

POLICIES AND PROCEDURES

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Equality, Diversity and Inclusion Policy

Policy statement

We believe that all those who form the community at Orpheus, including staff, students, volunteers, alumni and trustees, have a right to be valued and treated with dignity and respect.

We are an equal opportunities employer. We are committed to equality of opportunity and to providing a service to our learners and following practices which are free from unfair and unlawful discrimination. The aim of this policy is to ensure that no person receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be relevant to performance. It seeks also to ensure that no person is victimised or subjected to any form of bullying or harassment.

We seek to ensure the least powerful are well protected by our practices. We aim to exceed compliance with the law and judge equality by outcome for those with protected characteristics.

Scope

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 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 value people as individuals with diverse opinions, cultures, lifestyles and circumstances. This policy covers all stakeholders including but not limited to employees, learners, alumni, trustees, consultants, contractors, volunteers, casual workers, agency workers, visitors and parents/careers 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.

This equality, diversity and inclusion policy should be read alongside other Orpheus policies, including:

- Staff recruitment and selection policy and procedures
- Student recruitment policy
- Staff code of conduct (within the student handbook)
- Student induction week activities
- Student disciplinary policy (within the student handbook)
- Additional learning support policy
- Safeguarding policies, including safeguarding and Prevent policy
- Treating donors fairly policy
- Complaints policy
- Respecting Service Users Policy

Roles and responsibilities

Chair of Trustees

The Chair of Trustees shall have overall oversight for equality, diversity and inclusion (EDI) throughout Orpheus and responsibility for EDI in the Board of Trustees' own practice.

Chief Executive Officer

The CEO shall have overall responsibility for equality, diversity and inclusion (EDI) throughout Orpheus. They will ensure that adequate resources are made available to implement this policy and carry out any necessary remedial action or amendments to this policy.

Managers

COO: The named manager with responsibility for EDI is the COO. They are responsible for developing 4 year equality objectives and implementing and action plan to progress towards these objectives. They are responsible for producing an annual report on progress towards objectives.

Head of HR: The Head of HR is responsible for coordinating investigations into transgressions of this policy.

All managers are responsible for:

- giving a consistent and high profile lead on all equality, diversity and inclusion issues
- ensuring all staff, volunteers, students, alumni, trustees, employers and visitors are made aware of this equality, diversity and inclusion policy
- ensuring publications, marketing and promotional materials, key documents such as handbooks, and staff and student recruitment procedures endorse and support equality and diversity
- seeking to recruit the full diversity of staff, to bring a range of experiences and perspectives to the workforce and to provide a range of role models and ambassadors for students
- ensuring student recruitment procedures are free from bias and proactively promote equality and diversity
- working with students to plan the learning programme, materials, methods and resources to take into account personal needs and aspirations and equality of opportunity without bias or discrimination.
- ensuring that learning takes place in a supportive environment free from discrimination or harassment.
- providing training in equality and diversity to staff, so that all have the opportunity to develop their skills and confidence and to deal with equality & diversity issues in a professional manner
- dealing with all allegations of discrimination, harassment and victimisation including the use, for example, of inappropriate language. This will entail dealing with allegations sensitively, investigating fairly and thoroughly.
- treating any form of discrimination, harassment or victimisation carried out by an individual as a matter for possible disciplinary action
- ensuring equality impact assessments are carried out on key policies and practice. Appendix C provides further details of the equality impact process

Monitoring and Evaluation

Senior leaders will monitor and evaluate the implementation of this policy, which will include the following:

- Routinely analyse E&D student statistical reports to identify areas of under-representation and achievement
- Report on equality gaps, targets, action and progress at Staff, Management and Trustee meetings
- Scrutinise reported incidents including incidents of bullying, discrimination and harassment
- Analyse E&D staff statistical reports, such as outcomes from recruitment and selection, to ensure Orpheus recruits and retains a diverse workforce.

All staff are responsible for:

- promoting equality and diversity in their job roles and responsibilities, for example teaching staff fully integrating and promoting equality, diversity and British values within training programmes and front-line staff integrating equality and diversity within customer care.
- consistently challenging any inappropriate language or behaviour of staff, volunteers, alumni or students
- reporting any incidents of discrimination, harassment or victimisation, including the use of inappropriate language, to line managers
- abiding by all aspects of the policy statement and expectations.

Volunteers are responsible for:

- consistently challenging any inappropriate language or behaviour of staff, volunteers, alumni or students
- reporting any incidents of discrimination, harassment or victimisation, including the use of inappropriate language, to line managers
- abiding by all aspects of the policy statement and expectations.

Students are responsible for:

- treating staff, volunteers, alumni and other students with dignity and respect
- treating people who they meet as an Orpheus student, on or off the premises, for example visitors and employers, with dignity and respect
- not doing anything that would discriminate or harass others, for example because of their race, gender, sexual orientation, religion, or personal background / circumstance.

Aims of Policy

Our legal requirements

The Equality Act 2010 introduces the term 'protected characteristic' to refer to aspects of a person's identity explicitly protected from unlawful discrimination. The Act also introduces a Public Sector Equality Duty to eliminate discrimination, harassment and victimisation, advance equality and foster good relations. This policy is designed to implement these requirements.

Appendix A and Appendix B provide further information on these legal requirements.

Principles

At Orpheus, we are committed to advancing equality of opportunity, respecting and celebrating difference, eliminating discrimination, harassment and victimisation and fostering good relations.

We aim to create and maintain a working and learning environment where all are treated with dignity and respect and where all feel valued and empowered, regardless of the many ways that people are different. This may include, for example, age, impairment, learning difficulty, medical condition, gender/trans, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sexual orientation and social-economic background or class.

This policy applies to staff, volunteers, students, alumni, trustees, employers, visitors, parents / carers and the wider Orpheus community.

How to handle conflicts of two or more protected characteristics

When conflicts arise involving different protected characteristics, like race or gender, it is important to be fair and consider everyone's rights. No protected characteristic trumps any of the other protected characteristics which means, in practice, we must try to manage and balance competing rights. When faced with this situation you may seek guidance from the Chief Operating Officer or HR.

Where someone's beliefs clash with those of another and conflict arises, we must not make any assessment as to which belief is more important. We cannot control anyone's belief; however we can limit the extent to which those beliefs can be expressed or acted upon at Orpheus, in particular everyone must respect and follow this policy while at Orpheus.

Where someone is subjected to harassment and the individual responsible for it both have a protected characteristic, we should focus on the individual subjected to the harassment and the reason for their treatment when deciding what action is appropriate to take.

Social Inclusion

Social inclusion is positive pressure to ensure that groups with protected characteristics such as disability are given equal and fair access and that they are not discriminated against. Given the nature of our tenants, we believe social inclusion is an important element of our work.

We believe that students should be able to maintain contact with their families, friends, representatives, voluntary and community groups as they wish. We will provide appropriate support to ensure this:

- We will celebrate diversity and encourage integration and inclusion – within this context integration means mixing, it does not mean losing identity.
- Staff members will support students to become part of and participate in the local community in accordance with their assessed needs and their personal choices.

- Staff members will support students to access services, facilities and activities in the local community such as shops, libraries, cinemas, leisure centres, places of worship and cultural and day centres, in line with risk assessments.
- Students are enabled to be politically active and to vote
- The organisation values and seeks to reflect the diversity of students, staff members and volunteers and of the local community.

Cultural Appropriation

People and cultures have always exchanged and borrowed ideas from each other to create new forms of art and expression. Cultural appropriation describes a one-sided process where one entity benefits from another group's culture without permission and without giving something in return. Appreciating a culture involves sharing with permission and crediting people who belong to that culture. Appropriating a culture is exploiting a culture in any way, whether that be reinforcing stereotypes or taking credit from original creators.

In order to avoid cultural appropriation Orpheus staff should follow the following five steps:

1. **Consent:** When working together, make sure that those giving consent do so freely, without feeling pressured and with full understanding of the consequences. Try to take time to talk in a quiet place rather than a group setting and take into consideration any additional communication needs of the person you are seeking consent from.
2. **Control:** Make sure creative partners are comfortable with how much input and control they have over the goals, approach, and final outcomes.
3. **Credit:** Make sure you identify those you work with, and describe the nature of your joint work clearly to your audience.
4. **Culture:** The worldview and experiences of the people whose cultural heritage inspires you may differ from yours. Ensure that your approach isn't at odds with or, worse, threatening to their values and practices.
5. **Compensation:** Work with creative partners to find an appropriate balance between what you are receiving and what you are giving in the exchange. This could be money or other benefits.

Under the Orpheus Centre's Copyright Policy, all songs written by students in the course of the work are licensed for use by the Orpheus Centre. However we must balance this with the steps above and our Respecting Service Users Policy which stipulates that "Every service user will be treated with dignity, consideration and respect, managers and staff members will:-

- Listen to service users
- Respect decisions made by service users.
- Place the needs, wishes, preferences and decisions of people who use the service at the centre of assessment, planning and delivery of services.

- Treat each service user as a unique and valued person”
- **Issues of artistic control may arise. We will work with students to listen to them. We will respect decisions made by them. We will take care of concerns about cultural appropriation.**

External Reporting

Ofsted will evaluate the extent to which equality and diversity informs policy and practice. More information can be found in Appendix D.

Training

All staff will undertake mandatory EDI training which will be renewed every two years.

Glossary

(adapted from information provided by the Equality and Human Rights Commission)

| Term | Definition |
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| Age | This refers to a person belonging to a particular age (e.g. 32 years old) or range of ages (e.g. 18-30 years old). |
| Cultural Appropriation | Cultural appropriation (also known as cultural misappropriation) is “[t]aking intellectual property, traditional knowledge, cultural expressions, or artefacts from someone else’s culture without permission. This can include unauthorised use of another culture’s dance, dress, music, language, folklore, cuisine, traditional medicine, religious symbols, etc. It’s most likely to be harmful when the source community is a minority group that has been oppressed or exploited in other ways or when the object of appropriation is particularly sensitive, e.g. sacred objects.” |
| Disability | A person has a disability if he or she has a physical or mental impairment, which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities. |
| Direct Discrimination | This occurs when a person treats another less favourably than they treat, or would treat, others because of a protected characteristic. |
| Discrimination by Association | This is a form of direct discrimination, which occurs because of someone’s association with another person who has a protected characteristic. It may also occur because someone has campaigned to help people with a particular characteristic or has refused to act in a way that would disadvantage a person |

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| | or group who have a particular characteristic. |
| Discrimination by Perception | This is a form of direct discrimination, which occurs when someone is treated less favourably because of a protected characteristic they are mistakenly thought to have. |
| Diversity | Diversity means having a mix of different backgrounds and perspectives, creating a varied and inclusive community or group. |
| Environmental Equity | Environmental equity involves ensuring fair treatment and access to a healthy environment for all people, regardless of their socioeconomic status, race or other factors. It aims to address and rectify environmental injustices, promoting a balanced and inclusive approach to environmental policies and resources. |
| Equality | Equality is about treating everyone fairly and ensuring that everyone has the same opportunities, rights and access to resources, regardless of differences. |
| Faiths and Beliefs | Faiths and beliefs include religious, philosophical and political beliefs as well as lack of belief. Generally, a belief should affect a person's life choices or the way they live to be included in this definition. |
| Gender | "Gender" refers to how people feel and express themselves. This may be as a woman, man or another gender e.g. non-binary. This is called "gender identity". It doesn't have to be the same as a person's sex. |
| Gender Reassignment | The process of transitioning from one gender to another, this may or may not include gender reassignment surgery. |
| Harassment Related to a Protected Characteristic | This occurs when someone is subject to unwanted conduct, which is related to a protected characteristic they have which has the purpose or effect or violating the individual's dignity or creating an intimidating, degrading, humiliating or offensive environment for that individual. Harassment may take the form of spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting an individual's surroundings or other physical behaviour. |
| Inclusion | Inclusion is making sure that everyone, regardless of differences, feels valued, respected and a part of a community or group. It's about creating a welcoming environment where everyone can contribute and thrive. |
| Indirect Discrimination | This occurs when applying a provision, criterion or practice, which puts someone from a particular group having one, or more protected characteristics at a particular disadvantage. Indirect discrimination may only be justified in exceptional circumstances if it can be shown that the action was reasonable in managing the business or organisation. |
| Inequality | Inequality is when not everyone has the same opportunities, rights or access to resources, often due to differences or unfair treatment, creating disparities within a community or society. |
| Marriage and Civil | Marriage can be defined as a union between a man and a woman but also as the union of a same-sex couple. Same-sex couples may also choose to have |

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| Partnership | relationships legally recognised as civil partnerships. |
| Pregnancy and Maternity | Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after birth, in the employment context this is linked to maternity leave; otherwise, protection against maternity discrimination is for 26 weeks after giving birth and includes less favourable treatment because of breastfeeding. After the 26-week period, any discrimination is Sex discrimination. |
| Protected Act | A protected act is bringing proceedings under the Act, giving evidence or information in connection with proceedings brought under the Act, done anything in relation to the provisions of the Act or making an allegation that another person has done something in breach of the Act. |
| Race | Refers to a group of people defined by their race, colour, ethnic nationality or national origins. |
| Sex | The biological differences between males and females. |
| Sexual Harassment | This occurs when a person engages in unwanted conduct, which is of a sexual nature. This may be verbal, non-verbal or physical conduct. |
| Sexual Orientation | Whether a person is attracted to their own sex/gender, the opposite sex/gender, any sex/gender or no sex/gender. |
| Social exclusion | Social exclusion is discrimination against someone because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation. Other groups include those discriminated against because of poverty or disadvantage. It is often difficult for people from these groups to have equal access and opportunity in many areas of life including education, employment or healthcare. |
| Victimisation | This occurs when an individual is subjected to detriment because they have done, are believed to have done or it is believed they will do a “protected act”. |

Appendix A Legal framework

The Equality Act 2010 introduces the term ‘protected characteristic’ to refer to aspects of a person’s identity explicitly protected from unlawful discrimination. Nine are identified:

- Race
- Disability
- Sex
- Age
- Sexual orientation
- Religion and belief

- Gender reassignment (including individuals who identify as gender fluid or non-binary)
- Pregnancy / maternity
- Marriage / civil partnership.

However, other aspects of a person's identity, background or circumstance can cause them to experience discrimination, for example a person's socio-economic status, class or background. Orpheus is committed to advancing equality and eliminating discrimination on these and other grounds

The Equality Act 2010 also contains a Public Sector Equality Duty, which requires us to give due regard to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations.

'Advance' involves having due regard to the need to:

- a) remove / minimise disadvantages experienced by persons who share a relevant protected characteristic that are connected to that characteristic
- b) take steps to meet needs of persons who share a relevant protected characteristic that are different from the needs of persons who don't share it
- c) encourage persons with a relevant protected characteristic to participate in public life or in any other activities where participation by such persons is disproportionately low

'Foster good relations' includes having due regard to tackle prejudice and promote understanding.

Appendix B.

Definitions of discrimination and harassment

Direct discrimination occurs when someone is treated unfairly, or less favorably than another person, because they have a protected characteristic. This often arises because of assumptions, stereotyping or prejudice. Direct discrimination also covers association discrimination or perception discrimination. This is direct discrimination against someone because they associate with a person who has the protected characteristic or because they are perceived to have a protected characteristic.

Indirect discrimination occurs when a provision, criterion or practice is applied that appears to affect everyone equally but which in fact puts people who share a protected characteristic at a disadvantage.

Harassment occurs when someone behaves in such a way that their conduct has the purpose or effect of creating an environment that is offensive, hostile, degrading, humiliating or intimidating for a person, where:

- this is related to a protected characteristic (except pregnancy and maternity or marriage and civil partnerships)
- this is of a sexual nature (sexual harassment)
- a person is treated less favourably because they have either submitted to or rejected sexual harassment, or harassment related to sex or gender reassignment (this is known as 'consequential harassment').

Harassment by others applies to age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

The Equality Act is clear in terms of the responsibilities of employers ensuring that employees and students are not placed at risk from this type of harassment. For example, employers are potentially liable if they are aware that harassment has taken place and have not taken reasonable steps to prevent it from happening again.

Discrimination arising from a disability occurs when a disabled person is treated less favourably than others because of something connected to their impairment

Failure to make reasonable adjustments occurs when an organisation fails to make reasonable adjustments for a disabled person, to avoid the disabled person being placed at a substantial disadvantage when compared with a non-disabled person.

Victimisation occurs when a person experiences disadvantage because they have supported someone in making a complaint or an allegation of discrimination, or because they personally have made an allegation of discrimination.

(N.B. Appendix A has been adapted from Christine Rose (2011) The New Equality Act 2010: What does it mean for the learning and skills sector?)

Appendix C Equality Impact Assessments

Orpheus will consider the needs of all individuals (staff, students, volunteers, alumni and visitors) when shaping policy, recruiting students, delivering teaching and learning and in relation to all employment practice.

We must ensure that our decision making is robust, transparent and that we have fully considered the impact of any new proposal or updated policy on all equality groups. Having a sound decision making process not only fulfils our statutory requirements but it also ensures that we are better placed to deliver policies and services that are inclusive, efficient and effective.

While the Equality Act 2010 does not explicitly require Equality Impact Assessments (EIAs) to be conducted we must consciously consider the three aims of the Public Sector Equality Duty as part of the process of decision-making (see appendix A). Keeping a record of how we have considered the three aims via an EIA is a simple way of evidencing that we have complied with the equality duties.

The following principles, (drawn from case law) explain what is essential in order for the Equality Duty to be fulfilled when making decisions:

- Knowledge – staff need to be aware of the requirements of the Equality Duty. Compliance with the Equality Duty involves staff knowing what is expected of them and how they can achieve the expectations.
- Timeliness – the Equality Duty must be complied with before and at the time that a particular policy or proposal is under consideration or decision is taken – that is, in the development of policy / proposal options, and in making a final decision.
- Real consideration – consideration of the three aims of the Equality Duty must form an integral part of the decision-making process. We must prove that we have given the proposal serious and rigorous consideration and applied ‘due regard.’ We must also show that the process has influenced the final decision.
- Sufficient information – the decision maker must consider what information they have and what further information may be needed in order to give proper consideration to the Equality Duty.

Appendix D Equality and Diversity within Ofsted’s Further Education and Skills Inspection Handbook

Effectiveness of leadership and management:

- Leaders, managers and governors have created a culture that enables learners and staff to excel. They are committed unwaveringly to setting high expectations for staff and learners’ conduct and achievement. Working relationships between staff and learners are exemplary.
- Leaders promote equality of opportunity and diversity exceptionally well so that the ethos and culture of the provider prevent any form of direct or indirect discriminatory behaviour. Leaders, staff and learners do not tolerate prejudiced behaviour. The promotion of fundamental British values is at the heart of the provider’s work.

Quality of teaching, learning and assessment:

- Staff are quick to challenge stereotypes and the use of derogatory language, including at work. Resources and teaching strategies reflect and value the diversity of learners' experiences and provide learners with a comprehensive understanding of people and communities beyond their immediate experience.

Personal development, behaviour and welfare:

- Learners discuss and debate issues in a considered way, showing respect for others' ideas and points of view.
- Learners understand how their education and training equip them with the behaviours and attitudes necessary for success in the future as reflected by the excellent employability skills they acquire and the achievement of relevant additional qualifications.
- Staff and learners deal effectively with the very rare instances of bullying behaviour and/or use of derogatory or aggressive language. They work well with the provider to prevent all forms of bullying, including online bullying and prejudice-based bullying.
- The provider's open culture actively promotes all aspects of learners' welfare. Learners are safe and feel safe at all times. They understand how to keep themselves and others safe in different situations and settings. They trust leaders to take rapid and appropriate action to resolve any concerns they have.
- The personal and social development of learners equips them to be thoughtful, caring and active citizens.

Outcomes for learners:

- Learners, and groups of learners, are typically able to articulate their knowledge and understanding clearly and demonstrate the skills they have acquired convincingly. The standard of learners' work is high and, where appropriate, meets industry standards very well.