Molly's Gift

EQUALITY POLICY

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Date of approval:	April 2026
Next review date:	April 2027
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Part 1 - The Law

We are committed to promoting equal opportunities in employment and creating a workplace culture in which diversity and inclusion is valued and everyone is treated with dignity and respect. As part of our zero-tolerance approach to discrimination in any form, you and any job applicants will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (Protected Characteristics). We are also committed to providing equitable treatment to all those we deal with as an organisation, including pupils and parents.

We will take all reasonable steps to:

- Promote awareness and provide training to all staff and all managers on all aspects of equality and diversity in the workplace.

- Apply the principles of equity to all staff and all job applicants so that there is equality of opportunity. Our aim is that no individual is denied employment opportunities for reasons unrelated to ability.
- Implement all internal policies and procedures (on a fair and impartial basis).
- Create an inclusive working environment that is sensitive to the needs of staff of differing cultures, religions and beliefs. For example, in connection with religious observance and dress.
- Make reasonable adjustments to enable employees with disabilities to function effectively and to their full potential.
- Ensure that all work environments are free from all forms of discrimination, harassment, intimidation or bullying.
- Monitor how this policy is working in practice.

The Protected Characteristics

The Equality Act 2010 makes it unlawful for the "responsible body" of any establishment to discriminate against (either directly or indirectly) an individual or group of individuals by treating them less favourably because they (or somebody they associate with) have one or more of the following characteristics:

- Sex;
- Race;
- Religion or belief;
- Sexual orientation;
- Gender reassignment;
- Pregnancy and maternity;
- And Disability

The Equality Act 2010 also makes it unlawful for the "responsible body" of an organisation to discriminate against (either directly or indirectly) an individual or group of individuals who are not the camps children by treating them less favourably because they (or somebody they associate with) have one or more of the above characteristics or the following characteristics:

- Age; and
- Marriage and civil partnership.

The Equality Act 2010 also makes it unlawful for the "responsible body" of Molly's Gift to harass or victimise an individual or group of individuals because of some of the protected characteristics, or because of something done in reliance on the Equality Act 2010, as outlined in further detail below.

Discrimination

You must not unlawfully discriminate against or harass other people, including current and former staff, job applicants and visitors. This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other workrelated contacts or when wearing a work uniform), and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this policy and are unlawful:

Direct discrimination:. treating someone less favourably because of a Protected Characteristic. For example, rejecting a job applicant because of their religious views or because they might be gay. Direct discrimination can include associative discrimination, where a person is treated less favourably because of their association with an individual with a Protected Characteristic, and perception discrimination, where a person is treated less favourably because of the mistaken belief that they possess a Protected Characteristic

Indirect discrimination: a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

Harassment: this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Victimisation: retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment. This includes where someone mistakenly believes that the person victimised has done so.

Disability discrimination: this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

The definition of what constitutes disability discrimination is more complex than that for the other protected characteristics and is set out in further detail under the section relating to disability equality below.

<u>Harassment</u>

The Equality Act 2010 makes it unlawful to harass an individual or group of individuals in relation to certain protected characteristics. Harassment is defined as an unwanted act,

related to a relevant protected characteristic, which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment only applies in relation to the following protected characteristics:

- Sex
- Race
- Religion or belief (in relation to those who are not children);
- Sexual orientation (in relation to those who are not children); Pregnancy or maternity;
- Disability; and
- Age (in relation to those who are not children).

Harassment does not apply to the otherwise protected characteristics of religion or belief, sexual orientation or gender reassignment in relation to children, however any discriminatory acts because of these characteristics are likely to be direct discrimination in any event.

The employer has a duty to take "all reasonable steps" to prevent sexual harassment including from third parties.

Victimisation

The Equality Act 2010 makes it unlawful to victimise an individual or a group of individuals in certain circumstances. Victimisation is defined as occurring when an individual or group of individuals are treated less favourably as a result of anything they have done in reliance upon the Equality Act 2010, for example by previously making an allegation of discrimination or harassment, even if it was not upheld.

Victimisation will also occur when an individual is treated less favourably as a result of anything their parent, sibling or other person has done in reliance upon the Equality Act 2010, for example where their older sibling has previously made an allegation of discrimination, even if it was not upheld.

Positive action

The Equality Act 2010 does, however, allow for Molly's Gift to treat disabled children more favourably than children who are not disabled (positive discrimination). In some cases, organisations are *required* to treat disabled children more favourably than children who are not disabled, by making reasonable adjustments for their disability and providing auxiliary aids where necessary.

Sex equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their sex or the sex of somebody they associate with.

Race Equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their race or the race of somebody they associate with. Race is defined as including colour, nationality, ethnic or national origins, and would also include travellers whose cultural heritage is traditionally nomadic, for example gypsies and Irish travellers.

Molly's Gift must ensure that children, parents, visitor or other person coming into contact with the us (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their race or the race of somebody they associate with. Segregation of children by race will always be unlawful.

Religion or belief equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their religion or belief or the religion or belief of somebody they associate with. Religion is defined as being any religion, and belief as being any religious or philosophical belief, including a lack of belief in religion (for example, humanism or atheism). Religion will include all of the major faiths, including denomination within the religion. Political beliefs are not included within the definition of religion or belief.

Molly's Gift must ensure that a child, parent, visitor or other person coming into contact with the us (or a group of these people) are not treated less favourably than others, including indirectly as a result of the implementation of a general practice or procedure, because of their religion or belief or the religion or belief of somebody they associate with.

Sexual orientation equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) because of their sexual orientation, their parents' sexual orientation or the sexual orientation of somebody they associate with.

Sexual orientation includes heterosexuality, homosexuality (gay or lesbian), and bisexuality.

Molly's Gift must ensure that a child, parent, visitor or other person coming into contact with the us (or a group of these people) are not treated less favourably than others,

including indirectly as a result of the implementation of a general practice or procedure, because of their sexual orientation or the sexual orientation of somebody they associate with.

Disability equality

The overriding objective of the Equality Act 2010 is to achieve equality (equal treatment) for all people whether they have a protected characteristic or not. However, the provisions relating to disability are different to those for all of the other protected characteristics, in that it is lawful, and in fact is sometimes a legal requirement, to treat a disabled individual or group of individuals more favourably than an individual or group of individuals without a disability.

Definition of disability

The Equality Act 2010 defines disability as being where an individual or group of individuals has a physical or mental impairment which has a substantial and long-term adverse effect (lasting or recurring, or likely to last or recur, for at least twelve months) on their ability to carry out normal day to day activities.

Some conditions such as being HIV positive, or having multiple sclerosis or cancer, are automatically deemed to have a disability regardless of their effect or longevity. Severe disfigurement will also come within the definition of disability (disfigurement by tattooing or piercing is excluded). Those that are certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist are automatically deemed to have a disability.

Direct disability discrimination

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be directly discriminated against or harassed because of their disability.

Molly's Gift must ensure that a student or group of children are not treated less favourably than another's, because of their disability, their parents' disability or the disability of somebody they associate with.

It is not unlawful for us to treat a disabled child or group of children more favourably than another student or group of children who are not disabled. This is positive disability discrimination and is lawful.

Indirect disability discrimination

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be indirectly discriminated against because of their disability, by the implementation of a provision, criterion or practice applied generally to those with or without the disability, unless there is a legitimate reason for the provision, criterion or practice and there is no other way to achieve it.

Discrimination arising from disability

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against because of something arising in consequence of their disability, unless there is a legitimate reason for discriminatory act and there is no other way to achieve it, and provided that the discriminator knew, or should have known, about the disability.

Molly's Gift must ensure that a child or group of children are not treated less favourably because of something arising in consequence of their disability, unless they can show that there was a legitimate reason for the less favourable treatment and there was no other way of achieving the legitimate aim.

Reasonable adjustments for disability

The Equality Act 2010 requires "reasonable adjustments" to be made for individuals suffering from a disability. Mollys Gift have the following duties:

- Where a provision, criterion or practice places a disabled child or group of children at a substantial disadvantage compared to children who are not disabled, reasonable steps must be taken to avoid that disadvantage.

- Where a disabled student or group of children would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with children who are not disabled, Molly's Gift must take reasonable steps to provide the auxiliary aid.

- An "auxiliary aid" includes equipment and services. The Equality Act 2010 does not provide a definition of "auxiliary aids"; however, the dictionary definition includes helpful, supporting, assistant things or persons. Where a piece of equipment is necessary for all aspects of a child's life rather than being required (for example, hearing aids), it is likely that it would be considered unreasonable for Molly's Gift to be expected to provide these.

- Factors which Molly's Gift may consider when considering whether the provision of an auxiliary aid to a disabled student is reasonable include the financial or other resources required, its effectiveness, its effect upon other children and health and safety requirements.

Age equality

The Equality Act 2010 makes it unlawful for an individual or group of individuals to be discriminated against (either directly or indirectly) or harassed because of their age, unless it can be shown that it is a proportionate means of achieving a legitimate aim. Age is widely defined as being either of a particular age or as being within an age group.

Molly's Gift are not under a duty not to treat children less favourably because of their age or age group.

Mollys Gift as an employer

Molly's Gift also has responsibilities to comply with the Equality Act 2010 in its role as an employer, in relation to which separate HR policies apply. This policy applies to children, parents, visitors and other persons coming into contact with us only.