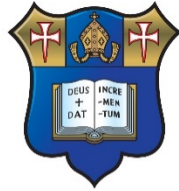




MARLBOROUGH COLLEGE

Equality, Diversity and Inclusion Policy

Michaelmas Term 2023



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1. Policy Aims

1.1 Marlborough College is an equal opportunities school that draws staff and pupils from throughout the United Kingdom and overseas.

1.1.1 The College values all pupils equally and aims to provide an environment in which all can achieve their full potential, regardless of their protected characteristics.

1.1.1.1 The protected characteristics under the Equality Act 2010 are:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

1.1.2 The College complies with Standard 3 – Inclusion, equality and diversity – of the DfE’s National Minimum Standards for boarding schools (September 2022), which states as follows:

1.1.2.1 NMS 3 (2022): “Boarders are not discriminated against, paying particular regard to the legally protected characteristics and requirements set out in the Equality Act 2010. In addition, boarders are not discriminated against because of their cultural background, linguistic background, special educational needs, or academic or sporting ability (the list is not intended to be all encompassing; the key factor is protecting boarders from discrimination). These factors are taken into account in the care of boarders, so that care is sensitive to different needs and an inclusive environment is promoted within the school.”

1.1.3 The College endeavours to recruit talented people from different social, faith and racial backgrounds, and to promote cultural diversity.

1.1.4 The College is committed to providing an environment in which all pupils are challenged to be the best they can be and one in which pastoral care and well-being underpin academic, co-curricular and sporting excellence.

1.2 The College is a Church of England Foundation which welcomes and encourages the contributions that members of all denominations and faiths make to the whole community. The Council and all staff are committed to meeting the specific needs of each pupil, to responding to changing needs, and to acknowledging and valuing all linguistic, religious, gender, ethnic and cultural backgrounds.

- 1.3 The College is an academically selective, co-educational boarding school and so relies on the provisions in Schedule 11, sections 2 and 8 (2) (c) of the Equality Act 2010 which permits the selection of pupils on the basis of their sex (i.e. gender assigned at birth) and academic ability or aptitude.
 - 1.3.1 Subject to paragraph 1.3, the College is committed to treating every person fairly in accordance with their personal merit, natural ability and attainment, regardless of their protected characteristics.
- 1.4 The College is committed to creating a diverse and harmonious community in which people with different interests and backgrounds live and work together, learn from one another and treat each other with dignity and respect, free from discrimination, harassment or victimisation. The College vigorously discourages behaviour that is likely to disrupt the harmony of the College community.
 - 1.4.1 The College recognises that an environment where there is bullying, discrimination and/or harassment is not one that is conducive to a safe and supportive learning environment.
 - 1.4.2 The College recognises that national and international movements, such as Black Lives Matter and Everyone's Invited, have highlighted the importance of equality, diversity and inclusion, and is committed to creating an environment where everybody feels safe and included.
- 1.5 The College actively promotes the fundamental British values (FBVs) of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs. These values were first set out by the Government in the 'Prevent' strategy in 2011.
 - 1.5.1 Whilst specific terms, such as tolerance, are used throughout this policy, it is acknowledged that the interpretation of such terms can be questioned and alternative terms, such as allyship, are equally applicable.
 - 1.5.1.1 Allyship is actively supporting the rights of a minority or marginalised group without being a member of it. Allyship can be practised by speaking out against discrimination, for example.
- 1.6 All members of the College community, including parents and visitors, must comply with this policy.
- 1.7 This policy should be read in conjunction with the following College policies:
 - 1.7.1 Admissions Policy
 - 1.7.2 Behaviour Management Policy
 - 1.7.3 Complaints Procedure Policy
 - 1.7.4 Countering Bullying, including Cyberbullying Policy
 - 1.7.5 Discipline (including sanctions, rewards and restraint) Policy
 - 1.7.6 Personal, Social, Health and Economic Education (PSHEE) Policy
 - 1.7.7 Relationships and Sex Education (RSE) Policy

- 1.7.8 Spiritual, Moral, Social and Cultural (SMSC) Policy
- 1.7.9 Safeguarding and Child Protection Policy
- 1.7.10 SEND Code of Practice Policy
- 1.7.11 Staff Code of Conduct Policy

2. Regulatory Framework

- 2.1 This policy has been prepared to meet the College's responsibilities under
 - 2.1.1 Keeping children safe in education (DfE, KCSIE 2023)
 - 2.1.2 The Independent Schools Standards (April 2019)
 - 2.1.3 Working Together to Safeguard Children 2018 (updated Feb 2019)
 - 2.1.4 National Minimum Standards for Boarding Schools (2022)
 - 2.1.5 Equality Act 2010

3. The Key Concepts of Equality, Diversity and Inclusion (EDI)¹

- 3.1 **Diversity** is about the ways in which people differ. These differences should be recognised, celebrated and treated as a natural part of society.
- 3.2 **Equality** is a natural extension of diversity and is based on the idea of fairness, whilst recognising that everyone is different.
- 3.3 **Equity** is an important concept to be considered in this context. Equity is about giving people what they need, in order to make things fair. It means giving more to those who need it, which is proportionate to their own circumstances, in order to ensure that everyone has the same opportunities; for example, providing more support to a disadvantaged student so they can reach their full potential.
- 3.4 **Inclusion** means that all people, regardless of their abilities, disabilities or health care needs, have the right to be respected and appreciated as valuable members of their communities.
- 3.5 **Direct discrimination** occurs where a person is treated less favourably than others because of their (or a family member's) actual or perceived protected characteristic.
- 3.6 **Indirect discrimination** occurs where a provision, criterion or practice is applied which disadvantages people with a protected characteristic, and which cannot be justified as a proportionate means of achieving a legitimate aim.
- 3.7 **Disability discrimination** occurs where someone is treated unfavourably because of something arising in consequence of their disability and which cannot be justified as a proportionate means of achieving a legitimate aim.

¹ Taken from 'Towards an Equality, Diversity and Inclusion Strategy', Farrer & Co LLP, 2021

- 3.8 **Harassment** is unwanted conduct related to a protected characteristic which has the purpose or effect of violating a person's dignity or creating a hostile, humiliating or offensive environment for them.
- 3.9 **Victimisation** occurs where a person is subjected to a detriment because they have exercised their rights under the Equality Act (or the perpetrator believes they have done so or may do so). It also applies to someone who is supporting (or who indicates that they intend to support) another person who is exercising their rights under the Equality Act.
- 3.10 **Microaggression** has no legal definition but is often defined as brief and commonplace daily verbal, behavioural, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative slights and insults toward the target person or group. Research has shown that the impact of microaggressions can be significant; they impact negatively on performance and can contribute to physical and mental health problems. As the definition suggests, the perpetrator may not have any malicious intent. Microaggressions may amount to discrimination under the Equality Act, depending on the facts of each case. Examples of microaggressions could be teachers confusing children from the same ethnic background, mispronunciation of names (particularly if on a repeated basis), or questions such as 'where are you really from?'. These subtle daily slights may be very impactful particularly if repeated and not challenged.

4. Equality, Diversity and Inclusion Education

- 4.1 Every pupil is expected to fully engage with and contribute to the life of the College to the best to their ability, not only academically but also in the co-curricular programme. Every pupil is expected to use good sense and treat all members of the community fairly and decently.
- 4.1.1 Pupils are encouraged and expected to show mutual respect and tolerance of those with different faiths and beliefs, have due regard for the protected characteristics and to foster a sense of responsibility to help create an environment that supports the values of the College and British Society.
- 4.1.2 The College fosters an atmosphere which respects and supports diversity in all pupils, staff and members of the wider community. Interaction should nurture an atmosphere free from ageism, racism, religious intolerance, sexism, homophobia, harassment, discrimination against those with disabling conditions, or discrimination based upon an individual's political views or beliefs.
- 4.1.2.1 The list is not intended to be all encompassing; the key factor is protecting the pupils from discrimination.
- 4.1.2.2 These factors are taken into account in the care of the pupils, so that care is sensitive to different needs and an inclusive environment is promoted within the College.
- 4.1.3 The College educates its pupils about the nature and harmful effects of discriminatory behaviour, intolerance and radicalisation, and encourages them to be alert to, and report such behaviour.

- 4.1.3.1 Any pupil, or group of pupils, who discriminate against or harass any other pupil or member of staff, either verbally, by action or by any other means, will be subject to the College's disciplinary procedures. Such behaviour could ultimately result in the pupil, or group of pupils, being required to leave the College.
- 4.2 The College is committed to providing on-going education to pupils through assemblies, Chapel services, tutoring, PSHEE (Academic) lessons, PSHEE (Artemis) sessions and to staff through Common Room briefings, INSET training and staff meetings to:
 - 4.2.1 promote tolerance and respect for each other, and emphasise the protected characteristics set out in the Equality Act 2010 and FBVs
 - 4.2.2 ensure that both pupils and staff understand why and how discriminatory behaviour is unacceptable and understand the College's approach to dealing with any incidents. Members of the College community are encouraged to be active upstanders, rather than bystanders
- 4.3 The schemes of work for PSHEE (Academic) and PSHEE (Artemis) are published internally on Firefly and are available on request.
 - 4.3.1 The units of work have specific themes, such as promoting positive behaviour, developing a moral compass and respectful relationships which are based on mutual trust and respect. Pupils are encouraged to demonstrate these characteristics and are praised when they do so.
 - 4.3.2 This work is supplemented by year group presentations, such as the Shell (Year 9) seminar on 'Mutual Respect' run by the Wellbeing Ambassadors, the presentation on 'FBVs, Identity and Stereotypes' and the 'Diversity (LGBTQIA+) Workshop'. This education continues into the Sixth Form with talks such as 'A Positive Voice for HIV'.
 - 4.3.2.1 All year group presentations are followed by a PSHEE (Artemis) session in the boarding houses to discuss the content further and to allow pupils to ask questions.
- 4.4 Societies, often pupil-led, are run to create a safe community space for those who want to discuss contemporary social issues and provide positive support to pupils with protected characteristics.
 - 4.4.1 The Unity Society meets monthly and aims to propel inclusivity forward within the College and forums are organised to examine issues around inclusion through discussion in a safe place.
 - 4.4.2 The Diversity Society aims to educate others on issues relating to racism, raise the comfort level for issues relating to diversity and create a safe space for pupils to raise any concerns relating to racism, including microaggression.

5. The Roles and Responsibilities of Council, Management Team and Other Staff

- 5.1 The College's EDI Policy has been informed by the voices of Council Members, the Management Team, staff, pupils and parents, particularly those with protected characteristics.

- 5.2 The College's EDI Policy requires collaboration between all members of the College community.
 - 5.2.1 A 'whole school approach' involves all members of the College community being responsible for the culture and being committed to 'living' the principles that emerge as a result of the EDI strategy and appropriately challenging infractions. EDI is not simply considered an initiative or subject that is left to one individual, group or committee.
- 5.3 The Council will:
 - 5.3.1 Monitor the implementation of this policy, its use and the impact on staff and pupils
 - 5.3.2 Ensure that its implementation leads to improved outcomes for pupils and staff
 - 5.3.3 Oversee that it complies with the relevant legislation
 - 5.3.4 Ensure it is reviewed annually
 - 5.3.5 Remedy without delay any weakness, in regard to our EDI Policy, that is brought to their attention
- 5.4 The Management Team will:
 - 5.4.1 Provide proactive leadership that will recognise and celebrate difference as a positive contribution to the College community
 - 5.4.2 Ensure that the curriculum is developed to recognise the needs and interests of individuals in today's diverse society
 - 5.4.3 Ensure that the Relationships and Sex Education (RSE) Policy is sensitive to different beliefs, cultures and religions
 - 5.4.4 Ensure that staff, pupils and Members of Council are aware of this policy and are fully aware of their responsibilities in implementing it
 - 5.4.5 Communicate the policy to parents
 - 5.4.6 Monitor implementation and use of the policy
 - 5.4.7 Respond in a timely manner to any breaches of the policy
- 5.5 All staff will:
 - 5.5.1 Teach a curriculum which reflects and celebrates ethnic, cultural and religious diversity.
 - 5.5.1.1 Departments have been asked to embed the fundamental British values (FBVs) of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs, into their Schemes of Work whenever possible.
 - 5.5.1.2 All members of staff share a responsibility for creating an educational environment which promotes the spiritual, moral, social and cultural (SMSC) development of pupils.

- 5.5.1.3 Excellent teaching should involve discussion and debate. During such times, teaching staff must be mindful to present non-partisan views. Staff should encourage pupils to feel free to express themselves in ways that promote openness within a diverse society, but also be clear that views expressed must not undermine FBVs.
- 5.5.2 Ensure that the College is an inclusive, safe community where all individuals are valued and treated with dignity.
- 5.5.3 Encourage all pupils to demonstrate respect and avoid inappropriate behaviour and language.
- 5.5.4 Be proactive and tackle bias, stereotyping and prejudice.
 - 5.5.4.1 All staff are aware of, and are sensitive to, issues of discrimination and will at all appropriate times promote awareness of the negative aspects of stereotyping and the development of unacceptable discriminatory attitudes.
- 5.5.5 Adopt a zero-tolerance approach and challenge inappropriate and discriminatory language and behaviour.
- 5.5.6 Record any incidents of racial discrimination and harassment on CPOMS and respond appropriately with due consideration to the needs of pupils, parents and staff under the guidance of this policy.
- 5.6 An EDI working group has been created to formulate an EDI Strategy for the College.

6. The Contribution of Guest Speakers

- 6.1 Subject to paragraph 4.3.2, guest speakers are invited to deliver talks, presentations and seminars to enrich EDI education.
 - 6.1.1 Prior to making a booking, the relevant member of staff will refer to the document 'Booking a Visiting Speaker' (available on Firefly).
 - 6.1.2 Prior to the event, the relevant member of staff will send the visiting speaker the documents 'Guidance for Visitors to Marlborough College' and 'Statement of Community Norms and Values' (both available on Firefly).
 - 6.1.2.1 The relevant member of staff will ensure that the documents stated in 6.1.2 are acknowledged by the visiting speaker prior to the event.

7. Challenging Discrimination

- 7.1 It is essential in creating an inclusive school environment that the College takes action to challenge discriminatory behaviour when it occurs. Clear articulation is provided in College policies about what discriminatory behaviour is (providing specific examples) and what sanctions will apply to people who engage in it. This includes dealing with low-level behaviours or concerns and doing so in a proportionate way.
- 7.2 Low-level behaviours (such as, for example, cruel 'jokes' or comments) can have a significant impact on individuals (whether they are one-off comments or part of a

sustained campaign of bullying) and where they are not challenged and acted upon can create the conditions for more hostile, violent or abusive behaviours to set in.

8. Raising Concerns and Whistleblowing

- 8.1 Everyone in the College must feel able to raise concerns and report incidents with confidence that the concerns or disclosures will be taken seriously, acted on proportionately and in line with College procedures and the issues can be raised without fear of retribution.
- 8.2 Any pupil or their parent/guardian on their behalf who feels that they have been singled out for microaggression, unfair treatment or otherwise harassed should raise the matter with their Housemaster/Housemistress (HM), any other senior member of staff, a member of the HR team or the College's Independent Listener.
 - 8.2.1 Any such report will be fully investigated and, if it appears that discrimination or harassment, including bullying of any type has occurred, the Master will be informed and disciplinary procedures will be followed.
 - 8.2.2 Pupils and parents/guardians should also be aware of the Countering Bullying, including Cyberbullying, Policy in this respect.
- 8.3 All staff (including house staff and teaching staff) shall, at all times, be alert to any indication that any person or group is being unfairly treated by virtue of any protected characteristic.
 - 8.3.1 If such a situation arises, the member of staff will alert their line manager and the Management Team shall ensure that effective action is taken to prevent and tackle discriminatory behaviour.
- 8.4 All staff are aware of, and are sensitive to, issues of discrimination and will, at all appropriate time, promote awareness of the negative aspects of stereotyping and the development of unacceptable discriminatory attitudes.

9. Breach of this Policy

- 9.1 Any breaches of the EDI Policy will be taken very seriously and dealt with in accordance with the College's Behaviour Management Policy.
 - 9.1.1 Any breach of College Rules that includes an element of victimisation, discrimination or harassment due to any protected characteristic will be considered as an aggravating factor when deciding on the appropriate sanction.
- 9.2 The College adopts a zero-tolerance approach and reacts firmly and promptly if racial discrimination and harassment are identified. There is a range of sanctions and follow up steps available to staff depending on the perceived seriousness of the situation and what incidents have gone before. Some of these steps include:
 - 9.2.1 Conflict resolution between the perpetrator and the recipient
 - 9.2.2 A record of the incident put on file
 - 9.2.3 Formal referral and discussion with a member of the Management Team

- 9.2.4 Letter home/discussion with a pupil's parents/guardians
 - 9.2.5 Referral to the Master
 - 9.2.6 Discussion with Designated Safeguarding Lead (DSL) or deputies if there is a safeguarding concern
 - 9.2.7 Suspension from College
 - 9.2.8 Exclusion from College
- 9.3 Likewise, any breaches of the policy by a member of staff will be taken equally seriously and dealt with in accordance with the Disciplinary Policy and Procedure.
- 9.4 Any parent/guardian, guest speaker or member of the public who expresses any form of discrimination against, or harassment of, any member of the College community will be required to leave the premises immediately. If necessary, the relevant authorities will be informed.

10. Monitoring the Effectiveness of this Policy

- 10.1 This policy is monitored on an ongoing basis to evaluate its effectiveness and ensure appropriate steps can be taken to eliminate discrimination and actively promote and celebrate cultural diversity across the whole community.
- 10.2 This policy will be reviewed and publicised, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policies, guidance and practice.

11. Version control

Author:	Head of PSHEE, RSE & SMSC
Approved by:	Penny Cameron Watt, with the approval of Council
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