



New Forest Small School

EQUALITY, INCLUSION AND COHESION POLICY

Member of Staff Responsible	Headteacher
Regularity of Review	2 yearly

RATIONALE

In order to provide outstanding education, the teaching and non-teaching staff of New Forest Small School are committed to the provision of equal opportunities for all. Our aim in writing this Policy is to ensure (to the best of our ability) that students and staff members with protected characteristics are enabled, supported and encouraged to participate fully in all aspects of school life, and to benefit from the school's facilities and activities to the same extent as those without protected characteristics.

We will take positive action to support those with protected characteristics, to eliminate unconscious biases and prejudices as well as overt discrimination, and to actively promote the 'fundamental British value' of mutual respect and tolerance. We also take action to support staff and students who have been subjected to discrimination or harassment in other settings.

We promote the spiritual, moral, cultural, mental and physical development of students at the school and of society as a whole, and prepare students at the school for the opportunities, responsibilities and experiences of later life. With this in mind, we encourage our students not only to refrain from discrimination and harassment, but to become active citizens who are committed to promoting equality, celebrating diversity and decolonizing minds.

NFSS is a learning organisation that constantly strives to improve its equality and diversity practice in relation to students, prospective students, employees, potential employees, and (where applicable) parents and visitors. We meet and, where appropriate, strive to exceed our statutory duties in relation to the Equality Act 2010 through regular training, monitoring, policy review, consultation, and appropriate adjustments.

LEGAL DUTIES

1. We welcome our duties under Equality Act 2010, which replaces all previous equalities legislation in the UK, including the Race Relations Act 1976 as amended by the Race Relations Amendment Act 2000; the Disability Discrimination Acts 1995 and 2005; and the Sex Discrimination Act 1975 as amended by the Equality Act 2006. In accordance with the Equality Act, we recognise our statutory responsibility to fulfil the three aspects of the Public Sector Equality Duty, namely to:
 - a. Eliminate unlawful discrimination, harassment and victimisation
 - b. Advance equality of opportunity
 - c. Foster good relations between people with a protected characteristic and those who do not have the characteristic
2. We welcome our duty under the Education and Inspections Act 2006 to promote community cohesion.

3. We welcome our duty of active promotion of the fundamental British value of mutual respect and tolerance of those with different faiths and beliefs (along with the other fundamental British values of democracy, the rule of law and individual liberty) under the Education (Independent School Standards) Regulations 2014. We further welcome our obligation, under paragraph 2(d)ii of the same Regulations, to provide “personal, social, health and economic education which... encourages respect for other people, paying particular regard to the protected characteristics set out in the 2010 [Equality] Act”
4. We recognise that equality and inclusion are essential for achieving the five outcomes of the *Every Child Matters* framework – to be healthy, to stay safe, to enjoy and achieve, to make a positive contribution, and to achieve economic well-being – and reflect international human rights standards as expressed in the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, and the Human Rights Act 1998.
5. Summaries of our legal obligations are provided in Appendix A.

SCHOOL CONTEXT

New Forest Small School is a mixed 3-16 independent school from varied backgrounds. Students come from a wide catchment area including the urban areas of Southampton, Totton, Lymington, New Milton, and the whole of the New Forest.

PROTECTED CHARACTERISTICS

We acknowledge that the 2010 Equality Act identifies seven protected characteristics that apply to both students and staff, namely:

- disability, defined as a physical or mental impairment that has a substantial and long-term negative effect on a person’s ability to do normal daily activities,
- gender reassignment, which we understand to include social transition as well as medical and surgical procedures for gender confirmation;
- race, which includes ethnicity, culture, national origin and national status,
- religion or belief, or the lack of religion/belief,
- sex,
- sexual orientation,
- pregnancy or maternity.

We further note that:

- a person’s age is also a protected characteristic in relation to employment, but this does not apply to pupils in schools: the school will exercise its right, as the Headteachers and staff see fit, to admit and organise students in age groups and to treat them in ways that are appropriate to their age and stage of development;
- ‘marriage or civil partnership’ is also a protected characteristic in relation to employment, but not in relation to pupils in schools.

We recognise that there may be many dimensions of human difference that are not explicitly covered by the 2010 Equality Act but are equally deserving of protection, and that, *where appropriate*:

- people with short-term medical conditions that do not meet the definition of 'disability', but for the period of their duration, have a substantial negative impact on the person's ability to do normal daily activities, may be included under the heading of 'disability';
- people who challenge the binary theory of gender, e.g. those who are genderqueer, genderfluid, genderflux, agender, bigender or otherwise non-binary, may be included under the heading of 'gender reassignment' (regardless of whether or not they also identify as transgender and/or are intending to embark on a medical transition process);
- people with intersex bodies, i.e. people whose physical / biological attributes do not fit with societal assumptions about what constitutes 'male' or 'female', should be treated as having a protected characteristic (regardless of their sexual orientation or gender identity);
- the protected characteristic of 'race' should be recognised as not being limited to ethnicity or skin colour, but treated in an inclusive way that also encompasses culture, language, national origin, national status, and status as a refugee, migrant, traveller or asylum-seeker;
- the protected characteristic of 'sexual orientation' should be recognised as not being limited to identifying as lesbian, gay or bisexual, but treated in an inclusive way that encompasses other widely accepted sexual orientations (e.g. queer, questioning, demisexual, asexual, pansexual).

GUIDING PRINCIPLES

In fulfilling the legal obligations referred to above and summarised in Appendix A, we are guided by seven principles.

Principle 1: All people are of equal value

We recognise all people as of equal value and entitled to be treated as such. This policy seeks to ensure that this principle is lived out in practice in relation to students, prospective students, employees of the School and potential employees, and where appropriate to parents and visitors, especially with reference to the relevant protected characteristics. We note that, in relation to the 2010 Equality Act it is illegal to discriminate against, harass, or victimize a person on the grounds of:

- (a) *having* a protected characteristic;
- (b) *being associated with* a person who has a protected characteristic (e.g. as their parent, sibling, spouse or child)
- (c) *being perceived to* have a protected characteristic, even if they do not actually have it.

Principle 2: We recognise and respect diversity

Promoting equality does not necessarily involve treating everyone the same: it often entails positive action to support those who would otherwise be unfairly disadvantaged. In legal terms, this is known as *avoidance of indirect discrimination*. Our policies, procedures and activities do not discriminate against those with protected characteristics, but are differentiated, as appropriate, to take account of differences of life-experience, outlook and background, and in the kinds of barrier and disadvantage that people face.

Principle 3: We foster positive attitudes and relationships, and a shared sense of cohesion and belonging

We intend that our policies, procedures and activities should promote *equality of opportunity*, *positive attitudes* towards people with protected characteristics, and *good relations* between groups and communities that are different from each other, as well as the absence of discrimination, harassment and victimisation (see Appendix B for definitions). We are proud of the culture of inclusion and mutual respect that we have built at NFSS, as a community in which everyone can feel safe, respected and listened to.

Principle 4: Staff recruitment, retention and development are non-discriminatory

Policies and procedures benefit all employees and potential employees equally, for example in recruitment and promotion, and in continuing professional development, regardless of whether or not they have a protected characteristic. Please refer to the Recruitment Policy for further details.

Principle 5: We aim to reduce and remove inequalities and barriers that already exist

In addition to avoiding or minimising possible negative impacts, we take opportunities to maximise positive impacts by reducing and removing inequalities and barriers that may already exist between people with protected characteristics and those without. This may include, but is not limited to, offering support to those who have previously suffered discrimination, victimisation or harassment, to ensure that these negative experiences do not adversely affect their educational attainment or career progression (as appropriate).

Principle 6: We consult widely

We acknowledge that people affected by a policy or activity should be consulted and involved in the design of new policies, and in the review of existing ones. Specifically, we prioritise the right of marginalised groups to have a say in their own representation over the right of dominant groups to maintain representation in line with discriminatory social norms.

Principle 7: Society as a whole should benefit

We intend that our policies and activities should benefit society as a whole, both locally and nationally, by fostering greater social cohesion, better mental wellbeing, and greater participation in public life of people with protected characteristics, where applicable.

THE CURRICULUM

We keep each curriculum subject or area under regular review in order to ensure that teaching and learning reflect the seven principles above.

We aim to ensure that the curriculum for each subject exposes pupils to all the different aspects of diversity, using resources appropriate to the pupils' ages and level of understanding. Specifically, in accordance with recent Government guidelines on the issue, we will ensure that sex and relationships education includes age-appropriate teaching about LGBT+ relationships as outlined in the Sex and Relationships Education Policy.

ETHOS AND ORGANISATION

We ensure that the principles listed above apply also to the full range of our policies and practices, including those that are concerned with:

- students' progress, attainment and assessment
- students' personal development, welfare and well-being, including safeguarding issues
- teaching styles and strategies
- admissions and attendance
- staff recruitment, retention and professional development
- care, guidance and support
- behaviour, discipline and exclusions
- working in partnership with parents, carers and guardians
- working with the wider community.

ADDRESSING PREJUDICE AND PREJUDICE-RELATED BULLYING.

The school is opposed to all forms of prejudice which stand in the way of fulfilling the legal duties referred to in paragraphs 1 and 2. These include, but are not limited to:

- prejudices around disability and special educational needs
- prejudices around racism and xenophobia, including those that are directed towards religious groups and communities, for example anti-Semitism and Islamophobia, and those that are directed against Travellers, refugees and people seeking asylum
- prejudices reflecting sexism, homophobia, biphobia, intersexphobia and transphobia.

There is guidance in the staff training file on how prejudice-related incidents should be identified, assessed, recorded and dealt with. The separate Anti-Bullying Policy describes the school's policies and procedures for dealing with bullying. We take seriously our obligation to report regularly to the local authority about the numbers, types and seriousness of prejudice-related incidents at our school and how they were dealt with.

POSITIVE ACTION TO PROMOTE EQUALITY AND COHESION

NFSS will take positive action that includes, but is not necessarily limited to, the following:

- We will make reasonable adjustments so that students and staff members with disabilities (and short-term medical conditions with an equivalent impact to disabilities) can participate in, and benefit from, the educational services offered by NFSS to the same extent as those without disabilities, e.g. through the provision of auxiliary aids and services.
- We will offer a broad curriculum that celebrates diversity, promotes equality and cohesion, encourages learning from one another, recognizes different backgrounds and experiences of prejudice, and seeks to decolonize minds and produce proactive graduates who are passionate about equality. This includes the use of age-appropriate books and other resources showing people with different protected characteristics in a positive light.
- While remaining sympathetic and sensitive to parents' religious beliefs, we are committed to the principle of age-appropriate LGBT-inclusive relationships and sex education (RSE).

- We are willing, where necessary, to make pupils aware of the fact that people may have differing views on the topic of same-sex relationships and that they may justify their views on religious grounds. However, we will not compromise our principles of equality, inclusion and cohesion by changing our provision or withdrawing a pupil from inclusive RSE at a parent's request. We will respectfully request parents who feel unable to comply with this policy to make alternative arrangements for their children's education.
- We will take a zero-tolerance approach to misogyny, racism, homophobia, biphobia, transphobia and other forms of harassment directed against people with protected characteristics, whether from staff, students or parents, and will take appropriate disciplinary action in accordance with the Staff Code of Conduct, Behaviour Policy and/or Parents and Carers Code of Conduct as applicable;
- We will offer additional support to enable staff members or students who have previously experienced prejudice, discrimination, harassment or victimisation in other settings to (a) feel safe, listened to and respected, (b) receive the support that they need to alleviate any resulting disadvantage, including post-traumatic stress, and (c) achieve or perform to the best of their ability while at NFSS;
- We will ensure that the different needs and experiences of girls and boys, women and men are recognized and accommodated where reasonably possible, including through the promotion of images showing women and girls achieving in all walks of life and especially in science, technology, engineering and mathematics, and the celebration of International Women's Day and International Men's Day where feasible and appropriate;
- We will ensure that the different needs and experiences of all LGBTQ+ staff and students, as well as those who are questioning their sexuality and/or gender identity and those with intersex bodies, are recognized and accommodated where reasonably possible, and in particular:
 - In preparing for off-site visits and residential trips, we will ensure that the needs of LGBTQ+ non-conforming staff and students are taken into consideration and that appropriate risk assessments are conducted, especially in the case of travel to countries or communities that do not recognise LGBTQ+ rights or where visibly LGBTQ+ people are at a higher risk of harassment;
 - Where feasible and appropriate, we will commemorate the International Day Against Homophobia, Biphobia, Intersexphobia and Transphobia (IDAHOBIT) in May each year through subject-specific and/or cross-curricular activities.
- In addition to the general provisions for LGBTQ+ people discussed above, we will ensure that the specific needs and experiences of transgender (trans) and non-binary staff and students are recognized and accommodated where reasonably possible, irrespective of whether they are considering, are undergoing, or have already undergone a process of 'gender reassignment' / gender confirmation, and in particular:
 - We will uphold the right of trans and non-binary staff and students to be consistently addressed by their chosen names and pronouns (while encouraging those who are early in their transition to be patient with people who make unintentional mistakes);
 - We acknowledge that *deliberate* deadnaming or misgendering of a trans person, with the intent to cause distress, is counted as harassment and is illegal under the Equality Act;

- o We will normalize conversations about pronouns and encourage all staff and students (not just those who are trans or non-binary) to introduce themselves with their pronouns, where applicable;
 - o We will provide all-gender, single cubicle toilet facilities for students and staff and allow trans students to use either the accessible toilet or facilities appropriate to their true gender, as appropriate to safeguard their privacy and dignity (to be decided through consultation with the student and their parent/carer);
 - o We will ensure that our own onsite and offsite sports and games are accessible to all pupils equally, regardless of gender identity or assigned sex at birth, and will be sensitive to the needs and wishes of trans and non-binary students on the rare occasions when sporting activities need to be segregated by gender or sex for reasons beyond our control (e.g. participation in local or national competitions).
 - o Our policy is to encourage trans students to be open with their parents/carers with their gender identity if they feel that it is safe for them to do so. If a student comes out as transgender or non-binary to a member of staff and states that they do not feel safe or comfortable sharing this information with their parents/carers, the staff member will inform the Designated Safeguarding Lead, who will proceed in accordance with the Safeguarding Policy and Child Protection Policy to ensure the student's wellbeing and safety.
 - o Information about a student's gender identity may be shared with other staff members, including in staff meetings, but will not be shared with other students except at the individual's specific request;
 - o Absence for medical appointments relating to gender transition will be treated sensitively and with due respect for the student's privacy and dignity, and will not be penalized or treated differently from other medical appointments;
 - o If a trans student wishes to change their name on their official school record and in examination entries, we will agree a strategy with the student and their parents/carers, and discuss this with exam boards in a timely manner (ensuring that enough time is allowed for the necessary changes to be made, and recognizing that parental consent is required for a person under 16 to change their name legally);
 - o In the case of off-site visits where an overnight stay is required, we will address sleeping arrangements for transgender staff and students on a case-by-case basis and in close consultation with the individual(s) in question and, where applicable, parents or carers;
 - o We will promote positive images of gender diversity and the achievements of trans, non-binary and gender non-conforming people, and commemorate Transgender Day of Remembrance in November and/or Transgender Day of Visibility in March through subject-specific and/or cross-curricular activities as feasible and appropriate.
- We will respect the religious beliefs and practice of all staff, students, prospective students and parents, which includes complying with reasonable requests relating to religious observance and practice, ensuring that activities such as off-site visits or parents' evenings are not scheduled so as to unfairly disadvantage those of a particular religion, providing education about different religions and their festivals, and promoting positive images of

religious diversity (including visits to places of worship where applicable) in accordance with the SMSC Policy.

- We will ensure that the different needs and experiences of people with different racial or ethnic backgrounds (who may or may not choose to identify as ‘people of colour’ / PoC, ‘Black and Minority Ethnic’ / BME, and/or as members of a particular ethnic group or culture) are recognized and accommodated where reasonably possible, including:
 - o through the promotion of positive images of ethnic diversity;
 - o through anti-racist education conducted by people of colour, and systematic attempts to address white privilege, white fragility and unconscious bias;
 - o where feasible and appropriate, by celebrating ‘Show Racism the Red Card’ (Wear Red Day) in October each year, through subject-specific and cross-curricular activities.
- We will ensure that students, prospective students and staff members who are pregnant or have recently given birth receive appropriate support, and reasonable adjustments where necessary, to enable them to continue to benefit to the maximum extent possible from the educational services provided by the school.

ROLES AND RESPONSIBILITIES

The Headteachers have a legal responsibility for ensuring that the school is compliant with legislation in relation to eliminating discrimination, harassment and victimisation against students, staff, parents, and those applying for admission to the school. This includes taking appropriate action in any cases of unlawful discrimination. They also have a general responsibility for the fullest development of the potential of all students and staff, regardless of whether or not they have a protected characteristic.

The Headteachers are responsible for ensuring that:

- all staff are aware of their responsibilities
- all staff receive appropriate training and support
- this policy and its related procedures and strategies are understood, implemented, monitored and reviewed within the context of the school’s culture of continuous improvement
- the equality implications of all major decisions relating to the curriculum or organisation of the school are carefully considered in order to ensure that both direct and indirect discrimination are avoided.

The Designated Safeguarding Lead is the first point of contact for all students with safeguarding concerns relating to equalities and cohesion, including direct or indirect discrimination, harassment and victimisation as defined in Appendix B. Such concerns will be handled in accordance with the separate Safeguarding Policy, Behaviour Policy and Anti-Bullying Policy.

The SEND Coordinator is also responsible for ensuring that the school premises do not unfairly disadvantage students with a protected characteristic over those who do not have the characteristic. This will include, but are not necessarily limited to:

- monitoring access arrangements for students with special educational needs and disabilities and medical conditions, and making reasonable adjustments as necessary, as per the separate SEND Policy, Accessibility Policy and Accessibility Plan;

- addressing any additional health and safety issues that arise for students with disabilities, as per the Health and Safety Policy (e.g. emergency evacuation procedures)
- ensuring that the provision of facilities at the school does not discriminate against people with a protected characteristic, including:
 - o provision of all-gender toilet facilities for students and staff/visitors respectively, consisting of a single cubicle with its own door in each case;
 - o provision of accessible facilities for students with mobility difficulties.

All staff and students have a crucial role to play in eliminating discrimination, harassment and victimisation, promoting equality of opportunity and fostering good relations as part of their normal day-to-day practice. This includes, but is not limited to:

- promoting an inclusive and collaborative ethos in their classroom
- dealing with any prejudice-related incidents that may occur in a prompt, fair and effective way, as per the Anti-Bullying Policy
- sharing experiences and lessons learned
- ensuring that the curriculum itself does not promote or perpetuate bias or stereotyping
- using the curriculum to enable, inspire and empower students to eradicate bias and stereotyping in their interactions with each other and in wider society
- helping students to become conscious of, and thus eradicate, unconscious biases
- supporting students in their class for whom English is an additional language
- keeping up-to-date with equalities legislation relevant to their work.

Information and resources

We ensure that the content of this policy is known to all staff and, as appropriate, to all students and parents.

All staff have access to a selection of resources which discuss and explain concepts of equality, diversity and community cohesion in appropriate detail.

Staff development and training

We ensure that all staff, including support and administrative staff, receive appropriate training and opportunities for professional development, both as individuals and as groups or teams.

All new staff are required to work through the training presentations on the 2010 Equality Act and Gender Diversity respectively, and are strongly encouraged to take at least one Implicit Association Test (IAT) to help them to recognise their unconscious biases and take appropriate remedial action as outlined in the Equality Act training presentation. Refresher training on the Equality Act and gender diversity will be provided to existing staff every two years.

Breaches of the policy

Breaches of this policy will be dealt with in similar ways to breaches of other school policies, and in accordance with the Anti-Bullying and Behaviour Policies in the case of student misconduct or the Staff Conduct Policy in the case of staff misconduct, as determined by the headteacher and, if applicable, the Governance Advisory Board..

Monitoring and evaluation

We collect, study and use quantitative and qualitative data relating to the implementation of this policy, and make adjustments as appropriate.

While NFSS as an independent (private sector) organisation is not legally bound by the Public Sector Equality Duty, we will nonetheless monitor the diversity of the school population and examine the extent to which equality of opportunity is being advanced in relation to race, gender (including non-binary and transgender pupils where applicable) and disability, to the fullest extent possible. We recognise, however, that in the light of the very small number of pupils participating in public examinations each year it is very difficult to identify gaps in attainment between specific groups of pupils.

DfE advice for school leaders and governing bodies states that a school “should set as many objectives as it believes are appropriate to its size and circumstances; the objectives should fit the school’s needs and be achievable”. As such, either the Governance Advisory Board or the Headteachers may choose to set specific, measurable equality objectives as appropriate, and to evaluate progress towards these objectives, in order to tackle any issues of discrimination, inequality and disadvantage that arise during the course of a year. These may relate, for example, to issues such as:

- Increasing the participation of particular groups in school activities.
- Reducing prejudice-related bullying and the use of derogatory language.
- Improving the participation and engagement of diverse parents and communities.
- Improving knowledge, skills and attitudes to enable pupils to appreciate and value difference and diversity – e.g. increasing understanding between pupils from different faith communities or different cultural backgrounds, raising awareness of the Equality Act, or eliminating misconceptions about sexual orientation and gender diversity
- Holding special events or carrying out dedicated activities to celebrate equality-related dates in the calendar, such as October

The role of the Governance Advisory Board

The Governance Advisory Board is the equivalent of a maintained school’s Board of Governors, which is the “responsible body” for ensuring that the school meets the requirements of equality legislation. Essentially this means they should:

- Ensure the school takes all reasonable steps to ensure that its employees do not carry out unlawful discriminatory actions or behaviour.
- Support and guide the school to have “due regard” for equality in all its functions
- Ensure that the school maintains compliance with the Education (Independent Schools Standards) Regulations 2014, both in relation to the promotion of ‘fundamental British values’ and the teaching of PSHE which encourages respect for other people with particular regard for protected characteristics;
- Encourage school leaders to monitor the diversity of the student body and flag up any concerns;
- Either set its own specific, measurable objectives for improving diversity and inclusion, or encourage school leaders to do so, in line with good practice as espoused in the principles of the Public Sector Equality Duty.

RELATED POLICIES:

Anti-Bullying Policy

Curriculum Policy

Mental Health and Wellbeing Policy

Safeguarding Policy

Child Protection Policy

Sex and Relationships Education Policy

Social, Moral, Spiritual and Cultural (SMSC) Education Policy

Special Educational Needs and Disabilities (SEND) Policy

Teaching and Learning Policy

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APPENDICES

Appendix A: Summary of key legislation

KEY LEGISLATION

<i>(Please note legislation made prior to 1988 is not available online)</i> Area	Legislation
Single Equality Scheme	Equality Act 2010
Gender (sex)	Sex Discrimination Act 1975, as amended <u>Equality Act 2006</u>
Gender (reassignment)	<u>Sex Discrimination (Gender Reassignment) Regulations 1999</u>
Race	Race Relations Act 1976, as amended <u>Race Relations (Amendment) Act 2000</u>
Disability	<u>Disability Discrimination Act 1995</u> , as amended <u>Special Educational Needs and Disability Act 2001</u> <u>Disability Discrimination Act 2005</u>
Sexual orientation	<u>Employment Equality (Sexual Orientation) Regulations 2003</u> , as amended
Religion or belief	<u>Employment Equality (Religion or Belief) Regulations 2003</u> , as amended <u>Equality Act 2006</u>
Age	<u>Employment Equality (Age) Regulations 2006</u>

APPENDIX B: Unlawful behaviour as defined by the Equality Act 2010

The Act defines four kinds of unlawful behaviour – direct discrimination; indirect discrimination; harassment and victimisation.

Direct discrimination occurs when one person treats another less favourably, because of a protected characteristic, than they treat – or would treat – other people. This describes the most clear-cut and obvious examples of discrimination – for example if a school were to refuse to let a pupil be a prefect because she is a lesbian.

Indirect discrimination occurs when a “provision, criterion or practice” is applied generally but has the effect of putting people with a particular characteristic at a disadvantage when compared to people without that characteristic. An example might be holding a parents’ meeting on a Friday evening, which could make it difficult for observant Jewish parents to attend. It is a defence against a claim of indirect discrimination if it can be shown to be “a proportionate means of achieving a legitimate aim”. This means both that the reason for the rule or practice is legitimate, and that it could not reasonably be achieved in a different way which did not discriminate.

Harassment has a specific legal definition in the Act - it is “unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”. This covers unpleasant and bullying behaviour, but potentially extends also to actions which, whether intentionally or unintentionally, cause offence to a person because of a protected characteristic.

Victimisation occurs when a person is treated less favourably than they otherwise would have been because of something they have done (“a protected act”) in connection with the Act. A protected act might involve, for example, making an allegation of discrimination or bringing a case under the Act, or supporting another person’s complaint by giving evidence or information, but it includes anything that is done under or in connection with the Act. Even if what a person did or said was incorrect or misconceived, for example based on a misunderstanding of the situation or of what the law provides, they are protected against retaliation unless they were acting in bad faith. The reason for this is to ensure that people are not afraid to raise genuine concerns about discrimination because of fear of retaliation.