which make it unlawful to discriminate against a disabled person.

This includes:

- Application to an institution
- Admission to an institution
- Provision of student services – any service provided wholly or mainly for students, including electronic or on-line services.

'Education and Associated Services' is a broad term that covers all aspects of school life including the curriculum, access to school facilities, school trips, clubs and activities. **Thus Work Related Learning and collaborative learning provision off-site would be included in the definition of 'Education and Associated Services'.**

The Act sets out a duty on LEAs and schools to plan increased environmental access for disabled students.

Therefore in the provision of Work Related Learning and other collaborative educational ventures, it is important not to discriminate against disabled students. Changes to the law means that previously exempted organisations such as small businesses, are now required to comply.

The Act says that the responsible body for a school must take such steps as it is reasonable to take to ensure that disabled pupils and disabled prospective students are not placed at a substantial disadvantage in comparison with those who are not disabled. The Act says [s28B(2) and s28C(1)] that the responsible body for a school discriminates against a disabled child if it fails to the detriment of the child and without justification to take these reasonable steps. This is often referred to as the reasonable adjustments policy.

Race Equality

The Macpherson report defines **institutional racism** as:

“ ... the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin”

“It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”

Whereas **racism**

“In general terms, consists of conduct or word or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. Its more subtle form is as damaging as its overt form.

Race Relations (Amendment) Act 2000

The new legislation extends the scope of the 1976 Act to cover all public sector bodies including all local education authorities and all schools. It places a positive duty on all public bodies to actively promote equality by taking steps to prevent discrimination and to promote good relations amongst members of different communities.

There are two aspects of the duty mentioned above, one general and one specific.

As stated previously, under the general public authorities, including local education authorities and schools, must aim to:

- Eliminate unlawful racial discrimination;
- Promote equality of opportunity; and
- Promote good relations between people of different racial groups.

Useful Websites

www.hreoc.gov.au/info-for-teachers/modules.html

www.eoc.org.uk

Specific Duties for Schools

In addition to the general duty, governing bodies of schools will have specific duties as follows:

- Schools are required to have a Race Equality Policy. The policy must be a written statement of their commitment to race equality, and have arrangements in place for meeting their duties.
- Schools must assess the impact of their policies on pupils, staff and parents from different racial groups. In particular, schools will be required to assess whether their policies have, or could have, an adverse impact on the attainment levels of pupils from different racial groups.
- Schools will record all racist incidents.
- Recorded incidents will be reported to parents/carers, school governors and Local Education Authorities
- Numbers and self-defined ethnic identity of excluded “pupils” will be published annually on a school-by-school basis.